Pasco County Land Development Code

Restated, Reorganized and Amended
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CHAPTER 100. GENERAL PROVISIONS

SECTION 101. TITLE

This Code shall be entitled the Pasco County Land Development Code and may be referred to herein as this Code. Whenever a reference is made to this Code or any portion thereof, the reference shall apply to all amendments, corrections, and additions heretofore, now, or hereafter made.

SECTION 102. AUTHORITY AND PURPOSE

102.1. Pursuant to Article VIII, Section I(f), of the Constitution of the State of Florida; the Local Government Comprehensive Plan and Land Development Act, Chapter 163, Part II, Florida Statutes, as amended; and Chapter 125, Florida Statutes, as amended, the County is authorized and required to adopt this Code consistent with the adopted Pasco County Comprehensive Plan.

This Code consists of certain regulatory and administrative ordinances of the County, codified pursuant to the provisions of Sections 125.66, 125.67, and 125.68, Florida Statutes.

102.2. The provisions of this Code shall be construed and implemented to achieve the following intentions and purposes of the Board of County Commissioners (BCC):

A. To establish the regulations, procedures, and standards for review and approval of all proposed development in the County.

B. To foster and preserve public health, safety, and welfare and to aid in the harmonious, orderly, and progressive development of the County in accordance with the adopted Comprehensive Plan.

C. To implement a development review process that is:

1. Efficient, in terms of time and expense;

2. Effective, in terms of addressing the natural resource and public facility implications of proposed development;

3. Equitable, in terms of consistency with regulations and procedures;

4. Equitable, in terms of preservation of the rights of property owners; and

5. Equitable, in the consideration of the interests of the citizens of the County.

D. To implement the Comprehensive Plan.

SECTION 103. APPLICABILITY

103.1. **Jurisdictional Applicability**

Except where otherwise provided for in this Code, the provisions of this Code apply to all land where any portion is within the jurisdiction of unincorporated Pasco County. Notwithstanding the forgoing, this Code, Section 1302.3, School Impact Fees, shall apply throughout the entire incorporated and unincorporated areas of the County and this Code, Section 1302.6, Fire Combat and Rescue Impact Fees, shall in the County Municipal Services Fire Taxing Unit (MFSTU). Other provisions of this Code may apply to incorporated areas of the County pursuant to an interlocal agreement between the County and a municipality(ies).

103.2. **Applicability**

The provisions of this Code apply to all uses, structures, and development proposed within the County. Where a development approval has been granted for a use, structure, or development, the owner/applicant may proceed with that development approval under the terms of the Code existing at the time of development approval, unless otherwise specified in the text of this Code.

SECTION 104. REQUIRED CONSISTENCY WITH THE COMPREHENSIVE PLAN

This Code is consistent with the Pasco County Comprehensive Plan. Any amendments to this Code must be consistent with the Comprehensive Plan, in effect at the time of any proposed amendment to this Code. An amendment to this Code is consistent with the Comprehensive Plan if it implements the Goals, Objectives, Policies, and strategies and any vision statement contained in the Comprehensive Plan. No development may be approved unless it is determined that the proposed development is consistent with the Comprehensive Plan.

SECTION 105. CONSTRUCTION

105.1. **Coordination with Other Regulations**

A. The uses, structures, and land within the unincorporated area of Pasco County are subject to all other applicable regulations, whether or not such other provisions are specifically referenced in this Code. References to other regulations or provisions of this Code are for the convenience of the reader and are not exhaustive. The lack of a reference or a cross-reference does not exempt a use, structure, development, or land from those regulations or all other applicable provisions of this Code.

B. If a provision of this Code requires a greater width or size of a yard, court, or other open space; requires a lower building height or fewer number of stories for a building; requires a greater percentage of lot to be left unoccupied; or otherwise imposes higher standards than those required under another statute or local ordinance or regulation, the regulation adopted under this

Code controls. If the other statute or local ordinance or regulation imposes higher standards, that statute, ordinance, or regulation controls.

105.2. **Rules of Construction**

A. This Code contains numerous graphics, pictures, illustrations, and drawings in order to assist the reader in understanding and applying this Code. However, to the extent that there is any inconsistency between the text of this Code and any such graphic, picture, illustration, or drawing, the text controls unless otherwise provided in the specific section.

B. Title and chapter headings and section catch lines in this Code shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any title, chapter, or section hereof.

C. Words as defined herein, whether within individual sections of this Code or as put forth in Appendix A, Definitions, are specifically incorporated herein and made a part of this Code.

D. All general provisions, terms, phrases, and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the BCC may be fully carried out. Terms used in this Code, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of the State for the same terms. Where any provision of this Code imposes greater restrictions upon the use of land than the general provision imposed by this Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

E. Where this Code incorporates by reference a provision of another statute, regulation, guideline, or rule, it shall be deemed to be the most recent applicable version.

105.3. **Rules of Interpretation**

A. Gender

Words importing the masculine gender shall be construed to include the feminine and neuter. Words importing the feminine gender shall be construed to include the masculine and neuter.

B. Number

A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. The use of the plural number shall be deemed to include any single person or thing.

C. Shall, May

The word "shall" is mandatory and not discretionary; "may" is permissive.

D. Written or in Writing

The term "written" or "in writing" shall be construed to include any representation of words, letters, or figures, whether by printing or otherwise.

E. Computation of Time

The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.

F. Day

The word “day” shall mean a calendar day unless a working day is indicated.

105.4. **Continuation of Existing Ordinances**

The sections of this Code, insofar as they are substantially the same as legislation previously adopted by the County relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

105.5. **Effect of Repeal or Amendment**

A. The repeal or amendment of an ordinance shall not revive any ordinance in force before or at the time the repealed or amended ordinance took effect.

B. The repeal or amendment of any ordinance shall not affect any punishment or penalty finalized before the repeal took effect, nor any suit, prosecution, or proceeding pending at the time of the repeal for an offense committed under the repealed or amended ordinance.

SECTION 106. AMENDMENT OF THIS CODE

106.1. **Purpose**

This Code may be amended from time to time in accordance with the procedures and standards set forth in this section. The purpose of this section is not to relieve particular hardships and not to confer special privileges or rights on any person, but only to make adjustments to the text of this Code that are necessary in light of changed conditions or changes in public policy or that are necessary to implement the Comprehensive Plan or to advance the general welfare of the County.

106.2. An amendment to the text of this Code may be initiated by the BCC.

106.3. **Public Hearings**

Public hearings to consider and adopt amendments to this Code shall be duly noticed in accordance with the general procedures and requirements of Section 125.66, Florida Statutes, and other applicable law. Public hearings to enact emergency ordinances to amend the text of this Code need not comply with the

notice requirements of Section 306, hereof, so long as they comply with the requirements of Section 125.66(3), Florida Statutes. The Local Planning Agency (LPA) shall hold an advertised public hearing to consider the proposed amendment, provided additional hearings may be held at the option of the LPA. The BCC shall hold an advertised public hearing to consider the proposed amendment, provided additional hearings shall be held when required by applicable law and when at the option of the BCC.

106.4. **Recommendation of the LPA**

The LPA shall consider the proposed amendment and provide a recommendation to the BCC addressing consistency with the Comprehensive Plan. The LPA may also provide comments, including recommended changes to the proposed amendment and additional issues to be considered. The County Administrator or designee shall forward the recommendation and comments of the LPA, together with any County staff recommendations, to the BCC for consideration in the public hearing or hearings in which the proposed amendment will be considered.

106.5. **Action by the BCC**

The BCC may:

A. Determine that the proposed amendment is consistent with the Comprehensive Plan and promotes the public health, safety and welfare and adopt the amendment as proposed, or with such modifications as are necessary ensuring consistency with the Comprehensive Plan and promoting public health, safety and welfare;

B. Refer the matter back to the LPA for further consideration; or

C. Determine that the proposed amendment is not consistent with the Comprehensive Plan or does not promote the public health, safety, or welfare and reject the proposed amendment.

SECTION 107. FEES

The BCC is authorized to adopt, by resolution, all necessary fees to administer, implement, and enforce this Code. The said fee resolution may include provisions for consulting assistance as required.

SECTION 108. ENFORCEMENT

108.1. Any person who violates any provision of this Code may be prosecuted and punished in the manner provided by law under Section 125.69, Florida Statutes; Chapter 162, Part II, Florida Statutes; Section 1 of the Pasco County Code of Ordinances; and/or as otherwise specifically provided for elsewhere in this Code. Nothing in this Code shall be construed to prohibit the County from enforcing this Code by any means including, but not limited to, issuance of a citation without warning, a summons, an arrest, an action before an enforcement board or special master, a civil action for injunctive relief, a stop work order, demolition, or by any

other matter provided for in Chapter 125, Florida Statutes, or the Pasco County Code of Ordinances. Each violation of this Code shall be a separate offense. Each day that the violation continues shall constitute a separate violation. All costs for enforcement, prosecution, and judicial review may be assessed against the violator of the provisions of this Code on finding by the court that the violations have occurred.

108.2. The owner, tenant, or occupant of any land or structure or part thereof, and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Code, or any person otherwise responsible as provided elsewhere in this Code, may be held responsible for the violation and be subject to the penalties and remedies provided for in this Code.

108.3. The BCC or any aggrieved person may resort to such remedies in law and equity as may be necessary to ensure compliance with the provisions of this Code, including injunctive relief to enjoin and restrain any person violating the said provisions. The County may elect any or all of the available remedies concurrently and the pursuance of one shall not preclude the pursuance of another. The County Attorney is hereby authorized to take whatever legal action is necessary to prevent, abate, or correct violations of this Code.

108.4. Any law enforcement official, County Code Enforcement Officer, and the County Administrator or designee is hereby designated as a "Code Enforcement Officer" authorized to issue citations for the County.

108.5. County officials authorized to issue development approvals including, but not limited to, Building Permits and Certificates of Occupancy, may withhold such approvals from any person found to be in violation of this Code or in violation of any prior, unexpired, development approval issued in accordance with the provisions of this Code. Such pending development approvals and/or permits may be withheld until compliance with this Code or the development approval occurs. However, any person aggrieved by a decision to withhold a pending development approval and/or permit may appeal such decision to the Development Review Committee, pursuant to Section 407.1.

108.6. It shall not be a defense to or grounds for dismissal of any action for damages and civil penalties that the County has failed to exhaust its administrative remedies, has failed to serve a notice of violation, or has failed to hold an administrative hearing prior to the institution of a civil action, or that criminal proceedings or other enforcement proceedings are pending. The failure of the County to enforce any requirements of this Code shall not constitute a waiver of the County's right to enforce this Code with respect to that violation or subsequent violations of the same type or to pursue other remedies.

108.7. The County's Uniform Fine Schedule, as provided for in Sections 1-11 of the Pasco County Code of Ordinances and as may be amended, is incorporated herein.

108.8. In the event a violation of this Code or a permit creates an immediate health hazard or threatens immediate, serious damage to the public health or threatens or causes irreparable injury or damage to aquatic life or property, the County Administrator or designee shall have the power and authority to order immediate cessation of the activities causing such conditions. Any person receiving such an order for immediate cessation of operations shall immediately comply with the requirements thereof. It shall be unlawful for any person to fail or refuse to comply with an order for immediate cessation issued and served under the provisions of this Code. The failure of a permittee or any other appropriate party to comply with an order for immediate cessation issued under this Code or with any requirements, measures, or steps imposed upon the violator through such an order shall be unlawful and shall constitute a violation of this Code.

108.9. Any person violating the provision of this Code and causing damage, destruction, or unsafe, dangerous, or unhealthful conditions shall be responsible for:

A. Correcting such conditions.

B. Repairing damage to or replacing destroyed County, public, or County-maintained property.

C. Reimbursing the County for the cost of correcting such conditions, repairing, or replacing County or publicly owned or maintained property, where such correction, repair, or replacement by the County is required, provided that prior to undertaking repair or replacement, the County may first make:

1. Demand upon a person responsible for such adverse conditions, damage, or destruction to make appropriate corrections, repairs, or replacement.

2. If such demand is made, the responsible person shall take such action within a reasonable time as determined by the County, based upon the circumstances giving rise to the demand.

D. Indemnifying the County for any liability for damages caused by such violation or violations.

108.10. Any person failing to implement or carry out development in accordance with this Code or other applicable regulations or approved plans, development permits, applications, conditions, or standards shall be responsible for correcting, repairing, or replacing materials, property, or conditions in order to bring the development into conformity with such regulations, this Code, plans, development permits, applications, conditions, or standards. Any such person shall be deemed in violation of this Code.

108.11. Enforcement of any setback or height restrictions set forth in this Code, Chapter 500, Zoning, shall be barred if enforcement; e.g., notice of violation, citation, complaint, lawsuit, etc., of such violation has not been initiated within one (1) year of the date the violation occurs. This exemption shall not apply to violations involving recreational vehicles, nor to buildings or structures built or placed without required

building or zoning permits and/or inspections after January 1, 1995, nor to buildings or structures built or placed upon easements where structures would otherwise be prohibited.

108.12. The following acts and omissions constitute a violation of this Code:

A. Failing to observe any requirements of this Code.

B. Failing to perform any act required by this Code.

C. Failing to perform any act required by this Code in the manner or within the time specified for performance.

D. Performing an act prohibited by this Code.

E. Failing to observe any condition of any permit or approval.

F. Failing to pay required fees.

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CHAPTER 200. DECISION MAKING BODIES AND OFFICIALS

SECTION 201. GENERAL PROVISIONS

The purpose of this chapter is to establish the authority for review and consideration of development applications and other proposed actions in the County and to assign such authority to the following boards and officials:

- The Board of County Commissioners (BCC);
- The Local Planning Agency (LPA);
- The Planning Commission (PC);
- The Development Review Committee (DRC); and
- County Administration and staff.

201.1. Delegation of Authority

The BCC is authorized to create boards and agencies to administer the provisions of this Code under the authority prescribed by such regulations and State law. The delegation of authority to these boards and the County administrative officials shall be as set forth in this Code.

The BCC shall have the authority to appoint necessary personnel, designate the proper agencies, and promulgate and establish the necessary rules and regulations for the proper enforcement of this Code.

Whenever a County administrative official is authorized to do some act or perform some duty, it is to be construed to authorize delegation to an appropriate subordinate to perform the authorized act or duty unless the terms of the provision or section specify otherwise.

The BCC hereby retains full discretion to interpret and apply the provisions hereof as it shall deem appropriate, and nothing in this section shall be construed to mean that the BCC relinquishes any legislative authority over the unincorporated area of the County.

201.2. Parliamentary Rules

When a County board, commission, or committee has not adopted rules of procedure, the current edition of *Robert's Rules of Order*, revised, not in conflict with this Code, shall govern the conduct of those meetings.

For the purpose of this Code, a tie vote on any motion before the BCC, PC, or DRC shall constitute a denial of that motion. However, during public hearings for final determinations before the BCC, PC, or DRC, a tie vote on a motion for final disposition of a quasi-judicial decision resulting when less than the full BCC, PC, or

DRC is voting, due to the absence of a member, shall cause an automatic continuance of the application to a date certain.

201.3. **Ethics and Sunshine**

All County boards, commissions, and committees are subject to the applicable provisions of the Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statutes, as amended; and the Florida's Government in the Sunshine Law, Section 286.011, Florida Statutes, as amended.

SECTION 202. BOARD OF COUNTY COMMISSIONERS

202.1. The BCC shall render final determinations pertaining to the amendment of the Comprehensive Plan, amendments to this Code, any development order, or any development approval, except where authority for a final determination is delegated to another agency or administrative official pursuant to this chapter.

202.2. The BCC has those expressed and implied powers and duties necessary to carry on County government as contemplated in the Florida Statutes and the Constitution of the State of Florida.

202.3. Any irregularity in complying with the procedures imposed by this Code, other than procedures which compliance is required by statute, may be waived by the BCC in an appropriate motion or by action taken, provided that such a waiver does not materially and substantially injure the interests of the affected party.

SECTION 203. LOCAL PLANNING AGENCY

203.1. The LPA is established pursuant to Section 163.3174, Florida Statutes, and shall have all the duties as required by statute. The BCC hereby designates the DRC as the LPA, and the DRC shall have all the functions, powers, and duties as set forth in Section 163.3174, Florida Statutes.

203.2. The LPA shall include a representative of the District School Board of Pasco County (School Board) appointed by the School Board (district appointee). The School Board member of the County's LPA shall attend and vote at those meetings of the LPA at which the LPA:

A. Considers proposed Comprehensive Plan Amendments that would, if approved, increase residential density on the property that is the subject of the Amendment; and/or

B. Adopts or modifies Comprehensive Plan Goals, Objectives, or Policies that pertain to school concurrency, siting or development standards, or the Public School Facilities Element generally.

SECTION 204. PLANNING COMMISSION

204.1. **Planning Commission**

A. The PC shall be comprised of eleven (11) voting members, all of whom, except one (1), shall be appointed by the BCC; two (2) members are to be appointed by each commissioner from their respective district. The PC members' terms shall run concurrently with the term of office of the commissioner who appointed them. The remaining member shall be appointed by the School Board (district appointee), pursuant to Section 163.3174(1), Florida Statutes. The district appointee to the PC shall vote on:

1. All matters (including procedural votes and votes on individual conditions) relating to rezonings or land use changes that would allow one (1) or more residential units (regardless of what the existing zoning or land use allows);

2. All matters related directly to a proposed or existing school site (e.g. whether a site is required, impact fee credit value for a school site, collocation with a proposed school site);

3. Issues related to roads, interconnections, sidewalks, bike paths or roadway crossings that will be used to access an existing or planned school site and that are within two (2) miles of such school site;

4. All matters related directly to the application of school concurrency and Level of Service (LOS) standards for schools to a project; and,

5. All matters related directly to proposed or existing ancillary school facilities, as such facilities are defined by the State Requirements for Educational Facilities, and owned by the School District.

6. Regardless of the foregoing, the district appointee shall vote in the case of a tie vote of the PC on any other matter. The district appointee shall serve at the pleasure of the School Board until replaced or upon resignation.

B. If any member, other than the district appointee, is absent from three (3) consecutive meetings without cause and without prior notification to the chairman, the County Administrator or designee shall declare the member's office vacant and the BCC shall promptly fill such vacancy. In any event, the BCC may remove any PC member with or without cause at any time at its discretion.

C. Members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the BCC.

D. A chairman and a vice-chairman shall be elected from among the PC members. In the absence of both the chairman and vice-chairman from a PC meeting, an acting chairman shall be elected.

204.2. **Meetings**

The PC shall meet as required. The presence of six (6) members or more shall constitute a quorum of the PC for items where the district appointee is eligible to vote. On all other items, the quorum shall be five (5).

204.3. **General Functions, Powers, and Duties**

The PC shall:

A. Issue final determinations on special exception applications.

B. Hold public hearings and transmit to the BCC, recommendations on zoning district amendments, with the exception of MPUD Master Planned Unit Developments.

C. Hold public hearings and transmit to the BCC recommendations on conditional use applications.

SECTION 205. DEVELOPMENT REVIEW COMMITTEE

205.1. **Development Review Committee**

A. The DRC shall be composed of the following individuals (1) County Administrator or designee, (2) President of the Pasco Economic Development Council or designated employee, (3) Assistant County Administrator of Public Services, (4) Assistant County Administrator of Utilities Services, (5) Director of the Office of Management and Budget, and (6) representative appointed by the School Board. The voting representative appointed by the School Board shall be authorized to vote on:

1. All matters (including procedural votes and votes on individual conditions) relating to rezonings or land use changes that would allow one (1) or more residential units (regardless of what the existing zoning or land use allows);

2. All matters related directly to a proposed or existing school site (e.g., whether a site is required, impact fee credit value for a school site, collocation with a proposed school site);

3. Issues related to roads, interconnections, sidewalks, bike paths or roadway crossings that will be used to access an existing or planned school site and that are within two (2) miles of such school site;

4. All matters related directly to the application of school concurrency and LOS standards for schools to a project; and

5. All matters related directly to proposed or existing ancillary school facilities, as such facilities are defined by the State Requirements for Educational Facilities, and owned by the School District.

6. In all other matters, the representative appointed by the School Board shall not be required to vote.

B. The chairman of the DRC shall be the County Administrator or designee.

205.2. **Meetings**

The DRC shall meet at the request of the County Administrator or designee. The presence of four (4) members or more shall constitute a quorum of the DRC. However, for agenda items that do not require a vote by the representative of the School Board, the presence of three (3) members or more shall constitute a quorum of the DRC. The BCC may establish rules of procedures for the conduct of DRC meetings.

205.3. **General Functions, Powers, and Duties**

The DRC shall:

A. Make recommendations to the BCC on proposed Master Planned Unit Development zoning amendments, Operating Permit Applications, and certain appeals.

B. Except where the BCC has specifically delegated variance authority to some other person, body, or entity, or specifically reserved variance authority to itself, the DRC shall hear and issue final determinations on all variance requests pursuant to the requirements of this Code. The DRC's variance authority includes variances from the requirements of land development regulations located in this Code, the Code of Ordinances, and resolutions of the BCC.

C. The DRC has no authority to grant variances from uses of land or to grant variances from the requirements of State or Federal law.

D. The DRC has the authority to hear and decide appeals for administrative variances pursuant to Section 407.3.

E. Hear requests for alternative standards that have not been approved by the County Administrator or designee pursuant to Section 407.5.D.2.

F. Hear requests for a determination that a proposed change is "minor" when the County Administrator or designee has determined that there will be an adverse impact pursuant to Section 402.2.N.2.i and hear appeals of other determinations by the County Administrator or designee pursuant to Section 402.2.N.

G. The DRC is authorized to hear and decide appeals as provided for in this Code, Section 407.1.

SECTION 206. ADMINISTRATIVE OFFICIALS

206.1. **Administrative Officials**

A. Except where State law or the BCC has specifically delegated authority to some other person, body, or entity, or specifically reserved authority to itself, the County Administrator and designated administrative officials are authorized to perform all administrative functions of the County government relating to the administration of this Code.

B. For the purpose of carrying out the provisions and requirements of this Code and all rules and regulations made pursuant thereto, the County Administrator or designee are duly authorized and empowered by the BCC to investigate possible violations; inspect premises, to the extent allowed by law; and to issue violation warnings and citations to persons violating the terms of this Code. The County Administrator or designee shall have the authority to investigate all alleged violations; to provide evidence to the State or County Attorney's Office relative to such violations; and to testify on matters relating to this Code, regulations, or investigations conducted in accordance with such regulations. Furthermore, the County Administrator or designee shall be responsible for the interpretation and for the enforcement of this Code through appropriate administrative determinations. In any quasi-judicial or judicial proceeding, the administrative interpretation of any provision of this Code shall be presumed to be correct, unless such interpretation is clearly proven to be arbitrary, unreasonable, or contrary to law.

C. The powers and duties of the County administrative officials or their staff, for the purposes of this Code, may include those listed below and any other duties specifically cited in this Code:

1. To receive applications for development activities and to approve application criteria deviations where appropriate and authorized by this Code.

2. To make all necessary site visits and field inspections and, where necessary and approved by the BCC, to retain experts as they may deem necessary to report on technical issues.

3. To interpret the provisions of this Code, subject to the provisions of this Code governing appeals and judicial proceedings.

4. To review and issue final determinations on Administrative Permits as required in this Code.

5. To make recommendations to the DRC, PC, LPA, and BCC.

6. To review and issue final determinations on administrative variances and alternative standards.

D. Neither the County Administrator nor designees or other staff members shall have the authority to permit any construction, use, or change of use which does not conform with the provisions of this Code.

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CHAPTER 300. PROCEDURES

SECTION 301. APPLICABILITY AND GENERAL PROVISIONS

301.1. Intent and Purpose

The intent and purpose of this section is to provide the procedures and general standards for review of development, development activity and other applications that are submitted to the County for review under this Code. All applications for development approval shall comply with these procedures and the applicable standards of this Code and as may be required by other Federal, State, or local regulation.

301.2. Effect of Overdue Taxes, Liens, and Fines

In addition to the development approval application information required by other parts of this Code, an applicant shall provide, with each development approval application, evidence that all property taxes and other obligations owed to the County related to the property are current. A development approval application that includes property for which there are overdue taxes or other financial obligations to the County shall not be reviewed or processed by the Development Services Branch, except in those cases where approval is a requirement to correct a violation.

301.3. Misrepresentation

If the Board of County Commissioners (BCC), Development Review Committee (DRC), or County Administrator or designee, makes a final determination that any existing or previously approved development, or portion thereof, was not adequately reviewed for compliance based upon lack of disclosure, or misrepresentation by the applicant, the development shall be subject to additional review for compliance with those regulations, as amended, that were avoided due to the failure to disclose or misrepresentation by the applicant. If such review causes other portions of the development to be redesigned, those areas shall also be reviewed for compliance with applicable provisions of this Code and the Comprehensive Plan in effect at the time the failure to disclose or misrepresentation was discovered.

SECTION 302. DEVELOPMENT APPROVALS REQUIRED

All development approvals required by this Code shall be obtained prior to the commencement of any development activity.

SECTION 303. COMMON PROCEDURES

303.1. **Development Manual**

A development manual for the guidance of persons preparing development approval applications shall be maintained by the Assistant County Administrator for Development Services. Unless otherwise provided in this Code, the development manual shall contain the application forms for all development approvals referenced in this Code and the detailed application procedures and content, including the following:

A. Dates and deadlines for submitting applications.

B. Required documents and information to accompany applications.

C. Review time frames.

D. Neighborhood notice.

E. Neighborhood meetings.

F. Public notice.

G. Content review.

H. Application review.

I. Review of responses to content and compliance reviews.

J. Such other requirements as may be needed to provide review in an objective, timely, and thorough manner.

It is intended that changes to the Development Manual be made in a collaborative manner with input from all appropriate stakeholders. However, this is not intended to limit the authority of the Assistant County Administrator for Development Services to make appropriate and necessary changes to the Development Manual so as to further the objectives of a responsive and responsible land development review program. All changes to the Development Manual will be identified in a prominent manner on the County website.

303.2. **Authority to File Development Applications**

Unless otherwise specified, an application may only be filed by the owner of the property or an agent of the owner who is specifically authorized by the owner to file such an application with the County.

303.3. **Authority to Access The Property**

The submission of a development approval application shall convey consent and authorization by the owner to County entry onto and inspection of premises, lot, or parcel for any purpose associated with the development request.

303.4. **Fees**

Fees shall be paid according to the fee schedule established by resolution(s) by the BCC.

303.5. **Preapplication Consultation**

A. The purpose of a preapplication consultation is to familiarize the applicant with the provisions of this Code applicable to the proposed development, and to inform the applicant about the development approval application, preparation, and submission. The owner/applicant shall request a preapplication consultation prior to submittal of a development approval application. The applicant shall provide the property identification number, physical address, and contact information, including name, telephone number, and e-mail address, if applicable, when requesting the preapplication consultation. The applicant should come to the consultation prepared to discuss the proposed development in enough detail so that staff can evaluate the proposal and provide helpful feedback to the applicant.

B. A preapplication consultation, with attendance by the owner/applicant, is mandatory prior to the submission and acceptance of any development approval application for:

1. Zoning Amendment

2. Conditional Use

3. Special Exception

4. Preliminary Site Plans (PSPs)

5. Preliminary Development Plans (PDPs)

6. Operating Permits

C. The preapplication consultation is optional prior to submission of a development approval application that is not listed above.

303.6. **Application Submittal and Acceptance**

A. The owner/applicant shall submit a development approval application pursuant to the applicable submittal requirements contained within the Development Manual. A content-review consultation is mandatory for all development approval applications prior to acceptance.

B. A development approval application shall be accepted when it contains all required information and documents. Incomplete applications will not be accepted for review and shall be returned to the applicant with a list of deficiencies.

C. Modifications to Submittal Requirements

1. Modifications to application or submittal requirements may be granted in writing by the County Administrator or designee, subject to meeting one (1) or more of the following criteria:

a. The information or material that will be obtained from the application or submittal requirement(s) is not relevant to the specific request, or does not materially affect the ability to review compliance with substantive review standards of the this Code;

b. The information or material that will be obtained from the application or submittal requirement is readily available from another source in the County's possession;

c. The applicant has provided alternate information or material that achieves the same intent and purpose of the application or submittal requirement;

d. Modification from the application requirement is required by State or Federal law; or

e. The request for modification satisfies specific waiver or deviation criteria set forth elsewhere in this Code.

2. Process

a. Notwithstanding the foregoing, where the final decision on a development approval application will be made by the DRC, Planning Commission (PC), or BCC, such bodies may require compliance with the application or submittal requirement if the applicable final decision maker determines that the information is required for their determination of the issue.

Final determinations shall be made in writing by the County Administrator or designee. Such determinations may be appealed pursuant to this Code.

b. Timelines for Zoning and Site Plan Actions

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*

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

Site Development Plan Reviews	Days after Submittal* First Round Comments Must be Sent	Applicant Must Respond Within	Second Round Comments Must be Mailed or Electronically Sent Within
PSP/Small	35 Days	180 Days**	21 Days
Minor Rural Preliminary Development Plan	21 Days		
Minor Rural Stormwater and Construction Plan	28 Days		
Limited Family Lot Division Plan	21 Days		
PSP/Large	45 Days		
PDPs - Residential, Nonresidential, or Mixed Use			
Stormwater Construction Plans			
Simultaneous Plans			

***Submittal is accepted when the application is found complete and after three (3) business days allotted for file creation and distribution.**
** Second or subsequent rounds response by applicant within thirty (30) days.

TABLE 303-3

Timelines for Combined Conditional Use/Operating Permit Applications

Submittal	1st Comments	Applicant Response	2nd Comments	Applicant Response	DRC	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.**

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**

After acceptance, the application shall be routed to the appropriate review agencies. In reviewing applications, reviewing agencies shall take into consideration all the applicable factors identified in this Code when formulating a recommendation or taking action.

A. Sufficient Application

A development approval application shall be deemed sufficient if all required information and documents have been prepared in accordance with professionally accepted standards, the Comprehensive Plan, this Code, and all other applicable rules and regulations. The County Administrator or designee is authorized to take into consideration and request from an applicant any other information which is reasonable and relevant to the formulation of a recommendation or a decision on the matter being reviewed. No application for review shall be deemed sufficient until all required information is provided.

In formulating a recommendation, all of the applicable factors recited in this Code shall be taken into consideration. At any time during the course of review, the County Administrator or designee may provide an applicant with an opinion as to the likelihood of a recommendation of approval or denial by the staff with regard to an application being reviewed. However, such opinion shall be informal only and shall not be binding upon the DRC, PC, or the BCC. When a development approval application has been deemed to be sufficient, staff review shall be completed, a final determination made, or where required, the development approval application shall be placed on the next available agenda of the appropriate review body. Table 303-1 outlines the development applications requiring public hearings and the bodies responsible for the conduct of those hearings.

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 sixty (60) days from the date of written notification of deficiency to provide all the requested information. The development approval application shall be deemed withdrawn unless the applicant responds, within the allotted timeframe, in one of the following ways:

1. The applicant provides all the information requested.

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. 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 collectively exceed 180 days.

TABLE 303.4

Required Public Hearings for Development Approval Applications

Application	**DRC**	**PC**	**LPA**	**BCC**
Development of Regional Impact (DRI)	X			X
DRI Substantial Amendment (NOPC)	X			X
DRI Non Substantial Amendment (NOPC)				X
DRI Development Order Amendment (no NOPC)				X
DRI Abandonment				X
DRI Recision				X
Zoning Amendment		X		X
MPUD Amendment	X			X
MPUD Substantial Amendment	X			X
Conditional Use		X		X
Special Exception		X		
Conditional Use and Special Exception Revocation				X
Operating Permits (Except Minor Land Excavation)	X	X		X
Zoning Variance	X			
Alternative Relief	X			
Alternative Standards as Specified in Section 407.5	X			
Wireless Facilities (Tier III)		X		X
Review of Staff Tier II Wireless Facility Determination	X			
Appeals of Administrative Determinations	X			
Appeals of Zoning Interpretations				X
Appeals of DRC or PC Decisions				X
Development Agreement			X	X

303.8. Ex-Parte Communications

The BCC, PC, and the DRC, in considering appeals, rezoning, special exceptions, conditional uses, variances, and any other quasi-judicial matter under applicable law, shall act in a quasi-judicial capacity. Pursuant to Section 286.0115, Florida Statutes, a person is not precluded from communicating directly with a member of the BCC, PC, or DRC (local public official) by application of ex-parte communication prohibitions. However, each decision-making body may establish rules of procedure regarding ex-parte communication. In addition, subject to the standard of review requirements of this Code, local public officials may discuss with any person, the merits of any quasi-judicial action, may read written communications relating to the quasi-judicial action, may conduct investigations and site visits, and may receive expert opinions relating to the quasi-judicial action. Furthermore, pursuant to Section 286.0115(1), Florida Statutes, adherence to the following procedures shall remove any presumption of prejudice arising from ex-parte communications with the local public officials:

A. The subject of the ex-parte communication and the identity of the person, group, or entity with which the communication took place is disclosed by the local public official and made a part of the record before final action on the matter.

B. Written communications with the local public official relating to the quasi-judicial action are made a part of the record before final action on the matter.

C. The existence of investigations, site visits, and expert opinions by the local public official relating to the quasi-judicial action are made a part of the record before final action on the matter.

D. Disclosures made pursuant to A, B, and C above must be made before or during the public hearing at which a vote is taken on the quasi-judicial matter so that persons who have opinions contrary to those expressed in the ex-parte communication are given a reasonable opportunity to refute or respond to the communication.

E. The disclosure requirements set forth in A through D above or a local public official's failure to comply with such requirements shall not:

1. Be deemed an essential requirement of the law or this Code;

2. Create any presumption of prejudice or be conclusive evidence of prejudice;

3. Lessen the burden of proof for a party alleging that an ex-parte communication is prejudicial; or

4. Affect the validity of the public hearing or quasi-judicial action, unless the nondisclosure and ex-parte communication are found by a court or body of competent jurisdiction to be prejudicial and a denial of due process.

SECTION 304. PUBLIC NOTICE REQUIREMENTS

The intent of public notice requirements is to increase the likelihood that citizens are well informed of development approval applications made and to advise them of the opportunity to speak at the public hearing. The applicant is responsible for complying with these public-notice requirements and the applicable statutory requirements.

304.1. **Types of Public Notice**

Forms of notice required for various public hearings may include a mailed notice, published notice provided via a newspaper of general circulation, and posted notice by signs located on the subject property. Neighborhood meetings and neighborhood notices provide additional notice to the public regarding certain types of development applications pursuant to Sections 305 and 306. The public notice requirements for development approval applications are indicated in Table 304.1.

TABLE 304.1

Required Public Notice for Development Approval Applications

Application	Mailed	Published	Posted
Development of Regional Impact (DRI)	X	X	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 Recision	X	X	X
Zoning Amendment*	X	X	X
MPUD Substantial Amendment*	X	X	X
Conditional Use*	X	X	X
Special Exception*	X	X	X
Minor Land Excavation*			
Zoning Variance	X		X
Alternative Relief	X		X
Alternative Standards as Specified in Section 407.5	X		X
Wireless Facilities (Tier II)	X		
Appeals (see Section 407.1)	X	X	X

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

304.2. **Public Notice**

A. Timing

Where Public Notice is required it shall occur at least fourteen (14) days prior to the hearing.

B. Mailed

Where a mailed notice is required, notice of the date, time, place, and purpose of the public hearings shall also be mailed to those who own property, including entities such as homeowners' associations, local governments, and the District School Board of Pasco County, within 500 feet of the property lines of the land for which the final determination is sought. Names and addresses of property owners shall be deemed those appearing on the latest ad valorem tax rolls of Pasco County and the adjacent County, as applicable. For property that is a part of or adjacent to a condominium or manufactured home community, individual owners shall be noticed if located within 500 feet of the project, and for property that is a common tract, appropriate notice shall only need to be sent to the association. The County Administrator or designee may require additional notice to other property owners and neighborhood organizations based upon project design and potential impacts. Where the proposal is internal to an MPUD, the public notice shall be from the boundary line of the proposed internal change, unless the applicant owns all the property to be noticed, then the public notice shall be sent to all property owners within 500 feet which might include properties internal and external to the MPUD. The County Administrator or designee may require additional notice to other property owners and neighborhood organizations based upon project design and potential impacts.

C. Published

In the form required by Sections 125.66 and 163.3184, Florida Statutes, as applicable, notice of the date, time, place, and purpose of the public hearing shall be published in a newspaper of general circulation in the County.

D. Posted

Where the matter being heard involves a specific parcel of land, a sign purchased through the County shall be erected on the property, providing notice of the date, time, place, and purpose of the public hearing, in such a manner as to allow the public to view the same from one (1) or more streets. In the case of landlocked property, the sign shall be erected on the nearest street right-of-way and include notation indicating the general distance and direction to the property for which the approval is sought. In all cases, the number of signs to be used shall be left to the discretion of the County Administrator or designee provided that the numbers shall be reasonably calculated to adequately inform the public of the purpose of the public hearing. The applicant shall ensure that the signs are maintained on the land until completion of the final action on the development approval application.

The applicant shall ensure the removal of the sign within ten (10) days after final action on the development approval application.

304.3. **Affidavit of Public Notice**

It is the responsibility of the applicant to file the affidavit attesting to notification and provide the supporting documentation no less than seven (7) days prior to the public hearing in the case of development approval applications to be heard before the BCC, PC, or DRC.

SECTION 305. NEIGHBORHOOD MEETING

305.1. **Intent and Purpose**

The intent and purpose of a neighborhood meeting is to provide an opportunity for early citizen participation in an informal forum in conjunction with development approval applications, and to provide an applicant the opportunity to understand any impacts the neighborhood may experience. These meetings shall provide citizens and property owners with an opportunity to learn about applications that may affect them and to communicate with the applicant to resolve concerns at an early stage of the process. A neighborhood meeting is not intended to produce a complete consensus on all development approval applications, but to encourage applicants to be good neighbors and to allow for informed decision making. The neighborhood meeting shall be conducted after the application is accepted for review and at least thirty (30) days prior to the first scheduled public hearing.

At least one (1) neighborhood meeting shall be held and additional neighborhood meetings may be held but are not required. If an applicant fails to hold a required neighborhood meeting, the County shall not schedule that development approval application for consideration before the DRC, PC, Local Planning Agency (LPA), or the BCC, whichever occurs first. A neighborhood meeting is mandatory for the following development approval applications:

A. Zoning Amendments within the four rural areas as depicted on Map 2-13 of the Comprehensive Plan, except when the County Administrator or designee determines that a neighborhood meeting is not required due to the nature of the development application or a lack of existing rural neighborhoods as defined in the Comprehensive Plan.

B. Land Excavation

C. Mining

D. Construction and Demolition Debris Disposal Facilities

E. Yard Trash Processing Facilities

F. Sanitary Landfills

G. Wireless Facilities (Tier 3)

H. Helipad(s) and/or Airport Landing Facilities

A neighborhood meeting is optional for any development approval application that is not listed above. However, the County Administrator or designee reserves the right to require a neighborhood meeting for any development approval application in contentious matters where opposition is expected due to the nature and or location of the request.

305.2. Coordination and Notice

Prior to scheduling the neighborhood meeting, the applicant shall coordinate with the County Administrator or designee.

The notice of the neighborhood meeting shall include the date, time, location, application name and number, and a description and the location of the project and be provided in the following forms:

A. Mailing

The applicant shall provide notification by mail according to this Code. The applicant shall mail these notices with proper postage a minimum of fourteen (14) days before the neighborhood meeting. For development applications within the AG (Agricultural), AG/R (Agricultural/Rural) and RES-1 (Residential - 1 du/ga) Future Land Use Classifications, the mailing shall be to all property owners within 1,000 feet of the project boundary. For development applications within the RES-3 (Residential - 3 du/ga) and higher Future Land Use Classifications, the mailing shall be to all property owners within 500 feet of the project boundary.

B. Posting

The applicant shall post a sign that is a minimum size of 24" X 36", a minimum of fourteen (14) days before the neighborhood meeting that meets the requirements of this Code, Section 304.

C. Rescheduled Meetings

New public notice consistent with all of the above shall be provided for any rescheduled neighborhood meeting.

305.3. General Meeting Requirements

A. Meeting Time and Location

The neighborhood meeting shall start between 6:00 p.m. and 7:00 p.m. on a weekday and between 9:00 a.m. and 5:00 p.m. on a weekend, or may be held at a time convenient for residents in the surrounding area. The meeting shall be held within the general area of the subject property.

B. Meeting Elements

At the neighborhood meeting, the applicant shall present the following, as applicable:

1. A general concept plan for the entire project. Such plan shall indicate the general location of residential areas, including density and unit types, open space, active or resource-based recreation areas, natural areas (including wetlands, buffers, and flood plains) nonresidential areas (including maximum square footage and maximum height), and proposed nonresidential uses.

2. A plan of vehicular, bicycle, and pedestrian circulation showing the general locations and right-of-way widths of roads, sidewalks, and access points to the external and internal thoroughfare network.

3. Drawings indicating the conceptual architectural theme or appearance and representative building types.

C. Meeting Summary

The applicant shall submit to the County, at least twenty-five (25) days prior to the first scheduled public hearing, a summary of the materials presented at the meeting, the issues raised by those in attendance, the suggestions and concerns of those in attendance, a copy of the sign-in sheet, a copy of the neighborhood meeting advertisement, and a copy of the mailed notices sent to property owners, along with the mailing list and proof of mailing.

SECTION 306. NEIGHBORHOOD NOTICE

306.1. **Intent and Purpose**

The intent and purpose of a neighborhood notice is to provide an opportunity for early citizen participation in conjunction with development approval applications. The neighborhood notice shall be provided at least thirty (30) days prior to the issuance of the final determination. Neighborhood notice may be provided prior to application submittal. If an applicant fails to provide the neighborhood notice, the County shall not hold the public hearing or, as applicable, not issue a final determination on the development approval application until the applicant provides the neighborhood notice and thirty (30) days have elapsed. A neighborhood notice is mandatory for the following development applications:

A. Zoning Amendments outside the four (4) rural areas as depicted on Map 2-13 of the Comprehensive Plan or in circumstances where the County Administrator or designee determined a neighborhood meeting is not required.

B. Conditional Use applications that do not require a neighborhood meeting.

C. Special Exception applications that do not require a neighborhood meeting.

D. Mass Grading

E. PSPs

F. PDPs (Residential or Nonresidential)

306.2. **General Requirements**

A. A neighborhood notice shall be provided by the applicant by mail with proper postage in accordance with the mailing requirements of this Section 305.2.A.

B. Content of the Neighborhood Notice

The neighborhood notice shall contain the following as applicable:

1. A general description of the project, including size and/or number of units.

2. Date the application was accepted for review.

3. Availability to view the application at the County offices where the application was filed.

4. Ability to provide comments directed to the County Administrator or designee.

C. Proof of the Neighborhood Notice

The applicant shall submit a copy of the mailed neighborhood notices sent to the property owners along with the mailing list and proof of mailing to the County Administrator or designee.

SECTION 307. CONTINUANCE PROCEDURES

Continuances for the consideration of any development approval application may be granted by the DRC, PC, LPA, or BCC at their discretion. The number of times an application may be continued is at the discretion of the DRC, PC, LPA, or BCC as applicable. Applicant-requested continuances shall be in writing and must be received by the County Administrator or designee no later than five (5) days prior to the scheduled meeting. For applicant-requested continuances, the applicant shall renotice pursuant to this Code, including publication, if the matter is rescheduled to be heard sixty (60) days or more from the initial meeting date.

SECTION 308. POSTDECISION PROCEDURES

Final determinations shall be in writing. Approvals shall be rendered within ten (10) business days of the final determination action.

A denial determination shall itemize the specific code, provision, or Comprehensive Plan Goal, Objective, or Policy, and/or applicable law used as the basis for denial and shall be rendered within thirty (30) days of the final determination action.

SECTION 309. CONSTRUCTION AND INSPECTION OF IMPROVEMENTS

309.1. **General**

A Florida State registered professional engineer (Engineer) shall be employed to design, inspect, certify, and complete all required improvements associated with the development project, such as clearing, grubbing, earthwork, storm drainage, water, sewer, reuse facilities, embankment, subgrade, base, curbing, asphalt pavement, sidewalks, multiuse trails, lighting, landscaping, signalization, signing, pavement marking, and all other required improvements.

309.2. **Inspection of Improvements**

Prior to the installation of required improvements, the Engineer shall prepare and/or review all necessary shop drawings, material submittals, means, and methods for the installation of the required improvements. The Engineer shall perform all necessary inspections and reviews as he deems necessary to provide certification of completeness and compliance with the approved plans and specifications. The Engineer shall verify that the required testing per the *Pasco County Engineering Services Department Testing Specifications for Construction of Roads, Storm Drainage, and Utilities* shall be provided. The selected Engineer shall certify that all required tests have been performed and that the results of those tests indicate that the tests meet or exceed minimum standards. All failed tests shall be retested with new results shown, using a numbering system which links the tests to the original test. The Engineer shall provide all signed and sealed test reports, including a location map depicting test number locations on a graphical project layout; i.e., master grading plan.

A. The Engineer shall notify the Project Management Division of the following key activity startups a minimum of five (5) working days in advance:

   1. Clearing, grubbing, and tree protection and National Pollutant Discharge Elimination System requirements.

   2. Subgrade stabilization.

   3. Base placement.

   4. Paving.

   5. Final inspection.

B. In order for the County to participate in a final inspection, the Engineer shall provide a signed and sealed certification of completion and three (3) signed and sealed sets of record drawings along with one (1) disc containing .pdf

and .dwg format files. Record drawings shall be signed and sealed by both the Engineer and surveyor on each page and shall accurately depict all conditions "as built."

The acceptable completion of the project shall be subject to the following:

1. Reinspection and completion of punch list items, if any, and payment of reinspection fee to the County.

2. All test reports, signed and sealed with certification of Engineer described above.

3. Utility acceptance.

SECTION 310. PERFORMANCE SECURITY

310.1. **Generally**

Where the BCC allows the posting of performance security to guarantee the installation of improvements, including public streets, drainage, landscaping, utilities, sidewalks and bikeways or private streets, drainage, and landscaping in lieu of actual installation prior to final plat approval, the developer shall provide with the application for final plat approval evidence of security adequate to assure the installation of all required improvements.

310.2. **Required Improvements Agreement**

In connection with the approval of any final subdivision plat where the developer intends to install the required improvements after such approval, a Required Improvements Agreement, in substantial conformance with the model agreement set forth by the County shall be executed.

All Required Improvements Agreements shall be recorded with the approved final subdivision plat.

310.3. **Type of Performance Security**

The type of Performance Security may take any of the following forms subject to the criteria set out below:

A. Surety Bond to guarantee performance;

B. Letter of Credit;

C. Escrow Agreement;

D. Cash to be held by the Clerk of the Circuit Court; or

E. A government entity may submit an agreement for the certification, restriction, and assurance of funds for the project.

310.4. **Conformance**

The Performance Security document shall strictly conform to the corresponding exhibit in the Engineering Services Department, *A Procedural Guide for the Preparation of Assurances of Completion and Maintenance* (as may be subsequently amended). Nothing in this section shall prevent the Performance Security document from containing other terms or provisions, so long as any other terms or provisions do not contradict the terms of the exhibits or the intent of this Code.

310.5. **Letter of Credit**

In the event a Letter of Credit is furnished, the following shall apply:

A. The institution issuing the guarantee document shall be a bank or savings association, unless otherwise approved by the County Administrator or designee and the County Attorney or designee.

B. The institution shall be: (1) organized and existing under the laws of the State or (2) organized under the laws of the United States and have a principal place of business in the State and (3) have a branch office which is authorized under the laws of the State or of the United States to receive deposits in the State.

C. The Letter of Credit must provide for draws to be made on it at an office within 100 miles from the County.

D. The Letter of Credit must be signed by the President or Vice President of the institution, authorized to execute said instruments.

E. The institution of the Letter of Credit must have and maintain an average financial condition ranking of thirty-five (35) or more from two (2) nationally recognized financial rating services, compiled quarterly by the Florida Department of Financial Services, unless otherwise approved by the County Administrator or designee and the County Attorney or designee.

F. The expiration date of the Letter of Credit shall be automatically extended without amendment for one (1) year from the expiration date, unless otherwise authorized in writing by the County Administrator or designee. If the Letter of Credit is not automatically extended for such additional one (1) year period, at least sixty (60) days prior to the expiration date then in effect, the bank or savings association shall notify the County Administrator or designee by registered or certified U.S. Mail, postage prepaid, return receipt requested. This notification shall be sent to The County Engineer, 8731 Citizens Drive, Suite 320, New Port Richey, Florida 34654, or any other address specified in writing by the County Administrator or designee.

G. The Letter of Credit shall have a provision which allows the County Administrator or designee to collect the funds upon notice that the Letter of Credit will not be automatically extended if the purpose for which the Letter of

Credit was issued still exists, unless a substitute Letter of Credit meeting the requirements of this section is provided.

310.6. **Surety Bond**

In the event a Surety Bond is furnished, the following shall apply:

A. The surety company shall have a currently valid Certificate of Authority issued by the Florida Department of Financial Services, Division of Insurance Agents and Agency Services, authorizing it to write Surety Bonds in the State.

B. The surety company shall have a currently valid Certificate of Authority issued by the United States Department of Treasury under the U.S.C. § 9304-9308 of Title 31.

C. The surety company shall be in full compliance with the provisions of the Florida Insurance Code.

D. The surety company shall have at least twice the minimum surplus and capital required by the Florida Insurance Code at the time the Surety Bond is issued.

E. If the bond amount exceeds $5,000.00, the surety company shall also comply with the following provisions:

The surety company shall have at least the following rating in the latest issue of Best's Key Rating Guide:

Bond Amount	Policy Holder's Rating	Required Financial Rating
$5,000 to $1,000,000	A	Class IV
$1,000,000 to $2,500,000	A	Class V
$2,500,000 to $5,000,000	A	Class VI
$5,000,000 to $10,000,000	A	Class VII
$10,000,000 to $25,000,000	A	Class VIII
$25,000,000 to $50,000,000	A	Class IX
$50,000,000 to $75,000,000	A	Class X

310.7. **Effective Period**

The Performance Security shall remain in effect until required improvements are accepted or in the case of private improvements, approved by Pasco County. Required improvements secured by a Performance Security shall be completed within one (1) year of the date of recording of the final plat, unless extended by the BCC.

310.8. **Approval**

A Performance Security provided under this section shall be subject to approval by the BCC.

310.9. **Default**

Where an approved Performance Security has been provided and the required improvements have not been installed according to the terms of the Performance Security instrument or the Required Improvements Agreement the County may, upon ten (10) days written notice to the parties to the instrument, declare the Performance Security to be in default and exercise the County's rights thereunder. Upon default, no further County permits or approval shall be granted for the project until adequate progress toward completion of the remaining, required improvements is shown as determined by the BCC. The BCC shall receive payment in full if the improvements are not completed or an extension has not been granted prior to the expiration of the Performance Security.

310.10. **Default in Subdivisions with Private Improvements**

Where an approved Performance Security has been provided and the required improvements have not been installed according to the terms of the Performance Security instrument, the County may, upon ten (10) days written notice to the parties of the instrument, declare the Performance Security to be in default and exercise the County's rights thereunder. Upon default, no further County permits or approval shall be granted for the project until adequate progress toward completion of the remaining required improvements is shown as determined by the BCC. The County shall have the right, based upon easements granted with the approval, to enter private property to complete the work to the standards approved on the construction drawings and receive payment in full for the work completed. The County may establish a municipal service benefit unit or special assessment program to complete the required improvements should any short fall be projected to occur.

310.11. **Form, Amount**

Such Performance Security shall comply with all statutory requirements and shall be satisfactory to the County as to form and manner of execution. The amount of such security shall be based upon an estimate by the engineer and surveyor of record, and be subject to the approval of the County Administrator or designee.

The Performance Security shall be equal to the maximum cost, adjusted for inflation during the maximum effective period of the security for the uncompleted portion of the required improvements; provided, however, such amount shall be 125 percent of the current construction costs of such improvements for subdivisions with public improvements and/or 3 private improvements.

310.12. **Partial Release of Security**

A developer, at his option, may apply for a partial release of a portion of the monetary amount provided for in such a document upon a demonstration that a corresponding, specifically-described portion, or phase of approved improvements has been totally completed in the manner specified in this Code. The BCC, at its discretion, may elect to release the portion requested upon the issuance of a Certificate of Completion as to the completed portion or phase provided; however, that it shall be the policy of the BCC not to accept a request for release of a Performance Security for a unit or phase which is not complete, including drainage facilities.

310.13. **Time Limit on the Document**

A. Unless otherwise approved by the DRC or BCC, the applicant agrees to complete construction of all improvements required as a condition of platting within one (1) year from the date that the plat is approved by the BCC. If the applicant fails to complete construction of the improvements within such time period, the County may exercise any of the following nonexclusive remedies:

1. Call the Performance Security;

2. Revoke the final Certificate of Capacity or concurrency exemption issued for the platted entitlements;

3. Vacate the plat if no lots have been transferred to Bona Fide Purchasers; or

4. Immediately cease the issuance of Building Permits and/or Certificates of Occupancy within the plat.

The applicant's signature of the acknowledgement form shall be considered an application for, and consent to, County vacation of the plat pursuant to Section 177.101, Florida Statutes, in the event of a default pursuant to this section. Until such time that construction of such improvements is complete, the applicant agrees to include the following disclosure in all sales literature and sales documents for lots within the plat.

B. For the purposes of this condition, the term "complete" shall mean that:

1. The improvements have been completed in accordance with the standards set forth in this Code and in accordance with approved plans and specifications;

2. A Certificate of Completion has been issued by the County Administrator or designee and other appropriate departments of the County; and

3. The Performance Guarantee has been released by the BCC.

C. The developer shall provide a Performance Security in accordance with this Code, which shall be valid and in effect until:

1. The improvements have been completed in accordance with standards set forth in this Code and with approved plans and specifications;

2. A Certificate of Completion has been issued by the County Administrator or designee and other appropriate departments of the County; and

3. The guarantee has been released by the BCC.

4. The Performance Security tendered to the BCC shall be valid for a minimum of eighteen (18) months, but may be longer. In the event the improvements are not completed within one (1) year of the effective date of the Performance Security, the developer shall be in default.

The BCC may extend the period for installation at their discretion for good cause.

310.14. **Completion of Improvements**

Upon completion of the approved improvements, the developer shall:

A. Provide to the County Administrator or designee a certification from an engineer duly registered in the State, that the improvements have been constructed and completed in conformity to the approved plans and specifications;

B. Provide to the County Administrator or his designee all certified signed and sealed test reports per the most current *"Pasco County Engineering Services Department Testing Specifications for Construction of Roads, Storm Drainage and Utilities"*;

C. Provide to the County Administrator or designee County-acceptable record drawings; and

D. Apply for, in writing, along with the certification, the release of the Performance Security to the County Administrator or designee.

310.15. **Release of the Performance Security**

Upon receipt of a Certification of Completion and Application for Release, the County Administrator or designee shall provide a recommendation to the BCC within sixty (60) days as to whether a release should be given, and if the County Administrator or designee is satisfied that everything has been completed in conformance with this Code. The BCC may then release the Performance Security, with or without conditions based upon the circumstances.

310.16. **Tests Required**

In all cases involving Performance Security governed by this section, laboratory test reports shall be submitted to the County Administrator or designee as he deems necessary, to verify completion or construction of improvements in accordance with the requirements or standards. Such tests shall be made by an approved testing laboratory and certified by a Florida registered engineer at the expense of the developer verifying testing completion and that testing of the construction of improvements are in accordance with the requirements and standards of Pasco County.

SECTION 311. DEFECT SECURITY

311.1. Prior to the issuance of a Certificate of Completion, the developer shall post security, in an amount equal to fifteen (15) percent of the actual costs of all required improvements, for the purpose of correcting any construction, design or material defects, or failures within public rights-of-way or easements in the development or required off-site improvements. The form and manner of execution of such security shall be subject to the approval of the County Attorney. The effective period for such security shall be thirty-six (36) months following the issuance of a Certificate of Completion. Substitution of principal, sureties, or other parties shall be subject to the approval of the BCC upon recommendation of the County Attorney. Upon default, the BCC may exercise its rights under the Defect Security Instrument and Defect Security Agreement upon ten (10) days written notice to the parties of the instrument.

311.2. Streets; roads; or any other improvements dedicated to the public, as indicated on a plat approved by the County as appropriate under this Code; and intended for County maintenance, shall require completion of a defect security period warranting the improvements to be free from defects and an initial defect security document valid for the entire initial warranty period plus six (6) months; streets, roads, or any other improvements shall not be accepted by the BCC for County maintenance until completion of the warranty period and all other requirements of this section.

311.3. **Defect Security Agreement**

In connection with the approval of any final subdivision plat where the developer intends that the required improvements are to be accepted by the County, a Defect Security Agreement, covering the warranty period of the improvements, in substantial conformance with the model agreement set forth by the County shall be executed.

All Defect Security Agreements shall be recorded with the approved final subdivision plat.

311.4. For streets, roads, and any other improvements dedicated to or approved by the County as appropriate under this Code and intended for County maintenance, the developer shall, upon application for release of the required Performance Security Guaranteeing of a Completion of Improvements document as required in this Code, Section 310, if applicable, provide one (1) of the following documents for the purpose

of guaranteeing the workmanship, materials, and maintenance of improvements during any warranty period (defect security document):

A. A Surety Bond guaranteeing freedom for defects;

B. Letter of Credit;

C. Escrow Agreement;

D. Cash to be held by the Clerk of the Circuit Court; or

E. A government entity may submit an agreement for the certification, restriction, and assurance of funds for the project.

Any Defect Security document shall be subject to the fee schedule in the Engineering Services Department, *A Procedural Guide for the Preparation of Assurances of Completion and Maintenance* (as may be subsequently amended).

The scope of the area contemplated in the Defect Security document, and subsequently accepted and maintained by the County, shall be indicated as dedicated areas on a County approved plat, or if a plat is not applicable, some other document acceptable to the County Attorney.

In no case shall a Defect Security document be accepted before the commencement of the maintenance period as provided in this section.

311.5. **Defect Security**

The Defect Security document shall strictly conform to the corresponding exhibit in the Engineering Services Department, *A Procedural Guide for the Preparation of Assurances of Completion and Maintenance* (as may be subsequently amended).

In the event of a Letter of Credit is furnished, the following shall apply:

A. The institution issuing the guarantee document shall be a bank or savings association, unless otherwise approved by the County Administrator or designee and the County Attorney or designee.

B. The institution shall be:

1. Organized and existing under the Laws of the State; or

2. Organized under the Laws of the United States and have its principal place of business in the State, and

3. Have a branch office which is authorized under the Laws of the State or of the United States to receive deposits in the State.

C. The Letter of Credit must provide for draws to be made on it at an office within 100 miles from the County.

D. The Letter of Credit must be signed by the President or Vice President of the institution authorized to execute said instruments.

E. The institution of the Letter of Credit must have and maintain an average financial condition ranking of thirty-five (35) or more from two (2) nationally recognized financial rating services, compiled quarterly by the Florida Department of Financial Services, unless otherwise approved by the County Administrator or designee and the County Attorney's Office.

311.6. In the event a Surety Bond is furnished, the following shall apply:

A. The surety company shall have a currently valid Certificate of Authority issued by the Florida Department of Financial Services, Division of Insurance Agents and Agency Services, authorizing it to write Surety Bonds in the State.

B. The surety company shall have a currently valid Certificate of Authority issued by the United States Department of Treasury under 31 U.S.C. § 9304-9308.

C. The surety company shall be in full compliance with the provisions of the Florida Insurance Code.

D. The surety company shall have at least twice the minimum surplus and capital required by the Florida Insurance Code at the time the Surety Bond is issued.

E. If the bond amount exceeds $5,000.00, the surety company shall also comply with the following provisions:

The surety company shall have at least the following rating in the latest issue of Best's Key Rating Guide:

Bond Amount	**Policy Holder's Rating**	**Required Financial Rating**
$5,000 to $1,000,000	A	Class IV
$1,000,000 to $2,500,000	A	Class V
$2,500,000 to $5,000,000	A	Class VI
$5,000,000 to $10,000,000	A	Class VII
$10,000,000 to $25,000,000	A	Class VIII
$25,000,000 to $50,000,000	A	Class IX
$50,000,000 to $75,000,000	A	Class X

311.7. The monetary amount of the Defect Security shall be based on the cost estimate of an engineer duly registered in the State, which has been submitted to and accepted by the County Engineering Services Department using the engineer's own estimate amounts or an estimate established by multiplying the actual unit quantity by the unit costs contained in the Engineering Services Department, *A Procedural Guide for the Preparation of Assurances of Completion and Maintenance* (as subsequently

amended), whichever is greater. However, if a developer has a history of having had claims made against posted Performance or Defect guarantees, or a history of noncompliance with the design standards set forth in this Code, the BCC may require an additional ten (10) percent to the amount required in this section.

311.8. The developer shall be responsible for maintaining the dedicated improvements during the warranty period. In the event the developer does not maintain the dedicated improvements during the warranty period, the County Administrator or designee shall notify the developer in writing of the areas that require maintenance. The developer shall have sixty (60) days from receipt of the notice to perform the required repairs to the satisfaction of the County Administrator or designee, or be in default of the Defect Security document, unless a longer time is agreed upon between the developer and the County Administrator or designee. The developer shall also be responsible for requesting, in writing, a final inspection from the Project Management Division not before ninety (90) days prior to the termination of the initial Defect Security period. Upon receipt of the request for final inspection, the Project Management Division shall notify the developer in writing providing a list of deficiencies of items to be remedied by the developer before the expiration of the Defect Security period. In the event the developer does not remedy the deficiencies before the expiration of the maintenance period, the developer shall be in default of the Defect Security document.

311.9. The BCC may grant an extension of the initial Defect Security period, for a one (1) year term per each extension, provided a Defect Security document is provided by the developer and valid for the entirety plus six (6) months of that extension period. Any extension period Defect Security document shall be subject to the fee schedule in the Engineering Services Department, *A Procedural Guide for the Preparation of Assurances of Completion and Maintenance* (as subsequently amended). In granting an extension, the BCC may consider, but is not limited to, a lesser term, availability of materials, labor, and timeliness of compliance by the County with this section.

311.10. Upon remedy to the satisfaction of the County Administrator or designee of all deficiencies listed pursuant to this section, or if no items, but in any case no sooner than the completion of the initial Defect Security period, the County Administrator or designee shall, within sixty (60) days, recommend to the BCC the release of the Defect Security document and acceptance of the indicated streets, roads, and other improvements, if any, by the BCC for County maintenance.

311.11. Nothing in this Code shall prevent the BCC from being able to, on its own initiative, release the Defect Security document and accept the streets, roads, or any other improvements for maintenance at any time.

SECTION 312. ACCEPTANCE OF IMPROVEMENTS

312.1. Any street, road, or other improvement intended for dedication to the public must be indicated with specificity acceptable to the BCC and formally accepted by the BCC through a plat or other acceptable means. Streets, roads, or other improvements, which are not built to County specifications, private roads; streets; or other improvements; and roads, streets, or other improvements for which an offer of

dedication has been made, but where the offer has not been officially accepted by the BCC; shall not be deemed part of the County road system; shall not be the responsibility of the BCC; and shall not be maintained by the County, unless such maintenance is voluntarily assumed by the County pursuant to this Code. The duty and responsibility to maintain such streets and roads or any other improvements shall be that of the developer, his successors in interest, or any entity established to ensure maintenance and the said entity must be acceptable to the County. This section shall not conflict or prevent any road from becoming a County right-of-way pursuant to Section 95.361, Florida Statutes. Emergency repairs by the County on any street, road, or other improvements shall not be deemed a voluntary assumption by the County pursuant to Section 177.081, Florida Statutes, or be deemed to create an obligation upon the County to perform any act of construction or maintenance within such dedicated areas.

312.2. Approval of a plat or construction plan by the County as appropriate under this Code shall not be deemed to constitute acceptance for maintenance of streets, roads, and any other areas or improvements shown on the plat, unless such maintenance is voluntarily, specifically, and officially assumed by the BCC. Streets, roads, and any other areas or improvements shall become County maintained only upon an official, voluntary, affirmative act by the BCC specifically assuming maintenance of such improvements pursuant to this Code.

312.3. Streets, roads, and any other areas or improvements shall become County maintained only upon an official, voluntary, affirmative act by the BCC specifically assuming maintenance of such improvements. This section shall not conflict or prevent any road from becoming a County right-of-way pursuant to Section 95.361, Florida Statutes. Nothing in this Code shall be construed as creating an obligation of the County for maintenance of any sidewalks, regardless of dedication to the public or voluntary acceptance of maintenance of the rights-of-way that any sidewalk may be within.

312.4. Approval of any plat, as appropriate under this Code, shall not be deemed to constitute acceptance of streets, roads, or any other improvements or areas indicated in such plat for County maintenance. Streets, roads, or any other improvements or areas dedicated to the County through a plat or any other means shall not be County maintained, unless accepted in accordance with this section.

312.5. Until the acceptance of improvements for County maintenance in accordance with this section, the developer, or his successors in interest, shall have the duty and responsibility for any and all routine and periodic maintenance of any and all streets, roads, or any other improvements made by the developer, dedicated and/or approved or otherwise, including permanent-reference monuments and permanent-control points as required by Chapter 177, Florida Statutes.

312.6. Streets, roads, or any other improvements shall be eligible for acceptance by the BCC for County maintenance only if such improvements are built to County specifications. Improvements which are not constructed to County specifications must be built to County specifications prior to becoming eligible for acceptance by the County for County maintenance.

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CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 401. GENERALLY

401.1. Intent and Purpose

A. Chapter 400 contains the permit types and review criteria for the development applications necessary for approval.

B. This chapter has been organized as follows:

1. Use Permits. Permits in this category address what uses can be conducted on property. In some cases, such as Zoning-Euclidean, it will be a range of uses; in other circumstances, such as Conditional Use Permits, an applicant must request the ability to conduct a specific use.

2. Site Development. These are the permits necessary for land development. Permits include those which are preliminary, where the approach to meeting Pasco County development standards is outlined and the specific detailed plans authorizing construction.

3. Operating Permits. These are a type of permit where detailed information is required on how an operation will be conducted. Permits for the mining operations and for Construction Demolition Debris Disposal Facilities are examples of Operating Permits.

4. Miscellaneous Permits. This section contains a variety of permit types which may be required. Signs, Billboards, Development Agreements, and Right-of-Way Use Permits are included sections.

5. Relief Applications. The final section of this chapter outlines the various methods of relief against the strict application of this Code may be available. These include administrative remedies as well as those requiring public hearings.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 402. USE PERMITS

402.1. Zoning Amendments - Euclidean

A. Initiation

Proposed Euclidean zoning amendments may be initiated by the Board of County Commissioners (BCC), by petition of owners of seventy-five (75) percent or more of the area involved in the proposed change, or by the property owner. A zoning amendment may only be requested where the zoning amendment is consistent with the Future Land Use (FLU) classification of the subject property or a FLU Map amendment is simultaneously sought.

B. Submittal Requirements

An applicant shall submit required information in the form as specified by the County Administrator or designee.

1. Applicant Information

   a. Proof of ownership; i.e., copy of deed.

   b. Agent of Record letter, if applicable.

   c. Application fee.

2. The signed and sealed boundary legal descriptions and sketches, including any wetlands by delineation.

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.

D. Notice

Notice of the public hearings shall be provided in accordance with this Code and the provisions of Chapter 125.66, Florida Statutes.

E. Review Considerations

The County Administrator or designee, PC, and BCC shall consider all of the following in reviewing a proposed zoning amendment:

1. The existing land use pattern.

2. Whether the approval of the request would result in the creation of an isolated district unrelated to adjacent and nearby districts.

3. Whether the existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for the change.

4. Whether changed or changing conditions make passage of the proposed amendment necessary.

5. Whether the proposed change will adversely affect living conditions in the immediate and surrounding neighborhoods.

6. Whether there is adequate access from a standard roadway to the site and whether the proposed change will create or excessively increase traffic congestion or otherwise affect traffic safety.

7. Whether the proposed change might result in the reduction of light or air to adjacent properties or areas.

8. Whether the proposed change might result in lower property values in adjacent areas.

9. Whether the property, as rezoned, could be developed in a manner which would comply with other existing County and State regulations governing development.

10. Whether the proposed change would result in, or act as a deterrent to, the improvement or development of adjacent property in accordance with the existing regulations.

11. Whether the property which is the subject of the proposed change is a suitable site or location for the uses available under a proposed zoning district.

12. Whether certain portions of the property are not suitable for development under the proposed zoning classification.

13. Whether adequate public facilities are available to the site including, but not limited to, water and sewer facilities.

14. Whether the property is developable under the proposed zoning classification without appropriate public facilities including, but not limited to, water and sewer facilities.

15. Whether the site proposed for zoning change would be subject to flooding and the effect of such flooding on the proposed or possible improvements on the site.

16. The physical characteristics of the site and the degree of site alteration which would be required to make the site usable for any of the range of potential uses under the proposed zoning classification.

17. Whether the proposed zoning change is consistent with the Goals, Objectives, and Policies set forth in the adopted Comprehensive Plan.

18. Whether maintaining the existing zoning classification accomplishes a legitimate public purpose that protects the integrity of the Goals, Objectives, and Policies of the Comprehensive Plan; the public's reliance upon the existing zoning; or another legitimate public purpose as determined by applicable law.

F. Staff and PC Recommendations

1. Staff Review

The County Administrator or designee, after consideration of the above review considerations, shall present a recommendation to both the PC and BCC.

2. PC Hearing and Recommendation

a. At the completion of the public hearing on an application for a rezoning and upon consideration of staff recommendation and the considerations in this section, the PC shall vote to recommend approval or denial of the application.

b. The recommendation of the PC shall be submitted to the BCC in written form.

c. The recommendation of the PC shall be advisory only and shall not be binding on the BCC.

G. BCC Hearing

1. Upon receipt of the staff and PC recommendations, the BCC shall hold a separate public hearing on the proposed amendment.

2. At the conclusion of the public hearing, the BCC may:

a. Refer the application back to the PC for further study if additional information is necessary in order to make a decision.

b. Deny the application.

c. Approve the application as requested.

d. Approve any other appropriate zoning classification of a lesser intensity.

3. If the recommendation of the PC is adverse to the proposed amendment, such amendment shall not become effective except by an affirmative vote of a majority of the entire membership of the BCC.

4. Approval shall be in the form of an ordinance or resolution approving the zoning amendment.

H. Effect of the Final Decision

1. Approval

The approval of a zoning amendment shall authorize all available uses and dimensional standards, such as setbacks and coverage available in the applicable zoning district subject to further procedural requirements of this Code.

2. Denial

Whenever the BCC has denied an application for rezoning of property, the PC shall not thereafter:

a. Consider any further application for the same rezoning of any part or all of the same property for a period of twelve (12) months from the date of such action.

b. Consider an application for any other kind of rezoning on any part or all of the same property for a period of six (6) months from the date of such action.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 402. USE PERMITS

402.2. Zoning Amendment - MPUD Master Planned Unit Development

A. Initiation

An MPUD Master Planned Unit Development zoning may be initiated by the owner(s) of the subject property, the authorized agent for the owner(s), or the Board of County Commissioners (BCC).

B. MPUD Required

An MPUD zoning shall be required in the following instances:

1. Projects that are in the coastal high hazard area.

2. Projects greater than twenty (20) residential units or greater than 100 acres located in the AG/R (Agricultural/Rural) Land Use Classification.

3. Projects where the net upland acreage and proposed zoning density/intensity/lot sizes would allow the project to exceed the capacity of 1,200 daily trips. Provided; however, that projects with commercial land uses must have greater than ten (10) net upland acres and exceed 1,200 daily trips before an MPUD is required. Additionally, regardless of the size or trips, office and industrial development shall not require an MPUD.

4. Other projects as determined by the BCC or as required by the County Comprehensive Plan.

C. Submittal Requirements

An applicant shall submit required information in the form as specified by the County Administrator or designee. In addition to the requirements identified for all projects in the Development Manual, applications for an MPUD zoning shall include the following information:

1. Applicant Information

   a. Proof of ownership; i.e., copy of deed.

   b. Agent of Record letter, if applicable.

   c. Application fee.

2. Project Description

A preliminary project description in sufficient detail to determine the general intent with respect to the following, if known:

a. The general purpose and character of the proposed development.

b. Land use by acreage, densities, and intensities.

c. Structural concepts, including height and anticipated building type.

d. Recreation and open space.

e. Facilities commitments.

f. A statement describing the intent for the management of common areas and facilities.

g. Any requests for special approval to vary from the standards of this Code, Section 407.

3. Map Information

a. A location map showing the relationship between the areas proposed for development and surrounding properties, including a current aerial photograph, which in no case shall be older than that available at the Pasco County Property Appraiser's Office with boundaries of development and roadway layout delineated.

b. All major County roads within one (1) mile of the proposed development.

c. Wellhead Protection Areas and Special Protection Areas for all Community Water System supply wells within the proposed development and within 1,000 feet of the proposed development.

d. The location of all existing and proposed roadways, rights-of-way, and easements adjacent to or within the property.

4. Physical Resources Information

a. Topographic information providing 100-year floodplain and wetland delineations. The most recent U.S. Geological Survey, Topographical Survey, and U.S. Geological Survey Flood Prone or Federal Emergency Management Agency mapping may be used for topography on flood-prone

delineations. Pasco County wetlands maps or aerial photography interpretation may be used for wetlands delineation.

b. A soils survey, which may be based on the most recent Pasco County soils survey, drawn to the same scale as the master plan, and clearly identifying all soil types, especially those areas which are apparently not suitable for buildings or major structures due to soil limitations.

c. An Environmental/Wildlife Habitat Study evaluating plant and animal species listed as endangered, threatened, or species of special concern as designated by the State and Federal authorities, including the following description of the parcel: documentation of data collected and reviewed, such as the Florida Land Use and Cover Classification System, U.S. Fish and Wildlife, and Florida Fish and Wildlife Conservation Commission, and field survey map that characterizes and describes the natural resources of the site, including the location of protected species confirmed on the site and habitat suitable for listed species.

d. A Phase I cultural resource assessment, including the following: project scope, archival research, and identification of sites adjacent to the subject property; identification of research design; and description of field methodology, field work, and analysis of the findings and conclusions.

e. A table showing estimated predevelopment and postdevelopment acres of wetlands by category (according to the Pasco County Comprehensive Plan) and a conceptual plan for the protection and use of on-site wetlands.

5. Master Plan

a. The master plan shall have the following base information:

(1) Topography;

(2) Floodplains and elevations;

(3) Wetlands (Categories I, II, and III); and

(4) Critical linkages as defined in the Comprehensive Plan.

b. The master plan shall graphically depict the proposed use of the site, including:

(1) Proposed land uses, including the proposed number of units, lots, nonresidential square feet, density and intensity as applicable;

(2) A conceptual lot layout;

(3) Open space;

(4) Proposed preservation or conservation areas;

(5) The proposed location of major streets and thoroughfares;

(6) A generalized mobility plan, including bicycle, pedestrian and transit facilities;

(7) Recreation areas for residential projects, including neighborhood parks;

(8) Buffers and setbacks meeting the requirements of this Code and as necessary to ensure compatibility with the surrounding area; and

(9) Major facilities, including a delineation of proposed school sites and fire station sites, if necessary, for the service of the area as developed.

c. The master plan shall identify:

(1) The existing zoning;

(2) The existing land use; and

(3) The Future Land Use Classification on the site and the surrounding areas within 500 feet of the site.

d. The master plan shall include a phasing plan that describes the proposed timing for, location of, and sequence of phasing or incremental development and the proposed density for each such phase or increment of development. The applicant may provide approved Development of Regional Impact (DRI) information, which satisfies this requirement.

e. A table showing the acreage for each category of land use, including Category I, II, and III wetlands, critical linkages, open space, and recreation.

f. A table of proposed minimum and/or maximum gross and net residential acreages for residential land uses and proposed minimum and/or maximum floor area ratio for nonresidential land uses, as applicable.

6. Utilities and Services Plan

a. Identify the location/source of sanitary sewers, potable water facilities, and the approximate location of existing facilities on the master plan, as required by this Code, Section 903.

b. The general direction of natural surface drainage of the proposed MPUD, including a general statement regarding the disposal of stormwater drainage, including identification of whether a site falls within a basin of special concern and/or lies within the areas depicted on Maps 2-4, Flood Prone Areas, of the Comprehensive Plan.

c. An analysis of the impact of the proposed MPUD on schools and other public facilities as provided in this Code, Section 1301.

7. Transportation Management

a. A transportation analysis in accordance with the Traffic Impact Study guidelines in Section 901.5.

b. A roadway plan for the MPUD shall be shown on the submitted master plan, including subdivision access locations; internal, subdivision collector roadways; and roadways required by Section 901, Collector and Arterial Spacing and Design Standards.

c. A traffic study shall be completed and approved by the County prior to the scheduling of the DRC meeting for the total MPUD rezoning.

8. Specific Approvals

Variations from this Code may be reviewed and approved by the BCC and DRC during the public hearing held on any application for an MPUD zoning amendment. Variations shall be allowed where the BCC specifically finds, in the particular case, that the proposed variation meets or exceeds the intent of this Code. The applicant shall be required to submit sufficient information to justify such variation for staff to make a recommendation.

D. Public Hearings Required

Prior to the enactment of any change in zoning to an MPUD, the Development Review Committee (DRC) and BCC shall each hold a separate public hearing on the proposed amendment.

E. Notice

Notice of the public hearings shall be provided in accordance with Section 306 and the provisions of Chapter 125.66, Florida Statutes.

F. Standards of Review

In addition to the review considerations listed in Section 402.2.E, the following shall be considered by the County Administrator or designee and the DRC in making their recommendations on the application for an MPUD zoning:

1. The impact of the proposed development upon public improvements, surrounding land uses in the neighborhood and subregion, and significant environmental features in the surrounding neighborhood and subregion.

2. The adequacy of the existing public services and facilities serving the proposed development, including transportation systems, utilities, and fire and police protection.

3. The potential need for expansion of public services and facilities to accommodate the proposed development.

G. Staff Review

1. The County Administrator or designee, after consideration of the above-referenced Standards of Review, shall present a recommendation to both the DRC and the BCC.

2. The County Administrator or designee may recommend such conditions as appropriate to ensure compliance with this Code and the Comprehensive Plan. Such conditions may relate to, but are not limited to:

   a. The establishment of limitations or ranges of densities or intensities upon the proposed MPUD or increment thereof.

   b. Traffic patterns and road improvements serving the site, whose conditions shall attempt to alleviate direct, adverse impact on existing road systems and maximize safety.

c. The protection of natural features, water resources, wetlands, and other ecological systems on the site, which conditions may include:

(1) Controls on the siting and location of buildings for improvements to ensure protection of subsurface and surface water resources to ensure protection of conservation and preservation areas as designated on the plan; to ensure compatibility through the protection of natural features and existing topography; and to ensure the protection of scenic and environmentally significant natural resources, such as tree stands, rivers, streams, ponds, and lakes.

(2) Controls which ensure the protection of natural drainage systems through limitation of disturbances of land for drainage improvements through the utilization of on-site stormwater retention and through use of innovative drainage designs or concepts.

(3) Controls which ensure the adequacy of public services, including water and sewer service available to the site.

(4) The minimization of potential, increased flood problems of developed areas within the site and surrounding areas.

(5) The maintenance of major public improvements pending the development of the entire MPUD site.

(6) The compatibility of proposed uses with established and planned uses of the surrounding neighborhood and subregion, including adequate buffering.

(7) The internal compatibility of proposed uses whose conditions may include restrictions on location of improvements, restrictions on design, and buffering requirements.

(8) The adequacy of useful open space to serve the proposed MPUD site and phases or increments thereof.

(9) Controls which ensure protection of cultural resources.

(10) The timing or sequence of phasing for purposes of ensuring the adequacy of available improvements and facilities, both public and private.

H. DRC Hearing

1. At the completion of the public hearing on an application for an MPUD zoning amendment, and upon consideration of the staff recommendation and the standards referenced above, the DRC may:

   a. Continue the application for further consideration;

   b. Recommend approval of the application as presented;

   c. Recommend approval of the application with modifications; or

   d. Recommend denial of the application.

2. The recommendation of the DRC shall be submitted to the BCC in written form.

3. The recommendations of the County Administrator or designee and DRC are advisory only and shall not be binding on the BCC.

I. BCC Hearing

1. Upon receipt of the DRC recommendations, the BCC shall hold a separate public hearing on the MPUD zoning amendment.

2. At the conclusion of the public hearing and after the consideration of the recommendation of the DRC, the staff recommendation, and the standards above, the BCC may:

   a. Refer the application back to the DRC for further study if further information is required in order to make a final decision;

   b. Deny the application;

   c. Approve the application as presented; or

   d. Approve the application with modified, deleted, or added conditions to ensure compliance with the Comprehensive Plan, this Code, or for the benefit of public interest.

3. In addition to the standards of this Code, conditions imposed upon an approved MPUD plan shall constitute the standards and guidelines against the development of the MPUD site, or any increment or phase thereof, shall be reviewed. Conditions shall specify provisions, standards, conditions, or design specifications which must be met in order to ensure compliance with the standards set forth in this Code and the Comprehensive Plan.

If the recommendation of the DRC is to deny the proposed MPUD zoning amendment, such amendment shall not become effective except by an affirmative vote of the majority of the entire membership of the BCC.

J. Effect of Final Decision

1. If Denied

Whenever the BCC has denied an application for rezoning of the property, the DRC shall not thereafter:

Consider any further application for the same rezoning of any part of the same property for a period of twelve (12) months from the date of such action.

2. If Approved

Written conditions of approval and a master development plan reciting all specific conditions to be imposed upon the development, in addition to the requirements of this Code, shall be issued. After the rendering of such a written approval:

a. The zoning classification accorded to the property subject to the application shall be changed on the County zoning maps/layer to reflect an MPUD classification.

b. Development of the MPUD site shall substantially conform to the densities or intensities, or ranges of densities or intensities, approved by the BCC for the entire site and for each phase or increment of the MPUD plan.

c. All conditions imposed and all graphic material, excluding the yield analysis, presented depicting restrictions on development shall become part of the regulations which govern the manner in which the MPUD site may be developed and shall be binding upon the applicant or any successors in interest. Deviations from approved master plans or failure to comply with any requirement, condition, or safeguard shall constitute a violation of these zoning regulations. If there is a conflict between the conditions of approval and the master plan, the conditions of approval shall govern.

d. The developer shall provide to the County proposals describing agreements, covenants, contracts, or deed restrictions which shall be enacted to ensure the completion of the development without any expense to the general public which was not agreed to at the time of the approval. Additionally, the said agreements, covenants, contracts, or deed restrictions shall bind all successive owners and developers of all or any portion of the MPUD project to any

commitments made and any restrictions placed on the approved MPUD plan or any document, graphic, map, or other such information provided which is part of the official record.

e. All plans or plats for development of land approved subject to a master plan shall be processed in accordance with procedures established in this Code. The site plan or plat shall be required to be submitted in substantial compliance with the approved master plan.

f. The written approval and the conditions recited in the said approval shall constitute a development order which authorizes the activity described in Paragraph K, below.

K. Authority Granted by Approval

1. The approval of an MPUD application shall authorize the applicant to proceed with the development process as prescribed in this Code.

2. Prior to development within any phase, the applicant or his successor in interest shall present for review and approval, detailed development plans for each phase in accordance with this Code, providing that:

a. A preliminary development plan (PDP)/residential, PDP/non-residential/mixed use, or preliminary site plan (PSP) as outlined in this Code must be approved for an entire increment (bubble) prior to any phased construction drawing approval, unless otherwise provided for in the MPUD conditions of approval.

b. The maximum number of units and the density and intensity of each increment shall not exceed those limits of the approved MPUD plan.

L. Requirements for Future Development

1. Any PSP or PDP for any phase of, increment of, or for the entire MPUD site shall be consistent with and conform to the conditions of approval set forth in the MPUD plan approval in addition to all other requirements imposed by relevant County ordinances and regulations governing the development of land and construction of buildings and structures.

2. Each PSP or PDP submittal shall include the existing cumulative number of dwelling units and cumulative square footage of nonresidential development permitted within the MPUD.

3. Each PSP or PDP submittal shall include an enclosed boundary survey of the total site, enclosed boundary survey of the phase to be

developed within the total site, and of all lands to be held as open space or community facilities.

4. All off-site improvements and facilities required by conditions of approval of the MPUD necessary to adequately service the development or increment thereof must be completed or will be completed in conjunction with such development.

5. If the proposed MPUD constitutes a DRI, the MPUD shall be subject to such revisions and modifications as are necessary to address and implement recommendations of the Tampa Bay Regional Planning Council and State Land Planning Agency after appropriate review in accordance with Section 380.06, Florida Statutes.

M. Time Limit on Approval

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

1. If the PSP and PDP for the entire MPUD are not approved within six (6) years of the original approval or from the last substantial modification, then the conditions of approval shall expire for those portions of the MPUD that do not have (unexpired) PSP or PDP approval, unless the BCC approves a longer duration.

2. If the conditions of approval for the MPUD expire, a new rezoning for an MPUD shall be submitted, reviewed, and approved in accordance with the Comprehensive Plan and Code in effect at that time. No new PSP or PDP as well as extensions of duration to the PSP shall be submitted until the new MPUD is approved.

N. Modifications

1. Substantial Modifications

A substantial modification request shall be processed as an MPUD zoning amendment in accordance with this Code, Sections 402.2.C-M. The following shall be presumed to be substantial modifications to the approved master plan:

a. Any change in a site related condition that was imposed by the BCC at the public hearing.

b. Any alteration of a use, material increase in density or intensity within 100 feet of the district boundary, within the project where a residence is constructed, or residential land is owned by a person other than the applicant.

c. Any material decrease in an approved target business use, corporate business park use, or industrial use.

d. A change from a single-family residential to a multiple family in the Central, North, and East Market Areas.

e. A change from a residential use to a commercial use.

f. A cumulative increase of greater than five (5) percent in residential dwelling units or the size of areas proposed for nonresidential uses.

g. An increase in structure height of ten (10) feet or more in the East, North, or Central Market Areas or within 100 feet of an existing residential dwelling if within the South or West Market Areas.

h. A reduction in open space or recreational areas or a change of the same within 100 feet of the boundary of the project, within the project where a residence is constructed, or residential land is owned by a person other than the applicant.

i. Any change made following plat approval to boundaries of open space or recreational areas.

j. Any changes of a use not previously approved.

k. Any change that would create additional trip generation of ten (10) percent or more.

l. Notwithstanding a-k above, a change of any aspect, attribute, or feature of the development which might adversely impact the site or surrounding area in a manner which would be inconsistent with this Code or the Comprehensive Plan, may be considered substantial or require a hearing before the DRC.

m. In no case shall the intensity or density be increased over the maximum permitted by the adopted Comprehensive Plan.

n. The measurement of distances shall include only abutting properties and shall not include any property across an external street.

2. Nonsubstantial Modification

The County Administrator or designee is authorized to approve administratively nonsubstanial modifications in the approved master plan, but shall not have the power to approve changes that constitute

a substantial modification. If the requested revisions to the MPUD are nonsubstantial, the following information shall be provided:

a. Applicant Statement

A statement by the applicant specifying the exact nature of the changes proposed to the master plan and/or conditions and an analysis of the applicability of the substantial modification standards.

b. A copy of the approved master plan.

c. A graphic or map indicating:

(1) The boundaries of the MPUD;

(2) Identification of the portion of the MPUD proposed for change;

(3) Areas of the MPUD currently undeveloped; and

(4) Areas that are under separate ownership.

d. A revised master plan showing the proposed changes.

e. Evidence that the proposed change does not subject the MPUD to additional concurrency review pursuant to this Code, Section 1301.

3. Review and Determination

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.

A change of any aspect, attribute, or feature of the development that may be considered nonsubstantial which may adversely impact the site or surrounding area as determined by the County Administrator or designee, which would be inconsistent with the Goals, Objectives, and Policies of the Comprehensive Plan or general standards for

development approval as set forth in this Code, may be considered substantial or require a hearing before the DRC, the latter of which would require notice to the public by mail and posting in accordance with Section 306.

O. Deviations from Approved Plans

Deviations from approved master plans or failure to comply with any requirement, conditions, or safeguard imposed by the BCC during the approval or platting procedure shall constitute a violation of this Code.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 402. USE PERMITS

402.3. Conditional Uses

A. Intent and Purpose

Conditional Uses may be compatible with the other land uses permitted in a zoning district; but, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the County as a whole, each application for a Conditional Use will require individual review of its location, design, configuration, operation, and the public need for the particular use at the particular location proposed. Each Conditional Use may require the imposition of individualized conditions to ensure that the use is appropriate at a particular location.

B. Initiation

A Conditional Use may only be requested in zoning districts where the use is identified as a Conditional Use and is consistent with the Future Land Use classification of the subject property. A proposed Conditional Use may be initiated by the property owner or authorized agent.

C. 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.

D. Notice

Notice of the public hearings shall be provided in accordance with this Code and the provisions of Chapter 125.66, Florida Statutes.

E. Required Standards

All proposed Conditional Uses shall meet all of the following standards:

1. The proposed use shall be consistent with the Goals, Objectives, and Policies of the adopted Comprehensive Plan elements or applicable portions thereof.

2. The proposed use will not adversely affect or contribute to the deterioration of quality of life or property values in the immediate neighborhood.

3. The proposed use is consistent with the character of the surrounding area, including the existing land use patterns.

4. The proposed use will not create or excessively increase traffic or parking congestion or otherwise affect public safety.

5. The site upon which the proposed use is to be located has suitable drainage, access, ingress and egress, on-site parking, loading areas, refuse collection, and adequate utilities available to service the site.

6. The site upon which the Conditional Use is to be located has, or will have, screening and buffering sufficient to prevent interference with the enjoyment of surrounding properties.

7. Proposed signs and lighting will not create any adverse glare or adversely affect traffic safety, economic value, or cause other significant problems on adjoining or surrounding properties.

8. The proposed Conditional Use will not otherwise adversely affect the health, safety, or welfare of the surrounding community or area.

9. The proposed Conditional Use is in compliance with all specific standards established in this Code for the proposed Conditional Use provided; however, that specific distance may be waived by motion of the BCC upon an affirmative demonstration that:

   a. The criteria set forth in 1-9 above would otherwise be met; and

   b. That due to unique physical barriers or other factors, the specific separation requirements would not be necessary in order to protect other land uses in the area.

F. <u>Review, Recommendation, and Decision</u>

1. Staff Review and Recommendation

   The County Administrator or designee, after consideration of the above required standards, shall present a recommendation to both the PC and BCC. In consideration of the standards, the County Administrator or designee may recommend conditions as appropriate to ensure that the proposed Conditional Use meets the standards set forth above.

2. PC Hearing and Recommendation

   a. At the conclusion of the public hearing on an application for a Conditional Use and upon consideration of the competent, substantial evidence presented at the public hearing, if any; the staff recommendation; and the standards of this section, the PC shall vote to recommend approval, approval with conditions, or denial of the application.

b. The recommendation of the PC shall be submitted to the BCC in written form.

c. The recommendation of the PC shall be advisory only and shall not be binding on the BCC.

3. BCC Hearing

a. Upon receipt of the PC recommendation, the BCC shall hold a separate public hearing on the proposed Conditional Use.

b. At the conclusion of the public hearing, after consideration of the staff and PC recommendations, the BCC shall:

(1) Refer the application back to the PC for further study if additional information is required in order to make a final decision;

(2) Deny the application;

(3) Approve the application as presented; or

(4) Approve the application with modified, deleted, or added conditions.

c. If the recommendation of the PC is adverse to the proposed Conditional Use, such Conditional Use shall not become effective, except by an affirmative vote of a majority of the entire membership of the BCC.

d. Approval shall be given in the form of an ordinance or resolution approving the Conditional Use.

e. Approval shall include such conditions as necessary to ensure compliance with the standards of review. Such conditions shall be binding on the applicant and all successors in interest to the applicant. Failure to observe conditions of approval is a violation of this Code.

G. <u>Effect of Final Determination</u>

1. Denial

Whenever the BCC has denied an application for Conditional Use, the PC shall not thereafter:

a. Consider any further application for the same Conditional Use of any part of the same property for a period of twelve (12) months from the date of denial by the BCC.

b. Consider an application for any other kind of Conditional Use of any part of the same property for a period of six (6) months from the date of denial by the BCC.

2. Approval

a. Use Authorized. The holder of a Conditional Use shall be authorized to utilize the site or location of the said use only in the manner specified in the written approval and any conditions recited therein. In addition, the Conditional Use may be subject to further procedural requirements in this Code.

b. Any substantial expansion; alteration in the manner or method of operation of the use which results in an increase in adverse effects on surrounding properties, such as noise, traffic, odor, dust, or increase in acreage; or change in the square footage or acreage utilized for the Conditional Use shall require an amendment to the Conditional Use, which shall be processed and reviewed in the same manner as the original Conditional Use application.

An expansion, alteration, or change of a Conditional Use shall also be deemed to exist where a substantial modification of any of the standards provided for in this Code results from activity associated with the Conditional Use or where substantial change in circumstances or conditions arise including, but not limited to, a change in use from a nonprofit social operation to a commercial operation.

c. For the purposes of this section, the sale of specific varieties of alcoholic beverages in an existing building, under the authority of any prior approval issued by the Clerk and Comptroller or deputy, shall be deemed to constitute a Conditional Use which may be expanded in accordance with this section without regard to the proximity of the existing building to a public church, school, park. Such uses may be revoked pursuant to the section below. A prior approval issued in the form of a resolution duly adopted by the BCC, authorizing the sale of alcoholic beverages in an existing building, shall be deemed to constitute a Conditional Use which requires no further expansion in order to increase the variety of alcoholic beverages to be sold, but which may be revoked pursuant to the section below.

H. Enforcement

Violations of conditions of approval may be addressed by any of the methods available in Section 108 or through revocation of the Conditional Use pursuant to the provisions of this Code, Section 402.4.I, or both.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 402. USE PERMITS

402.4. Special Exceptions

A. Intent and Purpose

Special Exception uses may be compatible with other land uses permitted in a zoning district; but, because of their unique characteristics or potential impacts on the surrounding neighborhood, each application for a Special Exception will require an individual review of its location, design, configuration, operation, and the public need for the particular use at the particular location proposed. Each Special Exception may require the imposition of individualized conditions to ensure that the use is appropriate at a particular location.

B. Initiation

A Special Exception may only be requested in zoning districts where the use is identified as a Special Exception and is consistent with the Future Land Use classification of the subject property. Proposed Special Exception Uses may be initiated by the property owner or authorized agent.

C. Review and Decision Process

1. Decision Making Authority

The Planning Commission (PC) shall have the authority to hear and decide applications for Special Exceptions.

2. Public Hearing Required

The PC shall hold a public hearing on the proposed Special Exception use within forty-five (45) days after the application is deemed sufficient.

D. Notice

Notice of the public hearing shall be provided in accordance with this Code and the provisions of Chapter 125.66, Florida Statutes.

E. Required Standards

All proposed Special Exception uses shall meet all of the following standards:

1. The proposed use shall be consistent with the Goals, Objectives, and Policies of the adopted Comprehensive Plan elements or applicable portions thereof.

2. The proposed use will not create or excessively increase traffic or parking congestion or otherwise affect public safety.

3. The site upon which the proposed use is to be located has suitable drainage, access, ingress and egress, on-site parking, loading areas, refuse collection, and adequate utilities available to service the site.

4. The site upon which the Special Exception is to be located has, or will have, screening and buffering sufficient to prevent interference with the enjoyment of surrounding properties.

5. Proposed signs and lighting will not create any adverse glare or adversely affect traffic safety, economic value, or cause other significant problems on adjoining or surrounding properties.

6. There is adequate yard and open space to serve the property upon which the Special Exception use will be maintained.

F. Staff Recommendation

1. The County Administrator or designee, after consideration of the above standards, shall present a recommendation to the PC.

2. In consideration of the standards, the County Administrator or designee may recommend conditions necessary to ensure compliance with the required standards.

G. PC Hearing

1. Upon receipt of staff recommendation, the PC shall hold a public hearing.

2. At the conclusion of the public hearing, if the PC determines, after consideration of competent substantial evidence presented at the public hearing, that the above standards for approving a Special Exception have been met, the PC must grant the application for Special Exception. The PC shall:

a. Approve the application as presented.

b. Approve the application with modified, deleted, or added conditions as necessary to ensure compliance with review standards.

c. Deny the request if the PC determines, after consideration of competent substantial evidence presented at the public hearing that granting the application would have an adverse effect on the health, safety, and welfare of the public based upon the standard in Section 402.4.E., the PC shall deny the application citing reasons for the same.

H. Effect of Final Determination

1. Denial

Whenever the PC has denied an application for a Special Exception, the PC shall not thereafter:

a. Consider any further application for the same Special Exception of any part of the same property for a period of twelve (12) months from the date of denial by the PC.

b. Consider an application for any other kind of Special Exception use of any part of the same property for a period of six (6) months from the date of denial by the PC.

2. Approval

a. Use Authorized. The holder of a Special Exception shall be authorized to utilize the site or location of the said use only in the manner specified in the written approval and any conditions recited therein shall be binding on the applicant and all successors in interest to the applicant. Failure to observe conditions of approval is a violation of this Code. Such use may be subject to further procedural requirements in this Code.

b. Any substantial expansion; alteration in the manner or method of operation of the use which results in an increase in adverse effects on surrounding properties, such as noise, traffic, odor, dust, or increase in acreage; or change in the square footage or acreage utilized for the Special Exception shall require an amendment to the Special Exception, which shall be processed and reviewed in the same manner as the original Special Exception application.

An expansion, alteration, or change of a Special Exception shall also be deemed to exist where a substantial modification of any of the standards provided for in this Code results from activity associated with the Special Exception or where substantial change in circumstances or conditions arise.

I. Revocation of Special Exception and Conditional Use Approvals

1. Board of County Commissioners (BCC) Jurisdiction. The BCC hereby reserves to itself the jurisdiction and authority to review and revoke Special Exception and Conditional Use approvals.

2. Initiation of Revocation Proceeding

Only the County Administrator or designee, upon a determination of probable cause, may petition the BCC for a review and/or revocation of a Conditional Use or Special Exception where such use, continuation, expansion, alteration, or change of such use:

a. Constitutes an annoyance to the community;

b. Is injurious to the health, safety, or welfare of the community or of the public;

c. Tends to corrupt the manners and morals of the public or of the community;

d. Tends to attract vagrants, loiterers, or habitually intoxicated individuals;

e. Has a history of repeated incidents of violence;

f. Results in a substantial depreciation or lowering of property values in the community or neighborhood;

g. Violates any of the conditions of approval;

h. Was approved as a result of materially misleading or inaccurate information; or

i. Results in an increase in adverse effects on surrounding properties, such as noise, traffic, odor, dust, increase in acreage, or change in the square footage or acreage utilized for the Special Exception and the owner has failed to obtain an amendment.

j. Has resulted in repeated violations of Federal, State, or local regulations, or any one (1) significant violation of such regulations.

3. Staff Review

Such determination shall be rendered in writing. If the County Administrator or designee determines a hearing is warranted, a recommendation, including the basis for the recommendations, shall be made to the BCC.

4. Public Hearing

a. Upon a determination by the County Administrator or designee that a revocation hearing is warranted, a public hearing shall be scheduled for the purpose of reviewing and making a final

determination on the revocation of the Conditional Use or Special Exception. Notice of the time and place of such hearing and of the facts and findings contained in the determination shall be given in writing to the owner of the property at least ten (10) days prior to the scheduled hearing. All notice procedures shall be in accordance with this Code.

b. At the public hearing, the BCC shall take testimony from County staff, property owners, and interested persons and, upon consideration of the evidence presented, determine whether to:

(1) Revoke the Conditional Use or Special Exception approval;

(2) Approve the continuation of the Conditional Use or Special Exception with additional conditions or stipulations; or

(3) Approve the continuation of the Conditional Use or Special Exception without added conditions or stipulations.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 402. USE PERMITS

402.5. Miscellaneous Uses

A. Temporary Uses (Reserved)

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

1. Intent and Purpose

The intent and purpose of this section is to minimize conflicts occurring between vacation renters and permanent residents; to require explicit approval and notification for developments which intend to allow vacation rentals; and require the registration and monitoring of such units by both those that own and those that manage vacation rentals and who benefit economically there from and possess the authority to remedy problems that arise as a result of vacation rentals.

2. Applicability

Nothing herein shall be construed to affect the validity or to otherwise prevent the enforcement of deed restrictions, or other similar instruments which, either explicitly or implicitly prohibit vacation rentals within a subdivision, planned unit development, condominium, or MPUD Master Planned Unit Development.

3. Existing Nonconformities

Certain vacation rentals were eligible for nonconforming (grandfathered) status in accordance with Ordinance No. 99-21 and are on file with the County Administrator or designee.

4. Approval Required

Except for those vacation rentals grandfathered above, pursuant to Ordinance No. 99-21, no existing or future dwelling units may be utilized for vacation rental purposes unless specifically authorized by the County through the Conditional Use process or an MPUD Zoning Amendment.

Individual dwelling units located within a platted subdivision or condominium will not be authorized as a vacation rental through the Conditional Use process or an MPUD Zoning Amendment. Rather, the Board of County Commissioners may only authorize future vacation rentals in:

a. The entire subdivision/condominium; or

b. A distinct section, unit, or increment of the subdivision/ condominium.

5. Application Requirements, Existing Platted Subdivision or Condominium

a. Applications for vacation rental approval in an existing subdivision/condominium may be submitted by any lot or unit owner.

b. Applications must be accompanied by a petition in favor of the application signed by the owners of a minimum of fifty-one (51) percent of the lots/units.

6. Additional Notice Requirements

In addition to any other notice required by the Conditional Use process/MPUD Zoning Amendment process, written notice (Certified Mail, Return Receipt Requested) shall be mailed by the applicant at least twenty (20) days prior to the public hearing to each lot/unit owner within the subdivision/condominium for which the application is being made and to each lot/unit owner within 250 feet of the boundary of the application. The boundary of the application shall be the entire platted subdivision/condominium even if only a distinct section, unit, or increment is proposed as the subject of the application.

The applicant shall use the latest mailing address on file with the Property Appraiser for notification. Proof of mailing shall be furnished to the County seven (7) days prior to the public hearing.

7. Required Standards

In determining whether or not to allow vacation rentals, the following factors shall be considered in addition to the factors required in this Code for Conditional Uses/MPUD approval:

a. The ratio of vacation rentals to total lots within the subdivision/condominium;

b. The setbacks between dwelling units within the subdivision/ condominium; and

c. Any other factor affecting the compatibility of vacation rentals with residential dwelling units not being utilized as vacation rentals and lots/units located within 250 feet of the boundary of the application.

8. Post Approval Notification Requirements

Upon receiving vacation rental approval by the County, notices that vacation rentals will be allowed shall be provided as follows:

a. Homeowners' Documents

Within ten (10) days of approval for vacation rentals, or prior to the sale of any lots/units within the subdivision/condominium, whichever occurs first, the deed restrictions for the subdivision/condominium or instruments similar in function to deed restrictions shall indicate that vacation rentals are allowed within the subdivision/condominium and shall set forth the definition of "vacation rental" contained in this Code.

If the definition of "vacation rental" contained herein is more permissive than what is allowed in the subdivision/condominium, a more restrictive definition of "vacation rental" may be set forth. If vacation rentals are allowed in less than the entire subdivision/condominium, the deed restrictions shall identify the distinct section, unit, or increment in which vacation rentals are allowed.

b. Recorded Notice

A document to be entitled "Notice of Vacation Rentals," which document shall boldly note that vacation rentals are allowed within the subdivision/condominium, shall be recorded by the applicant in the Public Records, separate from the deed restrictions or instruments similar in function for the subdivision/condominium. A copy of the recorded notice must be provided by the applicant to the County Administrator or designee, within ten (10) days of approval for vacation rentals, or prior to the sale of any lots/units within the subdivision/condominium, whichever occurs first.

c. Posted Notice

Within ten (10) days of approval for vacation rentals, or prior to the sale of any lots/units within the subdivision/condominium, whichever occurs first, notice, including the definition of "vacation rental" must be posted in a conspicuous place in the sales office or model center, if any, for the subdivision/condominium, and shall also be included in any sales literature for the project. If the definition of "vacation rental" contained herein is more permissive than what is allowed in the project, a more restrictive definition may be included in the notice. In addition, if vacation rentals are allowed in less than the entire subdivision/condominium, the notice shall identify the distinct section, unit, or increment in which vacation rentals

are allowed. The notice shall be in no less than bold, fourteen (14) point font, and shall contain substantially the following language:

NOTICE OF VACATION RENTALS

(Name of subdivision/condominium)

(Name of developer/owner)

IMPORTANT NOTICE TO PROSPECTIVE PURCHASERS:

Vacation rentals are allowed within (name of subdivision/condominium). A vacation rental is defined by the County as a dwelling unit, which is advertised or made available more than three (3) times per year for periods of fewer than thirty (30) days or one (1) calendar month at a time, whichever is less, for use, occupancy, or possession by the public. Timeshares, vacation rentals, and holiday rentals meeting this definition are examples of vacation rentals.

If you have any questions regarding vacation rentals, you may call the Pasco County Zoning and Site Development Department at (727) 847-8132.

d. Notice to Buyer

In addition to the notice required above, prior to the execution of a contract for sale and purchase of a lot/unit within a subdivision/condominium in which vacation rentals have been authorized, the seller of such lot/unit, whether the developer or a subsequent owner, and whether the lot/unit is improved or unimproved, shall provide written notice to any prospective purchaser that vacation rentals are allowed within the subdivision/condominium. The notice shall be in substantial conformance with the Notice of Vacation Rentals set forth above and must contain a sworn statement signed and dated by the seller indicating that the seller has advised the prospective purchaser of the presence of vacation rentals in the subdivision/condominium, along with a sworn statement signed and dated by the prospective purchaser indicating that the purchaser has been advised by the seller of the presence of vacation rentals in the subdivision/condominium. Both the seller and the prospective purchaser shall be given a signed copy of the notice.

e. Grandfathered Unit Notice Requirements

Units grandfathered pursuant to Section 402.5.B.3 shall be required to only comply with the notice requirements of Sections 402.5.B.8.b, c, and d.

9. Registration

a. The property owner and management company, if applicable, shall, on or before September 30th of each year for each dwelling unit that is approved by the County as a vacation rental, register each unit with the County Administrator or designee, pay a registration fee, and obtain a business tax certificate from the Tax Collector. The application for such registration shall include: (1) the name, telephone number, e-mail address, and mailing address of the management company managing the vacation rental; (2) the name, telephone number, e-mail address, and mailing address of the owner of such unit; (3) the street address of the unit; (4) a telephone number at which a representative of the management company can be reached twenty-four (24) hours per day. The number(s) submitted must be either a published local number or a toll-free number; and (5) a copy of the license required under Chapter 509, Florida Statutes. Only one (1) business tax certificate need be obtained for each management company on an annual basis regardless of the number of properties managed under the said license. Finally, all vacation rentals, transient lodging, and bed and breakfasts on which payment is made to rent, lease, let, or use for a period of six (6) months or less are subject to the County's Tourist Development Tax and collections, Chapter 106 of the Pasco County Code. Any dwelling unit which does not comply with these provisions shall not be utilized as a vacation rental.

b. Within thirty (30) days of the annual registration or due date for the tax, the unit shall not be utilized for a vacation rental. The owner of the unit and the management company for the unit shall amend or correct registration information within fifteen (15) calendar days of any change to ensure that the information on file with the County Administrator or designee is both current and accurate.

c. Registration fees and fines collected for violation of the provisions of this ordinance shall be deposited in a separate County account to be used to provide funds for additional Code Enforcement Officers to ensure compliance with the terms of this section.

10. Requirements for Operation

All approved vacation rentals including grandfathered units shall comply with the following requirements:

a. Except where the requirements of this section are more stringent, vacation rentals shall comply with all requirements for public lodging establishments under Chapter 509, Florida Statutes, and any other applicable local, State, and Federal regulations.

b. A copy of the Chapter 509, Florida Statutes, license, and the local business tax certificate for both the vacation rental and the management company for the unit shall be displayed on the back of the main entrance/exit door to the unit. The management company's telephone number shall be listed on its license.

c. Each vacation rental must have an operable telephone with the words "In Case of Emergency Dial 911" or similar words displayed in a prominent position on or by each telephone in the unit.

d. Each person occupying a vacation rental and each person or entity responsible for the housekeeping of the unit must be notified of all rules for trash collection. This notice must include information on the days of trash collection for the unit, the required use of trash containers, and applicable limitations on how trash may be stored until the day before collection.

e. The maximum occupancy limits for vacation rentals shall be two persons per separate, enclosed bedroom. Persons who stay overnight in a unit shall be considered occupants of the unit irrespective of whether or not they are listed as occupants on the rental contract for the unit.

f. A vacation rental unit shall not be made available for a period of less than six (6) days at a time.

g. Loading and unloading of buses shall not be allowed within the residential areas of a subdivision or condominium. For the purposes of this provision, any vehicle designed to seat more than fifteen (15) adults shall be considered a bus. School buses and public buses are exempt from the provisions of this paragraph.

h. A written log recording the names and addresses of all persons occupying a vacation rental unit, whether or not for exchange of consideration, and the length and dates of each person's occupancy shall be kept for each rental unit and shall

be provided to the County Administrator or designee at 8731 Citizens Drive, New Port Richey, Florida, for inspection within seventy-two (72) hours of mailing a written request.

i. A notice in substantial conformance with the following shall be posted on the back of the main entrance/exit door to each vacation rental in no less than a twelve (12) point font:

NOTICE TO OCCUPANT

This unit is located within a residential community. Please be considerate of your neighbors. The following are some of the local laws and community restrictions that you should be aware of during your stay:

1. Trash: All trash must be placed in a covered, watertight, trash container. Trash may not be stored in such a manner that it may become deposited on public property or the property of another or in a manner that it otherwise becomes a nuisance. Trash must be disposed of at least twice a week. Garbage collectors will pick up your trash on (owner/management company shall verify days of collection and insert here). To ensure that your trash is picked up, please place your trash containers by the road after 5:00 p.m., the day before pickup. Trash cans must be removed from the roadside the same day trash is picked up.

2. Noise: It is unlawful in the County to create noise at such a level or for such duration that the noise unreasonably interferes with your neighbors' comfortable enjoyment of their property or disturbs the peace and tranquility of the neighborhood.

3. Animals: Dogs, cats, or other pets may not roam free outside of your unit. When outside, your dog must either be leashed or

fenced and pet owners must clean up after their pet(s).

4. Clothing: With the exception of nudist and clothing-optional communities, you must wear clothes while in public or any other place where you are readily visible to the public or your neighbors. Females must wear both a top and a bottom, while males must wear a bottom. G-strings and similar articles of clothing are insufficient for this purpose.

The above notice may be modified when homeowners' association restrictions or restrictions imposed by the unit owner are more stringent than the listed regulations. In addition, restrictions may be added to the notice. Any restrictions varying from or added to the notice shall not infringe upon any civil rights guaranteed by the United States or State Constitutions.

11. Enforcement

Violations may be addressed by any of the methods of this Code, Section 108, or revocation of approval of a Conditional Use or revocation of the registration of the vacation rental.

Both the management company and the owner of a vacation rental shall be responsible for compliance with and shall be held jointly and severally responsible for violations of this section.

12. Tourist Tax

a. All vacation rentals on which payment is made to rent, lease, let, or use for a period of six (6) months or less are subject to the County's Tourist Development Tax and collections, Chapter 106 of the Pasco County Code and Section 125.0104, Florida Statutes.

b. Any residential dwelling unit used as a vacation rental which does not comply with this provision shall not be utilized as a vacation rental.

C. Sexually-Oriented Businesses

1. Intent and Purpose

The intent and purpose of this section is to regulate the location of sexually-oriented businesses so as to prevent the adverse secondary effects on the public health, safety, and welfare, which, as the Supreme Court recognized in the case of *City of Erie v. Pap's A.M.*, 529 U.S.C. 277 (2000), are "caused by the presence of even one such establishment." This section is designed to eliminate or lessen such adverse secondary effects by maintaining minimum distances between such sexually-oriented businesses and certain other uses and land zoned for office or residential use and allowing sexually-oriented businesses to locate in appropriate areas of the County only. This section is based upon the fundamental zoning principle that certain uses, by the very nature of the adverse secondary effects, such uses are recognized to have upon the surrounding community, must be subjected to particular restrictions so that such uses may exist without destroying the value, vitality, or existence of other lawful and reasonable uses. The sole purpose of the legislative body of the County in enacting this section is the desire to preserve and protect the quality of life, public health, safety, and general welfare of the citizens of the County and not to suppress free speech or impair the constitutional rights of any person or group of persons. Nothing herein shall be construed to authorize a commission of any obscenity offense or other criminal defense as proscribed by the laws of the State, the County, or the laws of any local government within the County.

2. Existing Nonconformities

Subject to meeting the conditions set forth in this section, any sexually-oriented businesses eligible for nonconforming use status in accordance with Ordinance No. 03-01 may continue to operate, subject to this Code, Section 1201, as a legally nonconforming use. However, such sexually-oriented business shall not conduct different types of sexually-oriented business activities other than those being conducted on December 17, 2002, and may not expand or enlarge the area (square footage) being utilized for sexually-oriented business activities.

a. The sexually-oriented businesses which were eligible for nonconforming status in accordance with the Pasco County Code, Ordinance No. 03-01, are on file with the County Administrator or designee.

b. Sexually-oriented businesses granted legally nonconforming use rights under this subsection must nonetheless comply with all requirements of this Code, except Section 402.5.C.3.

3. Locations Within Authorized Zoning District; Distance Restrictions

Sexually-oriented businesses shall be allowed only within the I-2 General Industrial Park District and then only if the following restrictions are met:

a. No sexually-oriented business shall be located within 1,000 feet of:

(1) Any preexisting zoning district within the County that is zoned for residential or office use including, but not limited to, residential planned unit development districts and office planned unit development districts.

(2) Any lawfully preexisting:

(a) Day-care facility;

(b) Place of religious worship;

(c) Public park; or

(d) School

b. The distances provided for in this section shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of any building in which the sexually-oriented business is operated to the nearest property line of a parcel:

(1) Upon which, such a lawfully, preexisting day-care facility, place of religious worship, public park, or school is located; or

(2) Within a district zoned for residential or office use.

4. Prohibited Conduct

No sexually-oriented business shall be conducted in any manner that permits any person on any parcel of property within incorporated or unincorporated Pasco County, other than the parcel upon which the sexually-oriented business is located, to observe any live or recorded performance or any visual image tangibly fixed in any medium which performances, images, or recordings have, as their primary or dominant theme, subject matter depicting, describing, or relating to specified sexual activities, or specified anatomical areas, or which performance, recording, or visual image requires the exclusion of minors pursuant to Chapter 847, Florida Statutes, other than such observation as may occur as a result of the observer's intentional

reception of such a performance, recording, or visual image within an enclosed structure on the premises of the sexually-oriented business.

5. No Application, License, or Permit

With the express exception of business tax certificates and permits issued upon purely objective criteria applicable to all businesses within an I-2 General Industrial Park Zoning District and applications relating to such permits, no application or permit shall be required for the establishment of any sexually-oriented business.

6. No Subjective Zoning Condition, Restriction, Safeguard, or Standard

No sexually-oriented business shall be subject to any regulation, zoning condition, restriction, safeguard, or standard that contains subjective criteria.

7. No Variances, Waivers, or Special Exceptions

No variances, waivers, or special exceptions from the prohibitions set forth in this section shall be permitted for any reason.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 403. SITE DEVELOPMENT

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

A. Intent and Purpose

PDP–R are used to identify existing site conditions and demonstrate general conformance with the standards of this Code prior to the preparation of detailed construction plans for a parcel to be subdivided for residential purposes.

B. Submittal Requirements

An applicant shall submit required information in the form as specified by the County Administrator or designee.

Plans shall be drawn at a readable scale, signed, and sealed by a Florida registered engineer. However, a Florida registered surveyor may submit the required information for an MRS where there are no improvements proposed. The application package shall include:

1. Applicant Information

   a. Proof of Ownership; i.e., copy of deed.

   b. Agent of Record Letter, if applicable.

   c. Application fee.

2. General Information to be Shown on Plan

   a. Pictorially show parent parcel and property division.

   b. A legend, title, and number of revision(s); date of plan and revision(s); scale of plan; north arrow; acreage in the tract being subdivided; total number of lots; and names, mailing addresses, e-mail addresses, and telephone numbers of the developer, owner, surveyor, and engineer.

   c. Phasing plan (if applicable) designating each phase by number or letter and heavy line border at an appropriate scale with the size of the tract.

3. Map Information

   a. Location map showing the relationship between the areas proposed for development and surrounding developments or lots, including a current aerial photograph with the proposed

development overlaid on it, which in no case shall be older than that available from the Pasco County Property Appraiser's Office, with boundaries of development and roadway layout delineated. The location map shall show all Major County Roads within one (1) mile of the proposed development.

b. All existing and planned arterials and collectors (transportation corridor[s]) within the proposed development and within one (1) mile of the proposed development.

c. Wellhead Protection Areas and Special Protection Areas for all Community Water System supply wells within the proposed development and within 1,000 feet of the proposed development.

4. Existing Site Information to be Shown on Plan

a. Legal description sufficient to describe the size and location of the property to be subdivided.

b. Existing Streets: The name, location, right-of-way width, and pavement status; i.e., dirt, limerock, concrete, asphalt, etc., of all existing streets, platted or recorded easements, other rights-of-way, and platted streets within 200 feet of the proposed development.

c. Existing platted or recorded easements or rights-of-way for drainage, pedestrian ways, bridle paths, or bicycle paths, etc., including location, width, design criteria, and purpose within 200 feet of the proposed development.

d. Configuration of that portion of abutting developments within 200 feet with preliminary site plan or preliminary development plan approval, or, if platted, with Plat Book and page number shown.

e. Existing storm sewers, potable water facilities, and sewerage facilities within 200 feet of the proposed development.

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

g. Existing contours at a maximum of two (2) foot intervals, based on the National American Vertical Datum of 1988, identifying the property to be developed and, where practicable, extending a minimum of 100 feet beyond the project boundary. A note stating the basis of the vertical datum shown on the drawing.

h. Present use of the property proposed for development.

i. Future Land Use (FLU) Classification and Zoning District of the property proposed for development and that of abutting land.

j. Dates and reference numbers of rezonings, special exceptions, variances, conditional uses, or vested rights that have been granted for the subject property, if applicable.

k. Approximate location and acreage of natural features, including lakes, marshes or swamps, watercourses, and other jurisdictional areas.

l. Identify any registered cultural resources on site.

m. Wetland Delineation/Identification

Provide documentation in the form of a survey, sketch, or aerial that delineates the location of the Categories I, II, or III wetland areas, as defined in the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy Nos. CON 1.3.1, CON 1.3.2, CON 1.3.3, CON 1.3.4, and CON 1.3.5, and provide the acreage for each wetland classification type.

n. Density/Intensity Calculations

In addition to the wetland type and acreage information, provide the following:

(1) Cumulative acreage total for Categories I, II, and III wetlands.

(2) Acreage total for water bodies.

(3) Acreage total for land with FLU Classification of CON (Conservation Lands).

(4) Developable acreage.

o. All land within the proposed development located in a transportation corridor.

p. The Base Flood Elevation, where available, and delineation of flood zone(s) shall be superimposed on the PDP-R in accordance with the latest Flood Insurance Rate Map published by the Federal Emergency Management Agency (FEMA) or latest study as accepted by the FEMA.

q. Hurricane evacuation zones.

5. Proposed Development

a. Proposed Circulation: The name, location, width, proposed street classification and design standards, and typical design cross sections with a pavement design. Indicate if streets are proposed to be public or private.

b. Drainage concept with direction of flow and method of disposition indicated, along with a general description of the relationship of the proposed drainage system to the natural drainage system and adjacent properties in a manner sufficient to demonstrate compliance with this Code, Section 902.

c. As required by Section 903, a statement identifying the supplier of the potable water facilities, sewerage facilities, fire service, and electric service.

d. If individual lot sewage disposal is proposed to be utilized, a map indicating the distribution of soil types, categorized using the Natural Resources Conservation Service classifications, and its limiting factors as it relates to the intended land use scheme.

e. As required by Section 904, indicate the method of fire protection; i.e., water main size, location of hydrants, tanks, etc.

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

g. As required by this Code, Section 905.1, illustrate the neighborhood park location and summary of uses, if applicable, along with one-quarter and one-half-mile radius distances shown. The open space area shall be dimensioned.

h. Easements (show all existing or proposed; note if none). Proposed easements shall include required non-ingress/egress easements for double frontage lots.

i. Requests for alternative standards, variances, and required fees shall be submitted with the application.

j. Subdivision Design:

(1) Lots and Layout. Approximate lot lines, minimum lot dimensions and sizes, typical lot layout, lot numbers and design in accordance with Section 707.7, Standards.

(2) Proposed model center locations.

(3) Gross residential acreage densities for the entire project and net residential acreage for each phase or portion thereof. This data shall be presented in a tabular format.

(4) Information as necessary to demonstrate compliance with the standards of Minor-Rural Subdivision or Limited Family Lot Division, as applicable.

6. Studies and Other Required Submittals

The following submittals may be required based on location within the County and/or development type proposed:

a. Listed Species Site Survey: If the site is shown on Map 3-1 in the Comprehensive Plan as a potential location for known listed species habitat.

b. Provide a narrative meeting the requirements of Section 809, Cultural Resources.

c. Traffic Impact Study and application pursuant to Section 901.5.

d. Substandard Road Analysis pursuant to Section 901.2.

e. Access Management Application pursuant to Section 901.3.

C. Standards of Review

The County Administrator or designee shall determine whether the application:

1. Meets the technical requirements of this Code.

2. Meets the requirements of the FLU Classification and Zoning District applicable to the subject property.

3. Meets the concurrency requirements established by this Code.

D. Form of Decision

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

E. Effect of Approval

Approval of a PDP-R authorizes the developer to apply for:

1. Stormwater Management Plan and Report review;

2. Construction plan review; and

3. Draft record plat review, when no improvements are required.

F. Time Limit on Approval

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

1. Construction plan approval must be received for the entire PDP-R within six (6) years of PDP-R approval.

2. The project must be completely platted within ten (10) years of PDP-R approval.

3. In the event that the developer does not comply with these provisions, all plans for the uncompleted portion of the project shall be deemed void.

4. An applicant may request a two (2) year extension. Such extension shall be for good cause and must submitted to the County Administrator or designee at least sixty (60) days prior to expiration of any of the above time limits.

5. In the event a PDP-R expires, all subsequent submittals shall comply with regulations in effect at the time of the said submittals.

G. Simultaneous Submittals

Simultaneous submittals may be made in accordance with Section 403.8.

H. Prohibitions

1. Development of land shall not be commenced in the unincorporated are of the County by any person, unless a Development Permit authorizing such development has been obtained from the County and the procedures established by this Code have been followed by the person requesting development approval.

2. No person shall commence, authorize, allow, or complete any development which does not conform to or abide by the terms and conditions of an approved permit and to the requirements of this Code.

3. It shall be unlawful for anyone who is the owner of any land or agent of the owner to transfer or convey such land by reference to, exhibition of, or other use of a site plan or a plat of a subdivision of such land, without having submitted the required site plans, plans, and plat of such subdivision and received approval in accordance with this Code, and without having recorded the approved subdivision plat, unless platting is not required.

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 Site Development Permit.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 403. SITE DEVELOPMENT

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

A. Intent and Purpose

PDP-NR/MU are used to identify existing site conditions and demonstrate general conformance with the standards of this Code prior to the preparation of detailed construction plans for nonresidential and mixed use sites which are to be subdivided.

While much the same information is required for a PDP-NR/MU as for Preliminary Development Plans - Residential, these projects shall have individual preliminary site plans (PSPs) and construction plans prepared and approved prior to individual lot development. As such, the focus of the PDP-NR/MU is on the overall plan of development, with details of individual site development approved through preliminary site plans. It is also recognized that there are two (2) types of nonresidential subdivisions: "common plan of development" and "stand-alone." As such, the required information will vary by proposed type.

B. Submittal Requirements

An applicant shall submit required information in the form as specified by the County Administrator or designee.

Plans shall be drawn at a readable scale, signed, and sealed by a Florida registered engineer. The application package shall include:

1. Applicant Information

   a. Proof of Ownership; i.e., copy of deed.

   b. Agent of Record Letter, if applicable.

   c. Application fee.

2. General Information to be Shown on Plan

   a. Pictorially show parent parcel and property division.

   b. A legend, title, and number of revision(s); date of plan and revision(s); scale of plan; north arrow; acreage in the tract being subdivided; total number of lots; and names, mailing addresses, e-mail addresses, and telephone numbers of the developer, owner, surveyor, and engineer.

c. Phasing plan (if applicable) designating each phase by number or letter and heavy line border at an appropriate scale.

3. Map Information

a. Location map showing the relationship between the areas proposed for development and surrounding developments or lots, including a current aerial photograph, with the proposed development layout overlaid on it, which in no case shall be older than that available from the Pasco County Property Appraiser's Office, with boundaries of development and roadway layout delineated. The location map shall show all major County roads within one (1) mile of the proposed development.

b. All existing and planned arterial and collector roadways within the proposed development and within one (1) mile of the proposed development.

c. Wellhead Protection Areas and Special Protection Areas for all Community Water System supply wells within the proposed development and within 1,000 feet of the proposed development.

4. Existing Site Information to be Shown on Plan

a. Legal description sufficient to describe the size and location of the property to be subdivided.

b. Existing Streets: The name, location, right-of-way width, and pavement status; i.e., dirt, limerock, concrete, asphalt, etc., of all existing streets, platted or recorded easements, other rights-of-way, and platted streets within 200 feet of the proposed development.

c. Existing platted or recorded easements or rights-of-way for drainage, pedestrian ways, bridle paths, or bicycle paths, etc., including location, width, design criteria, and purpose within 200 feet of the proposed development.

d. Configuration of that portion of abutting developments within 200 feet with PSP approval, preliminary development plan approval, or, if platted, with Plat Book and page number shown.

e. Existing storm sewers, potable water facilities, and sewerage facilities on or within 200 feet of the proposed development.

f. Existing structures or uses on the site with a statement as to intended future use.

g. Existing contours at a maximum of two (2) foot intervals, based on the National American Vertical Datum of 1988, identifying the property to be developed and, where practicable, extending a minimum of 100 feet beyond the project boundary. A note stating the basis of the vertical datum shown on the drawing.

h. Present use of the property proposed for development.

i. Future Land Use (FLU) Classification and Zoning District of the property proposed for development and that of abutting land.

j. Dates and reference numbers of rezonings, special exceptions, variances, conditional uses, or vested rights that have been granted for the subject property, if applicable.

k. Approximate location and acreage of natural features, including lakes, marshes or swamps, watercourses, and other jurisdictional areas.

l. Identify any registered cultural resources on-site.

m. Wetland Delineation/Identification

Provide documentation in the form of a survey, sketch, or aerial that delineates the location of the Categories I, II, or III wetland areas, as defined in the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy Nos. CON 1.3.1, CON 1.3.2, CON 1.3.3, CON 1.3.4, and CON 1.3.5, and provide the acreage for each wetland classification type.

n. Density/Intensity Calculations

In addition to the wetland type and acreage information, provide the following:

(1) Cumulative acreage total for Categories I, II, and III wetlands.

(2) Acreage total for water bodies.

(3) Acreage total for land with FLU Classification of CON (Conservation Lands).

(4) Developable acreage.

o. All land within the proposed development which is located in a transportation corridor.

p. The base flood elevation, where available, and delineation of flood zone(s) shall be superimposed on the preliminary plan in accordance with the latest Flood Insurance Rate Map published by the Federal Emergency Management Agency (FEMA) or latest study as accepted by the FEMA.

q. Hurricane Evacuation Zones if residential uses are proposed.

5. Proposed Development

a. Identification of Subdivision Type: Each PDP-NR shall identify whether the proposed subdivision is to be a common plan of development subdivision or a stand-alone subdivision. For common plan of development subdivisions, the PDP-NR shall identify shared infrastructure and amenities, such as stormwater, parking, and landscaping.

b. Proposed Circulation: The name, location, width, proposed street classification and design standards, and typical design cross sections with a pavement design. Indicate if streets are proposed to be public or private. Identify nonresidential accessways that where ingress/egress is proposed to be provided by easement. In common plan of development subdivisions, each individual lot is not required to have access to a street. Rather, the entire subdivision shall have access to a street, public or private. Other access may be provided internal to the subdivision through easement.

c. Drainage concept with direction of flow and method of disposition indicated, along with a general description of the relationship of the proposed drainage system to the natural drainage system and adjacent properties in a manner sufficient to demonstrate compliance with this Code, Section 902.

d. As required by this Code, Section 903, provide a statement identifying the supplier of the potable water facilities, sewerage facilities, fire service, and electric service.

e. Pursuant to this Code, Section 904, indicate the method of fire protection; i.e., water main size, location of hydrants, tanks, etc.

f. If individual lot sewage disposal is proposed to be utilized, a map indicating the distribution of soil types, categorized using the Natural Resources Conservation Service classifications,

and its limiting factors as it relates to the intended land use scheme.

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

h. If residential uses are proposed, illustrate neighborhood park location and summary of uses, if applicable, along one-quarter and one-half-mile radius distances shown, pursuant to Section 905.1. The open space area shall be dimensioned.

i. Easements (show all existing or proposed; note if none). Proposed easements shall include required non-ingress/egress easements for double frontage lots.

j. Requests for alternative standards, variances, and required fees shall be submitted with the application.

k. Subdivision Design:

(1) Lots and Layout. Approximate lot lines, minimum lot dimensions and sizes, lot numbers, and design in conformance with Section 700.7, Standards.

(2) Gross acreage for the entire project and net acreage for each phase or portion thereof. This data shall be presented in a tabular format.

6. Studies and Other Required Submittals

The following submittals may be required based on location within the County and/or development type proposed:

a. Listed Species Site Survey: If the site is shown on Map 3-1 in the Comprehensive Plan, as a potential location for listed species habitat.

b. Provide a narrative meeting the requirements of Section 809, Cultural Resources.

c. Traffic Impact Study and application pursuant to Section 901.5.

d. Substandard Road Analysis pursuant to Section 901.2.

e. Access Management Application pursuant to Section 901.3.

C. Standards of Review

The County Administrator or designee shall determine whether the application:

1. Meets the technical requirements of this Code.

2. Meets the requirements of the FLU Classification and Zoning District applicable to the subject property.

3. Meets the concurrency requirements established by this Code.

D. Form of Decision

Approval or denial of a PDP-NR/MU shall be in writing. The written approval may include conditions as necessary to ensure compliance with this Code.

E. Effect of Approval

Approval of a PDP-NR/MU authorizes the developer to apply for:

1. Stormwater Management Plan and Report review, and

2. Construction plan review.

F. Time Limit on Approval

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

1. Construction plan approval must be received for the entire PDP-NR/MU within six (6) years of PDP-NR/MU approval.

2. The project must be platted within ten (10) years of PDP-NR/MU approval.

3. In the event that the developer does not comply with these provisions, all plans for the uncompleted portion of the project shall be deemed void.

4. An applicant may request a two (2) year 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 any of the above time limits.

5. In the event a PDP-NR/MU expires, all subsequent submittals shall comply with regulations in effect at the time of the said submittals.

G. Simultaneous Submissions

Simultaneous submissions may be made in accordance with Section 403.8.

H. Prohibitions

1. Development of land shall not be commenced in the unincorporated are of the County by any person, unless a development approval authorizing such development has been obtained from the County, and the procedures established by this Code have been followed by the person requesting development approval.

2. No person shall commence, authorize, allow, or complete any development which does not conform to or abide by the terms and conditions of an approved permit and to the requirements of this Code.

3. It shall be unlawful for anyone who is the owner of any land or agent of the owner, to transfer, or convey such land by reference to, exhibition of, or other use of a site plan or a plat of a subdivision of such land, without having submitted the required site plans, plans, and plat of such subdivision and received approval in accordance with this Code, and without having recorded the approved subdivision plat, unless platting is not required.

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.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 403. SITE DEVELOPMENT

403.3. Preliminary Site Plans (PSP)

A. Intent and Purpose

PSP are used to identify existing site conditions and demonstrate general conformance with the standards of this Code prior to the preparation of detailed construction plans for an individual development site.

PSP are required for all nonresidential and multiple family developments. PSP are also used for other development activity that is not a subdivision or development requiring an operating permit.

B. Submittal Requirements

An applicant shall submit required information in the form as specified by the County Administrator or designee. In circumstances where a PSP is submitted where a Preliminary Development Plan (PDP) has been approved, 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 PDP and subsequent submissions and approvals.

Plans shall be drawn at a readable scale, signed, and sealed by a Florida registered engineer. The application package shall include:

1. Applicant Information

   a. Proof of Ownership; i.e., copy of deed.

   b. Agent of Record Letter, if applicable.

   c. Application fee.

2. General Information to be Shown on Plan

   a. Pictorially show parcel.

   b. A legend, title, and number of revision(s); date of preliminary site plan and revision(s); scale of plan; north arrow; acreage in the parcel; and names, mailing addresses, e-mail addresses, and telephone numbers of the developer, owner, surveyor, and engineer.

   c. Phasing plan (if applicable) designating each phase by number or letter and heavy line border at an appropriate scale.

3. Map Information

a. Location map showing the relationship between the site proposed for development and surrounding developments or lots, including a current aerial photograph with the project overlaid on it, which in no case shall be older than that available from the Pasco County Property Appraiser's Office, with boundaries of development and roadway layout delineated. The location map shall show all major County Roads within one (1) mile of the development boundary.

b. All existing and planned arterials and collectors (transportation corridor[s]) within the proposed development and within one (1) mile of the proposed development.

c. Wellhead Protection Areas and Special Protection Areas for all Community Water System supply wells within the proposed development and within 1,000 feet of the proposed development.

4. Existing Site Information to be Shown on Plan

a. Legal description sufficient to describe the size and location of the parcel.

b. Existing Streets: The name, location, right-of-way width, and pavement status; i.e., dirt, limerock, concrete, asphalt, etc., of all existing streets, platted or recorded easements, other rights-of-way, and platted streets within 200 feet of the proposed development.

c. Existing platted or recorded easements or rights-of-way for drainage, pedestrian ways, bridle paths, or bicycle paths, etc., including location, width, design criteria, and purpose within 200 feet of the proposed development.

d. Configuration of that portion of abutting developments within 200 feet with PSP approval, preliminary plan or, if platted, with Plat Book and page number shown.

e. Existing storm sewers, potable water facilities, and sewerage facilities on or abutting the tract within 200 feet.

f. Other existing structures or uses on site and a statement as to intended future use.

g. Existing contours at a maximum of two (2) foot intervals, based on the National American Vertical Datum of 1988, identifying the tract to be developed and, where practicable, extending a minimum of 100 feet beyond the tract boundary.

A note stating the basis of the vertical datum shall be shown on the drawing.

h. Present use of the property proposed for development.

i. Future Land Use (FLU) Classification and Zoning District of the property proposed for development and that of abutting land.

j. Dates and reference numbers of rezonings, special exceptions, variances, conditional uses, vested rights, or PDP that have been granted for the subject property, if applicable.

k. Approximate location and acreage of natural features, including lakes, marshes or swamps, watercourses, and other jurisdictional areas.

l. Identify registered cultural resources on site.

m. Wetland Delineation/Identification

Provide documentation in the form of a survey, sketch, or aerial that delineates the location of the Categories I, II, or III wetland areas, as defined in the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy Nos. CON 1.3.1, CON 1.3.2, CON 1.3.3, CON 1.3.4, and CON 1.3.5, and provide the acreage for each wetland classification type.

n. Density/Intensity Calculations

In addition to the wetland type and acreage information, provide the following:

(1) Cumulative acreage total for Categories I, II, and III wetlands.

(2) Acreage total for water bodies.

(3) Acreage total for land with FLU Classification of CON (Conservation Lands).

(4) Developable acreage.

o. All land within the proposed development which is located in a transportation corridor.

p. The base flood elevation, where available, and delineation of flood zone(s) shall be superimposed on the PSP in accordance with the latest Flood Insurance Rate Map

published by the Federal Emergency Management Agency (FEMA) or latest study as accepted by the FEMA.

q. Hurricane evacuation zones if residential uses are proposed.

r. Tree data sufficient to enable evaluation in accordance with this Code, Section 802.

5. Proposed Development

a. Proposed Streets and Circulation: The name, location, width, proposed street classification and design standards, and typical design cross sections with a pavement design as required by Section 901.6. Indicate if streets are proposed to be public or private.

b. Drainage concept with direction of flow and method of disposition indicated, along with a general description of the relationship of the proposed drainage system to the natural drainage system and adjacent properties in a manner sufficient to demonstrate compliance with this Code, Section 902.

c. As required by Section 903, provide a statement identifying the supplier of the potable water facilities, sewerage facilities, fire service, and electric service. The developer shall notify the appropriate electrical utility, in advance, of his intent to request service and provide confirmation to the County of service availability prior to PSP approval.

d. As required by Section 904, indicate the method of fire protection; i.e., water main size, location of hydrants, tanks, etc.

e. If individual lot sewage disposal is proposed to be utilized, a map indicating the distribution of soil types, categorized using the Natural Resource Conservation Service classifications, and it's limiting factors as it relates to the intended land use scheme.

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

g. Landscape plan showing locations, widths, and buffer type dedicated to landscaping as required by this Code, Section 905.

h. As required by this Code, Section 905.1, illustrate the neighborhood park location and summary of uses, if applicable, along with one-quarter and one-half-mile radius distances shown. The open space area shall be dimensioned.

i. Easements (show all existing or proposed; note if none). Proposed easements shall include required non-ingress/egress easements for double frontage lots.

j. Building Information

(1) Proposed building layout with all setbacks to property lines and between buildings.

(2) Proposed building height(s), number of floors, intended uses, and finished floor elevations.

(3) Proposed building size(s) in square feet, which includes all floors, mezzanines, or other similar features.

(4) Parking Information Pursuant to this Code, Section 907:

(a) Calculations showing the number of parking spaces required and a statement as to the number of parking spaces (both standard and compact) to be provided.

(b) Indicate type of paving surface proposed for use on site.

(c) Americans with Disabilities Act spaces and route, including designation of accessible building entrances.

k. Requests for alternative standards, variances, and required fees shall be submitted with the application.

6. Studies and Other Required Submittals

The following submittals may be required based on location within the County and/or development type proposed:

a. Listed Species Site Survey: If the site is shown on Map 3-1 in the Comprehensive Plan, as a location for known listed species habitat.

b. Provide a narrative meeting the requirements of Section 809, Cultural Resources.

c. Traffic Impact application and study, if applicable, pursuant to Section 901.5.

d. Substandard Road application and Analysis pursuant to Section 901.2.

e. Access Management Application pursuant to Section 901.3.

C. Standards of Review

The County Administrator or designee shall determine whether the application:

1. Meets the technical requirements of this Code.

2. Meets the requirements of the FLU Classification and Zoning District applicable to the subject property.

3. Meets the concurrency requirements established by this Code.

D. Form of Decision

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

E. Effect of Approval

Approval of a PSP authorizes the developer to apply for:

1. Stormwater Management Plan and Report review, and

2. Construction plan review.

F. Time Limit on Approval

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

1. The Building Permits for the entire project must be issued within six (6) years of the PSP approval.

2. An applicant may request a one (1) year 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. In the event a PSP expires, all subsequent submittals shall comply with the regulations in effect at the time of the said submittals.

4. In the event that the developer does not comply with these provisions, all plans for the project shall be deemed void.

G. Prohibitions

1. Development of land shall not be commenced in the unincorporated are of the County by any person, unless a Development Permit authorizing such development has been obtained from the County, and the procedures established by this Code have been followed by the person requesting development approval.

2. No person shall commence, authorize, allow, or complete any development which does not conform to or abide by the terms and conditions of an approved permit and to the requirements of this Code.

3. It shall be unlawful for anyone who is the owner of any land or agent of the owner, to transfer, or convey such land by reference to, exhibition of, or other use of a site plan or a plat of a subdivision of such land, without having submitted the required site plans, plans, and plat of such subdivision and received approval in accordance with this Code, and without having recorded the approved subdivision plat, unless platting is not required.

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 Site Development Permit.

403.4. **Stormwater Management Plan and Report**

A. Intent and Purpose

The Stormwater Management Plan and Report is used to ensure that the stormwater management system will be constructed in accordance with the standards of this Code, Section 902.

B. Exemption for Limited Family-Lot Divisions

For Limited Family-Lot Divisions located outside of drainage basins of special concern or closed basins, the Stormwater Management Plan and Report requirements may be waived by the County Administrator or designee provided that adequate assurance, such as a Southwest Florida Water Management District exemption, is given, that no improvements are required and or proposed.

C. Submittal Requirements

1. The Stormwater Management Plan and Report shall substantially conform to the preliminary plans or preliminary site plans as approved. Stormwater Management Plans and Reports may be approved only after the preliminary plans or preliminary site plans have been formally approved, unless it is part of a simultaneous submission pursuant to Section 403.7. An applicant shall submit required information in the form and within the time as specified by the County Administrator or designee.

   Plans shall be drawn at a readable scale, signed, and sealed by a Florida Registered Engineer. The application package shall include sufficient information for the County Administrator or designee to evaluate the environmental characteristics of the affected area, the potential and predicted impacts of the proposed activity on area surface waters, and the effectiveness and acceptability of those measures proposed by the applicant to reduce adverse impacts.

2. The Stormwater Management Plan and Report shall contain, as a minimum, the following information:

   a. The names, addresses, e-mail addresses, and telephone numbers of the applicant and the engineer.

   b. The location map.

c. The predevelopment, environmental, and hydrological conditions of the site, and/or receiving waters and wetlands shall be described in detail, including the following:

(1) The direction, peak-flow rate, and for closed basins, the volume of predevelopment stormwater runoff.

(2) The locations on site where predevelopment stormwater collects or percolates into the ground.

(3) A description of all water courses, water bodies, and wetlands on or adjacent to the site or into which stormwater from the site flows.

(4) Seasonal high water table elevations.

(5) Location of 100-year flood plain or best available information.

(6) Description of vegetation on and adjacent to the site.

(7) Topography.

(8) Soils.

(9) Location of drainage basins and subbasins.

(10) Rainfall data for the appropriate design storm.

(11) Natural Resources Conservation Service (NRCS) curve numbers.

d. Proposed postdevelopment conditions of the site shall be described in detail, including:

(1) Areas to be filled, graded, and/or excavated.

(2) Areas where vegetation will be cleared or otherwise removed.

(3) The size and location of nonresidential buildings or other structures. The typical lot layout shall be used to compute the coefficient of runoff.

(4) Location of drainage basis and subbasins.

(5) NRCS curve numbers.

(6) Effect of any proposed open space irrigation systems.

e. All components of the drainage system and any measures for the detention, retention, or infiltration of water or for the protection of water quality shall be described in detail, including:

(1) The direction, flow rate, and for closed basins and drainage basins of special concern, the volume of stormwater that will be conveyed from the site, if any, with a comparison to the predevelopment conditions.

(2) Detention and retention areas, including plans for the discharge of waters.

(3) Areas of the, if any, site to be used or reserved for percolation.

(4) A plan for the control of erosion, which describes in detail the type and location of control measures.

(5) Any other information which the developer or the County Administrator or designee believes is necessary for an evaluation of the Stormwater Management Plan.

D. Standards of Review

The County Administrator or designee shall be responsible for approving or disapproving all Stormwater Management Plans and Reports. The County Administrator or designee shall not approve any Stormwater Management Plans and Reports until the said plans and reports comply with this Code and the Comprehensive Plan.

Prior to approval or disapproval, the County Administrator or designee shall determine whether the plans:

1. Are consistent with this Code.

2. Provide design features which address the protection of the public health, safety, and welfare.

3. Are consistent with the Goals, Objectives, and Policies set forth in the adopted Comprehensive Plan.

4. Provide for necessary public improvements or facilities.

E. Form of Decision

The determination shall be made in writing specifying provisions, standards, conditions, or design specifications, which must be met in order to ensure

compliance with the standards set forth in this Code and the Comprehensive Plan.

In disapproving a Stormwater Management Plan and Report, the County Administrator or designee shall provide reasons for such action, making reference to specific sections of this Code.

F. Effect of Approval

1. Approval of a Stormwater Management Plan and Report shall constitute authority solely for the clearing, grubbing, and grading, including cut and fill, in conformity with the approved plans, provided that any clearing, grubbing, and grading requiring other governmental approvals or permits shall not commence until such approvals or permits have been obtained.

2. In Minor Rural Subdivisions and Limited Family-Lot Divisions, improvements identified in the Stormwater Management Plan and Report may be installed without other permits; e.g., Construction Plan approval, when no other plans or improvements are required.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 403. SITE DEVELOPMENT

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.

B. Submittal Requirements

Prior to installing improvements, the developer shall submit construction plans. All sheets shall be signed and sealed by a Florida registered engineer. An applicant shall submit the required information on the form as specified by the County Administrator or designee.

The construction plans for any portion of a proposed development shall substantially conform to the preliminary development plans or preliminary site plans and Stormwater Management Plan and Report, as approved.

Construction plans shall, at a minimum, conform to the following requirements:

1. The construction plans shall be drawn to a scale of 1":50' or larger (or other scale, if approved by the County Administrator or designee) and shall be submitted with the engineering specifications for the following improvements:

    a. Water: Existing and proposed water supply and/or distribution system.

    b. Sanitary sewerage system: Horizontal and vertical alignments, shall be shown graphically, in the plan profile, of existing and proposed sanitary sewage collection and/or treatment system. If septic is being proposed, the location of tank and drainfield.

    c. Drainage facilities, showing horizontal and vertical alignments, shall be shown graphically, in the plan profile, of both natural and man-made systems; i.e., storm sewer systems and retention/detention ponds. The cover sheet of the construction plan shall provide a statement indicating whether the drainage plan provided was based on the existing field conditions of the abutting property or was based on the proposed development design of the abutting property.

    d. Streets and Circulation: Proposed design speed, vertical and horizontal alignment, pavement cross section, structural

components, design calculations, and, where applicable, proposed street names pursuant to Section 901.9.

e. Flood zone delineation, base flood elevation, when available, and the Federal Emergency Management Agency's current Florida Insurance Rate Map Panel Reference.

f. Pedestrian and bicycle facilities, where applicable.

g. Parks, where applicable.

h. Existing contours at maximum two (2) foot intervals and proposed lot grades.

i. Proposed landscaping, open space and required buffers.

j. Easements, existing and proposed.

k. Traffic control device plan showing all required signs and pavement markings and informational signs; i.e., street signs.

l. The plans shall certify that the roadway system is in substantial conformance with the *Manual of Uniform Minimum Standards for Design, Construction*, *and Maintenance of Streets and Highways,* State of Florida, in effect at the time the plans are prepared.

m. Fire protection system.

n. For subdivisions, a plan showing lot lines, minimum lot sizes, lot numbers and phasing, designating each phase by number or letter with a heavy line border and a lot type typical showing minimum lot sizes, at a scale appropriate with the size of the tract.

o. Any other items required by the County Administrator or designee that are necessary for review prior to a final decision of the construction plans for the subject development.

p. Geotechnical/geological engineering report meeting the requirements of this Code, Section 807.

q. Erosion and Sedimentation Control Plan.

2. When deemed necessary, the County Administrator or designee may require the submission of engineering calculations in support of any of the proposed construction plans and specifications submitted under this Code.

C. Standards for Approval

The County Administrator or designee shall not approve any construction plans unless the said plans, specifications, or proposed alternative standard meets the technical requirements of this Code are consistent with the Comprehensive Plan and substantially conform to the preliminary development plans or preliminary site plans.

Construction plans may be approved only after the preliminary development plans or preliminary site plans and the Stormwater Management Plan and Report have been formally approved.

D. Form of Decision

The approval or denial shall be made in writing. The approval shall specify provisions, standards, conditions, or design specifications, which must be met in order to ensure compliance with the standards for approval.

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

E. Effect of Approval

The written approval authorizes:

1. The installation of improvements in accordance with the approved construction plans upon the posting of the hard copy Site Development Permit on the construction site. The hard copy Site Development Permit will be issued upon satisfactorily resolving any conditions of approval. The hard copy Site Development Permit must be posted on-site during construction in a location easily visible from the street. In no case may construction requiring other governmental approvals or permits commence until such approvals or permit have been obtained.

2. The issuance of Building Permits for construction of buildings or structures in the area for which preliminary site plan construction plans have been approved. No final inspection or Certificate of Occupancy (CO) shall be issued until after completion of all approved improvements and compliance with Section 309.

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

   For model center dwelling or noncommercial clubhouse structures, provided; however, the requirements of concurrency in accordance with this Code have been met. A CO for such uses may be issued provided all those approved

improvements necessary to service the structures are complete, or ensured as otherwise provided in this Code.

4. The developer to apply for final plat review.

F. Consideration of Adjacent Development

Prior to construction of any development where the construction plans were designed and engineered based on the proposed construction of an abutting development, the developer shall provide one of the following to the County Administrator or designee:

1. A statement that the site has been reviewed and the construction plan, as approved, needs no modifications to accommodate the existing field conditions.

2. Revised construction plans to accommodate the existing field conditions.

G. Waiver of Construction Plan for Limited Family-Lot Divisions (LFLD) and Minor Rural Subdivisions (MRS)

For LFLD and MRS construction plan requirements may be waived by the County Administrator or designee provided that no improvements are proposed or required.

H. Simultaneous Submissions

Pursuant to Section 403.8, the developer may submit simultaneous submissions.

CHAPTER 400. PERMIT TYPE AND APPLICATIONS

SECTION 403. SITE DEVELOPMENT

403.6. Fill

A. Intent and Purpose

The intent and purpose of this section is to regulate the placement of fill, as fill activity may cause adverse impacts to watersheds, drainage patterns, native habitats, air, and water quality and may create erosion and sedimentation problems. In addition, unauthorized changes in topography, including filling of drainageways and relocating conveyances, could increase the flood potential and the impact of a destructive storm on human life, private structures, and public facilities.

B. Applicability

This section shall apply to all fill activity within unincorporated Pasco County.

C. Exemptions from Site Development Permit Requirements for Fill

The following activities are exempt from the permit requirements of this section, but shall nonetheless be required to meet the substantive standards of this section:

1. Fills of less than 10,000 cubic yards on parcels that are five (5) acres or larger. Where fills of greater than 10,000 cubic yards are proposed on parcels that are five (5) acres or larger, a site development permit shall be required.

2. Fills of any size within the footprint of a structure for which a Building Permit has been issued.

3. Fills of less than five (5) cubic yards, provided that cumulative fills do not exceed five (5) cubic yards.

4. Fills that have been authorized with construction plan approval.

5. Fill incidental to agricultural operations on a parcel of land that is classified by the County Property Appraiser as bona fide agricultural land under the agricultural assessment provisions of Section 193.461, Florida Statutes. Fills that are not incidental to agricultural operations require a permit under the same conditions as any other permit, even if proposed on a parcel that is classified by the County Property Appraiser as bona fide agricultural land under the agricultural assessment provisions of Section 193.461, Florida Statutes.

D. Prohibitions and Requirements

1. Fill may not be placed on any property without prior approval in the form of a Development Permit.

2. No fill may be placed within a wetland or designated special flood hazard area identified as a velocity zone or a floodway, except as allowed in conjunction with a Building Permit for a principal structure or a preliminary site plan. If allowed, the fill shall be placed to the standards of this Code and the applicable *Technical Bulletin* as issued by the Federal Emergency Management Agency.

3. Fill shall be placed in a manner so as to ensure no fugitive particulate interference with neighboring properties.

4. Fill shall be placed so as to allow for the continued viability of protected trees on site.

E. Generally

Prior to the issuance of such permit, a plan drawn to scale or accurately dimensioned shall be submitted for review and approval which shows the following:

1. Legal description and boundaries of the property, or a parcel ID number, or an address.

2. Location of all wetlands.

3. Location of all trees of ten (10) inches diameter at breast height or larger, within the proposed fill area.

4. Sketch or drawing showing the location of the proposed fill and location and depth of any drainage improvements (pond, pipe, swale, etc.).

5. Flow arrows showing the direction of the existing drainage flow.

6. Proposed fill volume.

7. Existing and proposed elevation of property.

F. Specific Requirements or Standards and Approval Criteria

Prior to the issuance of any permit for a fill, the County Administrator or designee shall examine the plan and shall determine whether the proposed fill adversely affects the drainage pattern of the surrounding area, floodplain management, wetland setbacks, and ultimate County drainage plan or existing patterns. In addition to meeting the requirements for all plans as set out above, if required by the County or if a permit is sought after placement of

fill for which a permit was required (known as an "after-the-fact fill permit"), the plan shall show the following:

1. The existing and proposed grades, including the proposed fill volume;

2. The existing and proposed drainage improvements and their depth (pond, pipe, swale, etc.);

3. The existing and proposed topography, including surface water areas and the existing and proposed direction of the drainage flow;

4. Contain scaled drawings; and

5. Be signed and sealed by a Florida registered engineer and shall show a positive outfall of overflow into the County drainage system.

The plan, once approved, shall become a condition upon which the fill is permitted, and any change or addition shall constitute a violation of this section unless such change or addition is examined by the County Administrator or designee according to the same criteria required for the original issuance of the permit and is approved in writing.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 403. SITE DEVELOPMENT

403.7. Mass Grading

A. Intent and Purpose

The Mass Grading Plan is used when an applicant wishes to clear land and perform grading activities on a site and when only stormwater pipes or retention/detention devices are proposed. The Mass Grading Plan will be reviewed to ensure that the work will be constructed in accordance with the standards of this Code, Section 902.

B. Submittal Requirements

An applicant shall submit required information in the form as specified by the County Administrator or designee.

Plans shall be drawn at a readable scale, signed, and sealed by a Florida registered engineer. The application package shall include:

1. Applicant Information

   a. Proof of Ownership; i.e., copy of deed.

   b. Agent of Record Letter, if applicable.

   c. Application fee.

2. General Information to be Shown on Plan

   a. Pictorially show parcel.

   b. A legend, title, and number of revision(s); date of preliminary site plan and revision(s); scale of plan; north arrow; acreage in the parcel; and names, mailing addresses, e-mail addresses, and telephone numbers of the developer, owner, surveyor, and engineer.

   c. Phasing plan (if applicable) designating each phase by number or letter and heavy line border at an appropriate scale. The phasing plan shall be accompanied by a narrative addressing at a minimum:

      (1) Maximum area or the site to be exposed at any one time;

(2) Provisions for the preservation of natural land and water features, vegetation, drainage, and other natural features of the site;

(3) Provisions for actions to be taken to create or contribute to flooding, erosion, increased turbidity, siltation, or other forms of pollution in a watercourse; and

(4) Provisions for installation of stabilization/vegetation of the site.

3. Map Information

a. A location map showing the relationship between the site proposed for development and surrounding developments or lots, including a current aerial photograph, which in no case shall be older than that available from the Pasco County Property Appraiser's Office, with boundaries of development and roadway layout delineated. The location map shall show all major County roads within one (1) mile of the development project.

b. All existing and planned arterials and collectors (transportation corridor[s]) within the proposed development and within one (1) mile of the proposed development.

c. Wellhead Protection Areas and Special Protection Areas for all Community Water System supply wells within the proposed development and within 1,000 feet of the proposed development.

4. Existing Site Information to be Shown on Plan

a. A legal description sufficient to describe the size and location of the parcel.

b. Existing Streets: The name, location, right-of-way width, and pavement status; i.e., dirt, limerock, concrete, asphalt, etc., of all existing streets, platted or recorded easements, other rights-of-way, and platted streets within 200 feet of the proposed development.

c. Existing platted or recorded easements or rights-of-way for drainage, pedestrian ways, bridle paths, or bicycle paths, etc., including location, width, design criteria, and purpose within 200 feet of the proposed development.

d. Configuration of that portion of abutting developments within 20 feet with preliminary site plan approval; preliminary plan; or, if platted, with Plat Book and page number shown.

e. Existing storm sewers, potable water facilities, and sewerage facilities on or abutting the tract within 200 feet.

f. Other existing structures or uses on site and a statement as to the intended future use.

g. Existing contours at a maximum of two (2) foot intervals, based on the National Geodetic Vertical Datum of 1929, identifying the tract to be developed and, where practicable, extending a minimum of 100 feet beyond the tract boundary. A note stating the basis of the vertical datum shall be shown on the drawing. After October 1, 2011, the submittal shall be based on the NAVD88.

h. Present use of the property proposed for development.

i. Future Land Use Classification and Zoning District of the parcel proposed for development and that of abutting land.

j. Dates and reference numbers of rezonings, special exceptions, variances, conditional uses, vested rights, or preliminary plans that have been granted, if applicable.

k. Approximate location and acreage of natural features, including lakes, marshes or swamps, watercourses, and other jurisdictional areas.

l. Identify any historic resources on site.

m. Wetland Delineation/Identification

Provide documentation in the form of a survey, sketch, or aerial that delineates the location of the Categories I, II, or III wetland areas, as defined in the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy Nos. 1.3.1, 1.3.2, 1.3.3, 1.3.4, and 1.3.5, and provide the acreage for each wetland classification type.

n. All land within the proposed development which is located in a transportation corridor.

o. The Base Flood Elevation, where available, and delineation of flood zone(s) shall be superimposed on the preliminary plan in accordance with the latest Flood Insurance Rate Map published by the Federal Emergency Management Agency (FEMA) or latest study as accepted by the FEMA. All

development proposals greater than five (5) acres shall include within such proposals Base Flood Elevation data.

p. Tree data sufficient to enable evaluation in accordance with this Code, Section 802.

q. The predevelopment, environmental, and hydrological conditions of the site and/or receiving waters and wetlands shall be described in detail, including the following:

(1) The direction; peak-flow rate; and for closed basins, the volume, of predevelopment stormwater runoff.

(2) The location of areas on the site where predevelopment stormwater collects or percolates into the ground.

(3) A description of all water courses, water bodies, and wetlands on or adjacent to the site or into which stormwater flows.

(4) Seasonal high water table elevations.

(5) Location of 100-year flood plain or best available information.

(6) Description of vegetation.

(7) Topography.

(8) Soils.

(9) Location of drainage basins and subbasins.

(10) Rainfall data for the appropriate design storm.

(11) Natural Resources Conservation Service (NRCS) curve numbers.

5. Proposed Development

a. Proposed postdevelopment conditions of the site shall be described in detail, including:

(1) Areas to be filled, graded, and/or excavated.

(2) Areas where vegetation will be cleared or otherwise removed.

(3) The size and location of nonresidential buildings or other structures. The typical lot layout shall be used to compute the coefficient of runoff.

(4) Location of drainage basis and subbasins.

(5) NRCS curve numbers.

(6) Effect of any proposed open space irrigation systems.

b. All components of the drainage system and any measures for the detention, retention, or infiltration of water or for the protection of water quality shall be described in detail, including:

(1) The direction; flow rate; and for closed basins and drainage basins of special concern, the volume, of stormwater that will be conveyed from the site, if any, with a comparison to the predevelopment conditions.

(2) Detention and retention areas, including plans for the discharge of waters.

(3) Areas of the site, if any, to be used or reserved for percolation.

(4) A plan for the control of erosion, which describes in detail the type and location of control measures.

(5) Any other information which the developer or the County Administrator or designee believes is reasonably necessary for an evaluation of the stormwater management plan.

c. Tree plan prepared or approved by a registered landscape architect as authorized by Chapter 481, Florida Statutes, as amended, or other type of professional as approved by the County Administrator or designee, demonstrating compliance with this Code, Sections 802 and 905.

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

e. Requests for alternative standards or variances shall be filed with the application.

6. Studies and Other Required Submittals

The following submittals may be required based on location within the County and/or development type proposed:

a. Listed Species Site Survey. If the site is shown on Maps 3-1 in the Comprehensive Plan, as a location for known listed species habitat.

b. A narrative meeting the requirements of Section 809, Cultural Resources.

c. Traffic Impact Study and application pursuant to Section 901.5.

d. Substandard Road Analysis pursuant to Section 901.2.

e. Access Management Application pursuant to Section 901.3.

C. Standards for Approval

The County Administrator or designee shall not approve any Mass Grading Plans unless the said plans and reports meet the technical requirements of this Code and are consistent with the Comprehensive Plan.

D. Form of Decision

The approval or denial shall be made in writing. The approval shall specify provisions, standards, conditions, or design specifications, which must be met in order to ensure compliance with the Standards for Approval.

In disapproving a Mass Grading Plan, the County Administrator or designee shall provide reasons for such action, making reference to specific sections of this Code.

E. Effect of Approval

Approval of a Mass Grading Plan shall constitute authority solely for clearing, grading, cut and fill, and the installation of stormwater pipes and retention/detention devices in accordance with the approved plans upon the posting of the hard copy Site Development Permit on the construction site. The hard copy Site Development Permit will be issued upon satisfactorily resolving any conditions of approval. The hard copy Site Development Permit must be posted on site during construction in a location easily visible from the street. In no case may construction requiring other governmental approvals or permits commence until such approvals or permits have been obtained.

F. Time Limit on Approval

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

1. The improvements must commence within two 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. In the event that the developer does not comply with these provisions, all plans for the project shall be deemed void.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 403. SITE DEVELOPMENT

403.8. Simultaneous Submissions

A. The applicant may simultaneously submit preliminary site plans, stormwater management and construction plans; or preliminary development plans (residential or nonresidential/mixed use), stormwater management and construction plans; or stormwater management and construction plans. All plans submitted shall be signed and sealed by a Florida registered engineer.

B. Required Information. The applicant shall submit information required by this Code.

C. Review Criteria. Simultaneous submissions shall be evaluated using the same process and review criteria as nonsimultaneous submissions and be subject to those provisions of Chapter 300, as applicable.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 403. SITE DEVELOPMENT

403.9. Modifications to Development Approvals

A. Substantial Modifications

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

1. The modification consists of a five (5) percent cumulative increase in density or intensity (square footage).

2. The modification would require additional review or compliance based on other sections of this Code, the Comprehensive Plan, State or Federal law, and/or conditions that were previously imposed on the development.

3. The approval or portion of the approval has expired or been deemed void pursuant to the terms of this Code or applicable law.

Only those portions of the development that are affected by the substantial modification are subject to additional review or compliance with subsequently adopted provisions of this Code, the Comprehensive Plan, and applicable provisions of State or Federal law.

B. Nonsubstantial Modifications

Nonsubstantial Modifications Applications shall consist of a narrative describing the proposed changes, as well as plans depicting the proposed changes. Nonsubstantial modifications are not required subject to subsequent amendments of this Code after adoption of the original approval unless it would cause an approval to be inconsistent with the Comprehensive Plan or contrary to the protection of public health and safety.

C. Modifications Requiring a Public Hearing

The following modifications shall require a public hearing:

1. Modifications requiring a variance.

2. Modifications to a condition of approval specifically imposed by the Development Review Committee (DRC).

3. Modifications, including alternative standards that were specifically denied by the DRC.

These modifications shall be approved, approved with conditions, or denied by the DRC or Board of County Commissioners (BCC), as applicable, utilizing the applicable procedures and standards as set forth in this Code.

D. Mistake of Law

If the BCC, DRC, or County Administrator or designee, due to a mistake of law by the County results in a previously approved development, or portion thereof, to not be adequately reviewed for compliance, the development shall not be subject to additional review for compliance with those regulations, as amended, that were not applied due to the mistake of law.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 404. OPERATING PERMITS

404.1. Minor Land Excavation

A. Intent and Purpose

The intent and purpose of this section is to protect the public health, safety, and general welfare; to ensure that land excavation is conducted in a manner compatible with the overall development of the County; and to ensure that land excavation, a temporary land use, is carried out in such a manner so as to concurrently provide for the development of the said lands for productive use.

A Minor Land Excavation Operating Permit is used to:

Evaluate in detail the proposed operating plans for a minor land excavation operation; and

Ensure that, if approved, a minor land excavation operation is conducted in a manner consistent with the requirements of this Code, the Comprehensive Plan, and in the best interest of the health, safety, and welfare of the County and its citizens.

B. Applicability

This section shall apply to all land excavation within the unincorporated areas of the County where excavation is equal to or less than 30,000 cubic yards.

The land excavation must be operated primarily for the construction of a stormwater system, lake cleaning and/or improvement, or for bona fide agricultural purposes, including the creation of cattle, retention, or other small ponds.

Any land excavation penetrating the aquitard, regardless of amount of excavation, shall be considered mining and subject to the requirements this Code, Section 404.3.

C. Exemption

The following activities are exempt from obtaining a Minor Land Excavation Operating Permit:

1. Excavation which is moved from phase to phase within or between approved developments without using publicly dedicated rights-of-way, roadways, or easements. Crossing publicly dedicated rights-of-way, roadways, or easements is not considered as using same.

2. Excavation in connection with the construction, maintenance, and repair of a public facility, public improvement, or public roadway.

D. Application Requirements

The application for a Minor Land Excavation Operating Permit shall include plans drawn at a readable scale, signed and sealed by a Florida registered professional engineer. The application package shall include:

1. Applicant Information

   a. Proof of ownership; i.e., copy of deed.

   b. Agent of Record letter, if applicable.

   c. Application fee.

2. General Information

   a. A legend, title, and number of revision; date of plan and revision(s); scale of plan; north arrow; acreage in the project; and names, addresses, e-mail addresses, and telephone numbers of the developer, owner, surveyor, and engineer.

   b. The legal description of and the nature of the applicant's legal interest in any and all lands upon which any operations are proposed, and a metes and bounds boundary survey certified by a Land Surveyor registered in the State of Florida, of all or any part of the boundary of the applicant's property.

3. Map Information

   The location map showing the relationship between the site proposed for excavation and surrounding properties, including a current aerial photograph. The aerial shall not be older than that available at the County Property Appraiser's Office and shall have the boundaries of the site delineated. The location map shall show all major County roads within one (1) mile of the site.

4. Narrative. A description of overall operation including a statement of where and how the material excavated will be disposed.

5. Site Plan

   a. Show the property and location of the areas to be excavated, including all setbacks.

b. A cross section of the proposed pond (hole) showing the proposed slopes, proposed depth of the excavated area, and the approximate volume to be excavated.

c. Show the placement or disposition of excavated material.

6. A permit or an exemption letter from the Southwest Florida Water Management District (SWFWMD) (Brooksville, telephone [800] 423-1476).

E. Application Processing

1. An application for a Minor Land Excavation Operating Permit shall be reviewed by all appropriate review agencies as determined by the County Administrator or designee.

2. The County Administrator or designee shall evaluate the request for Minor Land Excavation Operating Permit and shall:

a. Approve the application as proposed;

b. Approve the application with modifications; or

c. Deny the application.

The approval of a Minor Land Excavation Operating Permit may be subject to specific conditions deemed necessary by the County Administrator or designee and appropriate for the fulfillment of the purposes of this Code. The Conditions of Approval shall be stated on the face of the Minor Land Excavation Operating Permit or may be incorporated by reference to any document which shall be attached to the permit.

F. Terms of Permit and Effect of Approval

1. The effective date of any Minor Land Excavation Operating Permit shall be the date of issuance or other date specified on the face of the permit.

2. A Minor Land Excavation Operating Permit shall be valid for twelve (12) months.

3. A permit shall be issued only in the name of the applicant and may be transferred only when the interests of the permittee in the lands that are the subject of the permit are to be transferred. Transfer of the permit requires notification to the County prior to the transfer. All terms and conditions of the permit shall run with the permit as well as with the land.

4. The Scope of Operations to be permitted under any Minor Land Excavation Operating Permit shall only be as specified in the Minor

Land Excavation Operating Permit (which may incorporate by reference, the whole or any part of any Plan of Operations submitted as a portion of the application for the permit) or any condition thereon imposed by any County department or public agency.

5. The permittee shall allow designated representatives of the County Administrator or designee access to the premises of any operations conducted thereunder during the hours of operation for the purpose of monitoring compliance with the terms and conditions of the permit; this Code; and rules and regulations adopted hereunder; or any applicable Federal, State, or local regulation.

6. The permittee(s) and the fee simple owner(s) shall be subject to absolute liability to the County to complete any reclamation of lands and to conduct the land excavation operations as required by the Minor Land Excavation Operating Permit, this Code, and any other applicable rules or regulations.

7. All permits must be kept at the land excavation site and readily available for inspection by local enforcement personnel upon request.

G. Prior to Excavation Activity

1. Prior to initiation of land excavation activities authorized by the permit, the applicant shall erect signs alerting motorists to haul traffic entering the roadway. Such signs shall be erected to County standards.

2. The applicant shall obtain all necessary permits from the SWFWMD, the Florida Department of Environmental Protection (FDEP), and other regulatory agencies, as appropriate, prior to commencing operations under this permit. These agencies' permits shall be provided to the County. All regulations, rules, and orders of Federal, State, and local agencies are made part of the Conditions of Approval.

H. Site Standards

1. Construction and Operations

a. The land excavation is measured from the original ground level.

b. The land excavation must have side and back slopes constructed to a three to one (3:1) or flatter grade.

c. Land excavation for other than construction of a stormwater management system shall not be permitted within 100 feet of the permittee's property line.

d. Prior to excavation, the perimeter of the excavation shall be adequately staked to delineate the excavation. These stakes

shall be maintained throughout the duration of excavation and reclamation. The County may require a legal description of the excavation area when necessary for determining staking and location of the excavation.

2. Reclamation Standards

Excavated areas will be considered as reclaimed when all applicable provisions are met:

a. The surrounding and excavated land is sufficiently level and free of holes, gullies, and washouts to permit safe operations of conventional farm and agricultural equipment, or other maintenance equipment.

b. The surrounding and excavated land has settled and firmed to the extent that it will support conventional farm and agricultural activities or other suitable use, and that no unreasonable hazards or limitations are imposed for other ordinary uses of land.

c. The surrounding and excavated lands are vegetated.

d. Any permanent body of water will have a slope of one (1) (vertical) to four (4) (horizontal) from water's edge to the minimum depth. For the purpose of calculating the total area reclaimed, such bodies of water shall be counted as well as the land surface area.

e. Drainage facilities are constructed in accordance with this Code.

I. Operational Standards

1. The land excavation operation shall be fenced and gated or otherwise secured to prevent unauthorized or uncontrolled access.

2. Unless otherwise allowed, the hours of operation shall be limited to daylight hours between 7:00 a.m. and 7:00 p.m. only. No excavation activities shall be conducted on Sundays and County designated holidays.

3. The operator or an employee must be present at the site during all hours of operation.

4. Environmental

a. Excavation shall not proceed to a depth that breaches an aquitard. In those geographical areas of the County where there is not an aquitard present, excavation shall not proceed

to within four (4) feet of the underlying limestone which is part of a drinking water aquifer. It shall be assumed that excavation that exceeds either of these criteria shall constitute adverse groundwater effects.

b. Ambient and other noises resulting from the permit operations shall not result in public nuisances as measured at the permittee's property lines and shall not generate noise in excess of that allowed by any local, State, or Federal statute or code.

c. All excavation operations shall be performed in a manner which will prevent vibrations of the soil from reaching a magnitude sufficient to cause damage of any kind to persons or property outside of permittee's exterior property lines.

d. No blasting or other use of explosives shall be allowed.

e. Groundwater extractions shall not exceed the available water supply as determined by the BCC or by any other applicable regulatory agency, whichever is the most restrictive.

f. The disposal or discharge of any potentially hazardous or toxic materials into the excavated hole shall be prohibited.

g. The applicant shall be responsible for the control of fugitive dust particulate arising from the facilities. Such control shall prevent the creation of nuisance conditions on adjoining property.

h. No open burning shall be allowed.

i. No water will be diverted from natural stream channels or lakes, nor shall stream channels be translocated except as provided in the approved land excavation and reclamation plan, including any approved amendment thereto.

5. Supervision and Control of Operations

a. The permittee shall allow designated representatives of the County Administrator or designee access to the premises of any operations conducted thereunder during the hours of operation for the purposes of monitoring compliance with terms, conditions of the permit, and this Code.

b. Copies of all reports or notices required of the permittee by any agency or department of the State, specifically including, but not restricted to, the FDEP and the SWFWMD, shall be provided to the County Administrator or designee within ten (10) days of filing with the other entity.

J. Prohibitions

No minor land excavation for which a permit is required by this section shall be conducted within the County, except within the scope of a valid Operating Permit by the County Administrator or designee.

K. Suspension, Modification, or Revocation of Permit

Failure to comply with the County, State, or Federal statutes, rules, or regulations governing minor land excavation may constitute grounds for suspension or revocation of the Minor Land Excavation Operating Permit. Upon a determination of noncompliance, the County Administrator or designee shall notify the owner and operator/permittee of the nature of the noncompliance and may order corrective action. If the owner and operator fail to comply or take the ordered corrective action, the County Administrator or designee may notify the BCC, who may schedule a public hearing to consider suspension or revocation of the Operating Permit. After due public notice of the said hearing, the BCC shall conduct the said hearing giving all interested persons the opportunity to be heard, present testimony and evidence, and cross-examine witnesses. If, after consideration of the testimony and evidence, the BCC determines that grounds for suspension exist, the BCC may take one (1) or a combination of the following steps:

1. Order appropriate corrective action.

2. Modify the existing conditions or impose additional, more stringent conditions on the permit.

3. Suspend the permit until appropriate, corrective action is taken or additional or modified conditions are complied with. While a permit or any part of a permit is suspended, no operations authorized by the suspended portion of the Operating Permit shall be carried out. A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected.

4. Revoke the permit. Copies of all notices and orders sent to the permittee by the County Administrator or designee as well as reports of compliance or appeals to the BCC from the permittee shall be sent by the County Administrator or designee to any agency involved in the permit process.

L. Enforcement Violations

In addition to suspension, modification, or revocation of the Operating Permit, violation of this section may be addressed through any of the enforcement methods in this Code, Section 108.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 404. OPERATING PERMITS

Generally. Operating permits are required for the following uses, where an understanding of the method of operation of the proposed facility is essential to the evaluation of a conditional use application and to ensure compliance with the requirements of this Code.

404.2. Land Excavation Operating Permits

A. Intent and Purpose

The intent and purpose of this section is to protect the public health, safety, and general welfare by ensuring that the extraction of mineral and natural resources is conducted in a manner compatible with the overall development of the County and to ensure that land excavation, a temporary land use, is carried out in such a manner as to provide for the future productive use of such sites.

A Land Excavation Operating Permit is used to:

1. Evaluate in detail the proposed operating plans for a land excavation operation; and

2. Ensure that, if approved, a land excavation operation is conducted in a manner consistent with the requirements of this Code; the Comprehensive Plan; and in the best interest of the health, safety, and welfare of Pasco County and its citizens.

B. Applicability

This section shall apply to all land excavation within the unincorporated areas of Pasco County where excavation exceeds 30,000 cubic yards and does not breach the aquitard, except as provided below.

C. Exemption

The following activities are exempt from obtaining a Land Excavation Operating Permit:

1. Excavation which is moved from phase to phase within or between approved developments without using publicly dedicated rights-of-way, roadways, or easements. Crossing publicly dedicated rights-of-way, roadways, or easements is not considered as using same.

2. Excavation in connection with the construction, maintenance, or repair of a public facility, public improvement, or public roadway.

D. Application Requirements

The application for a Land Excavation Operating Permit shall be that as required for a Mining Operating Permit pursuant to Section 404.3.D.

E. Public Hearing Required

Prior to commencing land excavation operations, a Land Excavation Operating Permit application must be reviewed and approved by the Board of County Commissioners (BCC) after a public hearing held in conjunction with a Conditional Use Permit.

F. Notice

Notice shall be as required pursuant to Section 303.2.B, and the provisions of Chapter 125.66, Florida Statutes.

G. Standards of Approval

The standards of approval shall be as those required for a Mining Operating Permit pursuant to Section 404.3.G.

H. Operating Permit Review

The Land Excavation Operating Permit review shall be as those required for a Mining Operating Permit pursuant to Section 404.3.H.

I. Approval Form, Permit Time Limits, and Activities Required Prior to Commencement

1. The BCC approval shall be in written form and shall constitute a permit for operation of a land excavation subject to the requirements of this Code and the specific requirements, limitations, conditions, and prohibitions contained in the Operating Permit.

2. Permits for operation of a land excavation are not limited in duration and shall correspond to the permittee's approved disposal volume with an annual review for compliance.

3. The effective date of any Land Excavation Operating Permit shall be the date of issuance by the BCC.

4. A permit shall be valid for the volume capacity specified in the Land Excavation Operating Permit.

5. A permit may be issued only in the name of the applicant. Transfer of the permit requires notification to the County prior to the transfer. All terms, conditions, and financial responsibilities shall run with the permit as well as with the land.

6. The Scope of Operations to be permitted under any permit shall only be as specified in the permit (which may incorporate by reference the whole or any part of any plan of operations submitted as a portion of the application for the permit), or any recommendation thereon submitted to and accepted by the BCC by any County department, public or private agency, or individual. A copy of any incorporated recommendation or pertinent part thereof shall be attached to and considered a part thereof.

7. A permittee may seek an amendment of any permit in order to vary or expand the scope or method of its operations at any time by filing an application that follows the procedures outlined for the original application. An amendment deemed necessary in the public interest may be proposed by any member of the BCC; Development Review Committee; County Administrator or designee; or any applicable Federal, State, or local regulatory body.

8. Prior to the issuance of a permit, the applicant shall furnish financial security as required by this section.

9. Following approval of an application by the BCC, the County Administrator or designee shall, upon request, issue a permit to the applicant or his authorized agent, provided that of the required financial security has been submitted to the County.

10. Prior to the initiation of storage or disposal activities authorized by the permit, the applicant shall erect signs alerting motorists to the haul traffic entering the roadway. Such signs shall be erected to County or Florida Department of Transportation standards.

11. The applicant shall obtain all necessary permits from the Southwest Florida Water Management District (SWFWMD), the Florida Department of Environmental Protection (FDEP), and other regulatory agencies, as appropriate, prior to commencing operations. These agencies' permits shall be provided to the County. All applicable statutes, regulations, rules, and orders of Federal, State, and local agencies shall be made a part of the conditions of operations. Where an applicable statute or regulation of another agency is more stringent, that regulation shall apply.

12. A minimum of one (1) up-gradient and one (1) down-gradient monitoring well shall be installed prior to commencement of operations. Installation and sampling of this well will be in accordance with Chapter 62-701, F.A.C.

13. Background water quality for a disposal facility shall be determined by analysis, prior to any disposal of debris, of at least one (1) sample taken from each monitoring well that was installed and each surface water location. All surface water bodies which may be affected by a contaminant release from the disposal facility shall be monitored.

J. Terms of Permit and Effect of Approval

The terms of the Land Excavation Operating Permit and the effect of the approval of that permit shall be as that for a Mining Operating Permit pursuant to Section 404.3.J.

K. Prior to Excavation Activity and On-Going Monitoring

1. Prior to the initiation of land excavation activities authorized by the Operating Permit, the applicant shall erect signs alerting motorists to the haul traffic entering the roadway. Such signs shall be erected to County standards.

2. The applicant shall obtain all necessary permits from the SWFWMD, the FDEP, and other regulatory agencies, as appropriate, prior to commencing operations under this permit. These agencies' permits shall be provided to the County. All regulations, rules, and orders of Federal, State, and local agencies shall be made a part of these conditions of operations.

3. All required premining monitoring shall be undertaken and copies of all reports shall be forwarded to the County Administrator or designee.

4. The applicants shall engage, at their sole expense, the services of an independent testing lab to monitor groundwater quality on a quarterly basis.

5. Prior to any land excavation activity, the applicants shall provide a hydrogeological report to the County prepared by a qualified professional licensed by the State of Florida. The report is to assess the potential for groundwater contamination, including the Floridan aquifer. The allowable depth of excavation will be contingent upon a finding to be determined according to the following criteria that no adverse groundwater effects will be caused by the proposed depth of excavation. Excavation shall not proceed to a depth that breaches an aquitard such that it would allow for lesser quality water to pass either way between the two (2) systems. In those geographical areas of the County where there is not an aquitard present, excavation shall not proceed to within four (4) feet of the underlying limestone which is part of a drinking water aquifer. It shall be assumed that excavation which exceeds either of these criteria shall constitute adverse groundwater effects.

L. Site Standards

Site standards for a land excavation operation shall be as those for a mining operation pursuant to Section 404.3.L.

M. Operational Standards

Operational standards for a land excavation operation shall be as those for a mining operation pursuant to Section 404.3.M.

N. Financial Responsibility

The financial responsibility and owners'/operators' responsibilities for a land excavation operation shall be as those for a mining operation pursuant to Section 404.3.N.

O. Prohibitions

1. The disposal or discharge of any material other than that approved as a part of the reclamation plan into the excavated pit is prohibited.

2. No excavation shall be conducted within the County, except within the scope of a valid Operating Permit issued by the BCC.

P. Suspension or Revocation of Permit

A suspension of operations for a period of two (2) years or more by a permittee shall be cause for revocation of the permit. Any subsequent application for permission to commence excavation shall be treated as an initial application.

Failure to comply with the County, State, or Federal statutes, rules, or regulations governing land excavation may constitute grounds for suspension or revocation of the Land Excavation Operating Permit. Upon a determination of noncompliance, the County Administrator or designee shall notify the owner and operator/permittee of the nature of the noncompliance and may order corrective action. If the owner and operator fail to comply or take the ordered corrective action, the County Administrator or designee may notify the BCC, who may schedule a public hearing to consider suspension or revocation of the Operating Permit. After due public notice of the said hearing, the BCC shall conduct the said hearing giving all interested persons the opportunity to be heard, present testimony and evidence, and cross-examine witnesses. If, after consideration of the testimony and evidence, the BCC determines that grounds for suspension exist, the BCC may take one (1) or more of the following steps:

1. Order appropriate corrective action.

2. Modify the existing conditions or impose additional, more stringent conditions on the permit.

3. Suspend the permit until appropriate, corrective action is taken or additional or modified conditions are complied with. Any Land Excavation Operating Permit shall be subject to suspension or revocation in whole or in part upon a finding of noncompliance with

the terms of the said permit, this Code, or applicable statutes, rules, and regulations. A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected. While a permit or any part of a permit is suspended, no operations authorized by the suspended portion of the Operating Permit shall be carried out. A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected.

4. Revoke the permit. Copies of all notices and orders sent to the permittee by the County Administrator or designee as well as reports of compliance or appeals to the BCC from the permittee shall be sent by the County Administrator or designee to any agency involved in the permit process.

Q. Failure of a permittee to have completed reclamation of any lands as required at the conclusion of any reporting year may subject the permittee(s) to a civil penalty to be paid to the County in an amount equal to the evidence of financial responsibility required to be maintained on account of the lands involved in addition to any other fines and penalties that may apply.

R. Enforcement/Violations

In addition to suspension, modification, or revocation of the Operating Permit, violation of this section may be addressed through any of the enforcement methods in this Code, Section 108.

It shall not be a defense to or grounds for dismissal of any action for damages and civil penalties that the County has failed to exhaust its administrative remedies, has failed to serve a notice of violation, or has failed to hold an administrative hearing prior to the institution of a civil action, or that criminal proceedings or other enforcement proceedings are pending. The failure of the County to enforce any requirements of this Code shall not constitute a waiver of the County's right to enforce this Code with respect to that violation or subsequent violations of the same type or to pursue other remedies.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 404. OPERATING PERMITS

404.3. Mining Operating Permits

A. Intent and Purpose

The intent and purpose of this section is to protect the public health, safety, and general welfare by ensuring that the extraction of mineral and natural resources is conducted in a manner compatible with the overall development of the County and to ensure that mining is carried out in such a manner so as to provide for the development of the said lands for productive uses upon the conclusion of the mining activities.

A Mining Operating Permit is used to:

1. Evaluate in detail the proposed operating plans for a mining operation; and

2. Ensure that, if approved, a mining operation is conducted in a manner consistent with the requirements of this Code; the Comprehensive Plan; and in the best interest of the health, safety, and welfare of the County and its citizens.

B. Applicability

This section shall apply to all mining within the unincorporated areas of the County where excavation will breach the aquitard.

C. Related Activities

Those excavations that do not breach the aquitard:

1. Exceeding 30,000 cubic yards require a Land Excavation Permit (see Section 404.2).

2. Peat Mining which requires a preliminary site plan.

D. Application Requirements

An application for a Mining Operating Permit shall include the following information and plans drawn at a readable scale, signed, and sealed by a Florida registered engineer. The application package shall include:

1. Applicant Information

a. Proof of ownership.

No Operating Permit shall be issued except upon the submission, review, and approval of a fully completed application submitted by the owner of the mineral rights. The application shall be signed by the fee simple owner(s) of the property subject to the application and the owner(s) of the mineral rights if different from the fee simple owner of the said property. The application shall specifically include an acknowledgement that the owner(s) of the mineral rights and the fee simple, property owner(s) are jointly and severally liable for damages resulting from failure to complete reclamation of the land.

b. Agent of Record letter, if applicable.

c. Application fee.

2. General Information to be shown on site plan:

a. A legend, title, and number of revision; date of plan and revision(s); scale of plan; north arrow; acreage in the project; and the names, mailing addresses, e-mail addresses, and telephone numbers of the operator, owner, surveyor, and engineer.

b. Phasing plan, if applicable, designating each phase by number or letter in the order by which the phases will be mined and a heavy line border at a scale appropriate with the size of the project site.

c. The legal description and the nature of the applicant's legal interest in any and all lands upon which any operations are proposed and a metes and bounds boundary survey, certified by a land surveyor registered in the State of Florida, of all or any part of the boundary of the applicant's property.

3. Map information to be shown on site plan:

a. Location map showing the relationship between the area proposed for mining and surrounding properties, including a current aerial photograph with boundaries of the site delineated. The location map shall show all major County roads within one (1) mile of the development boundary.

b. Show all existing and planned arterials and collectors (transportation corridor[s]) within the proposed development and within one (1) mile of the subject property.

c. Show all Wellhead Protection Areas and Special Protection Areas for all Community Water System supply wells within the

proposed development and within 1,000 feet of the subject property.

d. A 1:4800 scale topographic map of the mining site showing the boundaries of the site property and the surrounding adjacent lands to a distance of one (1) mile surrounding the boundaries and outlining all areas within the site which will be involved in the mining operation.

4. Existing Site Information

a. Existing Streets. The name, location, right-of-way width, and pavement status; i.e., dirt, limerock, concrete, asphalt, etc., of all existing streets, other rights-of-way, and platted streets within 100 feet of the subject property.

b. Existing storm sewers, potable water facilities, and sewerage facilities on or abutting the tract within 100 feet.

c. Existing platted or recorded easements or rights-of-way for drainage, pedestrian ways, bridle paths, or bicycle paths, etc., including location, width, and purpose within 100 feet of the subject property.

d. Other existing structures or uses on the project site with a statement as to their intended use.

e. Configuration of that portion of abutting developments within 100 feet with preliminary plan approval, or if platted, with Plat Book and page number shown.

f. Existing contours at a maximum of two (2) foot intervals, based on the National Geodetic Vertical Datum of 1929, identifying the site to be developed and extending a minimum 100 feet beyond the site boundary.

g. Present land use classification and zoning of subject property and abutting land. Plans may not be processed for review without appropriate land use classification and/or zoning.

h. Dates and reference numbers of rezonings, special exceptions, variances, conditional uses, or vested rights that have been granted, if applicable.

i. The approximate location and acreage of natural features, including lakes, marshes or swamps, watercourses, and other jurisdictional areas.

j. Identify registered historic resources.

k. Wetland Delineation/Identification

The applicant shall provide documentation in the form of a survey, sketch, or aerial with the application that delineates the location of the Category I, II, or III wetland areas, as defined in the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy 2.7.3, and provide the acreage for each wetland classification type.

l. Calculations

In addition to the wetland type and acreage information, the applicant shall provide the following:

(1) Cumulative acreage total for Category I, II, and III wetlands.

(2) Acreage total for natural occurring lakes.

(3) Developable acreage.

5. Proposed Mining Operation

a. Proposed layout with all setbacks to property lines and between any on-site buildings.

b. Indicate type of paving surface proposed for use on site.

c. All land within the proposed site which is located in a transportation corridor.

d. Tree data meeting the requirements of this Code, Section 802:

(1) Tree location survey identifying tree(s) ten (10) inch diameter at breast height (dbh) and larger.

(2) Provide, in tabular form:

(a) Total inches of existing trees over ten (10) inch dbh, by live oak and all other trees.

(b) Inches of existing trees proposed to be removed, by live oak and all other trees.

(c) Replacement inches of trees required.

(d) Minimum inches of tree planting requirements and other planted trees.

(3) Tree plan prepared or approved by a registered landscape architect as authorized by Chapter 481, Florida Statutes, as amended, or other type of professional as approved by the County Administrator or designee.

e. Landscape plan.

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

g. A detailed description of the proposed haul route, including the condition relative to the pavement of all roads in the said route.

h. The mining and reclamation plan describing the proposed mining and land reclamation operations and procedures in detail, including scaled maps, supporting documents, and calculations as follows:

(1) The locations of the proposed units to be mined, the sequence of mining, and the estimated periods of time involved.

(2) The locations and dimensions of proposed settling and thickening ponds, if any, together with the heights of their dams.

(3) The location and use description of any physical plant, structure, permanent pipelines, or any other nonmovable object or device to be constructed as a part of the proposed processing operation.

i. The drainage and flood control features to be provided during and following the conclusion of mining operations, including sufficient topographic maps to ensure adequate definition of all drainage characteristics of the applicant's lands and their effects upon neighboring lands; the design calculations; the criteria used for such design; a description of all points of discharge from the applicant's property; an estimate of the rate of such discharge during normal operations as well as annual, twenty-five (25) year, and 100-year floods; and an assessment of the effect that the proposed mining and reclamation operations and drainage and flood control features will have on the natural drainage regime as it existed before the proposed operations begin.

j. Estimates of the amount of wastes and tailings to be created, plans for their disposal, and the proposed time schedule for such disposal, together with scaled working drawings of any treatment facilities.

k. Erosion control measures specifying the extent, density, and type of trees, grasses, or other plantings.

l. An abstract and interpretation of the results of exploratory drilling showing the elevation of the top and base of the mineral zone, geologic nature of both underlying and overlying materials, and preoperational water levels encountered in the drill or auger holes.

m. A detailed reclamation plan for all disturbed areas and a time schedule for reclamation that meets all applicable provisions of this Code.

6. Other Required Submittals

a. Copies of a title search identifying all interested parties to both the fee simple and mineral rights of the parcel.

b. Copies of an Ownership and Encumbrance Report prepared by a title insurance company or attorney at law.

c. Listed Species Site Survey: If the site is shown on Map 3-1 in the Comprehensive Plan as a potential location for known listed species habitat.

d. A narrative meeting the requirements of Section 809, Cultural Resources.

e. Traffic Impact Study pursuant to Section 901.5.

f. Substandard Road Analysis pursuant to Section 901.4.

g. Access Management Application pursuant to Section 901.3.

h. A complete copy of any application to the appropriate water management authority for any use of water and/or for the construction of wells for water supply; permit issued by the said authority; data relating to the availability of the quantity required; and if not included in those documents, a statement of the specific quantities of water to be extracted and locations thereof, together with the detailed proposals of well construction, if any.

i. Copies of all applications to and approvals from all applicable Federal, State, and local agencies.

j. Financial security document; evidence of financial responsibility as described in this Code.

E. Public Hearing Required

Prior to commencing operations as a mine, a Mining Operating Permit application must be reviewed and approved by the Board of County Commissioners (BCC) after a public hearing held in conjunction with a Conditional Use Permit.

F. Notice

Notice shall be as required pursuant to this Code, Section 303.2.B, and the provisions of Chapter 125.66, Florida Statutes.

G. Standards for Approval

The County Administrator or designee, the Development Review Committee (DRC), and the BCC shall review and consider the following criteria and standards in regard to the advisability of issuing an Operating Permit for a mine:

1. Requirements of the land use and zoning classification applicable to the subject property.

2. Compliance with the technical requirements of this Code.

3. Provision of design features which assure the protection of the public health, safety, and welfare.

4. Consistency with the Goals, Objectives, and Policies set forth in the Comprehensive Plan.

5. Provision of necessary public improvements or facilities.

6. Concurrency requirements established by this Code.

H. Operating Permit Review

1. Staff Review

The County Administrator or designee, after consideration of the above standards, shall present a recommendation to both the DRC and BCC. The said recommendation shall specify provisions, standards, conditions, or design specifications which must be met in order to ensure compliance with this Code and the Comprehensive Plan.

2. DRC Review

After receipt of the written recommendation of the County Administrator or designee, the DRC shall consider the application and make a recommendation to the BCC.

3. BCC Hearing and Action

a. Upon receipt of the recommendation, the BCC shall hold a separate public hearing on the proposed Mining Operating Permit.

b. At the conclusion of the public hearing, the BCC may:

(1) Refer the application back for further study if further information is required in order to make a final decision;

(2) Deny the application;

(3) Approve the permit application as presented; or

(4) Approve the permit application with such conditions as necessary to ensure compliance with this Code; the Comprehensive Plan; and to protect the health, safety, and welfare of the citizens of Pasco County.

All or any portion of the operations for which a permit is sought may be approved subject to whatever additional conditions the BCC may deem necessary and appropriate for the fulfillment of the purposes of this Code. Such additional conditions of approval shall be stated on the face of the Operating Permit or may be incorporated therein by stated reference to any document which shall be made a part thereof.

The BCC may impose reasonable, additional conditions where necessary to protect the public health, safety, and welfare including, but not limited to, installation of stormwater management facilities; sound and/or visual buffering; hours of operation; surface water and groundwater monitoring; and that the owner or operator will take out and maintain insurance covering damage, destruction, unsafe, dangerous, or unhealthful conditions which may result from the use of the property as a mine.

I. Approval Form, Permit Time Limits, and Activities Required Prior to Commencement

1. The BCC approval shall be in written form and shall constitute a permit for operation of a mine subject to the requirements of this Code and the specific requirements, limitations, conditions, and prohibitions contained in the Operating Permit.

2. Permits for operation of a mine are not limited in duration and shall correspond to the permittee's approved disposal volume with an annual review for compliance.

3. The effective date of any Mining Operating Permit shall be the date of issuance by the BCC.

4. A permit shall be valid for the volume capacity specified in the Mining Operating Permit.

5. A permit may be issued only in the name of the applicant. Transfer of the permit requires notification to the County prior to the transfer. All terms, conditions, and financial responsibilities shall run with the permit as well as with the land.

6. The Scope of Operations to be permitted under any permit shall only be as specified in the permit (which may incorporate by reference the whole or any part of any plan of operations submitted as a portion of the application for the permit), or any recommendation thereon submitted to and accepted by the BCC by any County department, public or private agency, or individual. A copy of any incorporated recommendation or pertinent part thereof shall be attached to and considered a part thereof.

7. A permittee may seek an amendment of any permit in order to vary or expand the scope or method of its operations at any time by filing an application that follows the procedures outlined for the original application. An amendment deemed necessary in the public interest may be proposed by any member of the BCC; DRC; County Administrator or designee; or any applicable Federal, State, or local regulatory body.

8. Prior to the issuance of a permit, the applicant shall furnish financial security as required by this section.

9. Following approval of an application by the BCC, the County Administrator or designee shall, upon request, issue a permit to the applicant or his authorized agent, provided that of the required financial security has been submitted to the County.

10. Prior to the initiation of storage or disposal activities authorized by the permit, the applicant shall erect signs alerting motorists to the haul traffic entering the roadway. Such signs shall be erected to County or Florida Department of Transportation standards.

11. The applicant shall obtain all necessary permits from the Southwest Florida Water Management District (SWFWMD), the Florida Department of Environmental Protection (FDEP), and other regulatory agencies, as appropriate, prior to commencing operations. These agencies' permits shall be provided to the County. All applicable statutes, regulations, rules, and orders of Federal, State, and local agencies shall be made a part of the conditions of operations. Where an applicable statute or regulation of another agency is more stringent, that regulation shall apply.

12. A minimum of one (1) up-gradient and one (1) down-gradient monitoring well shall be installed prior to commencement of operations. Installation and sampling of this well will be in accordance with Chapter 62-701, F.A.C.

13. Background water quality for a disposal facility shall be determined by analysis, prior to any disposal of debris, of at least one (1) sample taken from each monitoring well that was installed and each surface water location. All surface water bodies which may be affected by a contaminant release from the disposal facility shall be monitored.

J. Terms of Permit and Effect of Approval

1. The effective date of any Operating Permit shall be the date of issuance or other date specified by the BCC.

2. An Operating Permit shall be valid for the life of the mine, specifically the period specified for the completion of the mining operations, including all reclamation set out in the approved mining and reclamation plan.

3. An Operating Permit shall be issued only in the name of the applicant. Transfer of the permit requires notification to the County prior to the transfer. All terms, conditions, and financial responsibilities shall run with the permit as well as with the land. The fee simple owner(s), if different than the owner(s) of the mineral rights, and the mortgagee, if any, shall contemporaneously receive from the permittee a copy of all documents pertaining to such requests for transfer. The prospective transferee shall also furnish with the application for transfer financial security as required by this Code. A Transfer Permit shall be issued by the County Administrator or designee upon request of the transferee or his authorized agent. Upon acceptance of the Transfer Permit, the transferee becomes the permittee under this Code and assumes the responsibility of compliance with all of the terms of this Code, applicable rules and regulations, the master mining plan submitted, and of the Operating Permit.

4. The scope of operations to be permitted under any Operating Permit shall only be as specified in the Operating Permit approved by the BCC.

5. A permittee may seek an amendment of any Operating Permit in order to vary or expand the scope or method of its operations at any time by filing an application that follows the procedures outlined for an original application. An amendment deemed necessary in the public interest may be proposed by the BCC or other entity as provided by regulation.

6. All permits must be kept at the mining site and be readily available for inspection by local enforcement personnel upon request.

K. Prior to Mining Activity

1. Prior to initiation of mining activities authorized by the Operating Permit, the applicant shall erect signs alerting motorists to the haul traffic entering the roadway. Such signs shall be erected to County standards.

2. Prior to issuance of a permit, the applicant shall furnish financial security as required by this section.

3. The applicant shall obtain all necessary permits from the SWFWMD, the FDEP, and other regulatory agencies, as appropriate, prior to commencing operations under the Operating Permit. These agencies' permits shall be provided to the County. All regulations, rules, and orders of Federal, State, and local agencies shall be made a part of the conditions of operations. Should an applicable regulation of another agency be more stringent than those herein, the more stringent shall apply.

L. Site Standards

1. Construction and Operations

a. Unless otherwise approved by the BCC, mining shall not be permitted within the following setback areas:

(1) 500 feet of a park, library, or school boundary.

(2) 500 feet of an adjacent residential use or developable lands zoned for residential use.

(3) 200 feet of an existing right-of-way or public or private easement for drainage, utility, or road purposes.

(4) 200 feet of permittee's property line.

b. Prior to excavation, the perimeter of the excavation shall be adequately staked to delineate the excavation. These stakes shall be maintained throughout the duration of excavation and reclamation. The County may require a legal description of the excavation area when necessary for determining staking and location of the excavation.

c. The mining site shall comply with the applicable landscape requirements of this Code.

d. The construction of permanent or temporary access roads or of pipelines within the 100-year flood plain of permanent stream channels shall be subject to the advance approval of the County Administrator or designee.

2. The disposal or discharge of any material other than that approved as a part of the reclamation plan into the excavated pit is prohibited.

M. Operational Standards

1. The permittee shall allow designated representatives of the County Administrator or designee access to the premises of any operations conducted during the hours of operation for the purpose of monitoring compliance with the terms and conditions of the permit, this Code, and applicable rules and regulations.

2. The mining operation shall be fenced and gated or otherwise secured to prevent unauthorized or uncontrolled access.

3. Unless otherwise allowed by the BCC, the hours of operation shall be limited to daylight hours between 7:00 a.m. and 7:00 p.m., only. No mining activities shall be conducted on Sundays and County designated holidays.

4. The operator or employee must be present at the site during all hours of operation.

5. Environmental

a. The mining operations shall be in accordance with applicable FDEP and SWFWMD permits. However, upon a showing of public necessity, the BCC may establish such regulations as it deems necessary and proper pertaining to noise, dust, and other forms of pollution; source and rate of consumption of water supplies, drainage, quality, and method of discharge of waste waters not to be retained on the permittee's lands; treatment and disposal of solid wastes; methods and practices in the extraction and processing of ores, mineral, and consolidated or unconsolidated solid mineral matter; and construction and utilization of both temporary and permanent on-site and off-site transportation facilities.

b. Ambient noises or other noises resulting from the mining operation shall not result in public nuisances as measured at the permittee's property lines and shall not generate noise in excess of that allowed by regulation of any local, State, or Federal agency.

c. All mining operations shall be performed in a manner to minimize vibrations of the soil which would cause damage of any kind to persons or property outside of permittee's property.

d. If authorized by the BCC, blasting or other use of explosives shall be conducted in accordance with the applicable State Fire Marshal regulations.

e. Groundwater extractions shall be in accordance with SWFWMD rules and/or an applicable Water Use Permit.

f. No water will be diverted from natural stream channels or lakes, nor shall stream channels be translocated, except as allowed by the applicable SWFWMD and/or FDEP permit(s). Withdrawals shall not be detrimental to downstream property owners.

g. The applicant shall be responsible for the control of fugitive dust particulate arising from the facilities. Such control shall prevent the creation of nuisance conditions on the adjoining properties. However, if mining and/or processing activities are governed by an Air Pollution Permit issued by the FDEP, then the FDEP permit conditions and limitations shall control.

h. No open burning is allowed without a permit.

i. The permittee shall allow designated representatives of the County Administrator access to the premises of any operations conducted thereunder during the hours of operation for the purposes of monitoring compliance with terms, conditions of the permit, this Code, and rules and regulations adopted hereunder.

j. The permittee shall place and maintain survey markers to identify the property covered by the permit in order to provide visual aid for inspection by the County.

k. Copies of all reports or notices required of the permittee by any agency or Department of the State, specifically including, but not restricted to, the FDEP and SWFWMD, shall be provided to the County Administrator or designee within ten (10) days of filing with the other entity. The fee simple owner(s), if different than the owner(s) of the mineral rights, and the mortgagee, if any, shall contemporaneously receive from the permittee a copy of all such reports or notices.

6. The applicants shall engage, at their sole expense, the services of an independent testing lab to monitor groundwater quality on a quarterly basis, in compliance with the standards and procedures of Rules 62-520 and 62-550, F.A.C., as amended.

7. Additional sampling at more frequent intervals, analysis for extended parameters, and additional monitoring wells may be required by the County Administrator or designee if the analysis indicates that a contaminant exceeds the regulatory limit. The sample analysis reports required by this Code shall be forwarded to the County Administrator or designee within ten (10) days of receipt of the analysis report by the permittee.

8. After background water quality is established, the excavation area shall be sampled every six (6) months.

9. Owners and Operators Responsibilities

   The fee-simple owner of the land and the operator of a mine shall be responsible for compliance with these rules and all other applicable Federal, State, and local laws, rules, and regulations. Any person violating the provisions of such laws, rules, or regulations and causing damage, destruction, or unsafe, dangerous, or unhealthful conditions shall be responsible for:

   a. Correcting such conditions.

   b. In the event the owner and operator fail to correct such condition within a reasonable period of time after notice thereof, permitting the County to correct such conditions and reimbursing the County for the costs of correcting such conditions.

   c. Indemnifying the County for any liability for damages caused by such violation.

   d. The permittee and the fee-simple owner(s) shall be subject to absolute liability for failure of the permittee to complete any reclamation of lands or to conduct the operation as required by this Code; Chapter 62-701, F.A.C., as amended; and any permit issued. The liability of this section shall be in addition to those imposed as civil or criminal penalties by this Code, Section 108.

   e. The permittee(s) and the fee simple owner(s) shall be subject to absolute liability to the County to complete any reclamation of lands and to conduct the mining operations as required by the Operating Permit, this Code, and any other applicable rules or regulations. The liability of this section shall be in addition to those imposed as civil or criminal penalties by this Code, Section 108.

10. Reclamation Standards

Reclamation shall be in accordance with the applicable SWFWMD and FDEP permits, Chapter 62, F.A.C., as applicable, and pursuant to the reclamation plan approved by the County.

11. Annual Report

a. Each year, within thirty (30) days following the anniversary date of a permit, the permittee shall provide an Annual Report of Operations to the County Administrator or designee. The annual report shall review mining operations and reclamation progress during the preceding reporting year and identify lands expected to be excavated or planned for reclamation during the current year. The report shall also contain an Annual Cost Adjustment Statement along with any required updated financial security document(s) as required by this section. The fee simple owner(s), if different than the owner(s) of the mineral rights, and the mortgagee, if any, shall contemporaneously receive from the permittee a copy of such report.

b. The report shall be made available for public inspection.

c. The annual report shall be reviewed and any comments or recommendations shall be presented to the BCC by the County Administrator or designee. The fee simple owner(s), if different than the owner(s) of the mineral rights, and the mortgagee, if any, shall contemporaneously receive from the permittee a copy of all such statements and documents.

d. Failure to file the annual report in a timely manner shall be grounds for suspension of the Operating Permit. An extension of time may be granted by the BCC upon request and reasonable cause is demonstrated.

N. <u>Financial Responsibility</u>

1. Types of Financial Security Required

Every applicant shall furnish to the BCC financial security to guarantee:

a. Reclamation of any lands proposed for disturbance under the mining plan.

b. Completion of any off-site performance requirements.

c. Maintenance and/or monitoring requirements associated with the Operating Permit and/or plan.

2. Acceptable Forms of Financial Security

a. Acceptable forms of this financial security shall include, but are not limited to, a Letter of Credit, Surety Bond, or Cash Bond.

b. The financial security shall be in the name of the applicant, not the contractor, or another third party, and shall extend a minimum of one (1) year beyond permit expiration. The applicant shall post the entire financial security prior to any activity on the land, authorized by the permit. Any bond premium shall be paid in full and shall not be revocable for nonpayment of premium.

c. In the event a Surety Bond is furnished, the following shall apply:

(1) The surety company shall have a currently valid Certificate of Authority, issued by the State Department of Insurance, authorizing it to write Surety Bonds in the State.

(2) The surety company shall have a currently valid Certificate of Authority issued by the U.S. Department of Treasury under Sections 9304-9308 of Title 31, of the United States Code. The surety company shall be in full compliance with the provisions of the State Insurance Code. The surety company shall have at least twice the minimum surplus and capital required by the State Insurance Code at the time the Surety Bond is issued. If the bond amount exceeds Five Thousand and 00/100 Dollars ($5,000.00), the surety company shall have at least the following rating in the latest issue of Best's Key Rating Guide:

Bond Amount	**Policyholder's Rating**	**Required Financial Rating**
$ 500,000.00-1,000,000.00	A	Class IV
1,000,000.00-2,500,000.00	A	Class V
2,500,000.00-5,000,000.00	A	Class VI
5,000,000.00-10,000,000.00	A	Class VII
10,000,000.00-25,000,000.00	A	Class VIII
25,000,000.00-50,000,000.00	A	Class IX
$50,000,000.00-75,000,000.00	A	Class X

3. Amount of Financial Security Required

a. Reclamation of Disturbed Lands: Financial security shall be provided for all areas approved for disturbance in the mining plan and for those areas which have previously been disturbed and have not yet been reclaimed.

Cost itemization for reclamation shall consist of the required cost for reclamation and equipment mobilization, sod or seed, and mulch of the disturbed surface area, and surveying of the excavation area. This cost shall be multiplied by 125 percent to total the reclamation cost.

The amount shall be calculated as follows:

Proposed excavation area = _____ acres.

(1) Slope Area

(a) With 4:1 side slopes:

(a) ft. (perimeter) X (b) ft. (depth) X
(c) slope = (d) square feet (SF)

(a) = perimeter of excavation area(s)

(b) = depth (natural ground elevation to the bottom of the excavation)

(c) = 4 (4:1 side slope)

(d) = SF of slope surface area

(b) With 4:1 and 2:1 combination side slopes:

(i) (e) ft. (perimeter) X (f) ft. (depth) X
(g) slope = (h) SF

(e) = perimeter of excavation area(s)

(f) = depth (natural ground elevation to a depth of six (6) ft. below normal low water level)

(g) = 4 (4:1 side slope)

(h) = SF of 4:1 slope surface area

(ii) (i) ft. (perimeter) X (k) ft. (depth) X (m) slope = (n) SF

(j) = (e) = [(f) X 4]

(k) = total depth of the excavation less (f)

(m) = 2 (2:1 side slope)

(n) = SF of 2:1 slope surface area

(iii) Total SF of slope surface area = (p) SF

(p) = (h) + (n)

(2) Reclamation and Equipment Mobilization

(a) With 4:1 side slopes:

(d)/43,560 SF = (q) acre X $5,000.00 (cost/acre) = $ (r)

(b) With 4:1 and 2:1 combination side slopes:

(p)/43,560 SF = (s) acre X $5,000.00 (cost/acre) = $ (t)

(c) Seeding and mulching:

(h)/9 SF = (u) SY X $0.70 (cost/SY) = $ (v)

(3) Surveying

(a) With 4:1 side slopes:

(q) acre X $1,300.00 (cost/acre) = $ (w)

(b) With 4:1 and 2:1 combination side slopes:

(s) acre X $1,300.00 (cost/acre) = $ (y)

(4) Total Amount of Proposed Reclamation Security

(a) With 4:1 side slopes:

[(r) + (v) + (w)] X 125% = $ _____

(b) With 4:1 and 2:1 combination side slopes:

[(t) + (v) + (y)] X 125% = $ _____

The BCC reserves the right to amend and revise the cost-itemization formula from time to time as needed by adoption of a resolution. Costs given are based on the current County and/or State Department of Transportation cost estimates for the items, such as grassing, surveying, and mobilization. The said costs are a minimum of what will be accepted by the County.

b. Completion of Off-Site Performance Requirements: The amount of the financial security shall be an amount equal to 125 percent of the estimated cost of providing and installing any off-site improvements required.

c. Maintenance and/or Monitoring Requirements: For the purposes of determining the amount that is required for any maintenance and/or monitoring requirement, the applicant shall estimate the total cost for the period of the permit. The applicant shall submit the estimates, together with all necessary justification, to the County Administrator or designee for review and approval, accompanied by the financial security. The cost shall be estimated by a professional engineer for a third party performing the work in conformance with the guidelines approved by the County. Maintenance and/or monitoring cost shall include surface water and groundwater monitoring, collection and analysis, road maintenance, dust control, and any other costs of compliance with this Code.

d. Annual Cost Adjustments: Each year, with the annual report, the applicant shall furnish the County with an Annual Cost Adjustment Statement along with any required updated financial security document(s).

4. Additional Financial Security Requirements

The applicant shall acknowledge the following:

a. That should the County collect funds under a financial security document, the applicant shall authorize the County or its designee access to the property subject to the Mining Permit to complete the required work. In the event the owner of the site is different from the applicant, then the owner of the site shall also authorize the required access.

b. That should the County be required to institute legal proceedings in order to collect any funds under a financial security, the applicant shall be responsible for attorney's fees

and court costs incurred by the County in such action if the County prevails.

c. The fee simple owner(s), if different than the owner(s) of the mineral rights, and the mortgagee, if any, shall contemporaneously receive from the applicant a copy of all documents pertaining to financial security.

5. Release of Financial Security

To release the financial security, the applicant shall notify the County Administrator or designee in writing to request the release of the financial security. Prior to the BCC authorizing the release, the following shall occur:

a. The applicant shall submit a signed, sealed, and dated topographic survey with topography at one (1) foot intervals to indicate side slopes and total cubic yards of material excavated. In addition, a copy of this survey shall be superimposed over the approved plans to demonstrate substantial compliance with the said plans.

b. The County Administrator or designee shall complete a final inspection, review the survey submitted, and approve reclamation of the site.

6. Owners and Operators Responsibilities

The fee simple owner of the land and the operator of a mine shall be responsible for compliance with these rules and all other applicable Federal, State, and local laws, rules, and regulations. Any person violating the provisions of such laws, rules, or regulations and causing damage, destruction, or unsafe, dangerous, or unhealthful conditions shall be responsible for:

a. Correcting such conditions.

b. In the event the owner and operator fail to correct such condition within a reasonable period of time after notice thereof, permitting the County to correct such conditions and reimbursing the County for the costs of correcting such conditions.

c. Indemnifying the County for any liability for damages caused by such violation.

d. The permittee and the fee simple owner(s) shall be subject to absolute liability for failure of the permittee to complete any reclamation of lands or to conduct the operation as required by this Code; Chapter 62-701, F.A.C., as amended; and any permit issued. The liability of this section shall be in addition

to those imposed as civil or criminal penalties by this Code, Section 108.

e. The permittee(s) and the fee simple owner(s) shall be subject to absolute liability to the County to complete any reclamation of lands and to conduct the mining operations as required by the Operating Permit, this Code, and any other applicable rules or regulations. The liability of this section shall be in addition to those imposed as civil or criminal penalties by this Code, Section 108.

O. Prohibitions

1. The disposal or discharge of any material other than that approved as a part of the reclamation plan into the excavated pit is prohibited.

2. No mining shall be conducted within the County, except within the scope of a valid Operating Permit issued by the BCC.

P. Suspension or Revocation of Permit

A suspension of operations for a period of two (2) years or more by a permittee shall be cause for revocation of the permit. Any subsequent application for permission to commence excavation shall be treated as an initial application.

Failure to comply with the County, State, or Federal statutes, rules, or regulations governing mining may constitute grounds for suspension or revocation of the Mining Operating Permit. Upon a determination of noncompliance, the County Administrator or designee shall notify the owner and operator/permittee of the nature of the noncompliance and may order corrective action. If the owner and operator fail to comply or take the ordered corrective action, the County Administrator or designee may notify the BCC, who may schedule a public hearing to consider suspension or revocation of the Operating Permit. After due public notice of the said hearing, the BCC shall conduct the said hearing giving all interested persons the opportunity to be heard, present testimony and evidence, and cross-examine witnesses. If, after consideration of the testimony and evidence, the BCC determines that grounds for suspension exist, the BCC may take one (1) or more of the following steps:

1. Order appropriate corrective action.

2. Modify the existing conditions or impose additional, more stringent conditions on the permit.

3. Suspend the permit until appropriate, corrective action is taken or additional or modified conditions are complied with. Any Mining Operating Permit shall be subject to suspension or revocation in whole or in part upon a finding of noncompliance with the terms of the said permit, this Code, or applicable statutes, rules, and regulations.

A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected. While a permit or any part of a permit is suspended, no operations authorized by the suspended portion of the Operating Permit shall be carried out. A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected.

4. Revoke the permit. Copies of all notices and orders sent to the permittee by the County Administrator or designee as well as reports of compliance or appeals to the BCC from the permittee shall be sent by the County Administrator or designee to any agency involved in the permit process.

Q. Failure of a permittee to have completed reclamation of any lands as required at the conclusion of any reporting year may subject the permittee(s) to a civil penalty to be paid to the County in an amount equal to the evidence of financial responsibility required to be maintained on account of the lands involved in addition to any other fines and penalties that may apply.

R. Enforcement/Violations

In addition to suspension, modification, or revocation of the Operating Permit, violation of this section may be addressed through any of the enforcement methods in this Code, Section 108.

It shall not be a defense to or grounds for dismissal of any action for damages and civil penalties that the County has failed to exhaust its administrative remedies, has failed to serve a notice of violation, or has failed to hold an administrative hearing prior to the institution of a civil action, or that criminal proceedings or other enforcement proceedings are pending. The failure of the County to enforce any requirements of this Code shall not constitute a waiver of the County's right to enforce this Code with respect to that violation or subsequent violations of the same type or to pursue other remedies.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 404. OPERATING PERMITS

404.4. Construction and Demolition Debris Disposal Facilities (CDDDF) Operating Permit

A. Intent and Purpose

It is the intent and purpose of this section to provide a safe, efficient, and economical method of storing and disposing of construction and demolition debris through certain operating procedures and practices.

The CDDDF Operating Permit is used to:

1. Evaluate in detail the proposed operating plans for a CDDDF in conjunction with a conditional use application; and

2. Ensure that, if approved, a CDDDF is operating in a manner consistent with the requirements of this Code; the Comprehensive Plan; and in the best interest of the health, safety, and welfare of Pasco County and its citizens.

B. Applicability

This section shall apply to the unincorporated area of the County where the storage and/or disposal of construction and demolition debris is proposed.

C. Exemption

The exemptions contained in Chapter 62-701, Florida Administrative Code (F.A.C.), as may be amended, are incorporated by reference.

D. Application Requirements

Applications for CDDDF Operating Permits shall include plans drawn at a readable scale, signed, and sealed by a Florida registered engineer. The application package shall include:

1. Applicant Information

   a. Proof of ownership; i.e., copy of deed.

   b. Agent of Record letter, if applicable.

   c. Application fee.

2. General information to be shown on the site plan:

   a. A legend, title, and number of revision; date of plan and revision(s); scale of plan; north arrow; acreage in the project; and names, mailing addresses, e-mail addresses, and telephone numbers of the operator, owner, surveyor, and engineer.

   b. A legend, title, and number of revision(s); date of preliminary plan and revision(s); scale of plan; north arrow; acreage in the tract being subdivided; total number of lots; and names, mailing addresses, e-mail addresses, and telephone numbers of the operator, owner, surveyor, and engineer.

   c. Phasing plan (if applicable) designating each phase by heavy line border at an appropriate scale.

3. Map information to be shown on the site plan:

   a. Location map showing the relationship between the subject property and surrounding properties, including a current aerial photograph with boundaries of development and roadway layout delineated. The location map shall show all major County roads within one (1) mile of the development boundary.

   b. Show all existing and planned arterials and collectors (transportation corridor[s]) within the subject property and within one (1) mile of the subject property.

   c. Wellhead Protection Areas and Special Protection Areas for all Community Water System supply wells within the proposed development and within 1,000 feet of the subject property.

4. Existing site information to be shown on the site plan:

   a. Legal description sufficient to describe the size and location of the tract.

   b. Existing Streets. The name, location, right-of-way width, and pavement status; i.e., dirt, limerock, concrete, asphalt, etc., of all existing streets, platted or recorded easements, other rights-of-way, and platted streets within 200 feet of the subject property.

   c. Existing platted or recorded easements or rights-of-way for drainage, pedestrian ways, bridle paths, or bicycle paths, etc., including location, width, design criteria, and purpose within 200 feet of the subject property.

d. Configuration of that portion of abutting developments within 200 feet with preliminary site plan approval, or if platted, with Plat Book and page number shown.

e. Existing storm sewers, potable water facilities, and sewerage facilities on or abutting the tract within 200 feet.

f. Other existing structures or uses on the tract with a statement as to its intended use.

g. Existing contours at a maximum of two (2) foot intervals, based on the National Geodetic Vertical Datum of 1929, identifying the tract to be developed and, where practicable, extending a minimum 100 feet beyond the tract boundary. A note stating the basis of the vertical datum shall be shown on the drawing. After October 1, 2011, the submittal shall be based on the NAVD88.

h. Present land use of the parcel proposed for development.

i. Future Land Use (FLU) classification and zoning district of the parcel proposed for development and abutting land.

j. Dates and reference numbers of rezonings, special exceptions, variances, conditional uses, or vested rights that have been granted, if applicable.

k. Approximate location and acreage of natural features, including lakes, marshes or swamps, watercourses, and other jurisdictional areas.

l. Identify registered historic cultural resources. A narrative meeting the requirements of Section 809, Cultural Resources.

m. Wetland Delineation/Identification. Provide documentation in the form of a survey, sketch, or aerial that delineates the location of the Category I, II, or III wetland areas, as defined in the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy Nos. CON 1.3.1, CON 1.3.2, CON 1.3.3, CON 1.3.4, and CON 1.3.5 and provide the acreage for each wetland classification type.

n. Calculations. In addition to the wetland type and acreage information, provide the following:

(1) Cumulative acreage total for Category I, II, and III wetlands.

(2) Acreage total for water bodies.

(3) Acreage total for land with CON (Conservation Lands) FLU Classification.

(4) Developable acreage.

o. Geotechnical Site Investigation. The geotechnical site investigation shall be conducted by or under the supervision of a Florida registered engineer with experience in geotechnical engineering. The engineer shall define the engineering properties of the site that are necessary for the design, construction, and support of the CDDDF and all installations of the facility, and shall:

(1) Identify and describe subsurface conditions, including soil stratigraphy and groundwater table conditions;

(2) Identify and address the presence of muck, previously filled areas (if any), soft ground, lineaments, and sinkholes; and

(3) Include estimates of the average and maximum high groundwater table across the site.

The geotechnical site investigation report shall describe the site subsurface conditions and shall include, at a minimum, the methods used in the investigation, all soil boring logs and laboratory results, analytical calculations, cross sections, interpretations, and conclusions.

(4) The report and supporting documentation shall be signed and sealed by a Florida registered engineer.

p. Hydrogeological Investigation and Site Report. The hydrogeological investigation and site report shall be conducted by or under the supervision of a professional geologist or professional engineer registered in the State of Florida with experience in hydrogeologic investigations, and shall:

(1) Define the site geology and hydrology and its relationship to the local and regional hydrogeologic patterns, including:

(a) Direction of groundwater flow, including seasonal variations;

(b) Background quality of groundwater and surface water for the parameters listed in this section of this Code.

(c) Any on-site hydraulic connections between aquifers;

(d) For all confining layers, semi-confining layers, and all aquifers below the site that may be affected by the construction and demolition debris, the porosity or effective porosity, horizontal and vertical permeabilities, and the depth to and lithology of the layers and aquifers; and

(e) Topography, soil types, and characteristics.

(2) An inventory of all the public and private wells within a one (1) mile radius of the proposed site. The inventory shall include, where available:

(a) The approximate elevation of the top of the well casing and the depth of each well;

(b) The name of the owner, the age and usage of each well, and the estimated daily pumpage; and

(c) The stratigraphic unit screened, well construction technique, and static water levels of each well.

(3) Identify and locate any existing, contaminated areas on the site. The site report and supporting information, including a detailed description of the methods, calculations, and interpretations used, shall be signed and sealed by the professional engineer or geologist.

q. Stormwater Management Plan and Report prepared in accordance with this Code.

r. A site plan, of a readable scale, which shows:

(1) A legend indicating title and number of revisions; date of plan or revision; scale; north arrow; acreage of site; acreage of area proposed for disposal of construction and demolition debris; and names, addresses, and telephone numbers of the surveyor and/or engineer.

(2) Location map which shows the relationship between the proposed facility, existing development, and land uses, including existing streets; utilities; rights-of-way; easements; drainage systems (natural or man-made);

well fields; or water supplies, water bodies, and other natural features.

(3) Topography of the site and 200 feet beyond the site's property line.

(4) Proposed disposal area(s).

(5) Total acreage of the site and proposed disposal area(s).

(6) Setbacks of disposal area(s) from property boundaries.

(7) Setbacks of disposal area(s) from adjoining residential areas.

(8) Exact location of any existing or proposed structures, along with a statement of their use.

(9) Access and traffic flow to and from the site.

(10) Parking areas.

(11) Existing and proposed screens, buffers, and fencing.

(12) Conservation or preservation area (if applicable).

(13) Storm drainage systems.

(14) Access to utilities and points of hookup, if applicable.

(15) Roads, utilities, and other improvements to be provided by the applicant.

(16) Signs, if any.

(17) Location of the entrance to disposal facility.

(18) Location of operator and employee stations.

(19) Location of any areas proposed for disposal of construction and demolition debris which are subject to periodic flooding.

(20) Location of any areas proposed for disposal of construction and demolition debris which consists of a dewatered pit.

(21) Location of any open sinkholes or areas where geologic foundation or subterranean features would not support a CDDDF.

(22) Tabulations showing total gross acreage of the site and the percentage to be devoted to disposal of construction and demolition debris, various other uses, ground covered by structures, impervious surface coverage; and derivation of the number of off-street parking.

(23) Tree data meeting the requirements of this Code.

(24) Such additional data as may be required for the CDDDF.

(25) Reclamation plan showing proposed elevations.

(26) Existing and proposed cross sections at intervals sufficient to determine volume.

s. Closure plans and cross section details of the final cover. The closure plan shall describe provisions for cover material for the long-term care of erosion control and general maintenance of the facility, and specify the anticipated source and amount of material necessary for proper closure of the facility.

5. Other Required Submittals

a. Listed Species Site Survey: If the site is shown on Map 3-1 in the Comprehensive Plan, as a potential location for known listed species habitat.

b. A narrative meeting the requirements of Section 809, Cultural Resources.

c. Geotechnical/geological engineering report.

d. Traffic Impact Study pursuant to Section 901.5.

e. Substandard Road Analysis pursuant to Section 901.4.

f. Access Management Application pursuant to Section 901.3.

g. Erosion and Sediment Control Plan:

(1) Narrative.

(2) Map/site plan.

(3) Construction details.

(4) Calculations.

h. Financial security document; evidence of financial responsibilities described in this Code.

E. Public Hearing Required

Prior to commencing operations as a CDDDF for the storing or disposing of construction and demolition debris, a CDDDF Operating Permit application must be reviewed and approved by the Board of County Commissioners (BCC) after a public hearing held in conjunction with a Conditional Use Permit.

F. Notice

Notice shall be as required pursuant to this Code, Section 303.2.B, and the provisions of Chapter 125.66, Florida Statutes.

G. Standards for Approval

The County Administrator or designee, the Development Review Committee (DRC), and the BCC shall review and consider the following criteria and standards in regard to the advisability of issuing an Operating Permit for a CDDDF:

1. Requirements of the land use and zoning classification applicable to the subject property.

2. Compliance with the technical requirements of this Code.

3. Provision of design features which ensure the protection of the public health, safety, and welfare.

4. Consistency with the Goals, Objectives, and Policies set forth in the Comprehensive Plan.

5. Provision of necessary public improvements or facilities.

6. Concurrency requirements established by this Code.

H. Operating Permit Review

1. Staff Review

The County Administrator or designee, after consideration of the above standards, shall present a recommendation to both the DRC and BCC. The said recommendation shall specify provisions, standards, conditions, or design specifications which must be met in

order to ensure compliance with this Code and the Comprehensive Plan.

2. DRC Review

After receipt of the written recommendation of the County Administrator or designee, the DRC shall consider the application and make a recommendation to the BCC.

3. BCC Hearing and Action

a. Upon receipt of the recommendation, the BCC shall hold a separate public hearing on the proposed CDDDF Operating Permit.

b. At the conclusion of the public hearing, the BCC may:

(1) Refer the application back for further study if further information is required in order to make a final decision;

(2) Deny the application;

(3) Approve the permit application as presented; or

(4) Approve the permit application with such conditions as necessary to ensure compliance with this Code; the Comprehensive Plan; and to protect the health, safety, and welfare of the citizens of Pasco County.

All or any portion of the operations for which a permit is sought may be approved subject to whatever additional conditions the BCC may deem necessary and appropriate for the fulfillment of the purposes of this Code. Such additional conditions of approval shall be stated on the face of the Operating Permit or may be incorporated therein by stated reference to any document which shall be made a part thereof.

The BCC may impose reasonable, additional conditions where necessary to protect the public health, safety, and welfare including, but not limited to, conditions requiring lining of the disposal facility pursuant to Section 403.707(9)(b), Florida Statutes, or other leach-prevention measures; installation of stormwater-management facilities; sound and/or visual buffering; hours of operation; surface water and groundwater monitoring; and that the owner or operator will take out and maintain insurance covering damage, destruction, unsafe, dangerous, or unhealthful conditions which may result from the use of the property as a CDDDF.

I. Approval Form, Permit Time Limits, and Activities Required Prior to Commencement

1. The BCC approval shall be in written form and shall constitute a permit for operation of a CDDDF subject to the requirements of this Code and the specific requirements, limitations, conditions, and prohibitions contained in the Operating Permit.

2. Permits for operation of a CDDDF are not limited in duration and shall correspond to the permittee's approved disposal volume with an annual review for compliance.

3. The effective date of any CDDDF Operating Permit shall be the date of issuance by the BCC.

4. A permit shall be valid for the volume capacity specified in the CDDDF Operating Permit.

5. A permit may be issued only in the name of the applicant. Transfer of the permit requires notification to the County prior to the transfer. All terms, conditions, and financial responsibilities shall run with the permit as well as with the land.

6. The Scope of Operations to be permitted under any permit shall only be as specified in the permit (which may incorporate by reference the whole or any part of any plan of operations submitted as a portion of the application for the permit), or any recommendation thereon submitted to and accepted by the BCC by any County department, public or private agency, or individual. A copy of any incorporated recommendation or pertinent part thereof shall be attached to and considered a part thereof.

7. A permittee may seek an amendment of any permit in order to vary or expand the scope or method of its operations at any time by filing an application that follows the procedures outlined for the original application. An amendment deemed necessary in the public interest may be proposed by any member of the BCC; DRC; County Administrator or designee; or any applicable Federal, State, or local regulatory body.

8. Prior to the issuance of a permit, the applicant shall furnish financial security as required by this section.

9. Following approval of an application by the BCC, the County Administrator or designee shall, upon request, issue a permit to the applicant or his authorized agent, provided that the required financial security has been submitted to the County.

10. Prior to the initiation of storage or disposal activities authorized by the permit, the applicant shall erect signs alerting motorists to the haul

traffic entering the roadway. Such signs shall be erected to County or Florida Department of Transportation standards.

11. The applicant shall obtain all necessary permits from the Southwest Florida Water Management District, the Florida Department of Environmental Protection, and other regulatory agencies, as appropriate, prior to commencing operations. These agencies' permits shall be provided to the County. All applicable statutes, regulations, rules, and orders of Federal, State, and local agencies shall be made a part of the conditions of operations. Where an applicable statute or regulation of another agency is more stringent, that regulation shall apply.

12. A minimum of one (1) up-gradient and one (1) down-gradient monitoring well shall be installed prior to commencement of operations. Installation and sampling of this well will be in accordance with Chapter 62-701, F.A.C.

13. Background water quality for a disposal facility shall be determined by analysis, prior to any disposal of debris, of at least one (1) sample taken from each monitoring well that was installed and each surface water location. All surface water bodies which may be affected by a contaminant release from the disposal facility shall be monitored.

J. Site Standards

1. The proposed storage and disposal area shall not be permitted within:

   a. 500 feet of a park, library, or school boundary.

   b. 500 feet of a school boundary.

   c. 500 feet of the property line of an adjacent residential use or lands zoned for residential use.

   d. 200 feet of an existing right-of-way or public or private easement for drainage, utility, or road purposes.

   e. 400 feet of permittee's property line.

2. No construction and demolition debris shall be permitted to be disposed of above the natural grade. The natural grade shall be the grade creating a level surface when compared to the adjacent lands.

3. No construction and demolition debris shall be permitted to be disposed of below a depth of one (1) foot above the seasonal high water table.

4. Debris may be stored on the property no longer than fourteen (14) days before disposal.

K. Operational Standards

1. The permittee shall allow designated representatives of the County Administrator or designee access to the premises of any operations conducted thereunder during the hours of operation for the purposes of monitoring compliance with the terms, conditions of the permit, this Code, and rules and regulations adopted hereunder, or any applicable Federal, State, or local regulation.

2. The storage and disposal areas shall be fenced and gated or otherwise secured to prevent unauthorized or uncontrolled access.

3. Unless otherwise allowed, the hours of operation shall be limited to daylight hours between 7:00 a.m. and 7:00 p.m. only. No activities shall be conducted on Sundays and County designated holidays.

4. The operator or an employee of the operator must be present at the site during all hours of operation.

5. Ambient and other noises resulting from the permit operations shall not result in public nuisances as measured at the permittee's property lines and shall not generate noise in excess of that allowed by any local, State, or Federal statute or code.

6. Water Testing

   a. The applicant shall engage, at his sole expense, the services of an independent testing lab to monitor groundwater and surface water quality as required by Chapter 62, F.A.C. Reports filed with other state agencies shall also be filed with the County within ten (10) days of filing with other State agencies.

   b. Additional sampling at more frequent intervals and analysis for extended parameters and additional monitoring wells may be required by the County Administrator or designee, if the analysis indicates that a contaminant exceeds the regulatory limit. The sample analysis reports shall be forwarded to the County Administrator or designee within ten (10) days of receipt of the analysis report by the permittee.

7. The applicant shall be responsible for the control of fugitive dust particulates arising from the site. Such control shall prevent the creation of nuisance conditions on adjoining property.

8. No open burning is allowed at this facility.

9. The applicant agrees to provide, at the applicant's sole expense, the services of an independent security agency or on-site caretaker

(twenty-four [24] hours/day, seven [7] days/week, 365 days/year) to provide periodic security inspections and surveillance of the site. The applicant shall submit a detailed report outlining the proposed scope of security services to the County Administrator or designee.

10. Inspection, Rejection, and Disposal of Unauthorized Materials

The more stringent of these provisions or the provisions of Chapter 62-701, F.A.C., as amended, shall be complied with.

a. The operator or designee shall be stationed during all hours of operation at the entrance to the disposal facility or on-site at the location of current disposal operations. At least one (1) spotter shall inspect the incoming waste. Any prohibited material, including buckets or cans containing tar, paint, glue, or other liquids, shall be removed from the waste stream and placed into appropriate containers for disposal at an appropriately permitted facility.

b. Prior to disposal of any solid waste, the operator or employee shall:

(1) Inspect, generally, all solid waste brought to the facility for disposal.

(2) Only allow disposal of construction and demolition debris.

(3) Reject any other type of solid waste brought to the facility for disposal, including construction and demolition debris contaminated with such other type of solid waste.

c. The operator or employee shall:

(1) Inspect all disposed of materials daily.

(2) Remove all unauthorized solid waste which may have been disposed of.

(3) Deposit unauthorized solid waste in a watertight, nonabsorptive, specialized bulk container maintained on the dump site.

(4) Periodically shall dispose of all unauthorized solid waste at a solid waste disposal site lawfully permitted to receive such materials. Appropriate equipment for removal of such materials shall be maintained on-site during all hours of operation.

11. Record Keeping

The operator or his employees shall:

a. Keep and maintain a daily log indicating the date and time of all disposals and rejections; the name and address of the disposer, including disposer whose material was rejected; and the license or vehicle identification number of the disposer's vehicle.

b. Complete a ticket reflecting the following information:

(1) The name of the driver and the owner of the vehicle.

(2) The license number.

(3) Customer number.

(4) The estimated cubic yards of construction and demolition debris to be dumped.

(5) Location where debris originated from.

12. Method of Disposal

Construction and demolition debris accepted at the facility shall be crushed, compacted, and formed systematically into layers consisting of series of adjacent cells. Each cell shall be of manageable size no greater than fifteen (15) acres in size and shall be backfilled with intermediate cover, which shall be a minimum of six (6) inches of clean fill within thirty (30) days of forming the next adjacent cell.

13. Owners and Operators Responsibilities

The fee simple owner of the land and the operator/permittee of a CDDDF shall be responsible for compliance with these rules and all other applicable Federal, State, and local laws, rules, and regulations. Any person violating the provisions of such laws, rules, or regulations and causing damage, destruction, or unsafe, dangerous, or unhealthful conditions shall be responsible for:

a. Correcting such conditions.

b. In the event the owner and operator fail to correct such condition within a reasonable period of time after notice thereof, permitting the County to correct such conditions and reimbursing the County for the costs of correcting such conditions.

c. Indemnifying the County for any liability for damages caused by such violation.

d. The permittee and the fee simple owner(s) shall be subject to absolute liability for failure of the permittee to complete any reclamation of lands or to conduct the operation as required by this Code; Chapter 62-701, F.A.C., as amended; and any permit issued. The liability of this section shall be in addition to those imposed as civil or criminal penalties by this Code, Section 108.

14. Annual Reports

Each year, within thirty (30) days following the anniversary date of the Operating Permit, the operator/permittee shall provide an annual report with the County Administrator or designee. The annual report shall contain a summary of the total quantity of solid waste disposed of and rejected by month, a copy of the log required to be maintained pursuant to this Code, and a projection of the quantity of construction and demolition debris expected to be disposed of during the next year. The report shall be made available for public inspection. The annual report shall be reviewed and any comments or recommendations shall be presented to the BCC by the County Administrator or designee in the form of an annual review of compliance, a copy of which shall be provided to the operator/permittee and the fee simple owner of the land, if different than the permittee/operator. Failure to file the annual report in a timely manner may be grounds for suspension or revocation of the permit and is a violation of this Code. An extension of time may be granted by the BCC upon request and for reasonable cause.

L. Financial Responsibility

1. Closure of the Disposal Facility

Prior to operation of the CDDDF, the owner or operator shall submit to the County evidence of financial responsibility in the form of a performance assurance document sufficient to cover 115 percent of an engineer's certified cost estimate of the costs of closure of the disposal facility. This document may be for phases. The performance assurance document and the cost estimate must be reviewed by the County Attorney's Office, the County Administrator or designee, and be accepted by the BCC. The performance assurance document shall be kept in force at all times until closure of the cell(s) has been completed in conformance with the closure plan and this Code.

2. Long-Term Maintenance

a. As a condition for the issuance of a permit, the applicant shall establish a self insurance fund to ensure that the CDDDF is

operated in accordance with applicable County regulations and to ensure long-term maintenance of the disposal facility.

b. The applicant shall charge a fee per cubic yard of disposal debris to fund this self insurance fund and shall report quarterly to the County on the status of the fund.

c. The fund shall remain in effect for ten (10) years after final closure of the site or until the County establishes and administers its own environmental fund, whichever is earlier. The County shall have the right of access to this fund to address any violations of County regulations pursuant to a written agreement with the applicant, the form of which shall be approved by the County Attorney's Office.

d. For the purposes of determining the amount that is required for long-term maintenance, the owner or operator shall estimate the total cost for a ten (10) year period. The owner or operator shall submit the estimates, together with all necessary justification, to the County for review and approval accompanied by proof of financial responsibility. The costs shall be estimated by a professional engineer for a third party performing the work, on a per unit basis, in conformance with the guidelines approved by the County.

e. Long-term maintenance costs shall include land surface care; surface water and groundwater monitoring, collection, and analysis; and any other costs of compliance with this Code.

f. Annual Cost Adjustments

(1) Every owner or operator of a disposal facility shall submit to the County an annual cost adjustment statement certified by a Florida registered engineer.

(2) The owner or operator shall revise the cost estimate for inflation and changes in the long-term maintenance plan. Such revisions shall be made annually.

M. <u>Closure</u>

Final cover and seeding or planting of vegetative cover shall begin within sixty (60) days after final receipt of construction and demolition debris in each cell and shall be completed within 180 days after final receipt of construction and demolition debris in each cell. Final cover shall consist of a twenty-four (24) inch thick soil layer, the upper six (6) inches of which shall be capable of supporting vegetation and shall be graded to eliminate ponding, promote drainage, and minimize erosion. The side slopes of all above grade disposal areas shall be no greater than three (3) feet horizontal to one (1) foot vertical rise.

The owner or operator shall notify the County within thirty (30) days after closing, covering, and seeding each cell and upon complete closure of the entire facility.

Within forty-five (45) days of completion of closure construction for the entire facility, the engineer of record shall certify to the County that the permitted closure construction is complete and that it was done in accordance with the plans submitted to the County, except where minor deviation was necessary. All deviations shall be described in detail and the reasons therefore enumerated.

N. Prohibitions

1. Disposal of construction and demolition debris shall be subject to the prohibitions set forth in Rule 62-701, F.A.C., and any subsequent amendments thereto.

2. No solid wastes other than clean fill or construction and demolition debris shall be stored or disposed of in a CDDDF.

3. Storage and/or disposal pf construction and demolition debris is prohibited except within the scope of a valid CDDDF Operating Permit issued by the BCC.

O. Suspension, Modification, or Revocation of Permit

Failure to comply with the County, State, or Federal statutes, rules, or regulations governing disposal of construction and demolition debris may constitute grounds for suspension or revocation of the CDDDF Operating Permit. Upon a determination of noncompliance, the County Administrator or designee shall notify the owner and operator/permittee of the nature of the noncompliance and may order corrective action. If the owner and operator fail to comply or take the ordered corrective action, the County Administrator or designee may notify the BCC, who may schedule a public hearing to consider suspension or revocation of the Operating Permit. After due public notice of the said hearing, the BCC shall conduct the said hearing giving all interested persons the opportunity to be heard, present testimony and evidence, and cross-examine witnesses. If, after consideration of the testimony and evidence, the BCC determines that grounds for suspension exist, the BCC may take one (1) or more of the following steps:

1. Order appropriate corrective action.

2. Modify the existing conditions or impose additional, more stringent conditions on the permit.

3. Suspend the permit until appropriate, corrective action is taken or additional or modified conditions are complied with. Any CDDDF Operating Permit shall be subject to suspension or revocation in

whole or in part upon a finding of noncompliance with the terms of the said permit, this Code, or applicable statutes, rules, and regulations. A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected. While a permit or any part of a permit is suspended, no operations authorized by the suspended portion of the Operating Permit shall be carried out. A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected.

4. Revoke the permit. Copies of all notices and orders sent to the permittee by the County Administrator or designee as well as reports of compliance or appeals to the BCC from the permittee shall be sent by the County Administrator or designee to any agency involved in the permit process.

P. Enforcement/Violations

In addition to suspension, modification, or revocation of the Operating Permit, violation of this section may be addressed through any of the enforcement methods in this Code, Section 108.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 404. USE PERMITS

404.5. Land Spreading Operating Permits

A. Intent and Purpose

It is the intent and purpose of this section to regulate and control activities which are causing or may reasonably be expected to cause pollution or contamination of water and soil and to regulate the storage, collection, transport, separation, processing, recycling, disposal, and land spreading of sludge, septage, or animal waste in the County.

A Land Spreading Operating Permit is used to:

1. Evaluate in detail the proposed operating plans for a land spreading operation; and

2. Ensure that, if approved, a land spreading operation is conducted in a manner consistent with the requirements of this Code; the Comprehensive Plan; and in the best interest of the health, safety, and welfare of the County and its citizens.

B. Applicability

This section shall apply to the unincorporated area of the County.

All persons seeking to engage in the business of hauling, storing, manufacturing, installing, repairing, maintaining, disposing of, or spreading food service sludge within the County shall first obtain a valid Site Permit from either the Florida Department of Environmental Protection (FDEP) or the Pasco County Health Department, whichever is appropriate. All requirements of Rule 62-640, Florida Administrative Code (F.A.C.), which are not in conflict with this Code, are expressly incorporated into this Code.

C. Application Requirements

An application for a Land Spreading Operating Permit shall be prepared by a Florida registered engineer. The application for a Land Spreading Operating Permit shall include plans drawn at a readable scale, signed and sealed by a Florida registered engineer. The application package shall include:

1. Applicant Information

   a. Proof of ownership; i.e., copy of deed.

   b. Agent of Record letter, if applicable.

c. Application fee.

2. General Information

a. A legend, title, and number of revision; date of plan and revision(s); scale of plan; north arrow; acreage in the project; and names, addresses, e-mail addresses, and telephone numbers of the developer, owner, surveyor, and engineer.

b. The legal description of and the nature of the applicant's legal interest in any and all lands upon which any operations are proposed, and a metes and bounds boundary survey certified by a Land Surveyor registered in the State of Florida, of all or any part of the boundary of the applicant's property.

3. Map Information

The location map showing the relationship between the site proposed for excavation and surrounding properties, including a current aerial photograph. The aerial shall not be older than that available at the County Property Appraiser's Office and shall have the boundaries of the site delineated. The location map shall show all major County roads within one (1) mile of the site.

4. Narrative. A description of overall operation including a statement of where and how the material excavated will be disposed.

5. Site Plan

a. Show the property and location of the areas to be excavated, including all setbacks.

b. A cross section of the proposed pond (hole) showing the proposed slopes, proposed depth of the excavated area, and the approximate volume to be excavated.

c. Show the placement or disposition of excavated material.

D. <u>Application Processing</u>

1. An application for a Land Spreading Operating Permit shall be reviewed by all appropriate agencies as specified in the Development Manual or determined by the County Administrator or designee.

2. The County Administrator or designee shall prepare a recommendation to the Development Review Committee (DRC). The recommendation may include conditions necessary to ensure compliance with the provisions of this Code.

3. The DRC shall consider the Land Spreading Operating Permit application and staff recommendation. The DRC may:

   a. Recommend approval as presented,

   b. Recommend approval with modifications,

   c. Recommend denial of the application, or

   d. Continue the matter for further deliberations.

4. The application for a Land Spreading Operating Permit and recommendation of the DRC shall be considered by the Board of County Commissioners (BCC) at the same hearing where the Land Spreading Conditional Use application is considered. The BCC may:

   a. Approve the application as recommended,

   b. Approve the application with modifications,

   c. Deny the application,

   d. Continue the hearing on the application, or

   e. Remand the application for further consideration by the DRC.

E. Terms of Permit and Effect of Approval

1. The effective date of any Operating Permit shall be the date of issuance or other date as specified by the BCC.

2. The Operating Permit shall be valid for twelve (12) months.

3. A permit may be issued only in the name of the applicant and may be transferred only when the interests of the permittee in the lands that are the subject of the permit are to be transferred. Transfer of the permit requires notification to the County prior to the transfer. All terms and conditions of the permit shall run with the permit as well as with the land.

4. The scope of operations to be permitted under any Land Spreading Operating Permit shall only be specified in the Land Spreading Operating Permit (which may incorporate by reference, the whole or any part of any Plan of Operations submitted as a portion of the application for the permit) or any condition thereon imposed by any County department or public agency.

5. The permittee shall allow designated representatives of the County Administrator or designee access to the premises of any operations

conducted thereunder during the hours of operation for the purpose of monitoring compliance with the terms and conditions of the permit; this Code; and rules and regulations adopted hereunder; or any applicable Federal, State, or local regulation.

6. Representatives of the County shall have the right of entry upon twenty-four (24) hours notice and at all reasonable times upon property covered by a permit for purposes of inspection. Designated representatives of the permittee, if available on the premises, shall have the right to accompany any County representative during inspection.

7. Any permit shall be subject to suspension or termination in whole or in part at any time upon a finding by the County Administrator or designee of noncompliance with any of the terms of this Code, the permit, or with Rule 62-640, F.A.C., as amended. When a permit or any part thereof is under suspension, no operations authorized by the suspended portion shall be carried out. A suspension may be terminated in whole or in part upon a finding by the County Administrator or designee that necessary steps have been taken to correct the noncompliance.

8. The permittee(s) and the fee simple owner(s) shall be subject to absolute liability to the County to complete any reclamation of lands and to conduct the land excavation operations as required by the Land Spreading Operating Permit, this Code, and any other applicable rules or regulations.

9. Issuance of a permit shall entitle the applicant to begin waste disposal and/or land spreading operations in accordance with the terms of this Code and the Land Spreading Operating Permit.

10. All permits must be kept at the disposal site and be readily available for inspection by local enforcement personnel upon request.

The following standards, together with requirements set forth in 40 CFR, § 503, and Rule 62-640 and Rule 64-E-6.010, F.A.C., as amended, shall apply to all land application areas or disposal sites governed by this section, including all sludge land application areas; and property where animal waste material is disposed of or land applied, except as specifically exempted by an interlocal agreement with a municipality located within the County for land application areas located within the geographical limits of the municipality.

F. <u>Site Standards</u>

1. No waste material may be land applied or disposed of within 300 feet of an occupied building. For the purposes of this section, "occupied building" includes any residential, commercial, or agricultural structure inhabited or used by humans, but shall not include such structures

within the property lines of a permitted land spreading site. These latter structures; however, must still comply with the setback requirements of 40 CFR, § 503, and Rule 62-640, F.A.C., as amended.

2. On unvegetated soil, where waste material exceeds a thickness of three (3) percent solids, the material must be tilled into the soil or must be land spread so that complete dryness occurs within twenty-four (24) hours or otherwise disposed of in a manner approved by the Pasco County Health Department.

G. Operational Standards

1. Reports detailing limits of actual application areas, application rates, compliance with zoning or permit conditions, and any required test or analysis reports shall be submitted annually at least sixty (60) days prior to each anniversary of the permit approval.

2. Permanent written records of actual application areas, application rates, and the permits must be maintained for a period of five (5) years and must be available for inspection upon request by the County.

3. All waste material shall be transported to the disposal site in such a manner so as to preclude leakage, spillage, or the creation of a nuisance.

4. No land spreading disposal operations, including delivery to the site, shall be allowed except between the hours of 7:00 a.m. and 5:00 p.m., on weekdays only.

5. Prior to land spreading in the County, the sludge shall be processed using the most stringent standards, concentrations, and requirements specified in 40 CFR, § 503, and Rule 62-640, F.A.C.

H. General Prohibitions

1. No person shall cause, suffer, allow, or permit the discharge of animal waste material or sludge which causes or contributes to an objectionable odor.

2. No person shall cause, suffer, allow, or permit the discharge of animal waste material, septage, or sludge which causes a nuisance.

3. No person shall cause, suffer, allow, or permit the storage of stockpiling of sludge or animal waste on lands used for disposal for a period in excess of twelve (12) hours. Stockpiling or storage of animal waste shall be prohibited.

4. No sludge or animal waste material applied to the land in a solid or semisolid form shall be applied at a rate of thickness of greater than one (1) inch in any given area.

5. No industrial sludges, hazardous wastes, or untreated food-service sludges may be land spread in the County. These excluded wastes shall be handled and disposed of pursuant to appropriate FDEP rules and Federal regulations.

6. Owners of land application areas in the County shall not allow any person, firm, or corporation to dispose of any sludge on their property unless such person, firm, or corporation has all required Federal, State, and local permits.

7. It shall be unlawful to dispose of animal waste material, septage, or sludge in a manner prohibited by this section.

8. Failure of any waste disposal or land spreading operation resulting in degradation of the quality of any waters outside the applicant's property may subject the applicant to a civil penalty to be paid to the County in an amount equal to the cost of restoration of water quality of the area, all costs of cleanup, administrative cost, and reasonable attorneys' fees in addition to any other fines and penalties that may apply.

9. The County's Uniform Fine Schedule, as provided for in Sections 1-11 of the Pasco County Code of Ordinances and as may be amended, is incorporated herein.

10. The County reserves the right to require submittal of sludge analysis of sludge delivered to the County for processing. The standards, concentrations, and requirements shall be applicable upon full-scale operation of the County central sludge processing facility, or April 1, 1994, whichever occurs later.

I. Wastewater Facility Sludge

All domestic wastewater facility sludge generated in the County shall be transported to the County central sludge processing facility, located on Hays Road, north of S.R. 52, or to another facility properly permitted by all applicable regulatory and governmental entities. The generator of the sludge, residuals, or biosolids delivered to the County facility shall pay such processing fees and charges as established from time to time by the BCC.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 404. OPERATING PERMITS

404.6. Yard Trash Processing Facilities

A. Intent and Purpose

It is the intent and purpose of this section to provide a safe, efficient, and economical method for the processing of vegetative matter resulting from landscaping, maintenance, or land clearing operations including materials such as tree and shrub trimming, grass clippings, palm fronds, trees and tree stumps, under certain operating procedures and practices.

A Yard Trash Processing Operating Permit is used to:

1. Evaluate in detail the proposed operating plans for a yard trash processing operation, and

2. Ensure that, if approved, a yard trash processing operation is conducted in a manner consistent with the requirements of this Code; the Comprehensive Plan; and in the best interest of the health, safety, and welfare of the County and its citizens.

B. Applicability

This section shall apply to the unincorporated area of the County where yard trash is proposed to be stored and/or processed.

C. Application Requirements

An application for a Yard Trash Processing Operating Permit shall be prepared by a Florida registered engineer. Applications for Yard Trash Processing Operating Permits shall include plans drawn at a readable scale, signed, and sealed by a Florida registered engineer. The application package shall include:

1. Applicant Information

   a. Proof of ownership; i.e., copy of deed.

   b. Agent of Record letter, if applicable.

   c. Application fee.

2. General information to be shown on the site plan:

   a. A legend, title, and number of revision; date of plan and revision(s); scale of plan; north arrow; acreage in the project; and names, mailing addresses, e-mail addresses, and

telephone numbers of the operator, owner, surveyor, and engineer.

b. A legend, title, and number of revision(s); date of preliminary plan and revision(s); scale of plan; north arrow; acreage in the tract being subdivided; total number of lots; and names, mailing addresses, e-mail addresses, and telephone numbers of the operator, owner, surveyor, and engineer.

c. Phasing plan (if applicable) designating each phase by heavy line border at an appropriate scale.

3. Map information to be shown on the site plan:

a. Location map showing the relationship between the subject property and surrounding properties, including a current aerial photograph with boundaries of development and roadway layout delineated. The location map shall show all major County roads within one (1) mile of the development boundary.

b. Show all existing and planned arterials and collectors (transportation corridor[s]) within the subject property and within one (1) mile of the subject property.

c. Wellhead Protection Areas and Special Protection Areas for all Community Water System supply wells within the proposed development and within 1,000 feet of the subject property.

4. Existing site information to be shown on the site plan:

a. Legal description sufficient to describe the size and location of the tract.

b. Existing Streets. The name, location, right-of-way width, and pavement status; i.e., dirt, limerock, concrete, asphalt, etc., of all existing streets, platted or recorded easements, other rights-of-way, and platted streets within 200 feet of the subject property.

c. Existing platted or recorded easements or rights-of-way for drainage, pedestrian ways, bridle paths, or bicycle paths, etc., including location, width, design criteria, and purpose within 200 feet of the subject property.

d. Configuration of that portion of abutting developments within 200 feet with preliminary site plan approval, or if platted, with Plat Book and page number shown.

e. Existing storm sewers, potable water facilities, and sewerage facilities on or abutting the tract within 200 feet.

f. Other existing structures or uses on the tract with a statement as to its intended use.

g. Existing contours at a maximum of two (2) foot intervals, based on the National Geodetic Vertical Datum of 1929, identifying the tract to be developed and, where practicable, extending a minimum 100 feet beyond the tract boundary. A note stating the basis of the vertical datum shall be shown on the drawing. After October 1, 2011, the submittal shall be based on the NAVD88.

h. Present land use of the parcel proposed for development.

i. Future Land Use (FLU) classification and zoning district of the parcel proposed for development and abutting land.

j. Dates and reference numbers of rezonings, special exceptions, variances, conditional uses, or vested rights that have been granted, if applicable.

k. Approximate location and acreage of natural features, including lakes, marshes or swamps, watercourses, and other jurisdictional areas.

l. Identify registered historic resources.

m. Wetland Delineation/Identification. Provide documentation in the form of a survey, sketch, or aerial that delineates the location of the Category I, II, or III wetland areas, as defined in the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy Nos. CON 1.3.1, CON 1.3.2, CON 1.3.3, CON 1.3.4, and CON 1.3.5; and provide the acreage for each wetland classification type.

n. Calculations. In addition to the wetland type and acreage information, provide the following:

(1) Cumulative acreage total for Category I, II, and III wetlands.

(2) Acreage total for water bodies.

(3) Acreage total for land with FLU Classification CON (Conservation Lands).

(4) Developable acreage.

o. Geotechnical Site Investigation. The geotechnical site investigation shall be conducted by or under the supervision of a Florida registered engineer with experience in geotechnical engineering. The engineer shall define the engineering properties of the site that are necessary for the design, construction, and support of the yard trash processing facility and all installations of the facility, and shall:

(1) Identify and describe subsurface conditions, including soil stratigraphy and groundwater table conditions;

(2) Identify and address the presence of muck, previously filled areas (if any), soft ground, lineaments, and sinkholes; and

(3) Include estimates of the average and maximum high groundwater table across the site.

The geotechnical site investigation report shall describe the site subsurface conditions and shall include, at a minimum, the methods used in the investigation, all soil boring logs and laboratory results, analytical calculations, cross sections, interpretations, and conclusions.

(4) The report and supporting documentation shall be signed and sealed by a Florida registered engineer.

p. Hydrogeological Investigation and Site Report. The hydrogeological investigation and site report shall be conducted by or under the supervision of a professional geologist or professional engineer registered in the State of Florida with experience in hydrogeologic investigations, and shall:

(1) Define the site geology and hydrology and its relationship to the local and regional hydrogeologic patterns, including:

(a) Direction of groundwater flow, including seasonal variations;

(b) Background quality of groundwater and surface water for the parameters listed in this section of this Code.

(c) Any on-site hydraulic connections between aquifers;

(d) For all confining layers, semi-confining layers, and all aquifers below the site that may be affected by the processing operations and yard

trash, the porosity or effective porosity, horizontal and vertical permeabilities, and the depth to and lithology of the layers and aquifers; and

(e) Topography, soil types, and characteristics.

(2) An inventory of all the public and private wells within a one (1) mile radius of the proposed site. The inventory shall include, where available:

(a) The approximate elevation of the top of the well casing and the depth of each well;

(b) The name of the owner, the age and usage of each well, and the estimated daily pumpage; and

(c) The stratigraphic unit screened, well construction technique, and static water levels of each well.

(3) Identify and locate any existing, contaminated areas on the site. The site report and supporting information, including a detailed description of the methods, calculations, and interpretations used, shall be signed and sealed by the professional engineer or geologist.

q. Stormwater Management Plan and Report prepared in accordance with this Code.

r. A site plan, of a readable scale, which shows:

(1) A legend indicating title and number of revisions; date of plan or revision; scale; north arrow; acreage of site; acreage of area proposed for processing operations and yard trash; and names, addresses, and telephone numbers of the surveyor and/or engineer.

(2) Location map which shows the relationship between the proposed facility, existing development, and land uses, including existing streets; utilities; rights-of-way; easements; drainage systems (natural or manmade); well fields; or water supplies, water bodies, and other natural features.

(3) Topography of the site and 200 feet beyond the site's property line.

(4) Proposed disposal area(s).

(5) Total acreage of the site and proposed disposal area(s).

(6) Setbacks of disposal area(s) from property boundaries.

(7) Setbacks of disposal area(s) from adjoining residential areas.

(8) Exact location of any existing or proposed structures, along with a statement of their use.

(9) Access and traffic flow to and from the site.

(10) Parking areas.

(11) Existing and proposed screens, buffers, and fencing.

(12) Conservation or preservation area (if applicable).

(13) Storm drainage systems.

(14) Access to utilities and points of hookup, if applicable.

(15) Roads, utilities, and other improvements to be provided by the applicant.

(16) Signs, if any.

(17) Location of the entrance to disposal facility.

(18) Location of operator and employee stations.

(19) Location of any areas proposed for processing operations and yard trash which are subject to periodic flooding.

(20) Location of any areas proposed for processing operations and yard trash which consists of a dewatered pit.

(21) Location of any open sinkholes or areas where geologic foundation or subterranean features would not support a yard trash processing facility.

(22) Tabulations showing total gross acreage of the site and the percentage to be devoted to processing operations and yard trash, various other uses, ground covered by structures, impervious surface coverage; and derivation of the number of off-street parking.

(23) Tree data meeting the requirements of this Code.

(24) Such additional data as may be required for the yard trash processing facility.

(25) Reclamation plan showing proposed elevations.

(26) Existing and proposed cross sections at intervals sufficient to determine volume.

s. Closure plans and cross section details of the final cover. The closure plan shall describe provisions for cover material for the long-term care of erosion control and general maintenance of the facility, and specify the anticipated source and amount of material necessary for proper closure of the facility.

5. Other Required Submittals

a. Listed Species Site Survey: If the site is shown on Map 3-1 in the Comprehensive Plan, as a potential location for known listed species habitat.

b. A narrative meeting the requirements of Section 809, Historic and Cultural Resources.

c. Geotechnical/geological engineering report.

d. Traffic Impact Study pursuant to Section 901.5.

e. Substandard Road Analysis pursuant to Section 901.4.

f. Access Management Application pursuant to Section 901.3.

g. Erosion and Sediment Control Plan:

(1) Narrative.

(2) Map/site plan.

(3) Construction details.

(4) Calculations.

h. Financial security document; evidence of financial responsibilities described in this Code.

D. Public Hearing Required

Prior to commencing operations as a yard trash processing facility for the storing and processing of yard trash, a Yard Trash Processing Operating Permit application must be reviewed and approved by the Board of County Commissioners (BCC) after a public hearing held in conjunction with a Conditional Use Permit.

E. Notice

Notice shall be as required pursuant to this Code, Section 303.2.B, and the provisions of Chapter 125.66, Florida Statutes.

F. Standards for Approval

The County Administrator or designee, the Development Review Committee (DRC), and the BCC shall review and consider the following criteria and standards in regard to the advisability of issuing an Operating Permit for a yard trash processing facility:

1. Requirements of the land use and zoning classification applicable to the subject property.

2. Compliance with the technical requirements of this Code.

3. Provision of design features which assure the protection of the public health, safety, and welfare.

4. Consistency with the Goals, Objectives, and Policies set forth in the Comprehensive Plan.

5. Provision of necessary public improvements or facilities.

6. Concurrency requirements established by this Code.

G. Operating Permit Review

1. Staff Review

The County Administrator or designee, after consideration of the above standards, shall present a recommendation to both the DRC and BCC. The said recommendation shall specify provisions, standards, conditions, or design specifications which must be met in order to ensure compliance with this Code and the Comprehensive Plan.

2. DRC Review

After receipt of the written recommendation of the County Administrator or designee, the DRC shall consider the application and make a recommendation to the BCC.

3. BCC Hearing and Action

a. Upon receipt of the recommendation, the BCC shall hold a separate public hearing on the proposed Yard Trash Processing Operating Permit.

b. At the conclusion of the public hearing, the BCC may:

(1) Refer the application back for further study if further information is required in order to make a final decision;

(2) Deny the application;

(3) Approve the permit application as presented; or

(4) Approve the permit application with such conditions as necessary to ensure compliance with this Code; the Comprehensive Plan; and to protect the health, safety, and welfare of the citizens of Pasco County.

All or any portion of the operations for which a permit is sought may be approved subject to whatever additional conditions the BCC may deem necessary and appropriate for the fulfillment of the purposes of this Code. Such additional conditions of approval shall be stated on the face of the Operating Permit or may be incorporated therein by stated reference to any document which shall be made a part thereof.

The BCC may impose reasonable, additional conditions where necessary to protect the public health, safety, and welfare including, but not limited to, conditions requiring lining of the disposal facility pursuant to Section 403.707(9)(b), Florida Statutes, or other leach prevention measures; installation of stormwater management facilities; sound and/or visual buffering; hours of operation; surface water and groundwater monitoring; and that the owner or operator will take out and maintain insurance covering damage, destruction, unsafe, dangerous, or unhealthful conditions which may result from the use of the property as a yard trash processing facility.

H. <u>Approval Form, Permit Time Limits, and Activities Required Prior to Commencement</u>

1. The BCC approval shall be in written form and shall constitute a permit for operation of a yard trash processing facility subject to the

requirements of this Code and the specific requirements, limitations, conditions, and prohibitions contained in the Operating Permit.

2. Permits for operation of a yard trash processing facility are not limited in duration and shall correspond to the permittee's approved disposal volume with an annual review for compliance.

3. The effective date of any Yard Trash Processing Operating Permit shall be the date of issuance by the BCC.

4. A permit shall be valid for the volume capacity specified in the Yard Trash Processing Operating Permit.

5. A permit may be issued only in the name of the applicant. Transfer of the permit requires notification to the County prior to the transfer. All terms, conditions, and financial responsibilities shall run with the permit as well as with the land.

6. The Scope of Operations to be permitted under any permit shall only be as specified in the permit (which may incorporate by reference the whole or any part of any plan of operations submitted as a portion of the application for the permit), or any recommendation thereon submitted to and accepted by the BCC by any County department, public or private agency, or individual. A copy of any incorporated recommendation or pertinent part thereof shall be attached to and considered a part thereof.

7. A permittee may seek an amendment of any permit in order to vary or expand the scope or method of its operations at any time by filing an application that follows the procedures outlined for the original application. An amendment deemed necessary in the public interest may be proposed by any member of the BCC; DRC; County Administrator or designee; or any applicable Federal, State, or local regulatory body.

8. Prior to the issuance of a permit, the applicant shall furnish financial security as required by this section.

9. Following approval of an application by the BCC, the County Administrator or designee shall, upon request, issue a permit to the applicant or his authorized agent, provided that the required financial security has been submitted to the County.

10. Prior to the initiation of storage or disposal activities authorized by the permit, the applicant shall erect signs alerting motorists to the haul traffic entering the roadway. Such signs shall be erected to County or Florida Department of Transportation standards.

11. The applicant shall obtain all necessary permits from the Southwest Florida Water Management District (SWFWMD), the Florida

Department of Environmental Protection (FDEP), and other regulatory agencies, as appropriate, prior to commencing operations. These agencies' permits shall be provided to the County. All applicable statutes, regulations, rules, and orders of Federal, State, and local agencies shall be made a part of the conditions of operations. Where an applicable statute or regulation of another agency is more stringent, that regulation shall apply.

12. A minimum of one (1) up-gradient and one (1) down-gradient monitoring well shall be installed prior to commencement of operations. Installation and sampling of this well will be in accordance with Chapter 62-709, F.A.C.

13. Background water quality for a disposal facility shall be determined by analysis, prior to any disposal of debris, of at least one (1) sample taken from each monitoring well that was installed and each surface water location. All surface water bodies which may be affected by a contaminant release from the disposal facility shall be monitored.

I. Prior to Processing Activity

1. Prior to the initiation of processing activities authorized by the Operating Permit, the applicant shall erect signs alerting motorists to haul traffic entering the roadway. Such signs shall be erected to County standards.

2. The applicant shall obtain all necessary permits from the SWFWMD, the FDEP, and other regulatory agencies, as appropriate, prior to commencing operations under the Operating Permit. These agencies' permits shall be provided to the County. All regulations, rules, and orders of Federal, State, and local agencies are made a part of these conditions of operations. Should an applicable regulation of another agency be more stringent than the requirements herein, the more stringent shall apply.

3. The owner or operator shall submit to the County evidence of financial responsibility in the form of a performance assurance document sufficient to cover 125 percent of an engineer's certified cost estimate of the costs of closure of the processing facility. The performance assurance document and the cost estimate must be reviewed by the County Attorney's Office, the County Administrator or designee, and accepted by the BCC. The performance assurance document shall be kept in force at all times until closure has been completed in accordance with this Code.

J. Site Standards

1. The proposed storage and disposal area shall not be permitted within:

a. 500 feet of a park, library, or school boundary.

b. 500 feet of the property line of an adjacent residential use or lands zoned for residential use.

c. 200 feet of an existing right-of-way or public or private easement for drainage, utility, or road purposes.

d. 200 feet of permittee's property line.

e. 100 feet of any wetland jurisdictional line or water body, natural or manmade. This does not include ponds, ditches, or other structures that are part of a permitted stormwater management system or water bodies contained totally within facility boundaries that do not discharge from the site to surface waters.

f. 100 feet of off-site wells or 1,000 feet of a potable community supply well.

2. There shall be an all weather access road, at least twenty (20) feet wide, around the perimeter of the site and fifteen (15) foot wide interior access ways so that all processed or unprocessed material is within fifty (50) feet of access by motorized firefighting equipment.

3. Storage of processed or unprocessed material shall be stacked no higher than the buffer.

4. Fire protection shall be provided.

K. Operational Standards

1. The storage and processing areas of the facility shall be fenced and gated or otherwise secured to prevent unauthorized or uncontrolled access.

2. Unless otherwise allowed, the hours of operation shall be limited to daylight hours between 7:00 a.m. and 7:00 p.m., only. No processing activities shall be conducted on Sundays and County designated holidays.

3. The operator or employee must be present at the site during all hours of operation.

4. The applicant shall be responsible for the control of fugitive dust particulate arising from the facility. Such control shall prevent the creation of nuisance conditions on adjoining property.

5. No open burning or burying is allowed.

6. The storage, disposal, or processing of any potentially hazardous or toxic material shall be prohibited. The storage, disposal, or processing of any material other than yard trash is prohibited.

7. Yard trash received at the processing facility must be processed timely as follows:

   a. Any yard trash received at the facility shall be size reduced or removed within six (6) months. To be considered processed material, it must pass a six (6) inch sieve. However, logs with a diameter of six (6) inches or greater may be stored for up to twelve (12) months before they are size-reduced or removed, provided the logs are separated and stored apart from other materials on site.

   b. Processed material shall be removed from the facility within eighteen (18) months (first in/first out) in accordance with the FDEP regulations.

   c. When operations cease, all yard trash shall be removed from the site and recycled or disposed of at a permitted facility within eighteen (18) months.

8. Record Keeping

   The operator or his employees shall:

   a. Keep and maintain a daily log indicating the date and time of all disposals and rejections; the name and address of the disposer, including disposer whose material was rejected; and the license or vehicle identification number of the disposer's vehicle.

   b. Complete a ticket reflecting the following information:

      (1) The name of the driver and the owner of the vehicle.

      (2) The license number.

      (3) Customer number.

      (4) The estimated cubic yards of yard trash accepted or rejected for disposal.

      (5) Location where yard trash originated.

9. Owners and Operators Responsibilities

   The fee simple owner of the land and the operator/permittee of a yard trash processing facility shall be responsible for compliance with these

rules and all other applicable Federal, State, and local laws, rules, and regulations. Any person violating the provisions of such laws, rules, or regulations, and causing damage, destruction, or unsafe, dangerous, or unhealthful conditions shall be responsible for:

a. Correcting such conditions.

b. In the event the owner and operator fail to correct such condition within a reasonable period of time after notice thereof, permitting the County to correct such conditions and reimbursing the County for the costs of correcting such conditions.

c. Indemnifying the County for any liability for damages caused by such violation.

d. The permittee and the fee simple owner(s) shall be subject to absolute liability resulting from failure of the permittee to complete any reclamation of lands or to conduct the operation as required by this Code and any permit issued. The liability of this section shall be in addition to those imposed as civil or criminal penalties by this Code, Section 108.

10. Annual Reports

Each year, within thirty (30) days following the anniversary date of the Operating Permit, the operator/permittee shall provide an annual report with the County Administrator or designee. The annual report shall contain a summary of the total quantity of solid waste disposed of and rejected by month, a copy of the log required to be maintained pursuant to this Code, and a projection of the quantity of yard trash expected to be disposed of during the next year. The report shall be made available for public inspection. The annual report shall be reviewed and any comments or recommendations shall be presented to the BCC by the County Administrator or designee in the form of an annual review of compliance, a copy of which shall be provided to the operator/permittee and the fee simple owner of the land, if different than the permittee/operator. Failure to file the annual report in a timely manner may be grounds for suspension or revocation of the permit and is a violation of this Code. An extension of time may be granted by the BCC upon request and for reasonable cause.

L. <u>Financial Responsibility</u>

1. Closure of the Yard Trash Processing Facility

Prior to operation of the yard trash processing facility, the owner or operator shall submit to the County evidence of financial responsibility in the form of a performance assurance document sufficient to cover 125 percent of an engineer's certified cost estimate of the costs of

closure of the yard trash processing facility. This document may be for phases. The performance assurance document and the cost estimate must be reviewed by the County Attorney's Office, the County Administrator or designee, and be accepted by the BCC. The performance assurance document shall be kept in force at all times until closure of the cell(s) has been completed in conformance with the closure plan and this Code.

2. Long-Term Maintenance

a. As a condition for the issuance of a permit, the applicant shall establish a self insurance fund to ensure that the yard trash processing facility is operated in accordance with applicable County regulations and to ensure long-term maintenance of the yard trash processing facility.

b. The applicant shall charge a fee per cubic yard of yard trash to fund this self insurance fund and shall report quarterly to the County on the status of the fund.

c. The fund shall remain in effect for ten (10) years after final closure of the site or until the County establishes and administers its own environmental fund, whichever is earlier. The County shall have the right of access to this fund to address any violations of County regulations pursuant to a written agreement with the applicant, the form of which shall be approved by the County Attorney's Office.

d. For the purposes of determining the amount that is required for long-term maintenance, the owner or operator shall estimate the total cost for a ten (10) year period. The owner or operator shall submit the estimates, together with all necessary justification, to the County for review and approval accompanied by proof of financial responsibility. The costs shall be estimated by a professional engineer for a third party performing the work, on a per unit basis, in conformance with the guidelines approved by the County.

e. Long-term maintenance costs shall include land surface care; surface water and groundwater monitoring, collection, and analysis; and any other costs of compliance with this Code.

f. Annual Cost Adjustments

(1) Every owner or operator of a yard trash processing facility shall submit to the County an annual cost adjustment statement certified by a Florida registered engineer.

(2) The owner or operator shall revise the cost estimate for inflation and changes in the long-term maintenance plan. Such revisions shall be made annually.

M. Prohibitions

1. Disposal of yard trash shall be subject to the prohibitions set forth in Rule 62-709, F.A.C., as may be amended.

2. No solid wastes other than approved yard trash shall be stored at or processed in a yard trash processing facility.

3. Except for exempt activities, storage and/or processing of yard trash is prohibited except within the scope of a valid Yard Trash Processing Operating Permit issued by the BCC.

N. Suspension, Modification, or Revocation of Permit

Failure to comply with the County, State, or Federal statutes, rules, or regulations governing processing of yard trash may constitute grounds for suspension or revocation of the Yard Trash Processing Operating Permit. Upon a determination of noncompliance, the County Administrator or designee shall notify the owner and operator/permittee of the nature of the noncompliance and order corrective action. If the owner and operator fail to comply or take the ordered corrective action, the County Administrator or designee may notify the BCC, who may schedule a public hearing to consider suspension or revocation of the Operating Permit. After due public notice, of the said hearing, the BCC shall conduct the said hearing giving all interested persons the opportunity to be heard, present testimony and evidence, and cross-examine witnesses. If, after consideration of the testimony and evidence, the BCC determines that grounds for suspension exist, the BCC shall take one (1) or more of the following steps:

1. Order appropriate corrective action.

2. Modify the existing conditions of or impose additional, more stringent conditions on the permit.

3. Suspend the permit until appropriate, corrective action is taken, or additional or modified conditions are complied with. Any Yard Trash Processing Operating Permit shall be subject to suspension or revocation in whole or in part upon a finding of noncompliance with the terms of the said permit, this Code, or applicable status, rules, and regulations. A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected. While a permit or any part of a permit is suspended, no operations authorized by the suspended portion of the Operating Permit shall be carried out. A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected.

4. Revoke the permit. Copies of all notices and orders sent to the permittee by the County Administrator or designee as well as reports of compliance or appeals to the BCC from the permittee shall be sent by the County Administrator or designee to any agency involved in the permit process.

O. Enforcement/Violations

In addition to suspension, modification, or revocation of the Operating Permit, violation of this section may be addressed through any of the enforcement methods in this Code, Section 108.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 405. PROPERTY DIVISION

405.1. Limited-Family Lot Division

A. Applicability

A Limited-Family Lot Division (LFLD) consists of all lot divisions where a property owner desires to divide a parcel of land to convey a portion or portions of the property to a relative or relatives (as defined in Section 163.3179, Florida Statutes), so the relatives can create homesteads.

An LFLD is not a subdivision and is not required to be platted if created in conformance with this section.

B. Requirements

1. The lot or lots created shall meet the minimum lot size and density standard of the zoning district in which the property is located. Wetlands and the required upland buffer may be included in the lot, provided that setbacks are measured from the upland buffer line and that no activity requiring the issuance of a Building Permit shall be allowed within five (5) feet of the upland buffer line.

2. A relative may only receive one (1) lot created by an LFLD.

3. The parcel of land to be divided shall have a Comprehensive Plan Future Land Use Classification of AG (Agricultural) or AG/R (Agricultural/Rural).

4. The maximum number of lots created shall be five (5).

5. Lots created pursuant to this exemption may not be further divided, except in accordance with this Code, Chapter 700.

6. Building Permits for the lots created pursuant to this section may only be pulled by the relative identified in the affidavit of property-owner filed as part of the application for LFLD.

C. Application Requirements

1. Graphic Requirements

a. Projects proposing an LFLD shall submit a complete boundary survey/graphic depiction signed and sealed by a Florida-registered surveyor, showing the following:

(1) Boundary survey of the parcel showing boundaries of the proposed individual lots and legal descriptions of the overall parent tract and individual lots;

(2) Existing structures and parking areas on the parcel to be divided;

(3) Date of preparation;

(4) Total acreage of the parcel to be divided;

(5) Lot and block numbers, if applicable;

(6) All easements on the property to be divided and on abutting streets;

(7) A statement that any further division of the lot or lots shall be subject to the subdivision requirements of this Code; and

(8) Scale of the plan, both written and graphic.

(9) A vicinity map which depicts the location of the proposed division in relation to adjacent streets and property.

(10) Existing and proposed contours, including directional indicators for positive drainage on a lot-by-lot basis. Lots shall be laid out to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general stream-drainage pattern for the area. Drainage shall be designed to avoid unnecessary concentration of storm drainage water from each lot to other lots or parcels.

2. Narrative Requirements. The following shall be provided with the application in narrative form.

a. An executed affidavit of property owner on a form approved by the County Attorney, wherein the property owner represents that:

(1) The property owner has not applied for or been approved for an LFLD (formerly known as limited-family subdivision) on any other parcel in the property owner's ownership or control;

(2) The property owner holds a fee simple title to the real property to be divided;

(3) The grantees of each parcel or lot created are relatives in accordance with Section 163.3179, Florida Statutes; and

(4) The name of the grantee of each lot created pursuant to the LFLD provisions of this Code.

b. The method by which utilities, including water, sewer, and electrical shall be provided into the LFLD.

c. Copy of the executed, binding agreement for maintenance of private accessways (ingress/egress).

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 406. MISCELLANEOUS PERMITS

406.1. Signs

406.1.1. General

A. Intent and Purpose

The intent and purpose of this section is to provide the minimum control of signs necessary to promote the health, safety, and general welfare of the citizens of the County by lessening hazards to pedestrians and vehicular traffic, by preserving property values by preventing unsightly and detrimental signs that detract from the aesthetic appeal of the County and lead to economic decline and blight, by preventing signs from reaching excessive size and numbers disproportionate to the size or intensity of use of the parcel on which they are located or that they obscure one another to the detriment of the County, by ensuring good and attractive design that will strengthen the County's appearance and economic base, and by preserving the right of free speech and expression in the display of signs.

It is not the purpose of this section to regulate or control the copy, the content, or the viewpoint of signs. Nor is it the intent of this section to afford greater protection to commercial speech than to noncommercial speech. Noncommercial signs are allowed in all districts and may be substituted for any sign expressly allowed in this section, and any sign permitted by this section may display a noncommercial message. If any or all of the other provisions of this section are held to be unconstitutional, it is the explicit intent of the Board of County Commissioners (BCC) that, at a minimum, the standards in Section 406.1.12 be considered severable and enforced as the minimum standards for signs in the County.

B. Applicability

All signs proposed to be located or currently existing in the unincorporated area of the County are subject to the requirements of this section. All persons proposing to locate a sign or in control of an existing sign are subject to the requirements of this section. Nonconforming signs shall comply with this Code, Section 1203. The Florida Department of Transportation and the County are specifically exempt from this section. This does not apply to billboards which are regulated pursuant to Section 406.2.

406.1.2. Authorization for Signs

A. Applications and Permits for Signs

1. Permit required. No person shall erect or assist in the erection, construction, alteration, and relocation of any sign for which a Sign Permit, and any other required permit, has not been obtained. "Alter"

shall include, but not be limited to, the addition of sign surface area, changing a static sign face to an activated sign face, a multiprism sign face, or any technology that automatically changes the sign face, and the changing or relocation of the light source. Alter includes any and all structural changes in the sign, but shall not include the changing of copy on a sign, which is designed as a changeable copy sign, or the sign face. Any sign erected, constructed, altered, or relocated without the required permits, as applicable, is illegal and a violation of this Code. The repair and maintenance of an existing sign shall not require a Sign Permit provided the work performed does not exceed that necessary to keep the sign, including the sign structure, in a good state of repair. If the repair and maintenance of the sign requires a Building Permit, e.g., electrical work is involved, that permit shall be obtained prior to commencement of the work.

2. Application; determination of completeness. Before any Sign Permit is issued, a written application in the form provided by the County Administrator or designee, shall be filed, together with such drawings and specifications as may be necessary to fully advise the County of the location, construction, materials, manner of illuminating, method of securing or fastening, the number of signs applied for, the consent of the property owner, the required application fee, and proof of issuance of or application for any required development and Building Permits for the structure. Upon the submission of an application, staff shall have ten (10) business days to determine whether it is complete. If staff finds that the application is not complete, they shall provide the applicant with written notice of the deficiencies within the ten (10) day period. Upon resubmission of the application, staff shall have five (5) additional business days to determine whether the applicant's revisions are sufficient to complete the application. If they are not, staff will again inform the applicant of any remaining deficiencies in writing. This process shall continue until the applicant has submitted a complete application or demands that the application be reviewed "as is."

3. Administrative review. Administrative review of Sign Permit applications shall include the review of all information submitted to determine conformity with this Code and an on-site inspection of the proposed sign location. Sign and landscape conflicts may be resolved by an administrative variance, see Section 407.3. Proposed structural and safety features and electrical systems shall be in accordance with the requirements of the County's adopted Construction Code. No sign shall be approved for use unless it has been inspected and found to be in compliance with all the requirements of this Code and the County's adopted Construction Code.

4. The County Administrator or designee shall approve or deny the Sign Permit application based on whether it complies with the requirements of this Code and the County's adopted Construction Code and shall

approve or deny the Sign Permit within thirty (30) calendar days after receipt of a complete application or from the date the applicant demands that the application be reviewed "as is." The County Administrator or designee shall prepare a written notice of its decision describing the applicant's appeal rights and send it by certified mail, return receipt requested to the applicant pursuant to Section 407.1. The applicant may file an appeal application to the BCC within thirty (30) calendar days after the date of mailing the County's written notice. The BCC shall hear and decide the appeal at the next available BCC meeting that is at least thirty (30) calendar days after the date of receiving the appeal application. If the BCC does not grant the appeal, then the appellant may seek relief in the Circuit Court for the County, as provided by law.

5. Sign Permit tag. For each permit issued, the permittee shall permanently affix a permit identification tag which shall be printed or impressed thereon, a number corresponding to the permit number, plus any additional information deemed appropriate by the County Administrator or designee subject to the following. The Sign Permit will become void unless the permit tag is properly displayed on the permitted sign within thirty (30) days after the completion of the installation of the sign.

   a. No sign as herein defined, unless specifically exempted, shall be erected, displayed, rebuilt, repaired, or otherwise maintained which does not have such tag securely attached thereto, or to its supporting structure in such a manner as to be plainly visible from the street or roadway.

   b. The absence of an identification tag shall be prima facie evidence that the sign or advertising structure has been erected or is being operated in violation of the provisions of this Code.

   c. The permittee, owner of the property where the sign is located, a tenant/occupant of the land where the sign is located, and the owner of the sign are each responsible for maintaining a valid permit tag on each permitted sign at all times.

   d. The tag shall be no smaller than 5" X 2" and shall contain numbers not less than one (1) inch high.

B. <u>Extension and Expiration of Sign Applications and Permits</u>

1. An application for a Sign Permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing for the Sign Permit, unless before then a Sign Permit has been issued. One (1) or more extensions of time for a period of not more than ninety (90) days each may be allowed by the County

Administrator or designee for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

2. Time to complete construction. Every Sign Permit issued shall become invalid unless the work authorized by such Sign Permit is commenced within six (6) months after its issuance, or if the work authorized by such Sign Permit is suspended or abandoned for a period of six (6) months after the time the work is commenced. If a Building Permit for the sign is applied for within thirty (30) days after the Sign Permit is issued, and the Building Permit is issued, the work authorized by the Sign Permit shall be commenced and at least one required inspection shall be successfully completed within six (6) months after issuance of the Building Permit. If the work has commenced and the Sign Permit is revoked, becomes null and void, or expires because of lack of progress or abandonment, a new Sign Permit covering the proposed work shall be obtained before proceeding with the work.

C. Permit Revocation

The County Administrator or designee is hereby authorized and empowered to revoke, in writing, any permit issued by the County upon failure of the holder thereof to comply with the provisions of this Code or if the permit was issued on the basis of a mistake by the County, or misstatement of facts or fraud by the applicant. The County Administrator or designee shall send the revocation by certified mail, return receipt requested to the sign owner. Any person having an interest in the sign or property may appeal the revocation by filing a written notice of appeal with the County within fifteen (15) calendar days after mailing the written notice of revocation. The BCC shall hear and decide the appeal at the next BCC meeting that is at least in thirty (30) calendar days after the date of receiving the written notice of appeal. If the BCC does not grant the appeal, then the appellant may seek relief in the Circuit Court for the County, as provided by law.

D. Relationship to Other Permits

No permit for any on-site sign shall be issued by the County until a Building Permit or Development Permit has been issued for the establishment to which it relates.

406.1.3. Prohibited Signs

A variance may not be approved for a prohibited sign. The following types of signs are prohibited.

A. Activated signs and devices.

B. Revolving signs.

C. Snipe signs.

D. Signs other than sandwich signs placed on the sidewalk or curb.

E. Swinging signs.

F. Vehicle signs.

G. Signs which imitate or resemble any official traffic or government sign, signal, or device. Signs which obstruct, conceal, hide, or otherwise obscure from view any official traffic or government sign, signal, or device.

H. Any sign which:

1. Has unshielded, illuminated devices that produce glare or are a hazard or nuisance to motorists or occupants of adjacent properties.

2. Due to any lighting or control mechanism, causes radio, television, or other communication interference.

3. Is erected or maintained so as to obstruct any fire-fighting equipment, window, door, or opening used as a means of ingress or egress for fire escape purposes, including any opening required for proper light and ventilation.

4. Does not comply with the specific standards required for that type of sign as elsewhere required in this Code.

5. Is erected on public property or a public right-of-way, except as expressly allowed in this Code.

I. Bench signs located on private property.

J. Abandoned signs.

K. Inflatable signs or devices.

L. Illegal signs.

M. Beacon lights.

N. Roof signs located above the top line of the mansard, parapet, eaves, or similar architectural features.

O. Window signs which, in aggregate, cover more than twenty-five (25) percent of the total window surface.

P. Signs in or upon any river, bay, lake, or other body of water within the unincorporated limits of the County. Signs attached to or painted on piers or seawalls.

Q. Pole signs except for temporary signs.

R. Multiprism signs.

S. Portable signs.

T. Pennants.

U. Festoons.

V. Any unpermitted sign for which a Development, Building, or Sign Permit is required and the permit(s) has not been obtained.

W. Any sign exempt from obtaining a Sign Permit that does not comply with the applicable requirements of Section 406.1.5.

X. Off-site signs other than registered billboards as provided for in this Code.

Y. Signs located on public rights-of-way without a valid Right-of-Way Use Permit.

406.1.4. Abandoned Signs

A. An abandoned sign is prohibited and shall be removed. An abandoned sign is any sign or sign structure which, for a period of six (6) consecutive months, has any, all, or a combination of the following characteristics:

1. The sign or structure does not bear copy.

2. Is not maintained as required by this Code.

3. The property upon which the sign is located remains vacant for a period of six (6) consecutive months or more.

B. Signs which have any or all of the characteristics listed above shall be covered and remain covered with an opaque covering by the property owner.

C. Signs on parcels with active Building Permits will not be considered abandoned during the period that a permit is active provided that the internal fixtures are covered and the sign is maintained as required by this Code.

406.1.5. Signs Exempt from Obtaining Sign Permits

A. The following on-site signs are not required to obtain a Sign Permit provided, however, that such signs are erected in conformance with all other requirements of this Code and provided that all required permits have been issued. In nonresidential zoning districts:

1. A permit is not required to change or replace the copy, message, or sign face on changeable copy signs. However, the change or

replacement of the copy, message, or sign face must not enlarge, increase, or decrease the sign surface area, sign structure area, nor adversely affect the original design integrity. If, in order to change or replace the copy, message, or sign face, the supporting sign structure must be unfastened, loosened, or removed, then a Sign Permit shall be required. Copy shall not be replaced such that the sign becomes an off-site sign.

2. One (1) sandwich sign per business establishment having a Certificate of Occupancy, when the sign is placed on the sidewalk no further than five (5) feet from the main entrance door of the establishment and with a maximum height of 3½ feet and maximum sign structure width of two (2) feet. The sign shall not be placed so as to obstruct pedestrian traffic along the sidewalk.

3. Window signs which comprise, in aggregate, twenty-five (25) percent of the total window area or less.

B. In residential districts, one (1) nonilluminated wall sign not to exceed two (2) square feet in sign surface area.

C. In addition, all parcels may display the following without a permit(s):

1. Flags when displayed on a pole(s) or other supporting structures and provided that the flags do not bear a commercial message.

2. Signs or tablets not bearing a commercial message when cut into any masonry surface or when constructed of bronze or other noncombustible materials and located on a building or monument.

3. Interior signs as defined by this Code. Such signs shall not be counted as part of the maximum sign square footage permitted on any parcel.

4. One (1) noncommercial sign per premises not to exceed four (4) square feet in sign surface area and six (6) feet in height.

406.1.6. Temporary Signs

A. Generally

All allowed temporary signs shall meet the following general standards, as applicable, in addition to any applicable specific standards as provided in this Code:

1. Time of display. Temporary signs may be displayed before, during, and up to five (5) calendar days after an event to which the sign relates. Temporary signs shall not be posted more than fifteen (15) calendar days prior to the time of the event or activity to which they relate and shall be removed no later than five (5) calendar days after

the conclusion of that event or activity. For the purposes of illustration, temporary political campaign signs may be posted no earlier than fifteen (15) days prior to the date of candidate qualification and must be removed no later than five (5) calendar days after the election to which they relate.

2. Location on parcel. A temporary sign shall not create a physical or visual hazard for pedestrians or motorists and shall be set back a minimum of five (5) feet from the right-of-way line and twenty (20) feet from the intersection of any rights-of-way. Temporary signs shall not be located within public rights-of-way.

3. Permitting. Temporary signs, other than advertising banners and balloons, shall not require a Sign Permit.

4. Temporary signs shall not be illuminated.

5. Residential districts. One (1) temporary sign per premises is allowed and shall not exceed four (4) square feet in sign surface area and six (6) feet in height.

6. Nonresidential districts. One (1) temporary sign per premises is allowed and shall not exceed thirty (32) square feet in sign surface area and eight (8) feet in height.

B. <u>Specific Standards for Certain Types of Temporary Signs</u>

1. Real estate signs. One nonilluminated sign may be displayed per street frontage, subject to the following restrictions:

a. In residential zoning districts:

(1) A maximum of 4½ square feet in sign surface area, where the property has a street frontage of less than 500 feet.

(2) A maximum eight (8) square feet in sign surface area, where the property being advertised or developed has a street frontage of 500 feet or more.

(3) In E-R Estate-Residential and ER-2 Estate-Residential, a maximum of six (6) square feet in sign surface area.

(4) Parcels bordering a navigable waterway or golf course may have one (1) additional sign on the waterfront or golf course side of the property.

(5) Shall not exceed six (6) feet in height.

(6) Shall not be posted more than fifteen (15) days prior to the listing of the property for sale or lease or the filing of applications for the development of the property and shall be removed within five (5) days after the sale or lease of the property or the completion of development as evidenced by the issuance of a Certificate of Occupancy (CO).

b. In nonresidential zoning districts:

(1) A maximum of thirty-two (32) square feet in sign surface area.

(2) Shall not exceed ten (10) feet in height.

(3) Shall not be posted more than fifteen (15) days prior to the listing of the property for sale or lease or the filing of applications for the development of the property, and shall be removed within five (5) days after the lease or sale of the property or the completion of development as evidenced by the issuance of a CO.

2. Construction signs. One (1) nonilluminated sign may be displayed per street frontage, subject to the following restrictions:

a. Shall not be erected more than fifteen (15) days prior to issuance of a Building Permit and located upon a site under construction.

b. Shall be removed within five (5) days after the completion of the building or construction activity as evidenced by the issuance of a CO.

In residential zoning districts:

(1) Four and one-half square feet in sign surface area where the property has a street frontage of less than 500 feet.

(2) Eight (8) square feet in sign surface area where the property has a street frontage of 500 feet or more.

(3) Shall not exceed six (6) feet in height.

In nonresidential zoning districts:

(1) A maximum of eight (8) square feet in sign surface area where the property has a street frontage less than 200 feet.

(2) A maximum of thirty-two (32) square feet in sign surface area where the property has a street frontage of 200 feet or more.

(3) Shall not exceed ten (10) feet in height.

C. In nonresidential districts, one (1) banner sign or advertising balloon for each establishment having a CO may be displayed a maximum of four (4) times per calendar year, with a maximum sign surface area for banners of forty (40) square feet. A Sign Permit shall be obtained for such banner or advertising balloon, pursuant to Section 406.1.2, and the permit number and expiration date shall be displayed on the banner or advertising balloon as provided in the permit. The Sign Permit shall be valid for thirty-five (35) days for each occurrence.

406.1.7. Signs in Rights-of-Way

A. Bench signs as permitted in this Code, Section 406.5, may be placed in public rights-of-way within the County.

B. Signs for which a valid Right-of-Way Use Permit and a License and Maintenance Agreement have been obtained from the County prior to December 31, 2011, may be placed in the public right-of-way subject to the terms of the Right-of-Way Use Permit and the License and Maintenance Agreement. However, such signs are nonconforming structures pursuant to this Code, Chapter 1200.

C. Prohibition of all other signs on rights-of-way. It shall be unlawful for any person, firm, corporation or other entity, for its own or the benefit of another, to erect, place, post, install, affix, attach, or in any other way locate or maintain a sign upon, within, or otherwise encroaching on a right-of-way or upon a structure located within such a right-of-way.

406.1.8. General Standards

All signs for which a Sign Permit is sought or has been issued shall meet the following general standards, as applicable, in addition to any applicable specific standards as provided in this Code.

A. For the purpose of determining the spacing requirement found in this subsection, distances shall be measured from the leading edge of the sign structure to the property line of the property from which the distance is being measured.

B. Illuminated signs, including neon signs, shall not produce more than one (1) foot-candle of illumination four (4) feet from the sign, when measured from the base of such sign. Exposed neon tubing shall not be permitted on ground signs.

C. Signs shall not be placed in the clear sight triangle or in the rights-of-way.

D. Maintenance of signs. All signs for which a permit is required by this Code, including their supports, braces, guys, and anchors, shall be maintained so as to present a neat, clean appearance. Painted areas and sign surfaces shall be kept in good condition and illumination, if provided, shall be maintained in safe and good working order. Trash, rubbish, and debris shall be kept clear in front of, behind, underneath, and around the base of signs for a distance of five (5) feet. On-site signs not currently in use, but that are not abandoned signs pursuant to Section 406.1.4, shall also be maintained in a neat and clean appearance.

E. Height. The height of all signs shall include berms or permanent planters if the sign is located thereon and shall be measured at an elevation equal to the elevation of the closest portion of the nearest paved right-of-way to the highest point of the sign structure.

F. Ground signs shall be designed with an enclosed base. The width of such enclosed base shall be equal to at least two-thirds of the width of the sign structure measured at its widest point. The finish shall be consistent with materials used on the building that the sign serves.

G. Number of signs. For the purpose of determining the number of signs, a sign shall be construed to be a single display surface or device containing elements organized, related, and composed to form a single unit. In cases where material is displayed in a random or unconnected manner, or where there is reasonable doubt as to the intended relationship of such components, each component or element shall be considered to be a separate sign. A projecting sign or ground sign with a sign surface on both sides of such structure shall be construed as a single sign provided that the back to back sign faces do not exceed an angle of ninety (90) degrees and the total area of such sign shall be the area computed on a single side of the sign.

H. Nothing contained in this section shall be construed to allow the display of signs when otherwise prohibited or restricted by private restrictions or covenants of residential or nonresidential property.

406.1.9. <u>Standards for Signs in Residential Districts</u>

A. All signs for which a Sign Permit is sought or has been issued shall meet the following general standards.

1. Noncommercial signs are allowed in all residential districts and may be substituted for any sign expressly allowed and any such sign may display a noncommercial message. Noncommercial signs are subject to the same permit requirements, restrictions on size and type, and other conditions and specifications as to the sign for which they are being substituted.

2. On-site signs meeting the general and specific standards of this Code, as applicable, are allowed in residential districts. Off-site signs are prohibited in residential districts.

3. An individual firm, partnership, association, corporation, or other legal entity other than the County shall be designated as the person responsible for perpetual maintenance of the sign(s).

4. A sign shall not create a physical or visual hazard for pedestrians or motorists entering or leaving a development and shall be set back a minimum of five (5) feet from the right-of-way line and twenty (20) feet from the intersection of the rights-of-way. Signs located in medians of residential development entrance streets need not comply with the setback requirements of this subsection.

5. Each sign structure area shall not exceed ten (10) feet in height.

B. Signs at Entrances to Residential Developments

One (1) double-faced ground or up to two (2) single-faced signs may be located at each entrance to a residential development and each individual village, pod, or distinct neighborhood. One (1) additional sign may be located at each terminus (or farthest edge) of the residential development, provided each additional sign is located at least 1,000 feet from the main development sign, up to a maximum of two (2) additional signs. Each sign surface area shall not exceed forty (40) square feet.

C. Signs Internal to a Residential Development

1. An unlimited number of permanent signs located on lands in common ownership shall be allowed to fulfill the functions of the residential community, not exceeding five (5) feet in height and twenty-four (24) square feet of sign structure area and meeting the right-of-way setback requirements of this subsection.

2. Other permanent directional signs, as necessary, not to exceed four (4) square feet in sign structure area and thirty (30) inches in height. A Sign Permit is not required unless the sign is illuminated.

D. Nonresidential permitted uses, such as churches; special exception uses, such as day cares; and conditional uses, such as residential treatment and care facilities located in residential or agricultural districts; shall be allowed one (1) ground sign or wall sign not exceeding eight (8) feet in height and eighty (80) square feet in sign structure area, including architectural features. The sign shall not create a physical or visual hazard for pedestrians or motorists entering or leaving the property and shall be set back a minimum of five (5) feet from the right-of-way line, twenty (20) feet from the property line if adjacent to a residential use, and twenty (20) feet from the intersection of any rights-of-way. Illuminated signs shall not be allowed facing residential uses unless the nonresidential use is separated from the residential use by an

arterial or collector road. For nonresidential permitted uses within residential communities, one (1) ground sign not exceeding five (5) feet in height and twenty-four (24) square feet in sign structure area is allowed. This subsection does not apply to home occupations.

406.1.10. Standards for Signs in Nonresidential Districts

A. All signs for which a Sign Permit is sought or has been issued shall meet the following general standards:

1. Noncommercial signs are allowed in all nonresidential districts and may be substituted for any sign expressly allowed and any such sign may display a noncommercial message. Noncommercial signs are subject to the same permit requirements, restrictions on size and type, and other conditions and specifications as to the sign for which they are being substituted.

2. On-site signs meeting the general and specific standards of this Code, as applicable, are allowed in nonresidential districts. Off-site signs, other than registered billboards, are prohibited in nonresidential districts.

3. Signs on properties in nonresidential districts which abut a residential district shall not be erected closer than ten (10) feet from any residential zoning district.

4. A sign shall not create a physical or visual hazard for pedestrians or motorists and shall be set back five (5) feet from the right-of-way line and twenty (20) feet from the intersection of any rights-of-way. When located on the intersection of two (2) or more one (1) way streets, the setback from any intersection may be reduced to fifteen (15) feet, so long as the sign does not interfere with the clear sight triangle.

5. The finishing materials used on the sign shall be consistent with those used on the structure to which the sign relates.

6. Official address numbers and/or the range of official address numbers shall be posted on the ground sign structure and shall not be considered when figuring copy area.

B. Ground Signs

1. One double-faced ground or up to two (2) single-faced signs maybe located at each entrance to a nonresidential development and each individual distinct pod. Each sign surface area shall not exceed forty (40) square feet.

2. One (1) ground sign is allowed for each parcel having frontage on a street. If a parcel has street frontage in excess of 300 feet, one (1) additional ground sign shall be allowed for each additional 300 feet of

street frontage. At least 600 feet of street frontage is needed for a second sign, and the signs shall be placed no closer than 300 feet from each other on the same parcel.

3. Ground signs shall not exceed eleven (11) feet in height except that a ground sign may contain an ornamental top feature that is sculptural or artistic in nature that exceeds the eleven (11) foot height limitation. The ornamental top feature shall not exceed fifteen (15) percent of the overall height of the sign structure.

4. Maximum sign structure area and maximum copy area.

   To encourage innovative design and aesthetically pleasing ground signs in the nonresidential districts of the County, the sign structure must contain architectural features equal to at least fifty (50) percent of the total square footage of the copy area and comply with the following standards:

   a. Single occupancy parcels. The maximum allowable copy area and total sign structure area for any single occupancy parcel shall be determined by the table below:

Building Size Square Feet	**Maximum Copy Area Square Feet**	**Maximum Sign Structure Area (Including Copy Area) Square Feet**
0-75,000	100	200
75,000-250,000	125	250
Over 250,000	150	300

   b. Multioccupancy parcels. The maximum allowable copy area for any multioccupancy parcel shall be determined by the table above by aggregating the size of the buildings, proposed and existing, if the parcel has multiple buildings, and/or by calculating the copy area equal to twelve (12) square feet for each tenant, proposed and existing, or a combination of these two (2) approaches to achieve the higher number of square feet allowed for copy area. However, the maximum allowable copy area for a sign on a multioccupancy parcel shall not exceed 200 square feet, and the maximum sign structure area shall not exceed 400 square feet.

   c. Multioccupancy parcels with 600 feet or more of frontage. If a parcel is entitled to more than one (1) sign under Section 406.1.10.B.3.a and is a multioccupancy parcel, all allowable ground signs may be combined into a single ground sign not to exceed 400 square feet in sign structure area.

Such a combined sign may not exceed fifteen (15) feet in height, except for an ornamental top feature that is sculptural or artistic in nature, that exceeds the fifteen (15) foot height limitation. However, the ornamental top feature shall not exceed fifteen (15) percent of the overall height of the structure. The combined sign may be divided into two (2) signs, if the frontage of the parcel exceeds 1,500 feet. The total area of the combined signs shall not exceed 400 square feet in sign structure area and the height of each sign shall not exceed fifteen (15) feet.

5. Location of multioccupancy signs. Multioccupancy signs or signs for a large scale, commercial, retail building may be located on an out-parcel if the out-parcel and the multioccupancy parcel or the large scale, commercial, retail building have shared common access. The out-parcel may also have its own sign, the size of which shall be determined by the single occupancy parcel table located in this section.

C. Wall Signs

Wall signs shall be allowed in nonresidential districts provided the following specific regulations are met in addition to the general regulations stated above:

1. The maximum allowable sign structure area for wall signage shall not exceed 1½ square feet per linear foot of establishment frontage, excluding parking garages linear footage, if applicable, facing a street. Notwithstanding the foregoing, the maximum sign structure area shall not exceed 150 square feet for each frontage.

2. Wall signs shall not project above the roof line, the top line of the mansard, parapet, eave, or other architectural features as applicable, or side walls of the establishment to which the wall sign is attached nor shall the wall sign project more than eighteen (18) inches from the wall to which it is attached.

3. One (1) wall sign shall be permitted for each establishment in a multioccupancy parcel. Establishments located at a corner shall be allowed one (1) wall sign for each side of the establishment that faces a street.

D. Projecting Signs

Projecting signs shall be allowed in nonresidential districts, provided the following specific regulations are met, in addition to the general regulations stated above:

1. Projecting signs may be substituted for the wall sign, provided that the sign structure area of the projecting sign is not greater than the maximum sign structure area permitted for a wall sign.

2. Projecting signs shall not project more than four (4) feet from the wall to which the projecting sign is attached.

3. Projecting signs shall not be located above the roofline of the building nor more than eighteen (18) feet above the grade of the street, whichever is less.

4. Projecting signs shall not be located closer than ten (10) feet from an interior lot line or an adjacent establishment.

5. Projecting signs which project over any public or private pedestrian way shall be elevated a minimum of nine (9) feet above such pedestrian way. Projecting signs which project over any public or private street shall be elevated a minimum of fifteen (15) feet above such street.

E. Regulations for Marquee, Canopy, and Awning Signs

Marquee, canopy, and awning signs shall be allowed in nonresidential districts, provided the following specific regulations are met, in addition to the general regulations stated above:

1. An awning, canopy, or marquee sign may be substituted for a wall sign.

2. Any sign located on an awning, canopy, or marquee shall be affixed flat to the surface and shall not rise in a vertical dimension above the awning, canopy, or marquee.

3. The maximum sign structure area for awning, canopy, and marquee signs shall not exceed four (4) square feet per linear foot of building frontage facing a street. The aggregate copy shall not exceed twenty-five (25) percent of the total area of the awning, canopy, or marquee surface. The awning or canopy sign may be illuminated only if the material of which it is made is opaque.

F. Signs Internal to a Nonresidential Development

The intent and purpose of this subsection is to allow for signage internal to a nonresidential development that directs customers to destinations within the development and where such signage is not readily visible from adjacent rights-of-way.

1. An unlimited number of permanent signs may be located within a multioccupancy parcel or multiple parcels, developed under a Unified Plan of Development, not exceeding a height of five (5) feet and thirty-two (32) square feet of sign structure area, and meeting the right-of-way setback requirements of this subsection. The signs may be ground, wall, or projecting signs as appropriate to the site design.

2. Unlimited permanent signs, as necessary, not to exceed four (4) square feet in sign structure area and thirty (30) inches in height. No Sign Permit is required unless illuminated.

3. Colonnade signs. One (1) colonnade sign per establishment may be suspended at least nine (9) feet above a walkway limited to pedestrian traffic or at least fifteen (15) feet above a walkway open to vehicular traffic, not exceeding six (6) square feet of sign structure area.

G. Miscellaneous Nonresidential Signs

1. Signs for drive-through restaurants. In addition to the signs otherwise permitted by these sign regulations, a drive-through restaurant shall be allowed two (2) signs placed in proximity to each drive-through lane. Such sign shall be set back to the minimum building setback for the appropriate zoning district, or forty (40) feet, whichever is less. Sign surface area may not exceed twenty-four (24) square feet and the sign structure area may not exceed eleven (11) feet in height.

2. Two (2) signs are allowed per driveway not exceeding four (4) square feet in sign surface area and the sign structure area may not exceed thirty (30) inches in height. If such sign is to be illuminated, then an Electrical Permit shall be obtained. Directional signs may be placed with a one (1) foot setback from the right-of-way provided that such signs meet all other applicable regulations.

406.1.11. Unified Sign Plans for Developments - Reserved

406.1.12. Minimum Criteria for All Signs in the County

It is the intent of the BCC that, should any provision of this Section 406.1 be declared unconstitutional, the unconstitutional subsection(s) hereof is intended to be severable from the remaining provisions of Section 406.1. Should all other provisions of Section 406.1 be declared unconstitutional, notwithstanding any other

provision of this Code, the following minimum criteria shall also be met by all signs erected in the County.

A. Residential districts. No sign may be erected in a residential district that exceeds the following dimensions:

1. Maximum sign height: Ten (10) feet.

2. Maximum sign structure area: Forty (40) square feet.

B. Nonresidential districts. No sign may be erected in a nonresidential district that exceeds the following dimensions:

1. Maximum sign height: Fifteen (15) feet.

2. Maximum sign structure area: 400 square feet.

406.1.13. Enforcement

In addition to the enforcement provisions of Section 108, the County may apply any one (1) or combination of the following remedies in the event of a violation of this section.

A. Whenever a violation(s) of this section occurs or exists or has occurred or existed, any person, individual, entity, or otherwise, who has legal, beneficial, or equitable interest in the facility, or instrumentality causing or contributing to the violation(s), and any person, individual, entity or otherwise who has legal, beneficial, or equitable interest in the real or personal property upon which such violation(s) occurs or exists or has occurred or existed, shall be liable for such violation(s). The owner or marketer of goods, services, and/or events which are advertised on a sign, which is displayed in violation of this Code, is presumed to have a legal, beneficial, or equitable interest in the facility or instrumentations causing or contributing to the violation. Such presumption can only be rebutted by clear and convincing evidence. In addition, any person with control or responsibility over the condition or appearance of the premises where a violation exists, such as a manager, any owner or marketer of goods, services, and/or events, which are advertised on a sign which is displayed in violation of the Code, is liable for the violation. Any person who erects a sign in violation of this ordinance or any person who otherwise causes or contributes to a violation shall be liable for the violation.

B. Information contained in any sign, including names, addresses, or telephone numbers of persons or entities benefiting from or advertising on the sign, shall be sufficient evidence of ownership or beneficial use or interest for purposes of enforcing this section. More than one (1) person or entity may be deemed jointly and severally liable for the placement or erection of the same sign. Each unlawful sign shall be deemed a separate violation of this section.

C. Removal of Signs on Rights-of-Way

Any sign on a right-of-way or on public property in violation of this section shall be subject to immediate removal and impounding, without notice, by the County Administrator or designee at the joint and several expense of the owner, agent, lessee, or other person having beneficial use of the sign, the sign contractor or, if non-County right-of-way, the owner or lessee of the land upon which the sign is located.

1. Illegal signs of negligible or no value; destruction. Any sign placed or erected in a right-of-way or on public property in violation of this section, which has negligible or no value due to its perishable or nondurable composition including, but not limited to, those made out of paper, cardboard, or poster board, shall be deemed abandoned and may be destroyed by the County after removal. No notice or opportunity to reclaim such a sign shall be given by the County.

2. Recovery of impounded signs; abandonment and destruction. Except for those signs described in Subparagraph 1 above, any sign removed and impounded by the County shall be held in storage and the owner, if the owner's identity and whereabouts are known to the County, shall be provided with written notice via certified mail and regular mail of impoundment and fifteen (15) days from the date of notice to reclaim any such sign. Any impounded sign stored by the County may be destroyed if not reclaimed within fifteen (15) days of the written notice date or within fifteen (15) days of the date of removal if the identity and/or whereabouts of the owner are not known to the County.

D. Removal of signs on private property for immediate peril. The County Administrator or designee may cause, without notice, the immediate removal of any sign which is an immediate peril to persons or property at the joint and several expense of the owner, agent, lessee, or other person having beneficial use of the sign, the sign contractor, or the owner or lessee of the land upon which the sign is located.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 406. MISCELLANEOUS PERMITS

406.2. Billboards

A. Intent and Purpose

It is the intent and purpose of this section to promote the health, safety, and welfare of persons within the County and avoid an environment that encourages visual blight by prohibiting the installation, construction, placement, or erection of new billboards, which are hereby determined to be detrimental to the aesthetic senses and public health, safety, and general welfare of the citizens of the County.

B. Applicability

Billboards that registered with the County as of September 30, 1999, are subject to the requirements and prohibitions of this section.

C. Modifications to Registered Billboards

Registered billboards may be modified in compliance with the following and only upon issuance of a Building Permit.

1. Modifications shall not increase the area of the sign face by more than ten (10) percent of the registered billboard.

2. Modifications shall not increase the overall height of the billboard, including supporting structure, by more than ten (10) percent of the registered billboard, measured from grade to the highest point of the sign face or supporting structure, whichever is higher.

3. Modifications may not employ a different technology than the original registered billboard. Modifications prohibited by this section include, but are not limited to, changing a static sign face to an activated sign face, a multiprism sign face, or any similar technology that automatically changes the sign face or changes the source of illumination of the sign, if any. If the original registered billboard is illuminated, the power source of that illumination may be modified to incorporate solar power.

D. Reconstruction of Registered Billboards

Registered billboards may be reconstructed upon the original location of the registered billboard, provided that the replacement billboard complies with all restrictions pertaining to modifications of registered billboards, Section 406.2.C, and that all applicable demolition and Building Permits are obtained. Upon removal from a site for six (6) months or longer, the registered billboard will be considered abandoned and shall not be

reconstructed. This time period shall be extended when there is an active Building Permit on the property, or if an owner gives written notice to the County of the necessity for temporary removal of the billboard for a time period exceeding six (6) months, and providing a date for replacement is within two (2) years of removal.

E. Relocation of Registered Billboards

Registered billboards may be relocated in compliance with the following and only upon issuance of required demolition and Building Permit(s).

1. The relocated registered billboard shall comply with all restrictions pertaining to modifications of registered billboards, Section 406.2.C.

2. The new location shall not be on a different road.

3. The new location shall be within a 1,320-foot radius from the initial location of the registered billboard proposed to be relocated.

4. The new location shall be on a location within a parcel where such billboard would have been permissible pursuant to the County regulations in effect at the time such billboard was originally permitted and constructed.

5. If relocation is necessary due to governmental eminent domain action, and the criteria in E.2, E.3, or E.4 cannot be met, the County and owner may agree to an alternate new location. Size and height may be varied by agreement due to the difference in physical characteristics of the alternate new location and the original location. The County may require abandonment of other registered billboards owned by the same individual or entity if the alternate new location is more visible or heavily traveled than the original location.

F. Prohibitions

Billboards not registered with the County as of September 30, 1999, are prohibited in the unincorporated area of the County.

G. Enforcement

In addition to the enforcement provisions of Section 108, the County may apply any one (1) or combination of the following remedies in the event of a violation of this section.

1. Whenever a violation(s) of this section occurs or exists or has occurred or existed, any person, individual, entity, or otherwise, who has legal, beneficial, or equitable interest in the facility, or instrumentality causing or contributing to the violation(s), and any person, individual, entity, or otherwise who has legal, beneficial, or equitable interest in the real or personal property upon which such

violation(s) occurs or exists or has occurred or existed, shall be liable for such violation(s). The owner or marketer of goods, services, and/or events which are advertised on a billboard, which is displayed in violation of this Code, is presumed to have a legal, beneficial, or equitable interest in the facility or instrumentations causing or contributing to the violation. Such presumption can only be rebutted by clear and convincing evidence. In addition, any person with control or responsibility over the condition or appearance of the premises where a violation exists, such as a manager, any owner or marketer of goods, services, and/or events, which are advertised on a billboard which is displayed in violation of the Code is liable for the violation. Any person who erects a billboard in violation of this ordinance, or any person who otherwise causes or contributes to a violation shall be liable for the violation.

2. Information contained in any billboard, including names, addresses, or telephone numbers of persons or entities benefiting from or advertising on the billboard, shall be sufficient evidence of ownership or beneficial use or interest for purposes of enforcing this section. More than one (1) person or entity may be deemed jointly and severally liable for the placement or erection of the same billboard. Each unlawful billboard shall be deemed a separate violation of this section.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 406. MISCELLANEOUS PERMITS

406.3. Development Agreements

A. Intent and Purpose

The intent and purpose of this section is to set forth the requirements necessary for the County to consider and enter into development agreements (DA). It is the further intent of the Board of County Commissioners (BCC) to encourage a strong commitment to comprehensive and capital facilities planning, to ensure the provision of adequate public facilities for development concurrent with the impacts of development, to encourage the efficient use of resources, and to reduce the economic cost of development.

B. Applications

1. An application for a DA shall be submitted to the County Administrator or designee.

2. Only a qualified applicant may file an application to enter into a DA. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the DA. If, however, there is a question as to the sufficiency of the applicant's interest in the subject real property, County staff may rely upon an opinion from the County Attorney's Office.

C. Requirements of a DA

A DA shall, at a minimum, conform to the standards, requirements, and procedures set forth in Chapter 163, Florida Statutes.

D. Public Hearings

Before entering into, amending, or revoking a DA, public hearings shall be conducted in accordance with Chapter 163, Florida Statutes. The first public hearing shall be conducted by the Local Planning Agency. The day, time, and place of the second public hearing shall be announced at the first public hearing, which shall not be held the same day as the first hearing. The second public hearing shall be conducted by the BCC. At the conclusion of the second public hearing, the BCC shall approve, approve with modifications, or deny the application.

E. Term

The duration of a DA shall not exceed such other time as provided in Chapter 163, Florida Statutes. It may be extended by mutual consent of the BCC and the developer, subject to public hearing in accordance with 406.3.D above.

F. Cancellation

A DA may be cancelled by mutual consent of the parties to the agreement or by their successors in interest.

G. Recordation

The DA shall be recorded in the Public Records of Pasco County within fourteen (14) days after approval by the BCC. If the DA is amended, cancelled, modified, extended, or revoked, a notice shall be given as required by law. The terms and burdens of the DA shall be binding upon and the benefits of the DA shall inure to all successors in interest to the parties to the DA.

H. Periodic Review

The County shall review projects or land subject to a DA at least once every twelve (12) months to determine if there has been demonstrated good faith compliance with the terms of the DA. If the County finds, on the basis of substantial, competent evidence, that there has been a failure to comply with the terms of the DA, the BCC shall set the matter for public hearing. During the public hearing, the developer may demonstrate whether or not there has been compliance with the terms of the DA. If the BCC subsequently finds, based upon substantial, competent evidence, that there has been a failure to comply with the terms of the DA, the DA may be revoked or modified by the BCC.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 406. MISCELLANEOUS PERMITS

406.4. Building Permits and Certificates of Completion/Occupancy

A. Intent and Purpose

It is the intent and purpose of this section to ensure that development in Pasco County occurs in an orderly manner consistent with all provisions of this Code.

B. Procedures

Building Permits and Certificates of Completion/Occupancy shall be processed in accordance with Chapter 18, Pasco County Code of Ordinances.

C. Prohibitions

1. No building shall be erected on a lot or parcel of land subject to this Code, nor shall any Building Permit be issued therefore, unless:

   a. Such lot or parcel abuts or has legal access to a street dedicated to and accepted by the Board of County Commissioners, is shown on a legally recorded subdivision plat, or such lot or parcel is authorized pursuant to this Code.

   b. A variance from subparagraph a. has been granted pursuant to this Code.

   The provisions of this Code shall not apply to the erection of agricultural buildings. Nothing in this Code shall be construed as waiving or eliminating any requirement of this Code pertaining to plan review, plan approval, or permitting prior to construction.

2. No Building Permit shall be issued for nonmodel structures or final inspection completed for model structures within a mobile home park prior to completion of all infrastructure in accordance with this Code and the approved site plan.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 406. MISCELLANEOUS PERMITS

406.5. **Right-of-Way Use Permit**

A. Intent and Purpose

It is the intent and purpose of this section to provide a safe, efficient, and economical method of approving of construction activity; temporary use or closure of the right-of-way; and the removal, placement, installation, or location of structures, facilities, or landscaping in or above County owned rights-of-way.

The Right-of-Way Use Permit is used to:

1. Evaluate in detail the proposed plans for use of the right-of-way;

2. Ensure that, if approved, use of the right-of-way is performed 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; and

3. Ensure that the right-of-way is restored after use.

B. Applicability

This section shall apply to all construction activity; temporary use or closure of the right-of-way, such as for a sporting event; and the removal, placement, installation, or location of structures, facilities, or landscaping in or above (overhead facilities or structures) County owned rights-of-way.

C. Exemptions

The following activities, structures, facilities, and landscaping are exempt from the requirements of a Right-of-Way Use Permit:

1. Mailboxes installed in accordance with United States Postal Service regulations and Florida Department of Transportation (FDOT) design standards, including those published in the “Manual on Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways.”

2. Landscaping installed at residential dwelling units that does or will not exceed eighteen (18) inches in height at maturity.

3. Ground covering installed at residential dwelling units provided the covering is of permeable material. Stones, boulders, and hardscape materials are not exempt.

4. Use of the right-of-way for moving oversize or overweight loads provided the user has obtained a permit and meets the requirements in Section 106-4 of the Pasco County Code of Ordinances.

5. Installations or work performed by the County and installations and work performed on benches and transit shelters owned by the County.

6. Utilities, cable, and phone lines installed in accordance with the terms of a "Blanket Permit" approved by the County Administrator or designee. The following activities, however, are not exempt, cannot be undertaken pursuant to a "Blanket Permit," and require a separate, site specific Right-of-Way Use Permit:

   a. Any and all activity in a collector or arterial roadway.

   b. Excavation, directional drill, jack and bore, or any other activity within five feet horizontal to an edge of pavement, there under, or within a 2:1 (H:V) control line measured from the surface at edge of pavement.

D. Application Requirements

Applications for Rights-of-Way Use Permits shall include:

1. Applicant Information

   a. Name, Address, E-mail of Applicant

   b. Engineer of Record, If Any

   c. Application Fee

2. General Information

   a. Road Name

   b. Road Location

   c. Publicly or Privately Maintained Road

   d. Road Type: Collector, Arterial, Residential

3. Narrative. A description of the overall proposed activities including the scope, the location, and the nature of the proposed work. The narrative shall include an estimated duration of any construction activity during which the right-of-way will be affected.

4. Detailed Drawing(s): The application shall include a detailed drawing(s) showing the details and location of the proposed use, including:

a. Location map. An aerial or survey shall be required for proposed uses involving the installation or removal of structures.

b. Proposed work to be done in the right-of-way (to scale or accurately dimensioned).

c. Location of any proposed open cuts shall be clearly marked on the plans.

d. Location of any tree(s) five (5) inches dbh that is/are proposed for removal from the right-of-way.

e. Location requirements for bus stop benches:

(1) The location of a proposed bench must be at an official stop approved by the County Administrator or designee for the purpose of loading and unloading passengers on an official bus route as designated by the County Administrator or designee.

(2) Benches shall only be allowed within the right-of-way at approved bus stops without a transit shelter. The County Administrator or designee will maintain a list of approved bus stops.

(3) Obstruction of the clear-sight triangle or recovery zone is prohibited.

(4) FDOT requirements must be observed.

(5) The bench shall be located as close as possible to the bus stop sign.

(6) Benches may not be positioned more than thirty (30) degrees off parallel to the public right-of-way.

(7) Only one (1) bench shall be permitted at each approved bus stop.

(8) No bench shall protrude into or hang over a sidewalk.

(9) Benches are not permitted on limited access highways.

f. Construction and design requirements for bus stop benches:

(1) Shall not exceed seventy-four (74) inches in length, twenty-eight (28) inches in depth, and forty-four (44) inches in height from the ground to the top of the back panel.

(2) Shall be constructed of sturdy materials.

(3) Shall be placed on a concrete pad if required by the County Administrator or designee.

(4) The sign face area on a bench shall be limited to the backboard area and copy shall not appear elsewhere on a bench.

(5) That portion of the backboard facing the street shall display the street address of the closest parcel in clearly painted block numbers a minimum of 2¾ inches in height.

(6) There shall be no display of fluorescent colors, reflective materials or paints, or any other features prohibited by this Code, Section 406.1.

g. Traffic Signing and Marking Plans where applicable

(1) Signing and marking plans shall be prepared in accordance with the current versions of the Federal Manual on Uniform Traffic Control Devices and FDOT standards.

(2) Signing and marking plans shall be provided on separate sheets of the plan set.

(3) Signing and marking notes shall be placed on the signing and marking plan sheets. The current versions of the following notes shall be used. For County maintained roads, Pasco County standard traffic control devices notes are required. For privately maintained streets, Pasco County private street notes are required. In the streets are a combination of publicly and privately maintained, both set of notes shall be required.

(4) Plans shall be scaled at no less than one (1) inch to fifty (50) feet.

(5) Centerline curve radius data for all turns and curves shall be placed on the signing and marking plans to verify proper warning signs.

(6) A quantity sheet or tabulation of quantities shall be included

(7) All signs shall be identified by the Federal Manual on Uniform Traffic Control Devices designation number; for example, a stop sign is R1-1. A graphic of the sign shall be included.

(8) All pavement markings shall be identified by size and color.

(9) All street names shall be shown on the plans by size and colors.

(10) If the streets are a combination of publicly and privately maintained, each street shall be identified as publicly or privately maintained.

5. Other Required Approvals

The following approvals also may be required to be obtained in addition to a Right-of-Way Use Permit:

a. Uses where dewatering into the right-of-way is proposed must be accompanied by a plan to insure there is no sediment transfer and that pumped water is uncontaminated, and which is approved by the County Administrator or designee.

b. Any proposed work requiring interruption of vehicular or pedestrian traffic shall require a maintenance of traffic plan approved by the County Administrator or designee.

c. Proposed work requiring a road closure shall require Board of County Commissioners (BCC) approval.

d. License and Maintenance Agreements in an approved form may be required for installation of signage, landscaping, irrigation or other facilities or structures within the right-of-way.

e. Tree location survey and tree plan for projects larger than one (1) single-family dwelling.

f. Traffic Impact Study and substandard Roadway Analysis or, if completed, the applicable approval statement.

g. Access management application or, if completed, the applicable approval statement.

h. An indemnity agreement in an approved form may be required.

i. An insurance policy in an approved form may be required.

j. For each bench to be installed within the County right-of-way or on a State road in the unincorporated areas of the County, the following additional approvals are required:

(1) Applicant/permittee must be an individual, firm, partnership, corporation, or combination thereof that has a current valid contract, in a form approved by the County Attorney, signed by the BCC, to provide benches at authorized bus stops.

(2) Obtain from the County Administrator or designee an exclusive identification number for display on the bench. Identification numbers will not be given for benches placed prior to obtaining the required Right-of-Way Use Permit.

E. Application Processing

1. An application for a Right-of-Way Use Permit shall be reviewed by all appropriate review agencies as determined by the County Administrator or designee.

2. The County Administrator or designee shall evaluate the request for a Right-of-Way Use Permit and shall:

a. Approve the application as proposed;

b. Approve the application with conditions; or

c. Deny the application.

The approval of a Right-of-Way Use Permit may be subject to specific conditions deemed necessary by the County Administrator or designee and appropriate for the fulfillment of the purposes of this Code. The Conditions of Approval shall be stated on the face of the permit or may be incorporated by reference into any document which shall be attached to the permit.

F. Terms of Permit and Effect of Permit Approval

1. The permittee is liable for any damage that results from the permit holder's operations and the County shall be relieved of all responsibility from damage of any nature arising from the permit.

2. The permit is a license for permissive use only and use of or installation of facilities in the right-of-way pursuant to the permit does not operate to create or to vest any property right in the permittee.

3. Whenever the County decides to further utilize or perform maintenance in the right-of-way or when an approved route or bus stop is deleted by the County, any installations authorized by the permit shall be removed from the right-of-way or relocated within the right-of-way upon notice by the County Administrator or designee. Removal or relocation shall be at the expense of the holder of the permit, unless one of the specific exceptions in Section 337.403, Florida Statutes applies. Failure to timely relocate the installations will relieve the County of all liability for damage to the facilities, and/or the County may remove or relocate the installations and charge the holder of the permit for all costs incurred in removing or relocating the installations.

   If maintenance of the drainage system is involved then the permit holder must relocate underground installations within fifteen (15) days of notification by the County administrator or designee.

4. The permittee shall have up to 180 days to complete the work authorized by the permit and to complete all required restoration, unless a different time period is authorized by the County on the face of the permit or an extension has been requested for good cause shown. Upon expiration of a permit, the permit is void and further use of the right-of-way requires a new Right-of-Way Use Permit application.

5. In the event the proposed use and the restoration of the right-of-way is not completed upon the expiration date of the permit, the County may remove or complete such work and charge the holder of the permit for all costs incurred in removing or completing the work.

6. When an approved bus stop or route is deleted, benches shall be removed by the permittee.

G. <u>Prior to Construction Activity</u>

1. Permittee shall notify all other utility and underground users in the area covered by the permit, so that those users may safeguard their interests.

2. Permittee shall notify the County Administrator or designee at least forty-eight (48) hours prior to the start of any construction activity.

3. Permittees shall observe all State “One Call - Call Before You Dig” requirements.

H. <u>Activity Pursuant to Permit</u>

1. Construction and Operations

a. A copy of the permit and all incorporated conditions shall be kept readily available at the site of the work at all times.

b. All work shall be done in keeping with the standards of the County and to the satisfaction of the County Administrator or designee.

c. Permittee shall notify the County Administrator or designee within forty-eight (48) hours after concluding all activities required by or authorized by the permit.

d. Permittee shall allow inspection of all materials and equipment by the County Administrator or designee at any time. Permittee and agents/employees, including field personnel on site, shall provide all information and identification requested by the County Administrator or designee.

e. During construction, all safety regulations of the Florida Department of Transportation (FDOT) shall be observed. The permittee may take such safety measures, including the placing and display of caution signs, as it deems necessary to observe all required safety regulations in the conduct of activities under the permit.

f. Permittee shall perform all testing required by County Administrator or designee. Testing shall adhere to the most current version of the Pasco County Engineering Services Department Design Standards and *Pasco County Engineering Services Department Testing Specifications for the Construction of Roads, Storm Drainage, and Utilities*.

g. All underground cable or phone lines shall be installed or located at least thirty (30) inches below grade. All lines, cable or phone lines, under the roadway shall be installed or located at least thirty-six (36) inches deep, unless a different depth is approved in writing by the County Administrator or designee. Installation of cable or phone lines under the right-of-way is limited to jack and bore or directional bore; no open cuts shall be performed unless approved in writing by the County Administrator or designee.

h. All underground utility installations other than cable or phone lines shall be installed or located at the depth specified or approved by the County Administrator or designee. Installation of utilities under the right-of-way is limited to jack and bore or directional bore; no open cuts shall be performed

unless approved in writing by the County Administrator or designee.

i. All boxes and stations must be clearly marked and located within twelve (12) inches of the rear of the right-of-way.

j. All other underground crossing installations not mentioned hereinabove shall be laid at such depth as may be specified by the County Administrator or designee, unless otherwise authorized. Installation of utilities under County roads shall be limited to jack and bore or directional bore.

k. All activity performed in the County's right-of-way pursuant to a Right-of-Way Use Permit shall conform to the approved permit, the approved drawings, and the conditions, if any, of the permit. Deviations from approved drawing or other aspects of the permit or conditions that are required as a result of physical site conditions discovered after the start of the work shall be described in writing by the County within twenty-four (24) hours after discovery of the condition and, to the extent possible, before further activity is performed under the permit. Upon written submission of a description of the circumstances requiring a deviation from the approved drawings/permit/conditions, the County Administrator or designee may amend the permit to authorize the deviation if the deviation otherwise meets the standards of this Code.

l. No track type equipment will be allowed on any asphalt or concrete surface.

m. Required erosion and sediment control devices shall be in place at all times during construction and shall be removed only after final stabilization has been established. The requirements of this Code, Section 902, shall be observed.

n. No illicit discharge shall occur as a result of activity performed pursuant to the permit.

o. No dewatering into a County right-of-way shall occur without prior written approval from the County Administrator or designee as a part of the approved permit. Where dewatering has been approved, no sediment transfer may occur during any dewatering into the County's right-of-way, and pumped water must be uncontaminated. No direct pumping into inlets is allowed, and there must be a visible zone of at least five (5) feet from the dewatering discharge hose to the structure receiving the water. There shall be no dewatering into the County's right-of-way from any petroleum site, whether contaminated or not.

p. Interruption of vehicular or pedestrian traffic or obstruction of a traffic lane shall not occur, except pursuant to the terms of an approved maintenance of traffic plan approved by the County Administrator or designee.

q. Roads shall not be closed without prior BCC approval.

r. Provision for safe pedestrian traffic must be maintained at all times.

s. Open cuts shall not be performed without prior written approval from the County Administrator or designee.

t. Work pursuant to a permit must be performed during daylight hours (sunrise to sunset), unless specifically authorized by the County Administrator or designee.

u. Each bus bench shall display the name and business telephone number of the permittee and the identification number of the bench on the rear of the backboard.

2. Restoration and Maintenance Standards

a. The County right-of-way, including sidewalks, curbs and gutters, landscaping, and any aesthetic enhancement thereto, and any adjacent private property affected during activity performed pursuant to a Right-of-Way Use Permit, or for which a Right-of-Way Use Permit was required, must be restored within fifteen (15) days of the completion of activity authorized by the permit, unless a different time period is specified in writing by the County Administrator or designee. Any sidewalks removed or damaged must be replaced within three (3) days after the removal or damage.

b. The County right-of-way, including sidewalks, curbs and gutters, landscaping, and any aesthetic enhancement thereto, and any adjacent private property affected during activity performed pursuant to a Right-of-Way Use Permit, or for which a Right-of-Way Use Permit was required, must be restored to their original conditions, unless a different standard for restoration is specified in writing by the County Administrator or designee.

(1) Restorations shall adhere to the most current version of the Pasco County Engineering Services Department Design Standards and *Pasco County Engineering Services Department Testing Specifications for the Construction of Roads, Storm Drainage, and Utilities*.

(2) Disturbed areas must be properly stabilized, including grading, compacting, and sodding.

(3) Roadway connections that have been replaced must meet current Americans with Disabilities Act standards per FDOT Index 304, or most current edition.

c. Permittee shall inform the County Administrator or designee within forty-eight (48) hours after completion of required restorations.

d. Restorations shall be maintained for one (1) year after completion, unless a longer time period is required by this Code.

e. The permittee shall maintain each bench in a good state of repair and appearance in perpetuity. The area surrounding each bench shall be kept free of debris, high grass, weeds, and other rubbish for a radius of seven (7) feet from the center of the bench.

I. Bond Requirement

The holder shall post cash, or a Surety Performance Guarantee and Maintenance Guarantee, with the County Clerk and Comptroller. The required amounts for each shall be based on cost estimates for each prepared by the permittee's engineer and approved by the County Administrator or designee. The sums approved by the County Administrator or designee shall ensure the proper and necessary restoration and maintenance of any property affected by activities under the permit to guarantee performance of the terms and conditions of the permittee's obligations, and to guarantee maintenance of property affected by activity performed under the permit for a period of one (1) year following completion of the activity authorized and required by the permit, unless a longer maintenance period is prescribed by this Code, a development approval or agreement, contract, or other permit. In the event a Surety Bond is posted, the said Surety Bond shall be made payable to the County and shall obligate the surety to hold the County harmless and pay the County any costs expended by the County in the event the holder of the permit should fail to meet any of its obligations. The Surety Bond shall also indemnify the County for all court costs and reasonable attorney fees in the event legal action is required to collect on the said Surety Bond. Security posted shall not be refunded, terminated, or released until the expiration of the full required maintenance period and completion of all work authorized or required by the permit.

J. Prohibitions

Unless exempt under this section, no construction activity; temporary use, or closure of the right-of-way; or removal, placement, installation, or location of

structures, facilities, or landscaping in County-owned rights-of-way shall be performed except within the scope of an approved Right-of-Way Use Permit.

K. Suspension, Modification, or Revocation of Permit

Failure to comply with the terms and conditions of the permit, or County, State, or Federal statutes, rules, or regulations governing use of the right of way may constitute grounds for suspension, modification, or revocation of the Right-of-Way Use Permit. Upon a determination of noncompliance, the County Administrator or designee may take one (1) or more of the following steps:

1. Order appropriate corrective action.

2. Modify the existing conditions or impose additional, more stringent conditions on the permit.

3. Suspend the permit until appropriate, corrective action is taken or additional or modified conditions are complied with. Any Right-of-Way Use Permit shall be subject to suspension or revocation in whole or in part upon a finding of noncompliance with the terms of the said permit, this Code, or applicable statutes, rules, and regulations. While a permit or any part of a permit is suspended, no operations authorized by the suspended portion of the Permit shall be carried out. A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected.

4. Revoke the permit.

Enforcement/Violations

In addition to suspension, modification, or revocation of the Right-of-Way Use Permit, violation of this section may be addressed through any of the enforcement methods in this Code, Section 108.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 406. MISCELLANEOUS PERMITS

406.6. Model Centers

A. General

All model center locations shall be designated on the preliminary development plan (PDP) residential by the developer or successor in interest.

The total number of lots designated for use as a model center shall not exceed ten (10) percent of the total number of lots approved by the PDP residential and shall be composed of a minimum of two (2) lots, one of which shall be used for parking.

Model centers shall be restricted to one (1) center per development or per phase for phased development and shall be clustered in one (1) area of the development or phase as opposed to scattered throughout the development.

B. Submittal Requirements

An applicant shall submit required information in the form as specified by the County Administrator or designee. Model center plans shall, at a minimum, conform to the following requirements:

1. The model center plan shall be drawn at a readable scale and shall show:

    a. Location map.

    b. A legend, title, and number of revision; scale of plan; north arrow; and name, address, and telephone number of the developer or builder.

    c. Lot numbers and their dimensions proposed to be used for the model center.

    d. A statement as to the use of abutting properties; i.e., lot numbers, retention areas, easements, etc.

    e. The proposed model home footprint meeting minimum setbacks.

    f. The buffer to separate the parking area from nonmodel center areas.

    g. Proposed parking area.

h. If the model center location(s) has not been designated on the approved PDP, then an amendment to the PDP is required, and shall be submitted and approved prior to approval of the model center plan.

C. Technical Requirements

1. The parking area shall be designed in compliance with this Code and meeting the technical standards of the application for development approval. One (1) parking space per 2,500 square feet of model home shall be provided. At least one (1) handicap parking space shall be provided, per parking area. Parking areas shall be graded for proper drainage and be maintained in a dust-free condition. Parking shall be arranged to provide for orderly and safe access. Exiting via backing onto streets shall not be allowed. The access driveway shall be constructed in accordance with this Code and be a minimum of twenty-four (24) feet wide.

2. Buffers between the parking area and nonmodel center areas shall consist of a minimum five (5) foot wide buffer containing four (4) foot high opaque hedge.

3. All sidewalks required by the model center plans shall be installed prior to the issuance of a temporary Certificate of Occupancy (CO) for the first model center home.

D. Standards of Review

The County Administrator or designee shall determine whether the application meets the technical requirements of this Code.

E. Form of Decision

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

F. Effect of Approval

Approval of a model center permit authorizes the operation of a model center within a residential neighborhood provided a temporary CO for each model home is obtained. Final site inspection of the parking area, access drive, and buffering by the County is required prior to the issuance of a temporary CO and power release for the first model center home. A temporary CO must be obtained prior to use of each model center home thereafter. Upon the sale of individual model homes, a final CO must be obtained prior to occupancy. Any improvements required pursuant to the PDP residential shall be completed prior to the issuance of the final CO. Model centers shall not be used as a construction office, general real estate office, or a resale listing office. Model sites shall not be used for the storage of contractor's trucks, equipment, or materials. However, this provision is not construed to prohibit

a subcontractor from visiting the model center for the purpose of picking up plans, work orders, checks, or invoices or the like.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 407. RELIEF PROCEDURES

407.1. Appeals

A. General

The authority granted by this section shall be limited to final determinations made by the Planning Commission (PC), Development Review Committee (DRC), and other administrative officials empowered to implement or interpret this Code. A determination shall not be considered "final" and appealable pursuant to this section unless:

1. A land development regulation specifically states that the determination is appealable in accordance with this section;

2. The determination is in writing and uses the phrase "final determination" or otherwise states that the determination is appealable pursuant to this section; or

3. The determination is a written policy or interpretation of general applicability that is considered final upon approval by the DRC or upon final publication by the administrative official empowered to render such policy or interpretation.

B. The Appeal Provisions in This Section Shall Not Apply to:

1. County court citations, warnings, or judgments issued pursuant to the process outlined in Section 125.69, Florida Statutes; Chapter 162, Part II, Florida Statutes; and/or Chapter 1 of the Pasco County Code of Ordinances; or

2. Provisions of this Code, the Code of Ordinances, or other resolutions or regulations of the Board of County Commissioners (BCC) for which different appeal procedures are provided in such provisions or by State law.

C. Process

Table 407.1-A provides for the appeal body and timeframe in which appeals must be filed.

TABLE 407.1

Final Determination	Appeal Body	Application and Fee	
Code Interpretations	BCC	30 Days	
Administrative Final Decisions Related to Application for Development	DRC	30 Days	
DRC Action	BCC	30 Days*	
PC Action	BCC	30 Days*	
Sign Permit Denial Applications	BCC	30 Days	

*Applications for Appeals of DRC or PC Action have sixty (60) days to be made complete. All other Applications for Appeals must be complete within thirty (30) days.

Failure to submit an appeal application and fee within 30 (thirty) days of the rendering of the decision to be appealed or to complete the appeal application within the required time period (thirty [30] or sixty [60] days as applicable from the rendering of the decision to be appealed) shall foreclose the right to initiate the administrative appeal. Additionally failure to submit a completed application for appeal shall foreclose the right to initiate the administrative appeal. Each appeal application shall be accompanied by a separate application fee and treated as a separate appeal application, provided; however, the County Administrator or designee may consolidate related appeal applications for agenda, notice, and public hearing purposes.

D. Appeal Application

An appeal shall be initiated by the aggrieved person by filing an application and the required fee. A complete appeal application shall consist of the following:

1. Statement of the final determination and date of the same that is the subject of the appeal.

2. Copy of the final determination being appealed.

3. For appeals from the PC and DRC, a verbatim transcript of the meeting in which the matter being appealed was conducted. The verbatim transcript shall consist of the complete discussion of the PC or DRC meeting for the matter being appealed. The verbatim transcript produced by the Pasco County Clerk and Comptroller is acceptable.

4. Statement of the relief requested.

5. Justification for the relief requested, including citations to the specific portions of the verbatim transcript, exhibits, this Code, and/or Comprehensive Plan provisions relevant to the relief requested.

E. Hearing Procedures

An action on the appeal application, which may include conducting the public hearing, remand, or continuance of the matter being appealed, shall occur within 90 days of the filing of the complete appeal application, unless an appellant who is also the development approval applicant requests an extension of such time period. Public notice of the hearing shall be provided in accordance with Sections 303.7 and 304, as applicable. Sign Permit appeal hearings do not require public notice and shall be held within the timeframe provided in Section 604.I.2.

F. Standards of Review

1. Appeals of Decisions of Administrative Officials. The BCC or DRC, as applicable, shall conduct a de novo hearing on appeals and may adopt, modify, condition, or reverse both factual findings, legal conclusions, and conditions relating to the matter being appealed or remand the matter to the County Administrator or designee for reconsideration based on direction from the BCC or DRC, as applicable. Notwithstanding the foregoing, the BCC or DRC, as applicable, may remand any appeal filed pursuant to this Section to the County Administrator or designee without conducting a public hearing.

2. Appeals of Final Determinations of the PC and DRC. In considering appeals of final actions of the PC or DRC, the BCC shall base its decision on facts in the record of the PC or DRC public hearing, as applicable, and shall not make new factual findings or base its decision on evidence or facts outside of the record. However, the BCC may base its decision on any applicable law and may adopt, modify, condition, or reverse the PC's or DRC's legal conclusions and conditions including, but not limited to:

   a. Conclusions and conditions relating to consistency with this Code, the Comprehensive Plan, and County approvals and development orders;

   b. Conclusions and conditions relating to the application of this Code, the Comprehensive Plan, and County approvals and development orders to the record evidence and facts;

   c. Reweighing the record evidence to evaluate consistency with this Code, the Comprehensive Plan, and County approvals and development orders; and/or

d. Interpretations of this Code, the Comprehensive Plan, or County approvals and development orders.

The BCC may also remand that the matter being appealed to the PC or DRC, as applicable, receive additional evidence, make additional factual findings, or reconsider the matter based on direction from the BCC.

G. Final Determinations on Appeals

The final determination pertaining to an appeal shall be rendered within thirty (30) days of the close of the appeal hearing. Final determinations granting or remanding an appeal may be rendered in writing or by motion and may, if rendered in writing, include findings of fact, findings or conclusions of law, conditions of approval, and action taken. Final determinations denying an appeal shall be rendered in writing, including citations to any applicable ordinance, rule, statute, or other legal authority for the denial.

A final determination shall be deemed "rendered" after it is reduced to writing and signed by the Chairman, Vice-Chairman, or acting Chairman of the BCC or DRC, as applicable, or after the adoption of a motion if no written decision is to be prepared and entered.

H. Appeals of Final Determinations of the BCC

Any aggrieved party may appeal a final determination of the BCC to the Sixth Judicial Circuit Court of the County in accordance with the applicable Florida Rules of Procedure. An appeal shall be filed within thirty (30) days of the decision to be appealed and shall not be a hearing de novo, but shall be limited to appellate review of the record created before the BCC in accordance with applicable law for a first tier certiorari review. For the purposes of this appeal, the "record" shall include:

1. The transcript of the BCC public hearing, along with any additional evidence accepted at the public hearing;

2. Where the BCC action was an appeal, the transcript of the PC or DRC public hearing, along with any additional evidence accepted at the PC or DRC public hearing; and

3. Any applicable County staff reports and written orders or decisions of the PC or DRC.

I. Administrative Res Judicata

When a decision on an appeal application has been rendered by the BCC, no new appeal may be submitted where the new appeal requests the same relief or determination, unless the applicant can demonstrate and the County Administrator or designee determines that a material change in the

circumstances or conditions has occurred which could prompt a different or contrary decision. For the purposes of this Section, facts or circumstances which were known or could have been discovered through the exercise of reasonable due diligence of the applicant or his privy prior to the initial application shall not constitute a sufficient basis for claiming a change in circumstances or conditions. This provision does not address or modify the res judicata effect of the BCC decisions in subsequent State or Federal court proceedings; such effect shall be determined in accordance with applicable law.

407.2. **Zoning Variances**

A. General

1. The intent and purpose of this section is to provide limited relief from the requirements of this Code in those cases where strict application of those requirements will create an unnecessary hardship, as distinguished from a mere inconvenience, where the requirements of this Code render the land difficult to use because of some rare and unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested. Except where the Board of County Commissioners (BCC) has specifically delegated variance authority to some other person, body, or entity, or specifically reserved authority to it, the Development Review Committee (DRC) shall have the authority to hear and issue final determinations on requested variances.

2. Variances may be granted to allow no more than a single lot, parcel, or group of adjoining lots or parcels or signs to depart from the dimensional regulations of this Code regarding the following:

    a. Required yards, buffers, or setbacks;

    b. Maximum lot coverage;

    c. Maximum heights;

    d. Errors of encroachments; and

    e. Lot size.

3. Variances may not be granted for any other purposes. Further, variance requests shall not be granted if such variance:

    a. Allows the expansion or establishment of a use in a zone or district where such use is not permitted by this Code.

    b. Permits the establishment or expansion of an Administrative Permit without the required approval.

    c. Establishes a new nonconforming use or expands an existing nonconforming use, except pursuant to Chapter 1200.

    d. Purports to modify any definition set forth in this Code.

e. Results in an increase in density above that permitted in the applicable zoning districts.

f. Will be inconsistent with the Pasco County Comprehensive Plan.

g. Results in approval of any action which would violate any floodplain management provision of this Code, the National Florida Insurance Program, and/or of the Community Rating System Program.

h. Purports to allow action or use prohibited by this Code or the Pasco County Code of Ordinances.

B. Application

The variance application shall include all written justification, conceptual plans, site plans, and citations to the applicable authority, and other evidence that is necessary for the DRC to determine whether the variance should be granted. References to the Comprehensive Plan, this Code, or other legal authority shall include citations to the specific provision(s) or authority supporting the conclusion. Applications for a variance that affect development site conditions shall be accompanied by conceptual or site plans depicting the proposed development site with the requested variance granted and without the requested variance.

Where a variance is necessary to proceed toward preliminary site plan, preliminary development plan- residential, preliminary development plan - nonresidential, or amendment approval, the variance request must be processed prior to the preliminary site plan, preliminary development plan - residential, preliminary development plan - nonresidential, or amendment.

C. Notice

Notice of the public hearing shall be provided in accordance with this Code, Section 306; however, a mailed notice is only required to be given to the abutting property owners.

D. Criteria for Approval

1. The DRC shall grant a zoning variance request when it finds, based on the application submitted and the competent substantial evidence presented at the public hearing, that the variance request complies with all of the following:

a. The particular physical surroundings, shape, topographical condition, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

b. The variance is not based on any conditions, including financial, occupational, or ability, which are personal to the applicant as applied to the property involved in the application, except that physical handicaps or disability may be considered where relevant to the request.

c. The alleged hardship has not been created by any person presently having an interest in the property or was created as a result of a bona fide error.

d. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity.

e. The proposed variance will not substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the vicinity.

f. The variance granted is the minimum variance that will make possible the reasonable use of the property.

g. The property cannot be put to a reasonable use which complies fully with the requirements of this Code unless the variance is granted.

h. If applicable, the requested variance satisfies the criteria established in this Code for the requested variance.

In circumstances where a variance is requested for more than one (1) lot or parcel, each lot or parcel shall be required to demonstrate compliance with these standards.

Alternatively, a variance may be issued to correct a bona fide staff error that has been made and has led to construction that does not comply with this Code.

2. In addition to the criteria required in Subsection D.1.a-c above, all of the following shall also be met for the approval of a sign variance:

a. Signs must be compatible with other nearby signs, other elements of street and site furniture and with adjacent structures. Compatibility shall be determined by the relationships of the elements of form, proportion, scale, color, materials, surface treatment, overall sign size, and the size and style of lettering.

b. Variance is necessary to relieve practical difficulty and unnecessary hardship, caused by unique physical or

topographic circumstances or conditions of design. The particular physical surroundings, shape, topographical condition, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

c. The location and placement of the sign will not endanger motorists.

d. The sign will not cover or blanket any prominent view of a structure or façade of historical or architectural significance.

e. The sign will not unreasonably, significantly, or materially obstruct views of users of adjacent buildings to side yards, front yards, or to open space.

f. The sign will not negatively impact the visual quality of a public open space used as a public recreation facility, square, plaza, courtyard, or the like.

g. The sign is compatible with building heights of the existing neighborhood and does not impose a foreign or inharmonious element to an existing skyline.

h. The sign's lighting will not cause hazardous or unsafe driving conditions for motorists.

i. The sign is not a prohibited sign listed in Section 406.1.3 of this Code.

j. The sign is not a billboard or off-site sign.

3. The DRC shall disregard conclusory statements that are unsupported by justification or evidence that the requested variance complies with the above criteria, and such statements shall not be considered competent, substantial evidence to support the granting of the variance. If the DRC determines that there is a lack of competent, substantial evidence demonstrating compliance with the criteria for approval, the DRC shall deny the variance request.

4. In granting any variance, the DRC may prescribe appropriate conditions. Violation of such conditions shall be deemed a violation of this Code.

E. Appeals

Any person aggrieved by a decision of the DRC may appeal to the BCC in accordance with this Code.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 407. RELIEF PROCEDURES

407.3. Administrative Variances

A. The County Administrator or designee may approve, with conditions, the following six (6) types of administrative variances, subject to the following criteria:

1. Errors in Yard Measurements. If an error is discovered in the location or in the previously approved, proposed location of a building or structure relative to the minimum yard requirements, the property owner may request an administrative variance provided that the variance does not exceed ten (10) percent or twelve (12) inches, whichever is less, from setback requirements as set forth in this Code and that the error was unintentional and unforeseen.

2. Yard Modification. Projections into side yards may be administratively approved for up to five (5) feet for air conditioning, heating units, pool equipment, and other similar fixtures where the side yard setback is a minimum of ten (10) feet in width. This administrative variance may be granted for a group of similarly situated lots.

3. Errors of encroachments of buildings or other structures into County easements or rights-of-way.

   a. If it is discovered that an error has been made in the location or in the previously approved, proposed location of a building or structure, including a swimming pool, fence, wall, or similar structure, such that the structure is partially located within a County easement or right-of-way, the property owner may apply for and receive an administrative variance seeking to allow the structure to remain within the easement or right-of-way provided that:

      (1) The administrative variance is limited to five (5) feet or fifty (50) percent of the width of the easement, whichever is less, unless otherwise approved by the Board of County Commissioners.

      (2) The structure does not obstruct, impede, or unreasonably interfere with the intended use of the right-of-way or easement.

      (3) The error was unintentional and unforeseen.

   b. Property owners with such errors of encroachment shall file an application, pay all required fees, and obtain a vacation of the easement or right-of-way in accordance with the standards for

such applications, and also must enter into a license and maintenance agreement pursuant to Section 406.5.

4. Minimum Lot Area. The required minimum lot area in A-C Agricultural, AC-1 Agricultural, A-R Agricultural-Residential, AR-1 Agricultural-Residential, AR-5 Agricultural-Residential, and AR-5MH Agricultural Mobile Home zoning districts may be varied up to five (5) percent of the minimum requirement, provided that the maximum residential densities of the applicable Future Land Use Classification is complied with and the lot is not located within a platted development.

5. Setback Modifications. An administrative variance not to exceed ten (10) percent or twelve (12) inches, whichever is less, from the set back requirements as set forth in this Code may be granted to allow the preservation of existing noninvasive trees.

6. Landscaping and Sign Conflicts. An administrative variance to eliminate required trees (not to exceed two [2]) and corresponding shrubbery to allow for a reasonably necessary line of sight to a sign may be granted.

7. Transportation Corridor Management. Any property owner who is adversely affected by the transportation corridor requirements of Section 901.2 may obtain, to the extent the property is adversely affected, an administrative variance of the minimum lot size, buffers, yards, or setback required by the underlying zoning district, not to exceed ten (10) percent of the minimum lot size or setback requirement.

8. An administrative variance from the minimum twenty-five (25) foot upland buffer requirement may be granted to reduce the upland buffer by up to five (5) feet provided the wetland structure and function will be maintained. The applicant must provide information on the type of activity and associated potential for adverse site specific impacts and buffer area characteristics, such as vegetation, soils, and topography to address the following factors:

   a. Off-site or downstream impacts;

   b. Surface water or wetland type and associated hydrological requirements;

   c. Required buffer function; e.g., water quality protection, wildlife habitat requirements, and flood control;

   d. Presence or absence of listed species of plants or animals; and

e. Natural community type and associated management requirements of the buffer.

B. Denial of administrative variance. Any request for an administrative variance which does not meet the criteria above will be denied. If the administrative variance is denied the applicant may:

1. Comply with the requirements;

2. Cure the encroachments; or

3. Request consideration of the administrative variance request at a hearing to be held by the Development Review Committee (DRC) in a manner consistent with requests for zoning variances as outlined in Section 407.2. The standard of review by the DRC shall be the same as for the County Administrator or designee. However, if the request exceeds the quantitative threshold provided in this section, a zoning variance pursuant to Section 407.2 may be required.

C. Effect of Approval. The granting of an administrative variance authorizes the applicant to proceed with any additional applications for development approval which the County may require for proposed development of the property or to continue the use or encroachment permitted by such administrative variance.

D. A violation of conditions imposed upon any administrative variance is a violation of this Code.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 407. RELIEF APPLICATIONS

407.4. Alternative Relief

A. The intent of alternative relief is to provide limited relief from the Comprehensive Plan or this Code in those cases where a strict application of these requirements will result in at least one of the following:

1. The prohibition or prevention of compliance with State or Federal law where the Comprehensive Plan or this Code is preempted by such State or Federal law.

2. The property owner is permanently unable to attain the reasonable, investment-backed expectation for the existing use of the real property as a whole.

3. The property owner is permanently unable to attain a vested right to a specific use of the real property with respect to the real property as a whole.

4. The property owner is left with existing or vested uses that are unreasonable such that the property owner permanently will bear a disproportionate share of the burden imposed for the good of the public, which in fairness should be borne by the public at large.

5. The property owner's use of the real property is unreasonably or unfairly burdened.

6. The proposed exaction does not bear a rational nexus to the impacts of the proposed development and/or is not roughly proportional to the impacts of the proposed development.

7. The equal protection or substantive due process rights of a property owner will be violated.

8. The First Amendment rights under the United States and State of Florida Constitutions of the applicant will be violated.

9. The strict application of the Comprehensive Plan or this Code to the property owner will result in a violation of another State or Federal law not referenced above; e.g., the Telecommunications Act, RLUIPA (Religious Land Use and Institutionalized Persons Act of 2000), etc.

B. Application

Requests for alternative relief shall relate to a development or permit application that has been submitted to the County. The application for alternative relief shall be filed with the County Attorney's Office. An application for alternative relief may not be filed after the statute of limitations has lapsed for the filing of the underlying claim in State or Federal court, and the filing of an application for alternative relief pursuant to this section will not restart the statute of limitations for any claim. An alternative relief application that is not complete may be denied for incompleteness if, upon written notice, the applicant does not provide the requested information within thirty (30) days of the written notice. Unless otherwise approved by the County Attorney or the Development Review Committee (DRC), an alternative relief application shall be deemed complete when it contains all of the following information:

1. The applicant shall identify all evidence the applicant believes will provide competent substantial evidence supporting the request and demonstrating the loss in substantial fair market value to the real property and/or specifically identify, with supporting facts and analysis, the State or Federal law that is violated by the strict application of the specific Code requirements.

2. A legal description and sketch of the property for which the applicant is seeking alternative relief. If the property is part of a larger project, a legal description and sketch of the larger project shall also be provided.

3. Deeds, contracts, or other documents demonstrating that the applicant is the legal or equitable owner of the property for which the applicant is seeking alternative relief.

4. A description of the existing use of the property.

5. Copies of all development orders, permits, and approvals that are relevant to the alternative relief application.

6. A list of all the witnesses that will present testimony to the DRC, including a short summary of the testimony that will be provided by each witness.

7. The legal basis for the alternative relief and copies of all statutory, constitutional, and case law authority, to the extent that the applicant is relying upon such authority to support the alternative relief application.

8. Names, addresses, telephone numbers, fax numbers, and e-mail addresses of the applicant(s) and, if applicable, the applicant's authorized agent.

9. Upon request by the DRC or the County Attorney's Office, a proposed order of the DRC.

10. Any additional information required by the alternative relief application form prepared by the County Attorney.

11. An alternative relief application fee as set by resolution of the Board of County Commissioners (BCC).

C. Review Process

1. Notice of the public hearing shall be provided in accordance with this Code, Section 306. The DRC is authorized to approve, with or without conditions, the alternative relief requested.

2. The County Attorney or designee shall make a recommendation on all alternative relief applications, which shall be based on the alternative relief application materials, other relevant facts, and applicable law. If the County Attorney's recommendation is based on facts, witnesses, or law not provided by the applicant pursuant to this Section, the County Attorney's recommendation shall identify such facts, witnesses, or law. The alternative relief application and recommendation shall be considered by the DRC at a *de novo* public hearing. The DRC shall consider the evidence and testimony presented at the public hearing, and the recommendation of the County Attorney in evaluating the alternative relief application. The DRC action on the alternative relief application, which may include conducting the public hearing, or continuance of the application shall occur within ninety (90) days of the acceptance of the complete application, unless the applicant requests an extension of such time period and such request is granted by the DRC.

D. Appeals and Exhaustion of Administrative Remedies

A denial by the DRC of the request for alternative relief shall be in writing and may be appealed in accordance with this Code to the BCC. The appeal shall be held at a public hearing and shall be limited to the record. The BCC's determination of the appeal shall be concluded within four (4) months of the rendering of the DRC decision. The exercise of the alternative relief and a subsequent appeal of a DRC denial to the BCC as contemplated within this subsection shall be exhausted prior to the County's action being considered final for the purposes of State and Federal claims. The exercise of the alternative relief and a subsequent appeal of a DRC denial to the BCC contemplated within this subsection also serves as a required nonjudicial local government administrative appeal contemplated in Section 70.51(10)(a), Florida Statutes. Further, the exhaustion of the alternative relief procedure and a subsequent appeal of the DRC denial to the BCC is a lawfully available form of alternative dispute resolution pursuant to Sections 70.001(8) and (11), Florida Statutes.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 407. RELIEF APPLICATIONS

407.5. Alternative Standards

The intent of an alternative standard is to provide design alternatives that meet or exceed the technical or design requirements of this Code or provide relief when no feasible engineering or construction solutions can be applied to satisfy the regulation. The County Administrator or designee is authorized to approve alternative standards with conditions.

A. Requests for alternative standards may be made in conjunction with the filing of a development application. Alternatively, an application may be filed prior to submittal of an application. In that circumstance, sufficient information shall be submitted to permit a reasoned consideration of the request. Prior to filing a request for alternative standards, any applicant should review Section 303.6.C, Modification to Submittal Requirements. Sufficient information must be provided for the administrative official to make a determination.

B. The County Administrator or designee shall consider the following criteria when reviewing an alternative standards request. 1 or 2 shall be met and all of 3, 4, and 5 shall be met:

1. The alternative standard meets or exceeds the intent and purpose of the Code requirement at issue.

2. No feasible engineering or construction solutions can be applied to satisfy the regulation.

3. The alternative standard does not adversely affect compliance with other Code provisions, development order(s), or permit(s).

4. The alternative standard is not in conflict with other mandatory substantive requirements of local, State, or Federal law.

5. The alternative standard is consistent with the applicable provisions of the Comprehensive Plan.

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

1. No feasible engineering or construction solutions can be applied to satisfy the regulation; or

2. The proposed alternative standard will maintain or improve collector/ arterial roadway capacity and travel times without increasing the number or severity of accidents; or

3. Compliance with the regulation will deny reasonable access.

D. Where an alternative standard is requested to increase the height of a monument sign, or to increase the size of a wall sign, the DRC shall hear the request and shall consider the following criteria at a public hearing duly noticed pursuant to this Code, Section 304:

1. Granting the request reduces the number of signs on the parcel and/or the number of registered billboards in the unincorporated areas of Pasco County. The request must achieve one or more of the following:

   a. Removal of one or more unconstructed monument signs on the parcel visible from any right-of-way which the applicant otherwise would have been permitted to erect on the parcel; or

   b. Removal of one or more nonconforming signs on the parcel visible from any right-of-way which the applicant otherwise would have been permitted to retain on the parcel; or

   c. One or more registered billboards from any parcel in unincorporated Pasco County; or

   d. Any combination of the above; and

2. Granting the request reduces the overall sign structure area visible on the parcel from any right-of-way. The total sign structure area which applicant otherwise would have been permitted to erect or retain on the parcel must be reduced by at least thirty-five (35) percent. For the purposes of calculating the allowable sign structure area in this section, the actual size of registered billboards that are proposed to be removed will be used. All other requirements of Section 406.1 of this Code, including, but not limited to, copy/sign structure ratios and required architectural features, must be observed for the proposed sign; and

3. Granting the request does not result in excessive sign heights. The maximum height for a sign erected pursuant to this alternative standard may not exceed twenty (20) feet, or thirty (30) feet on controlled access roadways, even where a reduction in overall numbers of signs on the property and a reduction in overall sign structure area is acheived; and

4. Granting the request does not result in the erection of pole signs or any other prohibited structures identified in this Code; and

5. Granting the request meets or exceeds the stated intent and purpose of:

   a. Section 406.1 of this Code; and

   b. This section. The specific intent and purpose of this section is:

      (1) To allow applicants to combine monument sign height allowances (or to combine wall sign size allowances) in exchange for reducing the overall number and size of monument signs (or wall signs) which are, or may be, erected on the property; and

      (2) To provide an incentive for property owners to remove nonconfoming signs and registered billboards in return for increased flexibility in the height of monument signs or increased size of wall signs; and

      (3) To give flexibility in height and size to allow signs that are proportionate for the property, but not to approve signs of excessive heights or heights that will be inharmonious or incompatible with its surroundings. The sign should be compatible with building heights of the existing neighborhood and should not impose a foreign or inharmonious element to an existing skyline; and

      (4) To ensure no pole signs or other prohibited sign is erected; and

      (5) To approve signs which are compatible with other nearby signs, other elements of street and site furniture, and with adjacent structures. Compatibility shall be determined by the relationships of the elements of form, proportion, scale, color, materials, surface treatment, overall sign size, and the size and style of lettering; and

      (6) To ensure the location and placement of the sign will not endanger motorists; and

      (7) To ensure the sign will not cover or blanket any prominent view of a structure or façade of historical or architectural significance; and

      (8) To ensure the sign will not obstruct views of users of adjacent buildings to side yards, front yards, or to open space; and

(9) To ensure the sign will not negatively impact the visual quality of a public open space as a public recreation facility, square, plaza, courtyard, and the like; and

(10) To ensure the sign's lighting will not cause hazardous or unsafe driving conditions for motorists; and

6. Granting the request does not require Pasco County to compensate for any signage or registered billboards proposed to be removed. The owner(s) of any sign or registered billboard, and landowner(s) where such sign or registered billboard was erected, must provide a written acknowledgement in a form approved by the County Attorney's Office that:

a. The increased height/size of signage obtained through approval of an alternative standard is just compensation, and is the sole compensation owing pursuant to Section 70.20, Florida Statutes and under any other legal theory available, for any sign and/or registered billboard removed from the property, or any sign which could have been erected but was not; and

b. The sign/registered billboard owner and the landowner waive any right to additional compensation under Section 70.20, Florida Statutes, or under any other legal theory available, for any sign and/or registered billboard removed from the property, or which could have been erected but was not; and

c. If the sign/registered billboard owner and landowner are not the same entity requesting approval of the alternative standard, the applicant for an alternative standard must agree to defend, indemnify, and hold the County harmless for any claim for compensation by other persons, in a form approved by the County Attorney's Office.

E. Denial of Alternative Standards. Any request for an alternative standard which does not meet the criteria above will be denied, and the applicant shall either:

1. Comply with this Code; or

2. Request consideration of the alternative standard by the DRC. The standard of review for the DRC shall be the same as for the County Administrator or designee; or

3. For those alternative standards heard by the DRC pursuant to Section 407.5.C, a denial may be appealed to the Board of County Commissioners pursuant to this Code, Section 407.1.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 407. RELIEF APPLICATIONS

407.6. **Vested Rights**

A. Generally

Any person that is in doubt as to whether he has established common law or statutory vesting against the Comprehensive Plan or this Code or who has had a provision of the Comprehensive Plan or this Code applied to his development and believes that such application is contrary to a common law or a statutory vested right, may seek to have the Board of County Commissioners (BCC) establish such vested rights pursuant to the criteria and procedures set forth in this Section. The criteria and procedures set forth in this Section are administrative remedies that shall be exhausted:

1. Prior to filing any claim or action against the County, for damages or injunctive relief, based on common law or statutory vesting against the Comprehensive Plan or this Code.

2. Prior to asserting any defense or counterclaim based on common law or statutory vesting against the Comprehensive Plan or this Code in any action initiated by the County or State of Florida.

The criteria and procedures set forth in this section shall not preclude the filing of other administrative remedies set forth in this Code including, but not limited to, the remedies set forth in Sections 407.1 and 407.4. However, if the application for any other administrative remedy seeks to establish or relies upon common law or statutory vested rights, the Development Review Committee and/or the BCC may require the person seeking such remedy to follow the criteria and procedures in this Section prior to concluding the other administrative proceeding. In such event, all applicable time periods or deadlines in the other administrative proceeding shall be tolled until the conclusion of the procedures set forth in this Section.

B. Vested Rights Classifications and Criteria

Applicants may seek to demonstrate statutory vested rights or common law vested rights in accordance with the following:

1. Statutory vesting criteria. Any person seeking to establish statutory vested rights shall demonstrate compliance with all of the following criteria:

   a. The Comprehensive Plan, this Code, State, or Federal statutes or constitutions include a provision that vest the development against the application of one (1) or more substantive provisions of the Comprehensive Plan or this Code (vesting provision).

b. The development and property meet all statutory requirements of the vesting provision.

c. The vesting provision applies to the particular Comprehensive Plan provision or this Code against which the person seeks to be statutorily vested.

d. If the vesting provision is a State or Federal statute or constitutional provision that has not been implemented by, or incorporated into, the Comprehensive Plan or this Code, the vesting provision preempts the Comprehensive Plan provision or this Code against which the person seeks to be statutorily vested.

2. Common Law Vesting Criteria

a. Any person seeking to establish common law vested rights or equitable estoppel shall demonstrate that the person has:

(1) Relied in good faith;

(2) Relied on some act or omission of the County; and

(3) Made a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights he has acquired by application of the Comprehensive Plan and/or this Code.

b. Application of common law vesting criteria. In applying the criteria in this Section for common law vesting, the BCC shall be guided by the following additional rules based on the common law:

(1) Good faith reliance. Good faith reliance requires compliance with the law and mutual understanding of facts. Therefore, governmental action that is issued in violation of the law or that would accomplish an illegal result or governmental action based on a mutual mistake of fact may not be a basis for good faith reliance. In addition, a person may not rely in good faith on the existing Comprehensive Plan or this Code's provisions if the person has good reason to believe such provisions may change as of the date the County has accepted a development approval application. In the case of this Code, a person has good reason to believe provisions may change if an ordinance or resolution repealing or modifying such provisions has been introduced to the BCC and that the BCC has

applied the "pending ordinance" doctrine to such ordinance or resolution. In the case of Comprehensive Plan provisions, a person has good reason to believe such provisions may change if an amendment to the Comprehensive Plan repealing or modifying such provisions has been heard by the Local Planning Agency.

(2) An act or omission by the County. The governmental act forming the basis of common law vesting or equitable estoppel must be a final action or approval of a County decision-making body or administrative official with authority to take action or grant the approval as authorized by this Code. Oral statements of the County administrative officials are presumed to be nonfinal actions. The governmental act must be evidenced by a written document or approval, except in those instances where the BCC has determined an oral statement to be a final act of an administrative official with authority to act; in such cases, the act shall be evidenced by testimony from the administrative official that acted. Documentation or testimony relating to the act by the County must be clear, complete and specific, and a person may not rely on the act for purposes or property that are not clearly, completely, and specifically set forth in the act. In addition, the act upon which the person relied must be one on which the person had a right to rely. An omission, inaction, or absence of regulation by the County will only give rise to common law vesting or equitable estoppel if the County has a statutory duty to act and such omission, inaction, or absence of regulation has not been caused by the person seeking to establish common law vesting or equitable estoppel. A person may not obtain common law vesting or equitable estoppel based on the existing zoning or land use classification of property unless there is some other governmental act or omission supporting common law vesting or equitable estoppel. A governmental act by the County will only give rise to common law vesting or equitable estoppel in rare instances and under exceptional circumstances. The act must go beyond mere negligence, but it is not necessary to prove intentional deceit.

(3) Substantial change in position or incurring extensive obligations and expenses. The substantial change in position, obligation, or expense forming the basis of common law vesting or equitable estoppel must have been induced by the act or omission by the County. Accordingly, a substantial change in position or

obligation or expense occurring prior to the act or omission shall not be a basis for common law vesting or equitable estoppel. The substantial change of position, or obligation or expense forming the basis of common law vesting or equitable estoppel must have been incurred by the person seeking to establish common law vesting or equitable estoppel, and a person may not utilize substantial changes in position, obligations, or expenditures of predecessors or successors in interest. The governmental act or omission by the County must cause a serious injustice and the imposition of common law vesting or equitable estoppel must not unduly harm the public interest.

3. Alternate Criteria or Rules for Statutory or Common Law Vesting

If the vested rights applicant believes that any of the criteria or rules set forth in this Section are in conflict with a statutory provision or case law that is legally binding on the County, such person may present to the County Attorney, prior to or simultaneously with the vested rights application, a request for alternate criteria or rules based on the conflicting statutory provision or case law. If the request is granted by the County Attorney, the alternate criteria or rules accepted by the County Attorney shall govern the vested rights application in lieu of the applicable criteria or rules in this Section. If the conflict between the criteria and rules in this Section and the statutory provision or case law presented by the vested rights applicant cannot be reconciled without judicial action, the criteria in this Section shall govern for the purposes of the vested rights application and public hearing before the BCC. However, the conflict may be addressed in any appeal of the BCC action on the vested rights application.

C. Vested Rights Application Content Requirements

All applications to establish vested rights pursuant to this Section shall be filed with the County Attorney's Office. Unless otherwise approved by the County Attorney or the BCC, a vested rights application shall be accepted when it contains all of the following information:

1. A list of the specific Comprehensive Plan and/or Code provisions against which the applicant seeks to be vested.

2. A legal description and sketch of the property for which the applicant is seeking vested rights. If the property is part of a larger project, a legal description and sketch of the larger project shall also be provided.

3. Deeds, contracts, or other documents demonstrating that the applicant is the legal or equitable owner of the property for which the applicant is seeking vested rights.

4. A description of the existing use of the property and the entitlements for which the applicant is seeking vested rights.

5. Copies of all development orders, permits, and approvals that are relevant to the vested rights application.

6. For statutory vesting, copies of all documentation demonstrating compliance with the criteria in Section 407.6.B. and a statement describing how the applicant complies with each of the criteria of that Section.

7. For common law vesting or equitable estoppel, copies of all documentation demonstrating compliance with the criteria and rules in Sections 407.6.C and D. and a statement describing how the applicant complies with each of the criteria in Section 407.6.C. that is consistent with the rules in Section 407.6.D.

8. A list of all the witnesses that will present testimony to the BCC, including a short summary of the testimony that will be provided by each witness.

9. If not otherwise provided to comply with Section 407.6.C, Subsections 1-8 above, copies of all statutory, constitutional, and case law authority upon which the applicant will rely to support the vested rights application.

10. Names, addresses, telephone numbers, fax numbers, and e-mail addresses of the applicant and authorized agent for the applicant.

11. A proposed order of the BCC establishing vested rights.

12. Any additional information required by the vested rights application form prepared by the County Attorney.

13. A vested rights application fee as set by resolution of the BCC.

D. <u>Procedural Requirements for Vested Rights Applications</u>

1. The County Attorney or designee shall make a recommendation on all vested rights applications, which shall be based on the criteria and rules in this Section, the vested rights application materials, other relevant facts, and applicable law. If the County Attorney's recommendation is based on facts, witnesses, or law not provided by the applicant pursuant to this Section, the County Attorney's recommendation shall identify such facts, witnesses, or law. The vested rights application and recommendation shall be considered by

the BCC at a *de novo* public hearing. The BCC shall consider the criteria and rules in this Section, the evidence and testimony presented at the public hearing, and the recommendation of the County Attorney in evaluating the vested rights application. The BCC action on the vested rights application, which may include conducting the public hearing, or continuance of the application shall occur within ninety (90) days of the acceptance of the complete application, unless the applicant requests an extension of such time period and such request is granted by the BCC. Unless otherwise approved by the BCC, the County Attorney's recommendation shall be provided to the BCC at least twenty-eight (28) days prior to the public hearing.

2. Prior to the public hearing, public notice shall be provided pursuant to Section 306.

3. All decisions of the BCC pertaining to the vested rights application shall be rendered by written order of the BCC within thirty (30) days of the date of the public hearing. The BCC's order may grant vested rights with any conditions that the BCC deems necessary to ensure compliance with the criteria and rules in this Section including, but not limited to, granting vested rights for a specific period of time. Decisions denying vested rights shall include citations to any applicable ordinance, rule, statute, or other legal authority for the denial. Decisions of the BCC relating to vested rights applications shall be appealable in accordance with this Code, Section 407.1.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 407. RELIEF APPLICATIONS

407.7. Unintended Consequences Relief

A. Background

Beginning with the issuance of the Urban Land Institute Report evaluating the County's development regulations and planning framework, the County has embraced change and taken dramatic action to move forward in implementing the Report Recommendations.

1. Pasco County adopted a restated Land Development Code with an effective date of January 1, 2012.

2. The restated Land Development Code restructures the County's land development permitting and procedures that had been in place for more than thirty (30) years.

3. As recommended by the Urban Land Institute, Pasco County embraces the concept of certainty in the development review process. As such, many items that had been required to undergo public hearing reviews have been moved to administrative review.

4. The restated Land Development Code amended the relief procedures available to development applications. Prior to the restatement of the Land Development Code, variances were used both in the traditional sense of providing relief where the strict application of the Code would create an unnecessary hardship rendering the land difficult to use because of some rare and unique physical attribute of the property itself and also as a relief valve where requirements of the Code were recognized as not working. Generally, the restated Code has placed variances in accord with standard case law on variances and categorizes them as zoning variances.

5. Because the restated Code generally no longer provides for as liberal as a relief mechanism as the prior variance provisions, there is concern that, should the restated Code be internally inconsistent, or create an unknown or unintended consequence, an affected applicant would be without means of redress other than requesting a Code amendment.

B. Intent and Purpose

It is the intent and purpose of this section to provide a relief mechanism for the internally inconsistent, or unknown and unintended consequences, if any, of the restated Land Development Code that is timely and efficient for affected applicants. However, this section is not intended to be used to circumvent the requirements of the Land Development Code as it existed on

December 31, 2011, or achieve a result that is inconsistent with State or Federal law, should it be determined that an inconsistency, or unknown, or unintended consequence has resulted from the restated Land Development Code. It further is the intent of this section to provide a means by which the County can be made aware of and address inconsistencies and unknown or unintended consequences of the restated Land Development Code in a timely manner. This section shall remain in effect until June 30, 2013, at which time it shall automatically sunset without any further action by the Board of County Commissioners (BCC).

C. Procedures

1. Application. Applications for unintended consequence relief shall be filed on forms and with the information required by the County Administrator or designee. The application shall include:

   a. A description of the problem presented by the imposition of the restated Code provision(s), including citations of the restated Code, to the development application and the relief requested.

   b. A summary of how the relief desired is necessitated by the amendment to the Land Development Code in October 2011. This can include changes to the Code which require additional action on the part of an applicant or opportunities for relief which are no longer available to the applicant.

   c. An explanation as to why no other form of relief provided by this Code is appropriate to address the inconsistency or unintended consequence or a summary of action taken by the applicant to utilize the other relief remedies provided by this Code.

2. Review Procedures

   a. The application shall be reviewed by the Assistant County Administrator for Development Services (ACA/DS) or designee. The ACA/DS shall:

      (1) Review the information accompanying the application.

      (2) Evaluate whether the relief requested is due to an inconsistency of or an unknown or unintended consequence of the restated Land Development Code.

      (3) Recommend approval, denial or modification of the relief requested.

      (4) Recommend whether an amendment to this Code is necessitated by the information discovered during the review of the application.

b. A recommendation shall be presented to the Development Review Committee (DRC) by the ACA/DS or designee within four (4) weeks of the application for Unintended Consequence Relief being filed.

c. The DRC, after hearing the application, may:

(1) Approve the request for relief;

(2) Approve the request for relief with conditions; or

(3) Deny the request for relief.

In no case shall the relief granted exceed that which could have been achieved prior to the restated Land Development Code to the extent that such relief is consistent with State and Federal law.

d. The DRC shall also make a recommendation to the BCC as to whether this Code needs amendment due to the issues identified in the application review. This recommendation shall be presented to the BCC at its quarterly Land Development Code update.

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CHAPTER 500. ZONING STANDARDS

SECTION 501. GENERAL

A. **INTENT AND PURPOSE**

The intent and purpose of zoning districts and standards are for guiding and accomplishing coordinated, adjusted, and harmonious development in accordance with existing and future needs; protecting promoting and improving public health, safety, comfort, order, appearance, convenience, morals, and general welfare through permitting, prohibiting, regulating, restricting, encouraging, and determining the uses of land, watercourses and other bodies of water, and the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; and areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; and the density of population and intensity of use. Zoning districts and standards and providing for administration, prevent overcrowding of land; blight; danger; congestion in travel and transportation; and loss of health, life or property from fire, flood, panic and other dangers.

Chapter 500 of this Code is made in accordance with an overall program, and with consideration of the character of the County, its various parts and the suitability of the various parts for particular uses and structures.

B. Provisions of zoning regulations declared to be minimum or maximum requirements.

1. In their interpretation and application, the provisions of these zoning regulations shall be held to be minimum or maximum requirements, as the case may be, adopted for the promotion of the public health, safety, morals or general welfare.

2. Wherever the requirements of these zoning regulations are at a variance with the requirements of any governmentally adopted statute, rule, regulation, ordinance, or code, the most restrictive or that imposing the higher standards, shall govern; provided that development and other activities conducted by the County shall be exempt from the provisions of this chapter.

CHAPTER 500. ZONING STANDARDS

SECTION 502. DESIGNATION OF DISTRICTS

502.1. **Zoning Districts**. For the purposes of this section, the County is hereby divided into zoning districts which shall be designated as follows:

A-C	Agricultural
AC-1	Agricultural
A-R	Agricultural-Residential
AR-1	Agricultural-Residential
AR-5	Agricultural-Residential
AR-5MH	Agricultural Mobile Home
E-R	Estate-Residential
ER-2	Estate-Residential
R-MH	Mobile Home
R-1MH	Single-Family/Mobile Home
R-1	Rural Density Residential
R-2	Low Density Residential
R-3	Medium Density Residential
R-4	High Density Residential
MF-1	Multiple Family Medium Density
MF-2	Multiple Family High Density
MF-3	Multiple Family High Density
PUD	Planned Unit Development
MPUD	Master Planned Unit Development
EC-MPUD	Employment Center Master Planned Unit Development
CS-MPUD	Conservation Subdivision Master Planned Unit Development
PO-1	Professional Office
PO-2	Professional Office
C-1	Neighborhood Commercial
C-2	General Commercial
C-3	Commercial/Light Manufacturing
I-1	Light Industrial Park
I-2	General Industrial Park

502.2. **Official Zoning Map**. The official boundaries of the said districts shall be shown upon the geographical information system, arc mapzoning layer, to be maintained by and kept in the possession of the County Administrator or designee. The zoning layer shall constitute the County official zoning layer. All districts shall be shown on the zoning layer. The said layers and all notations, references, and other data shown thereon are hereby incorporated by reference into this section as if all were fully described herein.

502.3. **District Boundaries**. Where uncertainty exists as to boundaries of any district as shown on the official zoning map, the following rules shall apply:

A. District boundary lines are intended to follow or be parallel to the center line of streets, streams, and railroads and lot or property lines as they exist on a

recorded deed or plat of record in the Office of the County Clerk and Comptroller at the time of the adoption of the this Code, unless such district boundary lines are fixed by dimensions as shown on the zoning map.

B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, and where it does not scale more than ten (10) feet there from, such lot lines shall be construed to be such boundaries, unless specifically shown otherwise.

C. Boundaries shown as following or approximately following section lines, half section lines or quarter section lines shall be construed as following such lines.

D. In subdivided land or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the maps.

502.4. **Interpretation of Boundaries**. In the case of any uncertainty, the County Administrator or designee shall interpret the location of district boundaries based upon zoning application files, official files, and other appropriate information.

502.5. **Uncertain Classification**. Whenever there is any uncertainty as to the classification of a use or the zoning district in which the use belongs, the County Administrator or designee shall determine the classification and/or zoning district within, if any, the use falls, according to its similar characteristics.

A. If a use has characteristics similar to more than one classification, the use shall be construed as belonging to the classification providing for the more intense use of a property.

B. If a use is specifically described in another zoning district, the use shall be construed as belonging to the zoning district in which it was more specifically identified.

C. If a use is arguably both a permitted use and a conditional use, then the use shall be classified as a conditional use.

D. If a use is arguably both a permitted use and a special exception use, then the use shall be classified as a special exception use.

E. If a use is arguably both a conditional use and a special exception use, then the use shall be classified as a conditional use.

F. In the event that a particular use is not allowed, the use is prohibited in Pasco County.

CHAPTER 500. ZONING STANDARDS

SECTION 503. A-C AGRICULTURAL DISTRICT

503.1. Purpose

The purpose of the A-C Agricultural District is to preserve the rural and open character of various lands within the County. These lands are agricultural lands; sites of vital, natural water resource functions; areas with highly productive, natural plant and animal communities; and areas with valuable topographic and/or subsurface features, all of which are necessary to sustain and enhance the quality of life in the County.

Those uses will be allowed which are compatible with these overall objectives.

503.2. Permitted Uses

A. Principal Uses

1. Agriculture, general farming, and horticulture to include animal feedlots; the commercial hatching or raising of poultry; the production of eggs; the raising of hogs; pasturage of animals, such as cattle and horses; citrus groves (as well as other fruits); forestry; plant nurseries; sheds; stables; barns; truck farms; fish hatcheries; fish pools, and other structures devoted to the on-site farm uses.

2. Dwellings. Single-family detached dwellings on individual lots and single-family mobile homes on individual lots, where they are securely anchored as required by the County Building Code.

3. Home occupations.

4. Temporary roadside stands used on a seasonal basis for the sale of fruits, vegetables, and other agriculturally related products.

5. Public and private parks and playgrounds.

6. Noncommercial boat slips and piers or private docking facilities with the approval of the various State and/or Federal agencies where mandatory.

7. Noncommercial recreation facilities including parks, playgrounds, and camps for youths and adults.

8. Public and semipublic buildings and facilities to include the following: County, State, or Federal structures and uses; churches; civic organizations; and schools.

9. Residential treatment and care facilities, subject to a minimum site area of ten (10) acres.

B. Accessory Uses

1. Private garages and parking areas.

2. Private swimming pools and cabanas in accordance with this Code.

3. Signs in accordance with this Code.

4. Other accessory uses customarily incidental to an allowed principal use.

503.3. **Conditional Uses**

A. Gun and archery range clubs and indoor or outdoor firing and archery ranges, subject to a minimum site area of ten (10) acres.

B. Aircraft and helicopter landing fields, subject to approval by the Federal Aviation Administration and compliance with appropriate State and local laws, provided that no aircraft landing field or helicopter pad be located closer than 1,000 feet from the closest property line of a school that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary, middle, or high schools.

C. Parachute drops.

D. Amusement parks.

E. Automobile race tracks.

F. Medical waste disposal facilities.

G. Auction houses.

H. Flea markets.

I. Drive-in theaters.

J. Construction and demolition debris dumps, subject to all local, State, and Federal regulations.

K. Sanitary landfills, subject to all local, State, and Federal regulations.

L. Yard trash disposal facilities.

M. Mining and/or reclamation including, but not limited to, mining or extraction of limestone, clay, sand, natural gas, oil, and organic soils, subject to all local, State, and Federal regulations.

N. Sludge, septage, and other waste disposal sites.

O. Wastewater treatment plants, except when accessory to a development.

P. Fertilizer manufacturing.

Q. Saw mills.

503.4. **Performance Standards for Conditional and Special Exception Uses**

All activities shall be in conformance with standards established by the County, State, and Federal government.

503.5. **Special Exception Uses**

A. Bed and breakfast, tourist homes.

B. Country clubs and golf courses.

C. Day-care centers.

D. Public and private utility facilities to include the following:

1. County, State, or Federal structures and uses.

2. Water pumping plants; transmission lines for gas, electric, and telephones or for broadcasting or communication towers and facilities.

3. Other conforming uses which do not cause an undue nuisance or adversely affect existing structures, uses, and residents.

E. Storage and repair facilities for essential public services.

F. Cemeteries, mausoleums, and crematoriums.

G. Animal hospitals or veterinarian clinics and dog kennels.

H. Accessory uses customarily incidental to an allowed special exception use.

I. Farm Feed and Supplies Establishments

The following criteria and requirements shall apply to all farm feed and supplies establishments:

1. Feed—livestock, poultry, and pets.

2. Animal health products.

3. Lawn and garden supplies.

4. Fertilizer, insecticides, and pesticides.

5. Leather goods and tack.

6. Fence posts and supplies to be enclosed in an opaque buffer.

7. No equipment, such as lawn mowers, tractors, and accessories, shall be stored or repaired on this site.

8. There shall be a minimum fifty (50) foot setback from all property lines for the building and storage areas, except as incidental to the above uses.

J. Duplexes.

K. Private schools.

503.6. **Area, Density, and Lot Width Requirements**

A. Single-Family Detached Dwellings and Mobile Homes

1. Minimum lot area: ten (10) acres.

2. Maximum possible gross density: 0.10 (nonfarm) dwelling units per acre, subject to compliance with the Comprehensive Land Use Map Classification.

3. Minimum lot width: 250 feet.

4. Single-family detached dwellings and mobile homes in the A-C Agricultural District are required to meet all of the standards above, except when such units are developed in a CS-MPUD Conservation Subdivision Master Planned Unit Development in accordance with this Code, the minimum lot area requirements and lot width requirements shall not apply.

B. All Other Uses

No minimum lot areas are required, subject to meeting minimum yard and coverage regulations.

503.7. **Coverage Regulations**

All buildings, including accessory buildings, shall not cover more than fifteen (15) percent of the total lot area.

503.8. **Yard Regulations**

The following minimum building line setbacks measured from the right-of-way or edge of ingress/egress easement (where there is no right-of-way) are required in front yard areas. All other yard areas shall be measured from the property line.

A. Front: Fifty (50) Feet

B. Side: Twenty-five (25) Feet

C. Rear: Fifty (50) Feet

D. Single-family detached dwellings and mobile homes in the A-C Agricultural District are required to meet all of the standards above, except when such units are developed in a CS-MPUD in accordance with this Code, the minimum lot area requirements and lot width requirements shall not apply.

503.9. **Height Regulations**

Building height. Thirty-five (35) feet maximum; however, no dwelling shall be less than ten (10) feet in height. For exceptions, see this Code, Chapter 500, Supplemental Regulations.

503.10. **On-Site Parking Regulations**

On-site parking shall be provided in accordance with this Code.

503.11. **Development Plan**

A development plan shall be submitted in accordance with this Code.

CHAPTER 500. ZONING STANDARDS

SECTION 504. AC-1 AGRICULTURAL DISTRICT

504.1. Purpose

The purpose of the AC-1 Agricultural District is to preserve the rural and open character of various lands within the County and to provide for permanent, residential housing in conjunction with agricultural and open space uses. These lands are agricultural lands; sites of vital, natural water resource functions; areas with highly productive, natural plant and animal communities; and areas with valuable topographic and/or subsurface features, all of which are necessary to sustain and enhance the quality of life in the County. Those uses will be allowed which are compatible with these overall objectives.

504.2. Permitted Uses

A. Principal Uses

1. Agriculture, general farming, and horticulture to include animal feed lots; the commercial hatching or raising of poultry; the production of eggs; the raising of hogs; pasturage of animals, such as cattle and horses; citrus groves (as well as other fruits); forestry; plant nurseries; sheds; stables; barns; truck farms; fish hatcheries; fish pools, and other structures devoted to the on-site farm uses.

2. Dwellings: Single-family detached dwellings on individual lots.

3. Home occupations.

4. Temporary roadside stands used on a seasonal basis for the sale of fruits, vegetables, and other agriculturally related products.

5. Public and private parks and playgrounds.

6. Noncommercial boat slips and piers or private docking facilities with the approval of the various State and/or Federal agencies where mandatory.

7. Noncommercial recreation facilities including parks, playgrounds, and camps for youths and adults.

8. Public and semipublic buildings and facilities to include the following: County, State, or Federal structures and uses; churches; civic organizations; and schools.

B. Accessory Uses

1. Private garages and parking areas.

2. Private swimming pools and cabanas in accordance with this Code.

3. Signs in accordance with this Code.

4. Other accessory uses customarily incidental to an allowed principal use.

504.3. **Conditional Uses**

A. Gun and archery clubs and indoor or outdoor firing and archery ranges, subject to a minimum site area of ten (10) acres.

B. Aircraft and helicopter landing fields, subject to approval by the Federal Aviation Administration and compliance with appropriate State and local laws, provided that no aircraft landing field or helicopter pad be located closer than 1,000 feet from the closest property line of a school that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary, middle, or high schools.

C. Parachute drops.

D. Amusement parks.

E. Automobile race tracks.

F. Medical waste disposal facilities.

G. Auction houses.

H. Flea markets.

I. Drive-in theaters.

J. Construction and demolition debris dumps, subject to all local, State, and Federal regulations.

K. Sanitary landfills, subject to all local, State, and Federal regulations.

L. Yard trash disposal facilities.

M. Mining and/or reclamation including, but not limited to, mining or extraction of limestone, clay, sand, natural gas, oil, and organic soils, subject to all local, State, and Federal regulations.

N. Sludge, septage, and other waste disposal sites.

O. Wastewater treatment plants, except when accessory to a development.

P. Fertilizer manufacturing.

Q. Saw mills.

504.4. **Performance Standards for Conditional and Special Exception Uses**

All activities shall be in conformance with standards established by the County, State, and Federal government.

504.5. **Special Exception Uses**

A. Bed and breakfast, tourist homes.

B. Country clubs and golf courses.

C. Day-care centers.

D. Public and private utility facilities to include the following: County, State, or Federal structures and uses; water pumping plants; transmission lines for gas, electric, and telephones or for broadcasting or communication towers and facilities; and other conforming uses which do not cause an undue nuisance or adversely affect existing structures, uses, and residents.

E. Storage and repair facilities for essential public services.

F. Cemeteries, mausoleums, and crematoriums.

G. Animal hospitals or veterinarian clinics and dog kennels.

H. Accessory uses customarily incidental to an allowed special exception use.

I. Farm Feed and Supplies Establishments

The following criteria and requirements shall apply to all farm feed and supplies establishments:

1. Feed—livestock, poultry, and pets.

2. Animal health products.

3. Lawn and garden supplies.

4. Fertilizer, insecticides, and pesticides.

5. Leather goods and tack.

6. Fence posts and supplies to be enclosed in an opaque buffer.

7. No equipment, such as lawn mowers, tractors, and accessories, shall be stored or repaired on this site.

8. There shall be a minimum fifty (50) foot setback from all property lines for the building and storage areas.

J. Duplexes.

K. Private schools.

504.6. **Area, Density, and Lot Width Requirements**

A. Single-Family Detached Dwellings and Duplexes

1. Minimum lot area: ten (10) acres.

2. Maximum possible gross density: 0.10 (nonfarm) dwelling units per acre, subject to compliance with the Comprehensive Future Land Use Map classification.

3. Minimum lot width: 250 feet.

4. Single-family detached dwellings in the AC-1 Agricultural District are required to meet all of the standards above, except when such units are developed in a CS-MPUD Conservation Subdivision Master Planned Unit Development in accordance with this Code, the minimum lot area requirements and lot width requirements shall not apply.

B. All Other Uses

No minimum lot areas are required, subject to meeting minimum yard and coverage regulations.

504.7. **Coverage Regulations**

All buildings, including accessory buildings, shall not cover more than fifteen (15) percent of the total lot area.

504.8. **Yard Regulations**

The following minimum building line setbacks measured from the right-of-way or edge of ingress/egress easement (where there is no right-of-way) are required in front yard areas. All other yard areas shall be measured from the property line.

A. Front: fifty (50) feet.

B. Side: twenty-five (25) feet.

C. Rear: fifty (50) feet.

D. Single-family detached dwellings in the AC-1 Agricultural District are required to meet all of the standards above, except when such units are developed in a CS-MPUD in accordance with this Code, the minimum lot area requirements and lot width requirements shall not apply.

504.9. **Height Regulations**

Building height: thirty-five (35) feet maximum; however, no dwelling shall be less than ten (10) feet in height. For exceptions, see Chapter 500, Supplemental Regulations.

504.10. **On-Site Parking Regulations**

On-site parking shall be provided in accordance with this Code.

504.11. **Development Plan**

A development plan shall be submitted in accordance with this Code.

CHAPTER 500. ZONING STANDARDS

SECTION 505. A-R AGRICULTURAL-RESIDENTIAL DISTRICT

505.1. Purpose

The purpose of the A-R Agricultural-Residential District is to allow the development of relatively large tracts of land to accommodate those individuals who desire a rural or estate-type living environment; to curtail urban development in areas which lack facilities, until such time as those facilities are available; and to promote conservation of rural environments through limiting the intensity of development.

505.2. Permitted Uses

A. Principal Uses

1. Commercial farming and agricultural activities, such as citrus groves (as well as other fruits); forestry; plant nurseries; truck farms; fish pools; animal feedlots; hatching and raising of poultry; production of eggs; raising of livestock (hogs, horses, cattle, sheep, etc.), shall require a minimum of five (5) acres. Sheds, stables, barns, and other structures devoted to the on-site agricultural uses shall be required to maintain a 100-foot separation between dwellings existing on adjacent parcels of land at the time the commercial agricultural activity commenced. However, the required separation shall not be less than fifty (50) feet from any property line.

2. General farming pursuits of such extent as to supply the occupant's personal needs.

3. Dwellings. Single-family detached dwellings on individual lots and single-family mobile homes on individual lots, where they are securely anchored as required by the County Building Code.

4. Noncommercial boat slips and piers or private docking facilities with the approval of the various State and/or Federal agencies where mandatory.

5. Maintaining livestock for the occupant's use or need only, not to exceed three (3) grazing animals per acre minimum.

6. Swine shall be considered, for the purpose of this section, as grazing animals. The number of swine shall not exceed one (1) per acre, exclusive of area required for other uses.

7. Maintaining small animals and fowl for the occupant's use or need only, not to exceed a ratio of twenty (20) per acre.

8. Public and semipublic buildings and facilities to include the following: County, State, or Federal structures and uses; churches; civic organizations; and schools.

9. Temporary roadside stands used on a seasonal basis for the sale of fruits, vegetables, and other agriculturally related products shall require a minimum lot area of two (2) acres.

B. Accessory Uses

1. Private garages and parking areas.

2. Private swimming pools and cabanas in accordance with this Code.

3. Signs in accordance with this Code.

4. Other accessory uses customarily incidental to an allowed principal use.

505.3. **Conditional Uses**

A. Residential treatment and care facilities.

B. Gun clubs and indoor or outdoor firing and archery ranges, subject to a minimum site area of ten (10) acres.

C. Aircraft and helicopter landing fields, subject to approval by the Federal Aviation Administration and compliance with appropriate State and local laws, provided that no aircraft landing field or helicopter pad be located closer than 1,000 feet from the closest property line of a school that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary, middle, or high schools.

D. Parachute drops.

E. Amusement parks.

F. Automobile race tracks.

G. Medical waste disposal facilities.

H. Construction and demolition debris dumps, subject to all local, State, and Federal regulations.

I. Yard trash disposal facilities.

J. Mining and/or reclamation including, but not limited to, mining or extraction of limestone, clay, sand, natural gas, oil, and organic soils, subject to all local, State, and Federal regulations.

K. Wastewater treatment plants, except when accessory to a development.

L. Sludge, septage, and other waste disposal sites.

505.4. **Performance Standards for Conditional and Special Exception Uses**

All activities shall be in conformance with standards established by the County, State, and Federal government.

505.5. **Special Exception Uses**

A. Bed and breakfast, tourist homes.

B. Duplexes.

C. Home occupations.

D. Day-care centers.

E. Public and private rights-of-way for utilities.

F. Public and private substations for utilities.

G. Public or private parks, playgrounds, and recreation areas.

H. Golf courses, provided the clubhouse and other structures are located over 150 feet from an abutting lot or parcel.

I. Storage and repair facilities for essential services.

J. Animal hospitals or veterinarian clinics and dog kennels.

K. Travel trailer parks and travel trailer or recreational vehicle subdivisions, subject to the requirements set forth in this Code. Park model trailers located on lots within travel trailer and/or recreational vehicle subdivisions or condominiums may be utilized for permanent occupancy.

L. Accessory uses customarily incidental to an allowed special exception use.

M. Farm Feed and Supplies Establishments

The following criteria and requirements shall apply to all farm feed and supplies establishments:

1. Feed—livestock, poultry, and pets.

2. Animal health products.

3. Lawn and garden supplies.

4. Fertilizer, insecticides, and pesticides.

5. Leather goods and tack.

6. Fence posts and supplies to be enclosed in an opaque buffer.

7. No equipment, such as lawn mowers, tractors, and accessories, shall be stored or repaired on this site.

8. There shall be a minimum fifty (50) foot setback from all property lines for the building and storage areas.

N. Private Schools

505.6. **Area, Density, and Lot Width Requirements**

A. Single-Family Detached Dwellings and Mobile Homes

1. Minimum lot area: One (1) Acre

2. Maximum possible gross density: One (1) Dwelling Unit Per Acre

3. Minimum lot width: 125 Feet

4. Single-family detached dwellings in the A-R Agricultural-Residential District are required to meet all of the standards above, except when such units are developed in a CS-MPUD Conservation Subdivision Master Planned Unit Development in accordance with this Code, Section 522.10, the minimum lot area requirements and lot width requirements shall not apply.

B. All Other Uses

No minimum lot areas are required, subject to meeting minimum yard and coverage regulations.

505.7. **Coverage Regulations**.

All buildings, including accessory buildings, shall not cover more than twenty-five (25) percent of the total lot area.

505.8. **Yard Regulations**

The following minimum building line setbacks measured from the right-of-way or edge of ingress/egress easement (where there is no right-of-way) are required in front yard areas. All other yard areas shall be measured from the property line.

A. Front: Fifty (50) Feet

B. Side: Twenty-five (25) Feet

C. Rear: Fifty (50) Feet

D. Single-family detached dwellings in the A-R Agricultural-Residential District are required to meet all of the standards above, except when such units are developed in a CS-MPUD in accordance with this Code, Section 522.10, the minimum lot area requirements and lot width requirements shall not apply.

505.9. **Height Regulations**

Building height. Thirty-five (35) feet maximum; however, no dwelling shall be less than ten (10) feet in height. For exemptions, see this Code, Chapter 500, Supplemental Regulations.

505.10. **On-Site Parking Regulations**

On-site parking shall be provided in accordance with this Code.

505.11. **Development Plan**

A development plan shall be submitted in accordance with this Code.

CHAPTER 500. ZONING STANDARDS

SECTION 506. AR-1 AGRICULTURAL-RESIDENTIAL

506.1. Purpose

The purpose of the AR-1 Agricultural-Residential District is to allow the development of relatively large tracts of land to accommodate those individuals who desire a rural or estate type living environment; to curtail urban development in areas which lack facilities, until such time as those facilities are available; and to promote conservation or greenbelting of rural environments through limiting the intensity and types of residential development.

506.2. Permitted Uses

A. Principal Uses

1. Commercial farming and agricultural activities, such as citrus groves (as well as other fruits); forestry; plant nurseries; truck farms; fish pools; animal feedlots; hatching and raising of poultry; production of eggs; raising of livestock (hogs, horses, cattle, sheep, etc.), shall require a minimum of five (5) acres. Sheds, stables, barns, and other structures devoted to the on-site agricultural uses shall be required to maintain a 100-foot separation between dwellings existing on adjacent parcels of land at the time the commercial agricultural activity commenced. However, the required separation shall not be less than fifty (50) feet from any property line.

2. General farming pursuits of such extent as to supply the occupant's personal needs.

3. Dwellings: Single-family detached dwellings on individual lots.

4. Noncommercial boat slips and piers or private docking facilities with the approval of the various State and/or Federal agencies where mandatory.

5. Maintaining livestock for the occupant's use or need only, not to exceed three (3) grazing animals per acre minimum.

6. Swine shall be considered, for the purpose of this section, as grazing animals. The number of swine shall not exceed one (1) per acre, exclusive of area required for other uses.

7. Maintaining small animals and fowl for the occupant's use or need only, not to exceed a ratio of twenty (20) per acre.

8. Public and semipublic buildings and facilities to include the following: County, State, or Federal structures and uses; churches; civic organizations; and schools.

9. Temporary roadside stands used on a seasonal basis for the sale of fruits, vegetables, and other agriculturally related products shall require a minimum lot area of two (2) acres.

B. Accessory Uses

1. Private garages and parking areas.

2. Private swimming pools and cabanas in accordance with this Code.

3. Signs in accordance with this Code.

4. Other accessory uses customarily incidental to an allowed principal use.

506.3. **Conditional Uses**

A. Residential treatment and care facilities.

B. Gun clubs and indoor or outdoor firing and archery ranges, subject to a minimum site area of ten (10) acres.

C. Aircraft and helicopter landing fields, subject to approval by the Federal Aviation Administration and compliance with appropriate State and local laws, provided that no aircraft landing field or helicopter pad be located closer than 1,000 feet from the closest property line of a school that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary, middle, or high schools.

D. Parachute drops.

E. Construction and demolition debris dumps, subject to all local, State, and Federal regulations.

F. Yard trash disposal facilities.

G. Sludge, septage, and other waste disposal sites.

H. Wastewater treatment plants, except when accessory to a development.

I. Mining and/or reclamation including, but not limited to, the mining or extraction of limestone, clay, sand, natural gas, oil, and organic soils, subject to all local, State, and Federal regulations.

506.4. **Performance Standards for Conditional and Special Exception Uses**

All activities shall be in conformance with standards established by the County, State, and Federal government.

506.5. **Special Exception Uses**

A. Bed and breakfast, tourist homes.

B. Home occupations.

C. Day-care centers.

D. Public and private rights-of-way for utilities.

E. Public and private substations for utilities.

F. Duplexes.

G. Public or private parks, playgrounds, and recreation areas.

H. Golf courses, provided the clubhouse and other structures are located over 150 feet from an abutting lot or parcel.

I. Storage and repair facilities for essential services.

J. Animal hospitals or veterinarian clinics and dog kennels.

K. Accessory uses customarily incidental to a permitted special exception use.

L. Farm Feed and Supplies Establishments

The following criteria and requirements shall apply to all farm feed and supplies establishments:

1. Feed—livestock, poultry, and pets.

2. Animal health products.

3. Lawn and garden supplies.

4. Fertilizer, insecticides, and pesticides.

5. Leather goods and tack.

6. Fence posts and supplies to be enclosed in an opaque buffer.

7. No equipment, such as lawn mowers, tractors, and accessories, shall be stored or repaired on this site.

8. There shall be a minimum fifty (50) foot setback from all property lines for the building and storage areas.

M. Private schools

506.6. **Area, Density, and Lot Width Requirements**

A. Single-Family Detached Dwellings

1. Minimum lot area: one (1) acre.

2. Maximum possible gross density: one (1) dwelling unit per acre.

3. Minimum lot width: 125 feet.

4. Single-family detached dwellings in the AR-1 Agricultural-Residential District are required to meet all of the standards above, except when such units are developed in a CS-MPUD Conservation Subdivision Master Planned Unit Development in accordance with this Code, the minimum lot area requirements and lot width requirements shall not apply.

B. All Other Uses

No minimum lot areas are required, subject to meeting minimum yard and coverage regulations.

506.7. **Coverage Regulations**

All buildings, including accessory buildings, shall not cover more than twenty-five (25) percent of the total lot area.

506.8. **Yard Regulations**

The following minimum building line setbacks measured from the right-of-way or edge of ingress/egress easement (where there is no right-of-way) property lines are required in front yard areas. All other yard areas shall be measured from the property line.

A. Front: fifty (50) feet

B. Side: twenty-five (25) feet

C. Rear: fifty (50) feet

D. Single-family detached dwellings in the AR-1 Agricultural-Residential District are required to meet all of the standards above, except when such units are developed in a CS-MPUD in accordance with this Code, Section 522.10, the minimum lot area requirements and lot width requirements shall not apply.

506.9. **Height Regulations**

Building height. Thirty-five (35) feet maximum; however, no dwelling shall be less than ten (10) feet in height. For exemptions, see this Code, Chapter 500, Supplemental Regulations.

506.10. **On-Site Parking Regulations**

On-site parking shall be provided in accordance with this Code.

506.11. **Development Plan**

A development plan shall be submitted in accordance with this Code, Chapter 400.

CHAPTER 500. ZONING STANDARDS

SECTION 507. AR-5 AGRICULTURAL-RESIDENTIAL DISTRICT

507.1. Purpose

The purpose of the AR-5 Agricultural-Residential District is to provide a rural or farm atmosphere in which single-family home ownership may be permitted and where the growing of supplemental food supplies for families will be encouraged.

It is also intended to permit a reasonable use of the property while protecting prime agricultural or natural areas from urban encroachment and preventing rapid expansion of demands on public facilities.

507.2. Permitted Uses

A. Principal Uses

1. Commercial farming and agricultural activities, such as citrus groves (as well as other fruits); forestry; plant nurseries; animal feedlots; hatching and raising of poultry; production of eggs; raising of livestock (horses, cattle, sheep, excluding hogs), shall be permitted and shall require a minimum of five (5) acres. Sheds, stables, barns, and other structures devoted to the on-site agricultural uses shall not be located within 200 feet of residentially zoned property or within fifty (50) feet from any lot line.

2. General farming pursuits of such extent as to supply the occupant's personal needs.

3. Dwellings: single-family detached dwellings on individual lots.

4. Maintaining livestock for the occupant's use or need only, not to exceed three (3) grazing animals per acre minimum.

5. Swine shall be considered, for the purpose of this section, as grazing animals. The number of swine shall not exceed one (1) per acre.

6. Public schools.

7. Temporary roadside stands used on a seasonal basis for the sale of fruits, vegetables, and other agriculturally related products.

B. Accessory Uses

1. Private garages and parking areas.

2. Private swimming pools and cabanas in accordance with this Code.

3. Public and private rights-of-way for utilities.

4. Other accessory uses customarily incidental to an allowed principal use.

507.3. **Conditional Uses**

A. Gun clubs and indoor or outdoor firing and archery ranges, subject to a minimum site area of ten (10) acres.

B. Aircraft and helicopter landing fields, subject to approval by the Federal Aviation Administration and compliance with appropriate State and local laws, provided that no aircraft landing field or helicopter pad be located closer than 1,000 feet from the closest property line of a school that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary, middle, or high schools.

C. Construction and demolition debris dumps, subject to all local, State, and Federal regulations.

D. Yard trash disposal facilities.

E. Sludge, septage, and other waste disposal sites.

F. Wastewater treatment plants, except when accessory to a development.

G. Mining and/or reclamation including, but not limited to, the mining or extraction of limestone, clay, sand, natural gas, oil, and organic soils, subject to all local, State, and Federal regulations.

507.4. **Performance Standards for Conditional and Special Exception Uses**

All activities shall be in conformance with standards established by the County, State, and Federal government.

507.5. **Special Exception Uses**

A. Bed and breakfast, tourist homes.

B. Home occupations.

C. Day-care centers.

D. Public and private rights-of-way for utilities.

E. Public and private substations for utilities.

F. Duplexes.

G. Public or private parks, playgrounds, and recreation areas.

H. Golf courses, provided the clubhouse and other structures are located over 150 feet from an abutting lot or parcel.

I. Storage and repair facilities for essential services.

J. Public and semipublic buildings and facilities to include the following: County, State, or Federal structures and uses; churches (permanent structures only); and civic organizations.

K. Accessory uses customarily incidental to an allowed special exception use.

L. Farm Feed and Supplies Establishments. The following criteria and requirements shall apply to all farm feed and supplies establishments:

1. Feed—livestock, poultry, and pets.

2. Animal health products.

3. Lawn and garden supplies.

4. Fertilizer, insecticides, and pesticides.

5. Leather goods and tack.

6. Fence posts and supplies to be enclosed in an opaque buffer.

7. No equipment, such as lawn mowers, tractors, and accessories, shall be stored or repaired on this site.

8. There shall be a minimum fifty (50) foot setback from all property lines for the building and storage areas.

M. Private schools.

507.6. **Area, Density, and Lot Width Requirements**

Single-Family Detached Dwellings

A. Minimum lot area: five (5) acres.

B. Maximum possible gross density: one (1) dwelling unit per five (5) acres.

C. Minimum lot frontage width: 200 feet.

D. Single-family detached dwellings in the AR-5 Agricultural-Residential District are required to meet all of the standards above, except when such units are developed in a CS-MPUD Conservation Subdivision Master Planned Unit Development in accordance with this Code, the minimum lot area requirements and lot width requirements shall not apply.

507.7. **Coverage Regulations**

All buildings, including accessory buildings, shall not cover more than thirty (30) percent of the total lot area.

507.8. **Yard Regulations**

The following minimum building line setbacks measured from the right-of-way or edge of ingress/egress easement (where there is no right-of-way) are required in front yard areas. All other yard areas shall be measured from the property line.

A. Front: fifty (50) feet.

B. Side: twenty-five (25) feet.

C. Rear: fifty (50) feet.

D. Single-family detached dwellings in the AR-5 Agricultural-Residential District are required to meet all of the standards above, except when such units are developed in a CS-MPUD in accordance with this Code, the minimum lot area requirements and lot width requirements shall not apply.

507.9. **Height Regulations**

Building height: thirty-five (35) feet maximum; however, no dwelling shall be less than ten (10) feet in height. For exemptions, see this Code, Chapter 500, Supplemental Regulations.

507.10. **On-Site Parking Regulations**

On-site parking shall be provided in accordance with this Code.

507.11. **Development Plan**

A development plan shall be submitted in accordance with this Code.

CHAPTER 500. ZONING STANDARDS

SECTION 508. AR-5MH AGRICULTURAL MOBILE HOME DISTRICT

508.1. Purpose

The purpose of the AR-5MH Agricultural Mobile Home District is to provide a rural or farm atmosphere in which single-family mobile home ownership may be allowed on five (5) acre parcels or larger and where the growing of supplemental food supplies for families will be encouraged. It is also intended to permit a reasonable use of the property while protecting prime agricultural or natural areas from urban encroachment and preventing rapid expansion of demands on public facilities.

508.2. Permitted Uses

A. Principal Uses

1. Commercial farming and agricultural activities, such as citrus groves (as well as other fruits); forestry; plant nurseries; animal feed lots; hatching and raising of poultry; production of eggs; raising of livestock (horses, cattle, sheep, excluding hogs), shall be permitted and shall require a minimum of five (5) acres. Sheds, stables, barns, and other structures devoted to the on-site agricultural uses shall not be located within 200 feet of residentially zoned property or within fifty (50) feet from any lot line.

2. General farming pursuits of such extent as to supply the occupant's personal needs.

3. Dwellings: single-family mobile homes on individual lots where they are securely anchored as required by the County Building Code.

4. Maintaining livestock for the occupant's use or need only, not to exceed three (3) grazing animals per acre minimum.

5. Swine shall be considered, for the purpose of this section, as grazing animals. The number of swine shall not exceed one (1) per acre.

6. Public schools.

7. Temporary roadside stands used on a seasonal basis for the sale of fruits, vegetables, and other agriculturally related products.

B. Accessory Uses

1. Private garages and parking areas.

2. Private swimming pools and cabanas in accordance with this Code.

3. Public and private rights-of-way for utilities.

C. Other accessory uses customarily incidental to an allowed principal use.

508.3. **Conditional Uses**

A. Gun clubs and indoor or outdoor firing and archery ranges, subject to a minimum site area of ten (10) acres.

B. Aircraft and helicopter landing fields, subject to approval by the Federal Aviation Administration and compliance with appropriate State and local laws, provided that no aircraft landing field or helicopter pad be located closer than 1,000 feet from the closest property line of a school that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary, middle, or high schools.

C. Construction and demolition debris disposal facilities, subject to all local, State, and Federal regulations.

D. Yard trash disposal facilities.

E. Sludge, septage, and other waste disposal sites.

F. Wastewater treatment plants, except when accessory to a development.

G. Mining and/or reclamation including, but not limited to, the mining or extraction of limestone, clay, sand, natural gas, oil, and organic soils, subject to all local, State, and Federal regulations.

508.4. **Performance Standards for Conditional and Special Exception Uses**

All activities shall be in conformance with standards established by the County, State, and Federal government.

508.5. **Special Exception Uses**

A. Bed and breakfast, tourist homes.

B. Home occupations.

C. Day-care centers.

D. Public and private rights-of-way for utilities.

E. Public and private substations for utilities.

F. Duplexes.

G. Public or private parks, playgrounds, and recreation areas.

H. Golf courses, provided the clubhouse and other structures are located over 150 feet from an abutting lot or parcel.

I. Storage and repair facilities for essential services.

J. Public and semipublic buildings and facilities to include the following: County, State, or Federal structures and uses; churches (permanent structures only); and civic organizations.

K. Accessory uses customarily incidental to a permitted special exception use.

L. Farm Feed and Supplies Establishments

The following criteria and requirements shall apply to all farm feed and supplies establishments:

1. Feed—livestock, poultry, and pets.

2. Animal health products.

3. Lawn and garden supplies.

4. Fertilizer, insecticides, and pesticides.

5. Leather goods and tack.

6. Fence posts and supplies to be enclosed in an opaque buffer.

7. No equipment, such as lawn mowers, tractors, and accessories, shall be stored or repaired on this site.

8. There shall be a minimum fifty (50) foot setback from all property lines for the building and storage areas.

M. Private schools.

508.6. **Area, Density, and Lot Width Requirements**

Single-Family Mobile Homes:

A. Minimum lot area: five (5) acres.

B. Maximum possible gross density: one (1) dwelling unit per five (5) acres, subject to compliance with the Comprehensive Plan Future Land Use Map classification.

C. Minimum lot frontage width: 200 feet.

508.7. **Coverage Regulations**

All buildings, including accessory buildings, shall not cover more than thirty (30) percent of the total lot area.

508.8. **Yard Regulations**

The following minimum building line setbacks measured from the property lines are required in yard areas listed below unless otherwise specified:

A. Front: fifty (50) feet.

B. Side: twenty-five (25) feet.

C. Rear: fifty (50) feet.

508.9. **Height Regulations**

Building height: thirty-five (35) feet maximum; however, no dwelling shall be less than ten (10) feet in height. For exemptions, see Chapter 500, Supplemental Regulations.

508.10. **On-Site Parking Regulations**

On-site parking shall be provided in accordance with this Code.

508.11. **Development Plan**

A development plan shall be submitted in accordance with this Code.

CHAPTER 500. ZONING STANDARDS

SECTION 509. E-R ESTATE-RESIDENTIAL DISTRICT

509.1. Purpose

The purpose of the E-R Estate-Residential District is to serve as a transitional area between primarily agricultural areas and suburban development. Further, it is the purpose of the E-R Estate-Residential District to allow the establishment of estate-residential areas, including the raising of livestock and agriculture, on limited acreage for the primary use of the resident.

509.2. Permitted Uses

A. Principal Uses

1. Dwellings: single-family detached dwellings on individual lots.

2. General farming pursuits of such extent as to supply the occupant's personal needs.

3. Maintaining livestock for the occupant's use or need only, not to exceed three (3) grazing animals per acre minimum.

4. Swine shall be considered, for the purpose of this section, as grazing animals. The number of swine shall not exceed one (1) per acre.

5. Maintaining small animals, birds, and fowl for the occupant's use or need only, not to exceed a ratio of twenty (20) per acre.

6. Noncommercial boat slips and piers or private docking facilities with the approval of the various State and/or Federal agencies where mandatory.

7. Public schools.

B. Accessory Uses

1. Private garages and parking areas.

2. Private swimming pools and cabanas in accordance with this Code.

3. Signs in accordance with this Code.

4. Other accessory uses customarily incidental to an allowed principal use.

509.3. Conditional Use

Wastewater treatment plants, unless accessory to a development.

509.4. **Special Exception Uses**

A. Bed and breakfast, tourist homes.

B. Duplexes.

C. Home occupations.

D. Day-care centers.

E. Public and private rights-of-way for utilities.

F. Public and private substations for utilities.

G. Private schools.

H. Public or private parks, playgrounds, and recreation areas.

I. Churches.

J. Sports clubs or activities, such as hunting, fishing, riding, and country clubs, exclusive of outdoor firing ranges. Riding stables shall require a minimum of one (1) acre per three (3) grazing animals.

K. Golf courses, provided the clubhouse and other structures are located over 150 feet from an abutting lot or parcel.

L. Professional services, such as medical, dental, legal, and engineering, excluding the storage or parking of heavy equipment.

M. Accessory uses customarily incidental to a permitted special exception use.

509.5. **Performance Standards**

All activities shall be in conformance with standards established by the County, State, and Federal government.

509.6. **Area, Density, and Lot Width Requirements**

A. Single-Family Detached Dwellings

1. Minimum lot area: one (1) acre.

2. Maximum possible gross density: one (1) dwelling unit acre.

3. Minimum lot width: 125 feet.

4. Single-family detached dwellings in the E-R Estate-Residential District are required to meet all of the standards above, except when such

units are developed in a CS-MPUD Conservation Subdivision Master Planned Unit Development in accordance with this Code, the minimum lot area requirements and lot width requirements shall not apply.

B. All Other Uses

No minimum lot areas are required, subject to meeting minimum yard and coverage regulations. Except where animals or fowl are permitted, there shall be a minimum of a 100-foot separation between dwellings on adjacent property and any stables, feed pens, fowl or bird coops, or other animal shelters. However, the required separation shall in no case be less than fifty (50) feet from any property line.

509.7. Coverage Regulations

All buildings, including accessory buildings, shall not cover more than thirty-five (35) percent of the total lot area.

509.8. Yard Regulations

The following minimum building-line setbacks measured from the right-of-way or edge of ingress/egress easement (where there is no right-of-way) are required in front yard areas. All other yard areas shall be measured from the property line.

A. Front: fifty (50) feet.

B. Side: twenty-five (25) feet.

C. Rear: fifty (50) feet.

D. Single-family detached dwellings in the E-R Estate-Residential District are required to meet all of the standards above, except when such units are developed in a CS-MPUD in accordance with this Code, Section 522.10, the minimum lot area requirements and lot width requirements shall not apply.

509.9. Height Regulations

Building height: thirty-five (35) feet maximum; however, no dwelling shall be less than ten (10) feet in height. For exemptions, see this Code, Chapter 500, Supplemental Regulations.

509.10. On-Site Parking Regulations

On-site parking shall be provided in accordance with this Code.

509.11. Development Plan

A development plan shall be submitted in accordance with this Code.

CHAPTER 500. ZONING STANDARDS

SECTION 510. ER-2 ESTATE-RESIDENTIAL DISTRICT

510.1. Purpose

The purpose of the ER-2 Estate-Residential District is to encourage very low density, highly restricted, large lot, estate type developments and to serve as a transitional area between primarily agricultural areas and suburban development.

510.2. Permitted Uses

A. Principal Uses

1. Dwellings: single-family detached dwellings on individual lots.
2. General farming and agricultural pursuits of such extent as to supply the occupant's personal needs.
3. Maintaining livestock for the occupant's use or need only, not to exceed three (3) grazing animals per acre minimum.
4. Maintaining small animals and fowl for the occupant's use or need only, not to exceed a ratio of twenty (20) per acre.
5. Noncommercial boat slips and piers or private docking facilities with the approval of the various State and/or Federal agencies where mandatory.
6. Public schools.

B. Accessory Uses

1. Private garages and parking areas.
2. Private swimming pools and cabanas in accordance with this Code.
3. Signs in accordance with this Code.
4. Public and private rights-of-way for utilities.
5. Other accessory uses customarily incidental to a permitted principal use.

510.3. Conditional Use

Wastewater treatment plants, unless accessory to a development.

510.4. **Special Exception Uses**

A. Bed and breakfast, tourist homes.

B. Duplexes.

C. Home occupations.

D. Day-care centers.

E. Public and private substations for utilities.

F. Public or private parks, playgrounds, and recreation areas.

G. Accessory uses customarily incidental to an allowed special exception use.

H. Private schools.

510.5. **Performance Standards**

All activities shall be in conformance with standards established by the County, State, and Federal government.

510.6. **Area, Density, and Lot Width Requirements**

Single-Family Detached Dwellings

A. Minimum lot area: 2.5 acres.

B. Maximum possible gross density: one (1) dwelling unit per 2.5 acres.

C. Minimum lot frontage width: 200 feet, measured along the front property line or lines contiguous to any street, road, highway, or easement for ingress and egress, however stated.

D. Single-family detached dwellings in the ER-2 Estate-Residential District are required to meet all of the standards above, except when such units are developed in a CS-MPUD Conservation Subdivision Master Planned Unit Development in accordance with this Code, the minimum lot area requirements and lot width requirements shall not apply.

510.7. **Coverage Regulations**

All buildings, including accessory buildings, shall not cover more than thirty-five (35) percent of the total lot area.

510.8. **Yard Regulations**

The following minimum building line setbacks measured from the right-of-way or edge of ingress/egress easement (where there is no right-of-way) are required in front yard areas. All other yard areas shall be measured from the property line.

A. Front: fifty (50) feet.

B. Side: twenty-five (25) feet.

C. Rear: fifty (50) feet.

D. Single-family detached dwellings in the ER-2 Estate-Residential District are required to meet all of the standards above, except when such units are developed in a CS-MPUD in accordance with this Code, the minimum lot area requirements and lot width requirements shall not apply.

510.9. **Height Regulations**

Building height: thirty-five (35) feet maximum; however, no dwelling shall be less than ten (10) feet in height. For exemptions, see this Code, Chapter 500, Supplemental Regulations.

510.10. **On-Site Parking Regulations**

On-site parking shall be provided in accordance with this Code.

510.11. **Development Plan**

A development plan shall be submitted in accordance with this Code.

CHAPTER 500. ZONING STANDARDS

SECTION 511. R-MH MOBILE HOME DISTRICT

511.1. Purpose

The purpose of an R-MH Mobile Home District is to provide for the development of areas with individual mobile homes within planned mobile home projects, including mobile home parks, condominiums, and subdivisions, for persons desiring the unique environments characteristic of mobile home living. It is the further purpose of this district to ensure the provision of adequate infrastructure facilities and community services necessary for such mobile home development.

511.2. Establishment Procedure

A. Mobile home projects developed under single ownership or mobile home condominiums not considered to be a subdivision shall be considered mobile home parks.

B. New or revised mobile home subdivisions or condominium projects, if appropriate, shall be required to comply with all provisions of this Code.

C. Developers of mobile home parks shall file an application using the appropriate zoning amendment form, supplemented with a legal description of the property to be included, and a conceptual sketch plan showing the intended overall development plan.

511.3. Permitted Uses

A. Principal Uses

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

2. Noncommercial boat slips, piers, or private, residential docking facilities with the approval of various State and/or local agencies where appropriate.

3. Public schools.

B. Accessory Uses

1. Private garages and parking areas.

2. Private or community swimming pools and cabanas in accordance with this Code.

3. Signs in accordance with this Code.

4. Management and maintenance offices and private recreational facilities including, but not limited to, golf courses and laundry facilities, provided that:

   a. Such facilities shall be restricted to the use of the occupants and guests.

   b. Such facilities shall be accessible only from a street within the development.

5. Other accessory uses customarily incidental to an allowed principal use.

6. Model mobile homes or mobile home sales offices within a mobile home park or condominium. However, after ninety (90) percent occupancy of the park or condominium, model mobile homes and sales offices shall have one (1) year to convert to residential uses unless extended by the Board of County Commissioners. Rental offices or homes sales offices shall be permitted as an accessory use within a mobile home park.

511.4. **Special Exception Uses**

All structures used for special exception uses must meet the State building construction standards set forth in Chapter 553, Florida Statutes.

A. Home occupations.

B. Public or private utilities: electrical, gas, telephone, water or sewage, and railroad rights-of-way.

C. Private utility substations, provided there is not storage of trucks or materials on site.

D. Private schools or day-care centers.

E. Public or private parks, playgrounds, and recreation areas.

F. Golf courses open to nonresidents, provided the clubhouse and other structures are located over 150 feet from an abutting lot or parcel.

G. Governmental buildings or churches.

H. Professional services, such as medical, dental, legal, and engineering, excluding the parking and storage of commercial vehicles or commercially related equipment.

I. Accessory uses customarily incidental to an allowed special exception use.

511.5. **Area and Density Requirements**

Mobile homes and modular or factory built dwelling units:

A. Minimum site area: ten (10) acres, inclusive of right-of-way dedication by deed, grant, or plat.

B. Minimum lot area: 4,000 square feet.

C. Maximum gross density: 8.8 dwelling units per acre, subject to compliance with the Comprehensive Plan Future Land Use Map classification.

511.6. **Yard Regulations**

A. The minimum building line setbacks, measured from the front, side or rear property lines, are required in yard areas listed below within a mobile home subdivision, condominium, or park, unless otherwise specified:

1. Front (within subdivisions): twenty (20) feet from right-of-way.

2. Front (within rental parks or condominiums): A setback of fifteen (15) feet in width from the edge of pavement of all private streets and all property lines of parcels of different uses, except for public streets, shall be provided and maintained. Such setbacks from property lines of parcels of different uses shall not be considered to be part of an abutting mobile home space nor shall the said setback be used as part of the recreation area.

3. A side and rear setback of five (5) feet in width, measured from the property lines of individual lots, shall be provided and maintained.

B. Development of recreational and open space areas shall be in accordance with the requirements established in this Code; however, in no case shall any part of such recreation and open space areas be less than 10,000 square feet.

511.7. **Streets and Roads**

Roadways or streets within a mobile home park or condominium shall be private, but the following requirements shall apply:

A. Internal collector streets shall be thirty (30) feet in width, with a minimum of twenty-four (24) feet of paved surface.

B. Internal local streets shall be twenty-five (25) feet in width, with a minimum of twenty (20) feet of paved surface. Roadways or streets within a mobile home park subdivision may be private, but shall comply with the requirements of this Code.

511.8. **Existing Parks and Subdivisions**

Those mobile home parks or subdivisions approved at the time of adoption of this Code shall be zoned in accordance with the above criteria as practicable as possible provided; however, that such parks or subdivisions may be completed and operated in accordance with plans for development as previously approved.

511.9. **On-Site Parking Regulations**

On-site parking shall be provided in accordance with this Code.

511.10. **Development Plan**

A development plan that substantially conforms with the conceptual sketch plan shall be submitted in accordance with this Code.

511.11. **Neighborhood Park(s)**

Neighborhood park(s) shall be provided and maintained in the same manner as a subdivision, pursuant to this Code.

CHAPTER 500. ZONING STANDARDS

SECTION 512. R-1MH SINGLE-FAMILY/MOBILE HOME DISTRICT

512.1. Purpose

The purpose of the R-1MH Single-Family/Mobile Home District is to provide for the continued development of a mixed pattern of conventional residences and mobile homes, situated on individual lots, in established areas.

512.2. Permitted Uses

A. Principal Uses

1. Dwellings: single-family detached dwellings on individual lots and single-family mobile homes on individual lots where they are securely anchored as required by the County Building Code.

2. Noncommercial boat slips and piers or private docking facilities with the approval of various State and/or Federal agencies where appropriate.

3. Public schools.

B. Accessory Uses

1. Private garages and parking areas.

2. Private or community swimming pools and cabanas in accordance with this Code.

3. Signs in accordance with this Code.

4. Other accessory uses customarily incidental to an allowed principal use.

512.3. Conditional Uses

Residential treatment and care facilities

512.4. Special Exception Uses

All structures used for special exception uses must meet the State building construction standards set forth in Chapter 553, Florida Statutes.

A. Duplexes.

B. Home occupations.

C. Day-care centers.

D. Public or private rights-of-way for utilities.

E. Public and private substations for utilities.

F. Private schools.

G. Public or private parks, playgrounds, and recreation areas.

H. Churches.

I. Golf courses, provided the clubhouse and other structures are located over 150 feet from an abutting lot or parcel.

J. Professional services, such as medical, dental, legal, and engineering, excluding the storage or parking of heavy equipment.

K. Accessory uses customarily incidental to an allowed special exception use.

512.5. **Area, Density, and Lot Width Requirements**

A. Single-Family Detached Dwellings, Mobile Homes, and Duplexes

1. Minimum lot area: 20,000 square feet.

2. Maximum possible gross density: 2.2 dwelling units per acre, except duplexes (four (4) dwelling units per acre), subject to compliance with the Comprehensive Plan Future Land Use Map classification.

3. Minimum lot width: 100 feet.

4. Minimum lot depth: 150 feet.

B. All Other Uses

No minimum lot areas are required, subject to meeting minimum yard and coverage regulations.

512.6. **Coverage Regulations**

All buildings, including accessory buildings, shall not cover more than thirty-five (35) percent of the total lot area.

512.7. **Yard Regulations**

The following minimum building line setbacks, measured from the property lines, are required in yard areas listed below unless otherwise specified:

A. Front: thirty (30) feet.

B. Side: fifteen (15) feet.

C. Rear: thirty (30) feet.

512.8. **Height Regulations**

Building height: thirty-five (35) feet maximum; however, no dwelling shall be less than ten (10) feet in height. For exceptions, see this Code, Chapter 500, Supplemental Regulations.

512.9. **On-Site Parking Regulations**

On-site parking shall be provided in accordance with this Code.

512.10. **Performance Standards for Conditional Uses and Special Exceptions**

All activities shall be in conformance with standards established by the County, State, and Federal government.

512.11. **Development Plan**

A development plan that substantially conforms with the conceptual sketch plan shall be submitted in accordance with this Code.

512.12. **Neighborhood Park(s)**

Neighborhood park(s) shall be provided and maintained in the same manner as a subdivision, pursuant to this Code.

CHAPTER 500. ZONING STANDARDS

SECTION 513. R-2MH RURAL DENSITY MOBILE HOME DISTRICT

513.1. Purpose

The purpose of the R-2MH Rural Density Mobile Home District is to serve as a transitional area between primarily agricultural areas and suburban development. Further, it is the purpose of the R-2MH Rural Density Mobile Home District to allow for the development of low density planned unit developments of sufficient size to function as neighborhood units, with all services and facilities necessary to this development form being supplied.

513.2. Permitted Uses

A. Principal Uses

1. Dwellings: single-family mobile homes on individual lots where they are securely anchored as required by the County Building Code.

2. Noncommercial boat slips, piers, or private docking facilities with the approval of various State and/or Federal agencies where mandatory.

3. Public schools.

B. Accessory Uses

1. Private garages and parking areas.

2. Private or community swimming pools and cabanas in accordance with this Code.

3. Signs in accordance with this Code.

4. Other accessory uses customarily incidental to a permitted principal use.

513.3. Conditional Uses

Residential treatment and care facilities.

513.4. Special Exception Uses

All structures used for special exception uses must meet the State building construction standards set forth in Chapter 553, Florida Statutes.

A. Home occupations.

B. Day-care centers.

C. Public or private rights-of-way for utilities.

D. Public and private substations for utilities.

E. Private schools.

F. Public or private parks, playgrounds, and recreation areas.

G. Churches.

H. Golf courses, provided the clubhouse and other structures are located over 150 feet from an abutting lot or parcel.

I. Professional services, such as medical, dental, legal, and engineering, excluding the storage or parking of heavy equipment.

J. Accessory uses customarily incidental to an allowed special exception use.

513.5. **Area, Density, and Lot Width Requirements**

A. Mobile Homes

1. Minimum lot area: 20,000 square feet.

2. Maximum possible gross density: 2.2 dwelling units per acre, subject to compliance with the Comprehensive Plan Future Land Use Map designation.

3. Minimum lot width: 100 feet.

4. Minimum lot depth: 150 feet.

B. All Other Uses

No minimum lot areas are required, subject to meeting minimum yard and coverage regulations.

513.6. **Coverage Regulations**

All buildings, including accessory buildings, shall not cover more than thirty-five (35) percent of the total lot area.

513.7. **Yard Regulations**

The following minimum building line setbacks, measured from the property lines, are required in yard areas listed below unless otherwise specified:

A. Front: thirty (30) feet.

B. Side: fifteen (15) feet.

C. Rear: thirty (30) feet.

513.8. **Height Regulations**

Building height: sixteen (16) feet maximum; however, no dwelling shall be less than ten (10) feet in height. For exceptions, see this Code, Chapter 500, Supplemental Regulations.

513.9. **On-Site Parking Regulations**

On-site parking shall be provided in accordance with this Code.

513.10. **Performance Standards for Conditional Uses and Special Exceptions**

All activities shall be in conformance with standards established by the County, State, and Federal government.

513.11. **Development Plan**

A development plan that substantially conforms with the conceptual sketch plan shall be submitted in accordance with this Code.

513.12. **Neighborhood Park(s)**

Neighborhood park(s) shall be provided and maintained in the same manner as a subdivision, pursuant to this Code.

CHAPTER 500. ZONING STANDARDS

SECTION 514. R-1 RURAL DENSITY RESIDENTIAL DISTRICT

514.1. Purpose

The purpose of the R-1 Rural Density Residential District is to serve as a transitional area between primarily agricultural areas and suburban development. Further, it is the purpose of the R-1 Rural Density Residential District to allow for the development of low density planned unit developments of sufficient size to function as neighborhood units, with all services and facilities necessary to this development form being supplied.

514.2. Permitted Uses

A. Principal Uses

1. Dwellings: single-family detached dwellings on individual lots.

2. Noncommercial boat slips and piers or private docking facilities with the approval of various State and/or Federal agencies where mandatory.

3. Public schools.

B. Accessory Uses

1. Private garages and parking areas.

2. Private or community swimming pools and cabanas in accordance with this Code.

3. Signs in accordance with this Code.

4. Other accessory uses customarily incidental to an allowed principal use.

514.3. Conditional Uses

A. Residential treatment and care facilities.

B. Wastewater treatment plants, except when accessory to a development.

514.4. Special Exception Uses

A. Duplexes.

B. Home occupations.

C. Public or private rights-of-way for utilities.

D. Public and private substations for utilities.

E. Private schools and day-care centers.

F. Public or private parks, playgrounds, and recreation areas.

G. Churches.

H. Golf courses, provided the clubhouse and other structures are located over 150 feet from an abutting lot or parcel.

I. Professional services, such as medical, dental, legal, and engineering, excluding the storage or parking of heavy equipment.

J. Accessory uses customarily incidental to an allowed special exception use.

514.5. **Area, Density, and Lot Width Requirements**

A. Single-Family Detached Dwellings and Duplexes

1. Minimum lot area: 20,000 square feet.

2. Maximum possible gross density: 2.2 dwelling units per acre, except duplexes (4.4 dwelling units per acre), subject to compliance with the Comprehensive Plan Future Land Use Map classification.

3. Minimum lot width: 100 feet.

4. Minimum lot depth: 150 feet.

B. All Other Uses

No minimum lot areas are required, subject to meeting minimum yard and coverage regulations.

514.6. **Coverage Regulations**

All buildings, including accessory buildings, shall not cover more than thirty-five (35) percent of the total lot area.

514.7. **Yard Regulations**

The following minimum building line setbacks, measured from the property lines, are required in yard areas listed below unless otherwise specified:

A. Front: thirty (30) feet.

B. Side: fifteen (15) feet.

C. Rear: twenty-five (25) feet.

514.8. **Height Regulations**

Building height: thirty-five (35) feet maximum; however, no dwelling shall be less than ten (10) feet in height. For exceptions, see this Code, Chapter 500, Supplemental Regulations.

514.9. **On-Site Parking Regulations**

On-site parking shall be provided in accordance with this Code.

514.10. **Performance Standards for Conditional Uses and Special Exceptions**

All activities shall be in conformance with standards established by the County, State, and Federal government.

514.11. **Development Plan**

A development plan shall be submitted in accordance with this Code.

CHAPTER 500. ZONING STANDARDS

SECTION 515. R-2 LOW DENSITY RESIDENTIAL DISTRICT

515.1. Purpose

The purpose of the R-2 Low Density Residential District is to provide for the orderly expansion of low density residential development in those areas where public services are most readily available and to exclude uses not compatible with such low density residential development.

Further, it is the purpose of the R-2 Low Density Residential District to provide areas for planned unit developments at densities and in a manner compatible with the low density residential development.

515.2. Permitted Uses

A. Principal Uses

1. Dwellings: single-family detached dwellings on individual lots.

2. Noncommercial boat slips and piers or private docking facilities with the approval of various State and/or Federal agencies where mandatory.

3. Public schools.

B. Accessory Uses

1. Private garages and parking areas.

2. Private swimming pools and cabanas in accordance with this Code.

3. Signs in accordance with this Code.

4. Other accessory uses customarily incidental to an allowed principal use.

515.3. Conditional Uses

A. Residential treatment and care facilities.

B. Wastewater treatment plants, except when accessory to a development.

515.4. Special Exception Uses

A. Duplexes.

B. Home occupations.

C. Public and private utilities, electrical, gas, telephone, water or sewage, and railroad rights-of-way.

D. Public and private utility substations, provided there will be no storage of trucks or materials on the site.

E. Private schools and day-care centers.

F. Public or private parks, playgrounds, and recreation areas.

G. Churches.

H. Golf courses, provided the clubhouse and other structures are located over 150 feet from an abutting lot or parcel.

I. Professional services, such as medical, dental, legal, and engineering, excluding the storage or parking of heavy equipment.

J. Accessory uses customarily incidental to an allowed special exception use.

515.5. **Area, Density, and Lot Width Requirements**

A. Single-Family Detached Dwellings and Duplexes

1. Minimum lot area: 9,500 square feet.

2. Maximum possible gross density, 4.6 dwelling units per acre, except duplexes (9.2 dwelling units per acre), subject to compliance with the Comprehensive Future Land Use Map classification.

3. Minimum lot width: 80 feet.

4. Minimum lot depth: 100 feet.

B. All Other Uses

No minimum lot areas are required, subject to meeting minimum yard and coverage regulations.

515.6. **Coverage Regulations**

Principal structures shall not cover more than forty-five (45) percent of the total lot area. Accessory structures may cover up to an additional twenty (20) percent of the total lot area beyond that allowed for the principal structure.

515.7. **Yard Regulations**

The following minimum building line setbacks, measured from the property lines, are required in yard areas listed below unless otherwise specified:

A. Front: twenty-five (25) feet.

B. Side: ten (10) feet.

C. Rear: twenty-five (25) feet.

515.8. **Height Regulations**

Building height: thirty-five (35) feet maximum; however, no dwelling shall be less than ten (10) feet in height. For exceptions, see this Code, Chapter 500, Supplemental Regulations.

515.9. **On-Site Parking Regulations**

On-site parking shall be provided in accordance with this Code.

515.10. **Performance Standards for Conditional Uses and Special Exceptions**

All activities shall be in conformance with standards established by the County, State, and Federal government.

515.11. **Development Plan**

A development plan shall be submitted in accordance with this Code.

CHAPTER 500. ZONING STANDARDS

SECTION 516. R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

516.1. Purpose

The purpose of the R-3 Medium Density Residential District is to provide for the orderly development of existing and proposed medium density residential areas, where adequate public service and transportation facilities are or will be available, and to exclude those uses not compatible with such development.

Further, it is the purpose of the R-3 Medium Density Residential District to provide areas for planned unit development at densities and in a manner compatible with the medium density residential development.

516.2. Permitted Uses

A. Principal Uses

1. Dwellings: single-family detached dwellings on individual lots.

2. Noncommercial boat slips and piers or private docking facilities with the approval of various State and/or Federal agencies where mandatory.

3. Public schools.

B. Accessory Uses

1. Private garages and parking areas.

2. Private swimming pools and cabanas in accordance with this Code.

3. Signs in accordance with this Code.

4. Other accessory uses customarily incidental to an allowed principal use.

516.3. Conditional Uses

A. Residential treatment and care facilities.

B. Wastewater treatment plants, except when accessory to a development.

516.4. Special Exception Uses

A. Duplexes.

B. Home occupations.

C. Public and private utilities: electrical, gas, telephone, water or sewage, and railroad rights-of-way.

D. Public or private substations for utilities, provided there will be no storage of trucks or materials on the site.

E. Private schools and day-care centers.

F. Public or private parks, playgrounds, and recreation areas.

G. Churches.

H. Golf courses, provided the clubhouse and other structures are located over 150 feet from an abutting lot or parcel.

I. Professional services, such as medical, dental, legal, and engineering, excluding the storage or parking of heavy equipment.

J. Accessory uses customarily incidental to an allowed special exception use.

516.5. **Area, Density, and Lot Width Requirements**

A. Single-Family Detached Dwellings and Duplexes

1. Minimum lot area: 7,500 square feet.

2. Maximum possible gross density, 5.8 dwelling units per acre, except duplexes (11.6 dwelling units per acre), subject to compliance with the Comprehensive Plan Future Land Use Map classification.

3. Minimum lot width: seventy-five (75) feet.

4. Minimum lot depth: 100 feet.

B. All Other Uses

No minimum lot areas are required, subject to meeting minimum yard and coverage regulations.

516.6. **Coverage Regulations**

Principal structures shall not cover more than forty-five (45) percent of the total lot area. Accessory structures may cover up to an additional twenty (20) percent of the total lot area beyond that allowed for the principal structure.

516.7. Yard Regulations

The following minimum building line setbacks, measured from the property lines, are required in yard areas listed below unless otherwise specified:

A. Front: twenty (20) feet.

B. Side: 8.5 feet, each side, for single-family.

C. Rear: fifteen (15) feet.

516.8. Height Regulations

Building height: thirty-five (35) feet maximum; however, no dwelling shall be less than ten (10) feet in height. For exceptions, see this Code, Chapter 500, Supplemental Regulations.

516.9. On-Site Parking Regulations

On-site parking shall be provided in accordance with this Code.

516.10. Performance Standards for Conditional Uses and Special Exceptions

All activities shall be in conformance with standards established by the County, State, and Federal government.

516.11. Development Plan

A development plan shall be submitted in accordance with this Code.

CHAPTER 500. ZONING STANDARDS

SECTION 517. R-4 HIGH DENSITY RESIDENTIAL DISTRICT

517.1. Purpose

The purpose of the R-4 High Density Residential District is to encourage the orderly development and preservation of higher density residential environments and to provide areas in which economies of high density residential development may be achieved without sacrificing the individualized nature of the single-family residence.

517.2. Permitted Uses

A. Principal Uses

1. Dwellings: single-family detached dwellings on individual lots.

2. Noncommercial boat slips and piers or private docking facilities with the approval of various State and/or Federal agencies where mandatory.

3. Public schools.

B. Accessory Uses

1. Private garages and parking areas.

2. Private swimming pools and cabanas in accordance with this Code.

3. Signs in accordance with this Code.

4. Other accessory uses customarily incidental to a permitted principal use.

517.3. Conditional Uses

A. Parking areas to serve the neighborhood such as, but not limited to:

1. Additional parking for civic clubs.

2. Parking for parks, playgrounds, and recreation areas.

B. Residential treatment and care facilities.

C. Wastewater treatment plants, except when accessory to a development.

517.4. Special Exception Uses

A. Duplexes.

B. Home occupations.

C. Public and private utilities: electrical, gas, telephone, water or sewage, and railroad rights-of-way.

D. Public or private utility substations, provided there will be no storage of trucks or materials on site.

E. Private schools and day-care centers.

F. Churches.

G. Public or private parks, playgrounds, recreation centers, and structures used for civic and homeowners' associations.

H. Golf courses, provided the clubhouse and other structures are located over 150 feet from an abutting lot or parcel.

I. Cemeteries twenty (20) acres or more in size, provided graves are over fifty (50) feet from an abutting lot or parcel.

J. Governmental buildings.

K. Accessory uses customarily incidental to a permitted special exception use.

L. Mortuaries and funeral homes, excluding crematoriums.

M. Professional services, such as medical, dental, legal, and engineering, excluding the storage or parking of heavy equipment.

517.5. **Area, Density, and Lot Width Requirements**

A. Single-Family Detached Dwellings and Duplexes

1. Minimum lot area: 6,000 square feet.

2. Maximum possible gross density, 7.3 dwelling units per acre, except duplexes (14.6 dwelling units per acre), subject to compliance with the Comprehensive Plan Future Land Use Map classification.

3. Minimum lot width: sixty (60) feet.

4. Minimum lot depth: 100 feet.

B. All Other Uses

No minimum lot areas are required, subject to meeting minimum yard and coverage regulations.

517.6. **Coverage Regulations**

Principal structures shall not cover more than forty-five (45) percent of the total lot area. Accessory structures may cover up to an additional twenty (20) percent of the total lot area beyond that allowed for the principal structure.

517.7. **Yard Regulations**

A. The following minimum building line setbacks, measured from the property lines, are required in yard areas listed below unless otherwise specified:

1. Front: twenty (20) feet.

2. Side: 7.5 feet, each side.

3. Rear: fifteen (15) feet.

B. Front setbacks shall be subject to this Code, if applicable.

517.8. **Height Regulations**

Building height: thirty-five (35) feet maximum; however, no dwelling shall be less than ten (10) feet in height. For exceptions, see this Code, Chapter 500, Supplemental Regulations.

517.9. **On-Site Parking Regulations**

On-site parking shall be provided in accordance with this Code.

517.10. **Performance Standards for Conditional Uses and Special Exceptions**

All activities shall be in conformance with standards established by the County, State, and Federal government.

517.11. **Development Plan**

A development plan shall be submitted in accordance with this Code.

CHAPTER 500. ZONING STANDARDS

SECTION 518. MF-1 MULTIPLE-FAMILY MEDIUM DENSITY DISTRICT

518.1. Purpose

The purpose of the MF-1 Multiple-Family Medium Density District is to provide for medium density family residential areas with adequate open areas where it is desirable to encourage such type of development.

Because of the higher than average concentrations of persons and vehicles, this district is situated where it can properly be served by public and commercial services and have convenient access to thoroughfares and collector streets. Site area requirements reflect the relative need for open space of the various types of residences based on expected density of use.

518.2. Permitted Uses

A. Principal Uses

1. Multiple-family dwellings.

2. Public schools.

B. Accessory Uses

1. Private garages and parking areas.

2. Private swimming pools and cabanas in accordance with this Code.

3. Signs in accordance with this Code.

4. Other accessory uses customarily incidental to an allowed principal use.

518.3. Conditional Uses

A. Residential treatment and care facilities.

B. Helicopter landing pads, provided that no such landing pad be located closer than 1,000 feet from the closest property line of a school that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary, middle, or high schools.

518.4. Special Exception Uses

A. Public and private utility rights-of-way.

B. Public or private utility substations.

C. Private schools and day-care centers.

D. Marinas, subject to siting criteria set forth in the County Comprehensive Plan.

E. Public and private parks, playgrounds, and recreation centers.

F. Churches.

G. Golf courses.

H. Cemeteries.

I. Hospitals, clinics, governmental buildings, and private clubhouses.

J. Professional services, such as medical, dental, legal, and engineering, excluding the storage and parking of heavy equipment.

K. Hotels, motels, condos, bed and breakfasts, and tourist homes.

L. Accessory uses customarily incidental to an allowed special exception use.

518.5. **Area, Density, and Lot Width Requirements**

A. Two-Family or Duplex Dwellings

1. Minimum lot area: 9,000 square feet per two unit structure.

2. Minimum lot width: eighty (80) feet.

3. Minimum lot depth: 100 feet.

B. Other Multiple-Family

1. Minimum lot area: 15,000 square feet.

2. Minimum lot width: 100 feet.

3. Minimum lot depth: 100 feet.

C. All Other Uses Including Townhouses

No minimum lot areas are required, subject to meeting minimum yard, coverage, and on-site parking regulations.

D. Maximum Possible Gross Density

Twelve (12) dwelling units per acre, subject to compliance with the Comprehensive Plan Future Land Use Map classification.

518.6. **Coverage Regulations**

All buildings, including accessory buildings, shall not cover more than forty (40) percent of the total lot area.

518.7. **Yard Regulations**

A. Two-family, triplex, quadruplex, multiple-family, townhouses, and all nonresidential uses:

1. The following minimum building line setbacks, measured from the property lines, are required in yard areas listed below unless otherwise specified:

a. Front: twenty (20) feet.

b. Side: ten (10) feet.

c. Rear: fifteen (15) feet.

B. All structures shall be separated by not less than fifteen (15) feet.

518.8. **Height Regulations**

Building height: forty-five (45) feet maximum. For exceptions, see this Code, Chapter 500, Supplemental Regulations.

518.9. **On-Site Parking Regulations**

On-site parking shall be provided in accordance with this Code.

518.10. **Performance Standards for Conditional Uses and Special Exceptions**

All activities shall be in conformance with standards established by the County, State, and Federal government.

518.11. **Development Plan**

A development plan shall be submitted in accordance with this Code.

518.12. **Neighborhood Park(s)**

Neighborhood park(s) shall be provided and maintained in the same manner as a subdivision, pursuant to this Code.

CHAPTER 500. ZONING STANDARDS

SECTION 519. MF-2 MULTIPLE-FAMILY HIGH DENSITY DISTRICT

519.1. Purpose

The purpose of the MF-2 Multiple-Family High Density District is to provide for high density multiple-family residential areas with adequate open areas where it is desirable to encourage such type of development.

Because of the higher than average concentrations of persons and vehicles, this district is situated where it can properly be served by public and commercial services and have convenient access to thoroughfares and collector streets. Site area requirements reflect the relative need for open space of the various types of residences based on expected density of use.

519.2. Permitted Uses

A. Principal Uses

1. Multiple-family dwellings.

2. Retail and commercial services to serve primarily the needs of the occupants which are permitted uses under the C-1 Neighborhood Commercial District.

3. Public schools.

B. Accessory Uses

1. Private garages and parking areas.

2. Private swimming pools and cabanas in accordance with this Code.

3. Signs in accordance with this Code.

4. Other accessory uses customarily incidental to an allowed principal use.

519.3. Conditional Uses

A. Residential treatment and care facilities.

B. Helicopter landing pads, provided that no such landing pad be located closer than 1,000 feet from the closest property line of a school that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary, middle, or high schools.

519.4. Special Exception Uses

A. Public and private utility rights-of-way.

B. Public or private utility substations.

C. Private schools and day-care centers.

D. Public and private parks, playgrounds, and recreation centers.

E. Churches.

F. Golf courses.

G. Cemeteries.

H. Hospitals, clinics, governmental buildings, and private clubhouses.

I. Professional services.

J. Accessory uses customarily incidental to an allowed special exception use.

K. Marinas, in conjunction with multiple-family use and subject to siting criteria set forth in the Comprehensive Plan.

L. Hotels, motels, condos, bed and breakfasts, and tourist homes.

519.5. **Area, Density, and Lot Width Requirements**

A. Multiple-Family Structures

1. Minimum lot area: 20,000 square feet.

2. Minimum lot width: 125 feet.

3. Minimum lot depth: 125 feet.

B. All Other Uses. No minimum lot areas are required, subject to meeting minimum yard, coverage, and on-site parking regulations.

C. Maximum Possible Gross Density: Eighteen (18) dwelling units per acre, subject to compliance with the Comprehensive Plan Future Land Use Map classification.

519.6. **Coverage Regulations**

All buildings, including accessory buildings, shall not cover more than fifty-five (55) percent of the total lot area.

519.7. **Yard Regulations**

The following minimum building line setbacks, measured from the property lines, are required in yard areas listed below unless otherwise specified:

A. Front: twenty (20) feet.

B. Side: fifteen (15) feet, each side, plus five (5) feet for each additional story above three (3) stories.

C. Rear: fifteen (15) feet, plus five (5) feet for each additional story above three (3) stories.

519.8. **Building Height Regulations**

The maximum building height shall not exceed forty-five (45) feet, except where a special exception has been granted. However, in no case shall the maximum height exceed 120 feet. For exceptions, see this Code, Chapter 500, Supplemental Regulations.

519.9. **On-Site Parking Regulations**

On-site parking spaces shall be provided in accordance with this Code.

519.10. **Performance Standards for Conditional Uses and Special Exceptions**

All activities shall be in conformance with standards established by the County, State, and Federal government.

519.11. **Development Plan**

A development plan shall be submitted in accordance with this Code.

519.12. **Neighborhood Park(s)**

Neighborhood park(s) shall be provided and maintained in the same manner as a subdivision, pursuant to this Code.

CHAPTER 500. ZONING STANDARDS

SECTION 520. MF-3 MULTIPLE-FAMILY HIGH DENSITY DISTRICT

520.1. Purpose

The purpose of the MF-3 Multiple-Family High Density District is to provide for high density multiple-family residential areas with adequate open areas where it is desirable to encourage such type of development.

Because of the higher than average concentrations of persons and vehicles, this district is situated where it can properly be served by public and commercial services and have convenient access to thoroughfares and collector streets. Site area requirements reflect the relative need for open space of the various types of residences based on expected density of use.

520.2. Permitted Uses

A. Principal Uses

1. Multiple-family dwellings.

2. Public schools.

B. Accessory Uses

1. Private garages and parking areas.

2. Private swimming pools and cabanas in accordance with this Code.

3. Retail and commercial services commercial to serve primarily the needs of the occupants which are permitted uses under the C-1 Neighborhood Commercial District.

4. Signs in accordance with this Code.

5. Other accessory uses customarily incidental to an allowed principal use.

520.3. Conditional Uses

A. Residential treatment and care facilities.

B. Helicopter landing pads, provided that no such landing pad be located closer than 1,000 feet from the closest property line of a school that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary, middle, or high schools.

520.4. **Special Exception Uses**

A. Public and private utility rights-of-way.

B. Public or private utility substations.

C. Private schools and day-care centers.

D. Public and private parks, playgrounds, and recreation centers.

E. Churches.

F. Golf courses.

G. Cemeteries.

H. Hospitals, clinics, restoriums, governmental buildings, and private clubhouses.

I. Professional services.

J. Accessory uses customarily incidental to a permitted special exception use.

K. Marinas, in conjunction with multiple-family use and subject to marina siting criteria set forth in the Comprehensive Plan.

L. Hotels, motels, condos, bed and breakfasts, and tourist homes.

520.5. **Area, Density, and Lot Width Requirements**

A. Multiple-Family Structures

1. Minimum lot area: 20,000 square feet.

2. Minimum lot width: 125 feet.

3. Minimum lot depth: 125 feet.

B. All Other Uses

No minimum lot areas are required, subject to meeting minimum yard, coverage, and on-site parking regulations.

C. Maximum Possible Gross Density

Twenty-four (24) dwelling units per acre, subject to compliance with the Comprehensive Plan Future Land Use Map classification.

520.6. **Coverage Regulations**

All buildings, including accessory buildings, shall not cover more than fifty-five (55) percent of the total lot area.

520.7. **Yard Regulations**

The following minimum building line setbacks, measured from the property lines, are required in yard areas listed below unless otherwise specified:

A. Front: twenty (20) feet.

B. Side: fifteen (15) feet, each side, plus five (5) feet for each additional story above three (3) stories.

C. Rear: fifteen (15) feet, plus five (5) feet for each additional story above three (3) stories.

520.8. **Building Height Regulations**

The maximum building height shall not exceed sixty-five (65) feet, except where a special exception has been granted. However, in no case shall the maximum height exceed 120 feet. For exceptions, see this Code, Chapter 500, Supplemental Regulations.

520.9. **On-Site Parking Regulations**

On-site parking spaces shall be provided in accordance with this Code.

520.10. **Performance Standards for Conditional Uses and Special Exceptions**

All activities shall be in conformance with standards established by the County, State, and Federal government.

520.11. **Development Plan**

A development plan shall be submitted in accordance with this Code.

520.12. **Neighborhood Park(s)**

Neighborhood park(s) shall be provided and maintained in the same manner as a subdivision, pursuant to this Code.

CHAPTER 500. ZONING STANDARDS

SECTION 521. PUD PLANNED UNIT DEVELOPMENT DISTRICT

521.1. The PUD was repealed on August 9, 2005 (Ordinance No. 05-32). All PUDs existing as of August 9, 2005, and any amendments to those PUDs shall be governed by this Code. A PUD plan that expires shall cause the property to revert to the zoning district that existed prior to the rezoning of the PUD.

CHAPTER 500. ZONING STANDARDS

SECTION 522. MPUD MASTER PLANNED UNIT DEVELOPMENT DISTRICT

522.1. Purpose

The purposes of the MPUD districts are:

A. To encourage innovations in residential and nonresidential development and redevelopment so that the growing demand for housing in the County may be met by greater variety in type, design, and layout of dwellings to encourage the thoughtful consideration and inclusion of supporting nonresidential uses where appropriate, and to encourage the effective use of open space and recreational areas.

B. To provide greater opportunities for better housing and recreation for all who are or will be residents of the County by encouraging a more efficient use of land and public services and to reflect changes in the technology of land development so that the economies so secured may inure to the benefit of those who need homes.

C. To provide for residential cluster options and incentives that are designed to protect the rural character of the County's rural areas.

D. To encourage more flexible land development which will respect and conserve natural resources such as streams, lakes, floodplains, groundwater, wooded areas, steeply sloped areas, and areas of unusual beauty or importance to the natural ecosystem.

E. To encourage more efficient, flexible, and controlled employment centers, industrial, commercial, and other development under the MPUD concept.

522.2. General Requirements for MPUDs

A. Calculation of Density or Intensity

1. The general, allowable gross density or intensity for an MPUD, a CS-MPUD Conservation Subdivision Master Planned Unit Development, an EC-MPUD Employment Center Master Planned Unit Development, or a Commercial MPUD cannot exceed that determined by the land use classification of the Pasco County Comprehensive Plan.

   a. For an MPUD or EC-MPUD, the computation of maximum gross density shall be the maximum density allowed by the land use classification applicable to the subject property, multiplied by the proposed developable residential acreage of the project, plus any density incentives as provided in the adopted Comprehensive Plan. Proposed developable residential acreage means that portion of the total site area

which will be developed for residential use, inclusive of street rights-of-way, utility rights-of-way, public and private parks, community facilities, etc. Proposed developable residential acreage does not include any lands within the project which are classified as wetlands, CON (Conservation Lands), or water bodies. The computation for the CS-MPUD is addressed in Section 522.7.

b. The computation for nonresidential projects, or portions thereof, maximum gross building square footage shall be the sum of the developable nonresidential project acreage multiplied by the maximum floor-area ratio permitted in the applicable land use classification. Proposed nonresidential acreage means the upland portion of the site exclusive of nonmitigated wetlands and natural water bodies. No nonresidential intensity may be transferred from one (1) parcel of land to another when the parcels are physically separated from each other, except by roadways, streams, rivers, or lakes. Along coastal areas, only land above mean high tide may be used in determining acreage size.

2. Blending of Densities

a. For proposals in which project boundaries encompass more than one residential land use classification (RES-1 [Residential - 1 du/ga], RES-3 [Residential - 3 du/ga], RES-6 [Residential - 6 du/ga], RES-9 [Residential - 9 du/ga], RES-12 [Residential - 12 du/ga], RES-24 [Residential - 24 du/ga]), the County shall consider the blending of densities where an applicant can demonstrate by site plan within residential land use classifications; an equivalency of development rights; improvement in the overall master plan; and consistency with the Goals, Objectives, and Policies in the Comprehensive Plan.

b. For proposals in which project boundaries encompass more than one (1) rural land use classification (AG [Agricultural], AG/R [Agricultural/
Rural], RES-1 [Residential - 1 du/ga] for lots one [1] acre or greater), the County may consider the blending of densities where an applicant can demonstrate by site plan; an equivalency of development rights; improvement in the overall master plan; and consistency with the Goals, Objectives, and Policies in the Comprehensive Plan. In addition, the location of residential development lots shall be arranged in a context-sensitive manner such that they preserve the integrity of the rural community by buffering, setbacks, or a combination thereof to protect and preserve the rural appearance of land when viewed from public roads and from abutting properties.

c. Size Requirements. MPUDs that contain only residential uses must be a minimum of five (5) acres, except where located in the coastal high hazard area where there is no minimum size.

522.3. **Permitted Uses**

When identified and approved on the master plan, the following uses shall be permitted individually or in combination in an MPUD District:

A. All Residential Uses

B. Recreational Vehicles and/or Travel Trailers

C. Parks; playgrounds; schools; day-care centers; churches; government uses; and other, related community facilities.

D. Professional offices, local convenience, neighborhood, community, and regional shopping facilities in planned centers that are permitted in accordance with the master plan are subject to the following standards:

1. The area, siting, intensity, and nature of such uses shall be governed by the following criteria:

a. The MPUD shall include at least ten (10) acres if both residential and nonresidential uses are to be located in the MPUD.

b. Size/Use Limitations Table:

	Convenience	**Local Neighborhood**	**Community**	**Regional**
Floor Area (Sq. Ft.)	2,500-30,000	30,001-100,000	100,001-3999,999	400,000 or Greater
Acres in Site (Min.)	0.5	3	10	40
Typical Uses (Not Limited to Examples)	Sale of Convenience Goods, Personal Services, and Day-Care Centers	Sale of Shoppers Goods, Banking Facilities, Business Services, Offices, All Uses in Convenience Commercial, and Professional Service	Junior and Discount Department Stores, Amusement Facilities, Automotive Sales and Service, Automobile Service Stations and Car Wash, Hotels/Motels, and All Uses In Neighborhood Commercial	Major Department Stores, Sale of General Merchandise, and All Uses in Community Commercial

2. Setback, height, and buffering requirements for convenience and neighborhood commercial shall be set forth in the C-1 Neighborhood Commercial Zoning District, unless otherwise approved.

3. Setback, height, and buffering requirements for neighborhood community and regional commercial shall be equivalent to the requirements in the C-2 General Commercial Zoning District, unless otherwise approved.

4. Commercial Uses

a. Commercial uses allowed within local convenience and neighborhood centers shall be equivalent to specific C-1 Neighborhood Commercial Zoning District permitted uses, conditional uses, and special exception uses approved at the time of rezoning. Changes in local convenience and neighborhood center uses after rezoning approval shall be approved by the Board of County Commissioners (BCC) upon recommendation by the Development Review Committee (DRC).

b. Commercial uses allowed in community and regional centers shall be equivalent to C-1 Neighborhood Commercial and C-2 General Commercial Zoning Districts permitted uses, conditional uses, and special exception uses approved at the time of rezoning. Changes in community and regional-center conditional or special exception uses after rezoning approval shall be approved by the BCC upon recommendation by the DRC.

E. Bed and Breakfast

A bed and breakfast that is permitted in accordance with the master plan is subject to the following standards:

1. The building shall maintain a residential character, style, and appearance.

2. The property shall meet the parking requirements in accordance with this Code, Section 907.1.

3. Use of the property for a bed and breakfast shall meet all applicable building and fire codes.

F. Recreational facilities and structures, including clubhouses, tennis courts, country clubs, pools, and similar uses, when used and designed primarily to serve the residents of the development.

G. Golf courses, which may be calculated as open space as is hereinafter required, provided the clubhouse and other structures are located over 150 feet from any dwelling structure, and

1. All golf courses must be managed using Pasco County's Best Management Practices for golf courses when adopted and shall provide industry-standard practices for review during the interim.

2. A golf course is subject to the specialized location and buffer requirements of the MPUD.

H. Marinas, subject to marina siting criteria set forth in the Pasco County Comprehensive Plan.

I. Industrial

J. Colleges, Universities, and Schools

K. Residential-Treatment and Care Facilities

L. Hospitals, including helipads when located no closer than 1,000 feet from the closest property line of a school that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary, middle, or high schools.

M. Public or private utilities and utility substation, lift station, and other accessory uses, provided there is no open storage of trucks or materials on the site.

N. Major Utilities

Major utilities that are permitted in accordance with the master plan shall be subject to the following standards:

1. All new water or sewer plant structures shall be set back a minimum of 150 feet from any residential structure and be in compliance with State and local regulations and the Master Utility Plan. For purposes of this section, mobile and manufactured homes shall be considered residential structures.

2. The reuse of reclaimed water and land application of effluent shall meet the requirements of the Rule 62-610, Florida Administrative Code (FAC), which in addition to other criteria, defines setback distances and minimum system-size requirements.

3. All major utility plant sites (where the actual site is located) and polishing ponds shall be enclosed with a minimum six (6) foot-high fence, wall, or other screening approved by the BCC.

4. The landscaped buffer, in accordance with a minimum opacity of 0.75, shall be provided on all nonstreet property lines.

5. Vertical storage structures are expressly prohibited within the open space, with the exception of water tanks that have a rural design in keeping with the rural character of the area and that are necessary to serve a public purpose.

O. Aircraft landing fields and helicopter pads, subject to approval by the Federal Aviation Administration and compliance with appropriate State and local laws, provided that no aircraft landing field or helicopter pad shall be locater closer than 1,000 feet from the closest property line of a school that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary, middle, or high schools. This use must be requested in the original approval; otherwise, a conditional use will be required.

P. Accessory Uses

Q. Conditional Use

Resort condominiums may be allowed subject to the criteria and standards for review for rezoning and conditional uses in this Code, Section 401, and subject to compliance with the notification and requirements for operation criteria in the short-term rental provisions of Section 401.5.B.

522.4. **Development Standards**

A. Site Design

Design shall accomplish the following primary objectives through site design:

1. Compatibility of Use. Land uses near the periphery of the MPUD, the EC-MPUD, or the Commercial MPUD shall be planned so as to be compatible with neighboring areas. Compatibility may be achieved through design that respects the context of the adjacent uses. Applicants must demonstrate through lot sizes, buffers between uses, or other information as identified by the County Administrator or designee, that the project, as designed, transitions appropriately to adjacent uses or effectively shields adjacent uses in the absence of lot/use compatibility. The County Administrator or designee reserves the right to require additional information for projects where compatibility is not clearly demonstrated.

2. Residential Setbacks. The land use standards as enumerated in this Code, Chapter 500, shall be used as the baseline setback for each single-family detached residential housing type. Variations in setbacks from those standards enumerated in this Code, Chapter 500, may be allowed for housing types other than single-family detached where permitted on the master plan. The County may impose standards that are greater than ordinance requirements where deemed necessary to mitigate a compatibility issue. Proposed

urban-design standards of Section 601, Traditional Neighborhood Design, for single-family detached uses, where allowed, shall only be permitted when the project is developed consistent with Section 601.

3. Streets

   a. Streets should be designed to maximize connectivity within an MPUD or EC-MPUD and surrounding areas.

   b. Roadways shall comply with the standard roadway typical sections for collectors and arterial roadway facilities as adopted by this Code, unless otherwise approved by the DRC.

   c. Streets shall be designed in accordance with this Code.

4. Parking. All parking shall be landscaped and designed in accordance with this Code.

5. Signage. A master signage plan may be filed and approved with the master plan in accordance with this Code, Section 406.1.

6. Utilities. Utilities shall be located underground to the maximum extent possible.

7. Design for Refuse Disposal Stations. Refuse stations shall be designed to maximize screening and shall be located away from residential areas, including residential areas that are adjacent to the subject site. Refuse disposal stations shall not front streets within the proposed MPUD or EC-MPUD to the maximum extent possible, and in the event that it is unavoidable, must provide a shielding plan that identifies the landscape proposed or wall treatment chosen.

8. Open Space Requirement. There shall be provisions which insure that the open space shall continue as such and be properly maintained. The owner/developer shall indicate ownership and provide for the responsibility for maintenance of such open space land or provide for and establish one (1) or more organizations for the ownership and maintenance of all common open space. In the case of multiple organizations for ownership and maintenance, each organization shall be a nonprofit homeowners' corporation or Community Development District formed pursuant to Chapter 190, Florida Statutes. Where practical, it shall be designed as a contiguous area easily accessible to the residents and preserving natural features.

522.5. **EC-MPUD Standards**

A. Purpose and Intent

Within its Comprehensive Plan, Pasco County provides for a variety of mechanisms to encourage economic development, including the creation of employment-generating uses within the following Future Land Use (FLU) Classifications:

1. EC (Employment Center)

2. IH (Industrial - Heavy)

3. IL (Industrial - Light)

4. OF (Office)

5. PD (Planned Development)

The purpose of the EC-MPUD Zoning District is to implement the EC (Employment Center) Land Use Classification of the Pasco County Comprehensive Plan.

The EC (Employment Center) FLU Classification within the Pasco County Comprehensive Plan serves a special purpose within the menu of employment-generating land use classifications inasmuch as the Comprehensive Plan identifies eight (8) distinct areas that include an EC (Employment Center) Land Use Classification. These distinct areas may include a variety of different parcels and landowners, may also include other land use classifications other than the EC (Employment Center) Land Use Classification, and are referred to hereinafter as "employment center areas" (see Exhibit 1: Employment Center Areas). These areas have been specifically identified to support and reinforce the County's growth management vision and economic development goals by focusing on development that provides an economic benefit in terms of employment opportunities and increased tax base within compact and specified employment centers. These employment centers have been designated in an effort to ensure that the lands within the County that have the greatest access to publicly funded infrastructure investments are developed consistent with the growth management vision of the County. Development within these areas is required to contain a certain percentage of one (1) or a combination of the following preferred uses:

1. Target Primary Business

2. Corporate Business Park

3. Industrial Use

A target primary business is defined as a business that is identified by Enterprise Florida as a qualified target industry for the tax refund program or a business that is identified by the Pasco Economic Development Council (PEDC) in the economic development target industry list. A corporate business park may include target primary businesses and/or some industrial uses, but is identified as a separate preferred use in recognition of the desire for the County to permit general (nontarget) "office" uses within employment centers if they are in the form of a corporate business park.

The uses that are described and permitted within the EC-MPUD are regulated to conform to the requirements for the Emergency Communications Division FLU Classification of the Comprehensive Plan. These uses are also permitted within a variety of other zoning districts as provided in these regulations and are not strictly limited to the EC-MPUD.

B. Mix of Uses

1. Mix of Use Requirement. Properties developed under the EC-MPUD that are within the EC (Employment Center) FLU Classification of the Pasco County Comprehensive Plan are required to comply with the mix of use requirements of the EC (Employment Center) FLU Classification. The method for determining the mix of use requirements/limitations for an individual application/project site provides some flexibility and is described in this Code, Section 522.5.B.2. The Comprehensive Plan requires that employment center areas shall be designed to accommodate an areawide composite land use mix as described below:

General Use	Minimum	Maximum
Corporate Business Park or Target Primary Businesses or Industrial Uses	55 Percent	75 Percent
Multiple-Family Uses	20 Percent	40 Percent
Support Commercial/Office Uses[1]	5 Percent	20 Percent

[1]Support uses within an employment center are limited to only those uses that support the primary businesses and residences located within the employment center and may generally include services, such as restaurants, banks, professional services, dry cleaners, grocery stores (including neighborhood scale markets), service stations, hotels, etc. The size of the support uses are limited by the percentage mix described herein and the scope of the local neighborhood size thresholds and use as described in this Code, Chapter 500, Section 522.2.D.1, or as otherwise determined by this Code during the development review process. Commercial and/or retail uses that are designed to serve a regional purpose, such as theaters, malls, car sales, home improvement centers, and department stores are expressly prohibited within an EC-MPUD. The uses permitted within the land use mix table designation above may be developed in any sequence.

2. De Minimis Size Parcels. For de minimis sized projects or parcels, the County Administrator or designee may allow an exemption from the mix of use requirements as follows:

   a. Any parcel of record as of January 26, 2007, with an EC (Employment Center) FLU Classification that is ten (10) acres or less in size may be developed with any of the allowable uses in the EC-MPUD.

   b. Any parcel of record as of January 26, 2007, with an EC (Employment Center) FLU Classification that is twenty (20) acres or less in size may be developed with up to ninety-five (95) percent industrial, target industry, and/or corporate business park uses. The applicant will not be required to comply with the minimum multiple-family component in the composite mix of uses provided hereinabove.

   To the extent that either de minimis option causes a deviation from the composite land use mix when the land use mix distributions are considered for the entire employment center area, then a revision within the Comprehensive Plan to the composite land use mix will be required.

3. Determination of the Mix. If an areawide master plan has not been prepared for the employment center located at the I-75/U.S. 41 intersection, the specific method for determining the land use mix distributions shall not be implemented as a composite land use mix, but shall be implemented as a specific land use mix on a parcel-by-parcel basis using the mix standards as described hereinabove. Except for the employment center located at the I-75/U.S. 41 intersection, the Pasco County Comprehensive Plan requires an areawide composite land use mix for the EC (Employment Center) FLU Classification, which represents the range of uses that are required to be achieved within each employment center area as designated on the FLU map. An applicant within an EC-MPUD has four (4) options to demonstrate that an individual parcel, site, or project meets the mix of use requirement and must demonstrate one of the following:

   a. That the specific parcel, site, or project provides the mix of uses, as specified in Section 522.5.B.1, based upon the uses proposed in the MPUD Master Plan.

   b. That the specific parcel, site, or project is consistent with an areawide employment center plan that has been accepted by the BCC and adopted by a special area policy into the Comprehensive Plan consistent with the mix of uses in Section 522.5.B.1.

c. The applicant may prepare an areawide employment center plan consistent with the community planning process of Section 522.6 and the mix of uses in Section 522.5.B.1, and submit a project master plan consistent with the results of this process.

d. The applicant may request that the mix be determined on a first-come, first-served basis by submitting a plan for a single site within a designated employment center area. The site master plan shall be mailed to all affected property owners within forty-five (45) days of the date that the rezoning application is deemed complete. If there are objections by landowners within the employment center area to the site master plan and the applicant has not resolved those objections prior to the DRC hearing date, the applicant will need to pursue an alternative option as listed in this section. If there are no objections, then at the time the matter is set for public hearing, the site master plan shall be sent to all affected property owners in addition to the requirements specified in Chapter 300. If there are any objections in writing or at a public hearing that cannot be resolved by the adoption date, the applicant will be required to pursue an alternative option as outlined in Section 522.5.B.2.

4. Mixed Use Buildings. Mixed uses and mixed use buildings are also permitted within the EC-MPUD. Where mixed use buildings are proposed, the land use mix for that land area shall be determined based upon the percentage of square footage of each use as a percentage of the total land area for that mixed use structure. The corporate business park "use" by definition is a collection of buildings that meet certain requirements as provided in Section 522.5.D.1.a. All buildings within a corporate business park as defined herein shall be recognized as a corporate business park use and shall not be separated into various uses for the purpose of this section.

C. Compatibility

The EC-MPUD Master Plan may provide a mix of land uses as provided in Section 522.5.B.1. The specific location of different uses within the EC-MPUD District shall be established on the approved master plan.

1. Internal Compatibility. If applicable (when not under the de minimis size exemption set forth hereinabove, in which case no range of uses is required), the master plan shall demonstrate compliance with the following characteristics:

a. That the land uses within the master plan are arranged and designed in a complementary and compatible manner;

b. That different uses within the proposed parcel, site, or project are effectively buffered to encourage full use and enjoyment of all property within the district;

c. That the vehicular circulation system throughout the master plan directs traffic in an efficient and safe manner; and

d. That the individual land use components of the master plan are interconnected by safe and convenient pedestrian linkages.

2. External Compatibility. The master plan shall include appropriate development order conditions that accomplish "stepping down" building heights and transitioning land uses; e.g., gradual reduction of intensities and uses to minimize visual and noise impacts on either adjacent residential developments or the Northeast Pasco rural area, where applicable. Such standards that address external compatibility may include adjacent buffers and screening such that the arrangement of uses on site do not unreasonably impair the long-term use of properties adjoining the EC-MPUD District as established by the master plan. The County may require additional buffering, landscape, and screening following the evaluation of compatibility, including special standards to minimize visual and noise impacts when an EC-MPUD is adjacent to the Northeast Pasco rural area.

a. Setback. When a nonresidential or multiple-family use is abutting any property with a residential FLU classification, there shall be an additional building setback required for that use when contiguous to the residential property as follows:

(1) When any side of a structure equal to or less than thirty-five (35) feet in height abuts the residential property, that portion of the structure(s) shall be set back a minimum of twenty (20) feet from the property line adjacent to such residential land.

(2) The specific minimum setbacks and other compatibility requirements for structures greater than thirty-five (35) feet in height shall be determined during the rezoning process and shall become a condition of the rezoning action. At a minimum, structures that are greater than thirty-five (35) feet in height shall comply with the following building height, transition zone requirements:

Building Height	**Minimum Setback when Adjacent to a Property with a Residential FLU Classification**
≤35 Feet	20 Feet
36-45 Feet	50 Feet

46-55 Feet	80 Feet
55-65 Feet	110 Feet
>65 Feet	110 Feet, plus an additional 10 feet for each additional story over 65 feet, plus additional buffering and screening as deemed appropriate to transition from the edge of the EC-MPUD development.

b. Building Design. The side of the building that is facing or backing up to any residential development or residentially zoned property must be treated with the same architectural design standards as the front of the building. Metal buildings shall be located so that they are not visible from residential development, residentially zoned property, and collector/arterial roadways.

D. Description of Uses

1. Preferred Uses. The preferred uses permitted within the EC-MPUD include any one (1) or a combination of the following: corporate business park, industrial, or target primary business.

a. Corporate Business Park. An office park that provides a collection of office buildings in a campus like setting that permits uses and activities conducted in an office setting generally focusing on business, government, professional, medical, or financial services, but excludes personal-services uses. To qualify as a "corporate business park" for the purposes of meeting the mix of use requirement for an employment center, the park must be consistent with the requirements of this section and consist of one of the following:

(1) A minimum of at least three (3) multistory office buildings, where the minimum height shall be two (2) stories and the minimum total stories shall be nine (9) stories;

(2) Two (2) or more buildings with a minimum of four (4) floors each, excluding garage parking; or

(3) Building(s) of such a size and character as otherwise approved by the BCC which would create a desired corporate business park setting.

A corporate business park may include target primary businesses, but is identified as a separate primary use in recognition of the desire of the County to promote general (nontarget business) "office" uses within

employment centers if they are in the form of a corporate business park.

(4) Accessory uses may occur within the multistory office building and generally have limited-external access or signs. Ancillary uses may generally be permitted as a part of a corporate business park and may count as a part of a corporate business park for the purposes of determining various economic development incentives; however, when these uses are permitted within an EC (Employment Center) FLU Classification, the land area identified for such ancillary uses shall be recognized as "support commercial/office use" for the purposes of determining the required mix of uses under the Comprehensive Plan. Principle uses: administrative and professional offices, including medical clinics, but excluding hospitals; corporate headquarters, including related supporting services and storage; sales and marketing offices; sales and service offices related to electronic equipment, computers, and similar office equipment, including repair incidental to sales and service; data and communication centers, including information processing facilities; research and development facilities, including target business medical research, testing, and pharmaceuticals; business services, such as office supplies, copy/print centers, medical supplies, pharmacies; and travel agencies.

(5) Accessory Uses (for a Multistory Corporate Business Park): Ancillary storage; cafeteria; restaurant; bank; health facility; meeting room; off-street parking; on-site day care or facility where children are cared for while parents or guardians are occupied on the premises; other neighborhood, convenience-type amenities for the use of on-site employees; and technical library.

(6) Ancillary Uses: college, university, vocational, trade, or business schools; transient accommodations (hotel with on-site conference and catering facilities only); and other support commercial/office uses.

(7) Uses not Included. Building, heating, plumbing, landscaping, or electrical contractor and others who perform services off site, but store equipment and materials for perform fabrication or similar work on site; bulk mailing services; mail order house; and urgent care or emergency medical office.

b. Industrial. In addition to the target primary businesses identified in Section 522.8.D.1.c., an EC-MPUD may also include the specific industrial uses listed below that are also permitted within the County's I-1 Light Industrial Park Zoning District:

(1) Businesses with related offices and showroom, which manufacture, assemble, process, package, and/or distribute small unit products, such as optical devices, tool and die manufactures, electronic equipment, precision instruments, and toys.

(2) Wholesale distribution centers, including related offices and showrooms, rail or highway freight transportation, distribution, and associated warehousing, but not to include highway freight transportation and warehousing or the retail sale of gasoline or propane.

(3) Printing, publishing, engraving, and related reproductive process.

(4) Ornamental iron manufacturing.

(5) Building material manufacturing and associated storage.

(6) Boat manufacturing.

(7) Distribution plants, beverage bottling, and/or distribution.

(8) Dairy products manufacturing.

(9) Furniture, decorating materials, and upholstery manufacturing.

(10) Garment assembly.

(11) Laboratories devoted to research, design, experimentation, testing of products or materials, processing, and fabrication incidental thereto.

(12) Manufacture or assembly of equipment and appliances, electronic instruments, and devices.

(13) Manufacture of ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas and the manufacturing of glass products.

(14) Manufacture, compounding, assembling, or treatment of merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feather, felt, fiber, fur, glass, horn, leather, paper, plastics, metals, stone, shell, textiles, tobacco, wax, wood, yarn, and paints.

(15) Manufacture, compounding, processing, packaging, treatment, and distribution of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food, and kindred products.

(16) Manufacture of musical instruments, novelties, rubberstamps or metal stamps, and other small molded rubber products.

(17) Photographic manufacturing and processing.

(18) Sign manufacturing, including poles.

(19) Testing of materials and equipment.

(20) Light Industrial Flex Space. Flex type or user space that lends itself to a variety of industrial uses as specifically set forth above, including target industries. The single-story building is designed for multiple users, divided in spaces running from front to rear. The proportion of office versus light industrial space in each user space is not determined until the user occupies the space. The space may subsequently be proportioned to accommodate the current occupant or a new occupant's changing needs, provided that an accessory use is not converted to a principle use. The space may include uses, such as manufacturing, light industrial, and scientific research functions. Accessory uses could include offices, warehousing, and wholesale stores. The square footage identified for such uses shall not be considered as "support commercial/offices use" for the purposes of determining the required mix of uses under the Comprehensive Plan.

c. Target Primary Business. A "target primary business" is defined as a business that is identified by Enterprise Florida as a qualified target industry for the tax refund program or a business that is identified by the PEDC in their economic development target industry list, as may be amended from time-to-time. The qualified target industry list may be obtained from the PEDC. The PEDC target industry list includes, but is not limited to, the following:

(1) Manufacturing

(a) Biological Products. Establishments primarily engaged in the production of bacterial and virus vaccines; toxoids; and analogous products, such as allergenic extracts, serums, plasmas, and other blood derivatives for human or veterinary use, other than in vitro and in vivo diagnostic substances.

(b) Diagnostic Substances. Establishments primarily engaged in manufacturing in vitro and in vivo diagnostic substances, whether or not packaged for retail sale.

(c) Electromedical Equipment. Establishments primarily engaged in manufacturing electromedical and electrotherapeutic apparatus.

(d) Electronic Connectors. Establishments primarily engaged in manufacturing electronic connectors.

(e) General Industrial Machinery. Establishments primarily engaged in manufacturing machinery, equipment, and components for general industrial use, and for which no special classification is provided, may also include the manufacturing of amusement park equipment and flexible metal hose and tubing. This industry also includes establishments primarily engaged in producing or repairing machinery and equipment parts, not elsewhere classified, on a job or order basis for others.

(f) Laboratory Analytical Instruments. Establishments primarily engaged in manufacturing laboratory instruments and instrumentation systems for chemical or physical analysis of the composition or concentration of samples of solid, fluid, gaseous, or composite material.

(g) Laboratory Apparatus and Furniture. Establishments primarily engaged in manufacturing laboratory apparatus and furniture.

(h) Optical Instruments and Lenses. Establishments primarily engaged in manufacturing instruments and apparatus that measure an

optical property and optically project, measure, or magnify an image, such as binoculars, microscopes, prisms, and lenses.

(i) Packaging Machinery. Establishments primarily engaged in manufacturing packaging machinery, including wrapping and bottling machinery.

(j) Process Control devices. Establishments primarily engaged in manufacturing industrial instruments and related products for measuring, displaying (indicating and/or recording), transmitting, and controlling process variables in manufacturing, energy conversion, and public-service utilities.

(k) Power Transmission Equipment. Establishments primarily engaged in manufacturing mechanical-power transmission equipment and parts for industrial machinery.

(l) Publishing - Books. Establishments primarily engaged in publishing or in publishing and printing books and pamphlets. Establishments primarily engaged in printing or in printing and binding, but not publishing, books and pamphlets that are classified in Industry 2732.

(m) Publishing - Periodicals. Establishments primarily engaged in publishing periodicals or in publishing and printing periodicals. These establishments carry on the various operations necessary for issuing periodicals, but may or may not perform their own printing.

(n) Publishing - Miscellaneous. Establishments primarily engaged in miscellaneous publishing activities, not elsewhere classified, whether or not engaged in printing.

(o) Pumps and Pumping Equipment. Establishments primarily engaged in manufacturing pumps and pumping equipment for general industrial, commercial, or household use, except fluid-power pumps and motors.

(p) Semiconductors and Related Devices. Establishments primarily engaged in manufacturing semiconductors and related solid-state devices.

(q) Speed Changers, Drives, and Gears. Establishments primarily engaged in manufacturing speed changers; industrial high-speed drives, except hydrostatic drives; and gears.

(r) Surgical and Medical Instruments. Establishments primarily engaged in manufacturing medical, surgical, ophthalmic, and veterinary instruments and apparatus.

(s) X-Ray Apparatus and Tubes. Establishments primarily engaged in manufacturing radiographic X-ray, fluoroscopic X-ray, and therapeutic X-ray apparatus and tubes for medical, industrial, research, and control applications or in manufacturing other irradiation equipment, including gamma and beta-ray equipment.

(2) Medical Research, Testing, and Pharmaceuticals

(a) Commercial Nonphysical Research. Establishments primarily engaged in performing commercial business; marketing; opinion; and other economic, sociological, and educational research on a contract or fee basis.

(b) Commercial Physical Research. Establishments primarily engaged in commercial physical and biological research and development on a contract or fee basis.

(c) Medical Laboratories. Establishments primarily engaged in providing professional analytic or diagnostic services to the medical profession or to the patient on prescription of a physician.

(d) Medicinals and Botanicals. Establishments primarily engaged in:

(i) Manufacturing bulk organic and inorganic medicinal chemicals and their derivatives; and

(ii) Processing (grading, grinding, and milling) bulk botanical drugs and herbs.

(e) Pharmaceutical Preparations. Establishments primarily engaged in manufacturing, fabricating, or processing drugs in pharmaceutical preparations for human or veterinary use.

(f) Testing Laboratories. Establishments primarily engaged in providing testing services, including facilities housing laboratory animals for clinical testing.

(3) Office (General)

(a) Computer Integrated Systems Design. Establishments primarily engaged in developing or modifying computer software and packaging or bundling the software with purchased computer hardware (computers and computer peripheral equipment) to create and market an integrated system for specific application.

(b) Computer Programming Services. Establishments primarily engaged in providing computer-programming services on a contract or fee basis.

(c) Data Processing and Preparation. Establishments primarily engaged in providing computer processing and data preparation services.

(d) Information Retrieval Services. Establishments primarily engaged in providing on-line, information retrieval services on a contract or fee basis.

(e) Insurance - Accident and Health Insurance (Nonretail). Establishments primarily engaged in underwriting accident and health insurance.

(f) Insurance - Fire, Marine, and Casualty Insurance (Nonretail). Establishments primarily engaged in underwriting fire, marine, and casualty insurance.

(g) Insurance - Hospital and Medical Service Plans (Nonretail). Establishments primarily engaged in providing hospital, medical, and other health services to subscribers or members in

accordance with prearranged agreements or service plans.

(h) Insurance - Life Insurance (Nonretail). Establishments primarily engaged in underwriting life insurance.

(i) Pension, Health and Welfare Funds. Establishments primarily engaged in managing pension, retirement, health, and welfare funds.

(j) Prepackaged Software. Establishments primarily engaged in the design, development, and production of prepackaged computer software. Important products of this industry include operating, utility, and applications programs.

2. Multiple-Family Residential Uses. Multiple-family residential uses are allowed in an EC-MPUD consistent with the percentage requirements of this section. The purpose of this requirement is to allow for the creation of multiple-family residential use (excluding duplexes) consistent with this Code, Chapter 500, Section 520.

3. Support Commercial/Office Uses. The intent of the support uses within an EC-MPUD is to provide local and neighborhood scale retail and office uses in support of the principal target industry uses and not to provide for regional scale uses, such as malls, theaters, car sales, home improvement centers, and department stores that would potentially serve an even larger area, detracting from the purpose of target industry employment. The support uses proposed as part of the EC-MPUD should be designed to support the needs of the employment generating uses and residents either living or working in the employment center. Support uses shall be permitted consistent with the provisions of this Code, Section 525, C-1 Neighborhood Commercial District. Uses proposed as support uses within an EC-MPUD that are consistent with this Code, Section 526, C-2 General Commercial District, shall be specifically listed and subject to approval by the BCC.

E. <u>Light Industrial Flex Space Supplemental Design Standards</u>

1. Landscaping and Setback Requirements

a. Setbacks adjacent to interior or rear property lines shall be not less than thirty-five (35) feet in depth. The first ten (10) feet from the property lines shall be landscaped.

b. All required setbacks shall be kept clear of loading areas for supplies, services, and buildings.

c. Landscaping required by this subsection shall include, but not necessarily be limited to, the planting of grass, ground cover, flower beds, shrubs, hedges, or trees as provided for in this Code, Section 603. All landscaping shall be maintained in a healthy, growing condition; neat and orderly in appearance; and free of refuse and debris. All planting shall be arranged and maintained so as not to obscure the vision of traffic. Unless otherwise approved by County staff, there shall be no parking of vehicles in the landscaped area.

d. All trucks in excess of one (1) ton carrying capacity shall be parked in rear or side yards and screened from view from adjacent properties or any public rights-of-way. No trucks in excess of one (1) ton carrying capacity may be parked in any street yard regardless of screening.

2. Storage. Outside storage of any materials, supplies, or products shall not be permitted in the front of any structure and shall be properly screened to a height of at least ten (10) feet on all sides. Outside storage shall be limited to the maximum extent possible.

3. Loading. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions should be reasonably incorporated into the overall design of the primary building using screening walls of compatible material, style, color, texture, pattern, trim, or other details and landscaping determined acceptable to the County. The wall shall be one (1) foot higher than the largest object being screened. An opaque gate with the same height as the wall shall be included where access is needed.

522.6. **Areawide Employment Center Planning Process**

A. Intent

The areawide employment center planning process is one method for determining the required mix for an individual application/project site as provided in Section 522.5.B.2. The intent of the areawide employment center planning process is to provide an opportunity for public participation of affected property owners, stakeholders, and adjacent property owners to plan for the mix of uses within an employment center area. The areawide employment center planning process is limited to only those areas designated in the Pasco County Comprehensive Plan as employment centers. Only landowners within the specific employment center area under consideration or the County may be an "applicant" pursuing an areawide employment center plan under this section.

B. Applicability

The areawide employment center planning process shall serve as one (1) option for reviewing and approving the required mix-of-uses within an EC-MPUD. The purpose of this process is to help facilitate an expedited process to create and/or amend a conceptual plan for an employment center area and to provide an opportunity for the concurrent approval of a proposed development within an EC-MPUD. The County shall process an amendment to the Comprehensive Plan during the next available plan amendment cycle to include the conceptual plan, which will guide the location and mix of uses within an employment center area.

C. General Elements

1. Provide an executive summary which outlines the vision and design of the entire employment center at that location.

2. Describe the objectives of the study.

3. Provide a recommended land use plan, and if appropriate, any conditions for development approval, which shall be met by, or imposed upon, development within the study area.

D. Specific Elements

1. The applicant shall provide a map, or series of maps, which illustrate the location of the proposed study area within the County, including political boundaries; e.g., County and municipal boundaries, current ownership patterns, parcel sizes, existing boundaries of the study area and impact area(s), and a legible, recent, full-section aerial photograph (the most recent County Property Appraiser or Planning and Growth Management Department aerial photograph or equivalent) with the boundaries of the study area marked.
2. When a new land use plan is developed for a geographic area for which an areawide employment center plan has previously been adopted, the County shall ensure that the following requirements are met:

   a. The previously adopted plan shall be fully considered in developing the new plan;

   b. All persons involved in preparing the adopted plan will be invited to participate in the citizen participation program for preparing the new plan;

   c. Any conflicts between a proposed new plan and the previously adopted plan will be identified and fully explained during the public participation process and during deliberations of the BCC;

d. When a new plan is adopted, the BCC shall take required actions, if any, to amend or replace the previously adopted plan; and

e. The BCC shall hold a public hearing to take final action on the application upon review of the application and supporting documentation.

3. An applicant shall include the following information in their submittal:

a. Information concerning the surrounding area to demonstrate the relationship of the EC-MPUD District to adjoining, existing and planned uses. The plan must demonstrate compliance with the provisions in Section 522.5.C relating to compatibility; and

b. Any plan which requires more than five (5) years to complete shall include a phasing plan as a part of the submittal.

4. Review Process

The applicant shall conduct a minimum of two (2) neighborhood meetings to solicit comment, feedback, and input on the proposed areawide employment center plan. The applicant shall be required to notify all property owners within the employment center area under review in writing pursuant to the applicable notice provisions provided in this Code, Chapter 300, as well as place one (1) advertisement in a newspaper with local circulation. The following is a list of items from the neighborhood workshop that must be submitted to the County prior to the DRC:

a. Identification of where and when the neighborhood workshop was held.

b. A copy of the advertisement with the Notice of Publication.

c. A copy of the Letter of Notification sent to affected property owners.

d. A copy of the sign-in sheet from the neighborhood workshop.

e. The questions or concerns asked by the audience and the applicant's response to those issues.

5. During its review, County staff shall distribute copies of the proposal to the DRC for study and comment. In considering the plan, County staff shall seek to determine that:

a. Resulting development will be consistent with the Comprehensive Plan and zoning objectives for the area;

b. The parcel is suitable for the proposed uses considering its size, shape, location, topography, existence of improvements, and natural features; and

c. The proposed uses will not alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for the permitted uses listed in the underlying district.

522.7. **CS-MPUD Standards**

The purpose of the CS-MPUD is to implement the provisions of the Pasco County Comprehensive Plan and create a method of reviewing and approving requests for density bonuses that are permitted under three (3) FLU Classifications, including AG (Agricultural) AG/R (Agricultural/Rural), and RES-1 (Residential - 1 du/ga) for applicants who develop their rural subdivisions as a CS-MPUD.

A. CS-MPUD Permitted Uses

The intent of the CS-MPUD is to provide an alternative residential development pattern to large, agricultural lot uses by providing landowners with density incentives in order to encourage the preservation of large amounts of open space and the clustering of residential lots. Unless otherwise approved as part of the MPUD process, permitted uses shall be consistent with those set forth in this Code, Section 505, with the exception that grazing animals shall be limited to one (1) per acre minimum, exclusive of the area required for other uses. Transient accommodations in the form of attached housing may be considered outside of the CS-MPUD open space, provided that the size and design proposed is demonstrated to support recreational uses only and not to serve as large-scale, permanent housing.

B. CS-MPUD Open Space Uses

1. Permitted Uses

Except as limited by Subsection 2 below, permitted uses within CS-MPUD open space may include, but are not limited to, the following when identified and approved on the master plan, none of which shall be considered active recreation, except as set forth in Subsection a, hereof:

a. Active recreation areas, including neighborhood parks, which do not exceed ten (10) percent of the required minimum CS-MPUD open space or five (5) acres, whichever is less.

b. Bike paths and trails.

c. Equestrian uses and trails.

d. Public and private natural areas and wildlife-management areas if proposed by the applicant.

e. Restoration and maintenance activities to sustain or enhance the functions of native habitats, where applicable.

f. Agricultural uses and accessory uses and structures, such as stables, barns, corrals, storage sheds, fences, gates, waterlines, and cattle troughs.

g. Private hunting or fishing.

h. Structures shall be limited in CS-MPUD open space to include only uses and structures that support the other permitted uses in the CS-MPUD open space including, but not limited to, accessory agricultural structures and uses set forth above and one (1) caretaker dwelling unit (with permitted accessory structures) for the residence of the owner, operator, or resident caretaker of agricultural or conservation activity on agricultural open space of forty (40) acres or more.

i. Minor utilities (nonregional in nature, except those facilities permitted by Subsection I.(4), below).

j. Golf courses, provided that:

(1) They are in compliance with the *Best Management Practices for the Golf Course Maintenance Departments*, published by the Florida Department of Environmental Protection; and *Environmental Principles for Golf Courses in the United States*, published by the Golf Course Superintendents Association of America, with respect to the golf course's design, operation, and maintenance.

(2) Only that portion of the golf course that has pervious surfaces in a natural, vegetative state (this does not include fairways, greens, tee boxes, clubhouse, equipment shed or areas, golf-cart barns, and parking areas) may qualify as up to one-third of the CS-MPUD open space uplands required below. Any ponds, lakes, or wetlands shall be counted against the nonupland, open-space requirement below.

k. Landscape and other buffers and setbacks (excluding any setbacks associated with residential lots) as required in this Code, Section 522.7.D.2, or otherwise required by this Code or the County as part of the approval of the CS-MPUD.

l. A minimum of fifty (50) percent of the total area of the CS-MPUD open space must be uplands. No more than fifty (50) percent of the CS-MPUD open space may include the following, either singularly or in any combination:

(1) Category I, II, or III wetlands.

(2) Natural water bodies.

(3) Manmade lakes that are designed to function year-round as recreational amenities for the development.

(4) Stormwater management systems serving the CS-MPUD or designed to accommodate needs beyond those of the proposed subdivision (regional stormwater facilities) may be located within the CS-MPUD open space, provided that the stormwater systems are unfenced and are surrounded by or adjoin areas that are improved for use as a recreation area for use by the subdivision residents.

2. Prohibited Uses

The following uses are prohibited within the CS-MPUD open space:

a. Internal subdivision streets, except this prohibition does not limit the ability for an internal subdivision street to traverse through the CS-MPUD open space where necessary.

b. Individual residential lots, except for caretaker residence as permitted herein.

3. Lands Ineligible to be Counted as CS-MPUD Open Space

Lands that are encumbered by a previously approved conservation easement or any other previous development condition that preserves the site as open space in perpetuity where those encumbrances were not created through the CS-MPUD rezoning process, are not eligible to be counted as CS-MPUD open space unless the BCC, at its sole discretion, determines that the land will be provided a greater level of protection through the CS-MPUD regulations including, but not limited to, the required CS-MPUD open-space land management plan, and that such protection justifies the inclusion of some or all of the land as CS-MPUD open space.

C. Density Incentives - CS-MPUD

The density incentives to which an applicant is entitled as a matter of right and not subject to County approval or condition for clustering as a CS-MPUD are set forth in the Future Land Use Element Appendix to the Comprehensive Plan and are as follows:

Density			
Open Space Ratio	**AG (Agricultural) DU/Gross Acre**	**AG/R (Agricultural/ Rural) DU/Gross Acre**	**RES-1 (Residential - 1 du/ga) Developable Residential Acre**
50 or More	N/A	1 du/2.5 Acres	1 du/1 Acres
50%-60%	1 du/4.5 Acres		
61%-70%	1 du/3.9 Acres		
71%-80%	1 du/3.6 Acres		
More than 80%	1 du/3.3 Acres		

The density incentives contained herein are subject to demonstrated compliance prior to the issuance of each site plan with Section 381.0065, Florida Statutes, and Rule 64E-6.005, FAC, both as amended from time-to-time, concerning the location and design of well and septic systems as well as public water and sewerage systems, and applicable sections of this Code. Rule 64E-6.005(7), FAC, and Section 381.0065, Florida Statutes, presently permit on-site sewage treatment and disposal systems; e.g., septic tanks, where (a) a sewerage system is not available and (b) certain statutory conditions under Sections 381.0065(4)(a)-(g), Florida Statutes, are met. The minimum area of each lot under Rule 64E-6.005(7), FAC, is "of at least one (1) half acre (21,780 square feet), exclusive of all paved areas and prepared road beds within public rights-of-way or easements and exclusive surface water bodies." Subject to the limitations above concerning density incentive entitlements, nothing contained herein shall limit the authority of the BCC to otherwise lawfully approve, deny, or condition a CS-MPUD.

D. CS-MPUD - Design Standards

1. General

The purpose of the Pasco County CS-MPUD design guidelines is to preserve the rural character and the viability of agricultural land by creating greater flexibility in the design of residential developments and to provide opportunities for the planning and design of CS-MPUDs to achieve the following objectives:

a. Create and preserve connected and contiguous open space.

b. Use site-specific natural features to create a viable residential development design that minimizes the disturbance to the rural landscape, preserves scenic views and existing vistas, and preserves the character of the surrounding area.

c. Encourage the viability of agricultural land.

d. Create a network of protected open spaces within an individual subdivision and minimize the total amount of disturbance on a site.

e. Supplement existing off-site, protected, open space where possible to create a contiguous network of protected open space.

f. Minimize disturbance to environmentally sensitive areas, protect biological diversity, and maintain environmental corridors.

g. Facilitate the construction and maintenance of housing, streets, and other infrastructure in a more efficient manner.

2. Master Plan

A master plan shall be submitted in accordance with this Code, Section 401.2. Greater flexibility and creativity in the design of residential developments to preserve on-site environmental resources and preservation areas is permitted through the conservation-subdivision development approval process and as established through the design criteria and guidelines provided herein. CS-MPUDs and the development plan for CS-MPUDs shall be organized into two components: (1) residential development and (2) CS-MPUD open space.

a. Residential Development

The location of residential development lots shall be configured to meet the following standards in all material respects:

(1) Residential lots shall be arranged in a contiguous pattern(s), except as necessary to incorporate roads, drainage, and retention to preserve the function, purpose, and integrity of the on-site natural resources and environmental systems to the maximum extent practicable. The purpose of this standard is to insure that residential lots are clustered on the site consistent with the goals of creating a CS-MPUD by providing contiguous open-space areas and clustered development in a manner that is not indicative of suburban development.

(2) Minimize disturbance to native habitats and other natural features.

(3) Protect and preserve the rural character and appearance of land when viewed from public roads and from abutting properties.

b. Residential Development Setback and Buffer Requirements

(1) The residential development shall be set back a minimum of 100 feet from all CS-MPUD property boundary lines (unless contiguous to existing and/or approved urban development) and external road rights-of-way (outside of the subject development). The BCC may approve a setback of less than 100 feet under special circumstances where the applicant demonstrates that the adjacent land-use condition of the property does not warrant that setback to protect the rural landscape.

(2) A CS-MPUD shall insure and/or provide a landscape buffer and/or setback buffer that is designed to protect and maintain the rural and agricultural character of the surrounding area. It is the intent of CS-MPUD design to utilize the existing landscape and vegetation to the maximum extent practical to protect the natural aesthetic and existing rural views of the area as viewed from adjacent roadways and properties. In cases where existing vegetation and landscaping do not exist or are not sufficient to protect the views of adjacent properties and roadways, staff reserves the right to require a detailed buffering plan to protect and preserve the view shed. Such requirements are in lieu of the landscape ordinance.

c. CS-MPUD Open Space

(1) Required Minimum Open Space

A minimum of fifty (50) percent of the gross acreage of the parcel shall be designated as CS-MPUD open space, exclusive of individual lots (excluding any permitted caretaker residence).

(2) Perpetual Easement

CS-MPUD open space shall be preserved in perpetuity through the use of an irrevocable open space or conservation easement or other mechanism that transfers all development rights to the residential development portion of the CS-MPUD and extinguishes all development rights on the CS-MPUD open space. The easement or other mechanism shall

be in such form as is deemed acceptable by the County Attorney and shall be recorded at the time of platting for each phase which is subject to development, including both the residential lots and the remaining open space. Each phase shall be in compliance with density and open space provisions as provided herein. Such perpetually restricted open space may be in agricultural uses subject to the limitations within this section.

(3) External Connectedness

Except as otherwise prioritized by Subsection (5) below and when contiguous off-site open space exists, CS-MPUD open space shall be reasonably configured to create or add to a larger, contiguous, off-site network of interconnected open space, particularly ones with existing native wildlife habitats, and opportunities that arise for providing open space that may assist in restoring native wildlife habitats. Whenever opportunities exist to create connections with existing or potential off-site open space, greenways, riverine systems, flow ways, or conservation systems on adjoining parcels, such connections shall be provided. Opportunities for connections will be determined based upon the natural features of the subject property and adjacent properties, the existence of connected natural systems, or the existence of critical linkages as defined in the Comprehensive Plan.

(4) Internal Connectedness

CS-MPUD open space shall be configured to create connected and integrated open space within the subdivision parcel to the maximum extent practicable and shall be based upon the context-sensitive site design standards and priorities that are provided in Subsection (5) below. CS-MPUD open space shall still be considered connected if it is separated by a roadway or accessory amenity. The configuration of the CS-MPUD open space shall be determined on a case-by-case basis. Nothing herein shall be construed to require a property owner to designate more than the minimum required CS-MPUD open space/open space in the fulfillment of this provision.

(5) Context Sensitive Site Design

Each CS-MPUD shall be designed to address the natural features of the site. In addition to the protection of natural features, each site shall be designed and shall encourage the use of CS-MPUD open space to provide:

(a) View shed protection of existing and public, rural roadways.

(b) Continuation of agriculture uses.

(c) Recreation.

(6) Permitted Uses

Permitted uses within the CS-MPUD open space are described in Section 522.7.B.

(7) CS-MPUD Open Space Land Management Plan

(8) Unless the CS-MPUD open space is maintained as part of an existing, bona fide agricultural use, an open space land management plan for the use and maintenance of the open space shall be submitted and approved as a part of the master development plan approval process. Compliance with said plan shall become a condition of the development order for the rezoning, where applicable, a condition of the subdivision approval, and a condition of the perpetual open space or perpetual conservation easement. Any amendments to the open space land management plan must be reviewed by County staff and approved by the County biologist. When the CS-MPUD open space includes a portion of an existing, bona fide agricultural use, that portion of the CS-MPUD open space that is agricultural shall not be required to comply with the CS-MPUD open space land management plan. The open space land management plan shall address the following:

(a) Ownership.

(b) Baseline environmental assessment of the CS-MPUD open space as required in the CS-MPUD application requirements.

(c) Detailed action plan addressing the following:

(i) Compatibility with the County's study entitled *Assessment of Measures to Protect Wildlife Habitat in Pasco County* and the Pasco County Comprehensive Plan Conservation Element, as amended from time-to-time, provided that the study remains in effect.

(ii) Specific responsibilities for the regular and periodic operation and maintenance of open spaces by private entities.

(iii) If applicable, plans for restoration of native habitats.

(iv) The necessity, purpose, and location of an on-site caretaker, if a caretaker residence is proposed as a permitted use.

(v) Performance measures that would include conditions and methods of enforcement of obligations.

(d) Annual monitoring report shall be submitted to the County to ensure compliance with the open space land management plan.

(e) Such other requirements as required by the BCC at the time of approval.

d. CS-MPUD - Street Standards

(1) Minimum Street Design Specifications

Street design shall support the rural character of the CS-MPUD. The number of necessary travel lanes is limited to two (2). All streets and multiuse trails shall be designed in accordance with the minimum design specifications for minor rural subdivisions in this Code, Section 901.6, or in accordance with the following minimum specifications, as depicted in Table 1 and Figures 1-4, unless otherwise approved by the BCC.

Table 1: Characteristics of Conservation Subdivision Street Types				
	Road-Open Drainage (Figure 1)	**Lane-Open Drainage (Figure 2)**	**Lane-Closed Drainage (Figure 3)**	**Multiuse Trail Pavement Not Required (Figure 4)**
Function	Collector	Local	Local	N/A
Traffic Lanes	One Travel Lane in Each Direction, 11'	One Dual-Direction Lane, 20'	One Travel Lane in each Direction, 11'	
Parking Lanes	None	None	None	N/A
Multiuse Path	10', One Side	10', One Side	10', One Side	N/A
ROW Width	73'	69'	50'	22'
Pavement Width	22' Plus 6' Stabilized Shoulders	18'Plus 6' Stabilized Shoulders	20' Plus Curb and Gutter	12'-15' (1)
Vehicular Design Speed	30 MPH	20 MPH	20 MPH	N/A
Landscaping Width	Varies (Optional)	Varies (Optional)	7'	N/A
Road Edge Treatment	Open Drainage	Open Drainage	Type F 2' Curb and Gutter	N/A
Planting	Multiple Trees and Shrubs Species Composed in Naturalistic Clusters			N/A

(2) Additional Standards

Design and construction of the street network is limited by the following:

(a) Only road-open drainage and multiuse trails shall be permitted within the open space.

(b) Only lane-open drainage and multiuse trails shall be permitted within the residential development.

(3) Regarding street design elements not specified in the CS-MPUD street standards, final street design and location for all streets shall encourage open-space conservation, pedestrian/bicycle safety, and comfort through the application of minimum standards for vehicles; e.g., roadway widths will be kept to the minimum necessary for vehicular movement in order to achieve this goal).

(4) Continuation of Street Pattern Between Phases and Developments. The street layout of subsequent phases shall be coordinated with the street system of previous phases and developments.

(5) Public Safety. The network shall be designed to accommodate all applicable codes pertaining to emergency response, coordinating the design with the intent to maintain the rural character.

(6) Traffic Calming. Unless otherwise approved by the County, all streets within CS-MPUDs shall be constructed and designed to the vehicular design speed standards provided in Table 1 and shall promote the safety of pedestrians and bicyclists. Traffic calming measures, such as meandering streets, that modify vehicle speeds and support the rural character may be used to promote the pedestrian orientation within CS MPUDs and are encouraged as an alternative to traditional traffic calming methods.

CHAPTER 500. ZONING STANDARDS

SECTION 523. PO-1 PROFESSIONAL OFFICE DISTRICT

523.1. Purpose

The provisions of this district are to minimize the effects generally associated with strip commercial development along roadways, reduce pedestrian and vehicular traffic, and minimize frequent ingress and egress to the highway or major road from abutting uses. The PO-1 Professional Office District is designed to be compatible with residentially developed districts and enhance land use development along the County's major highways and roads.

523.2. Permitted Uses

A. Permitted Uses

1. Professional offices or services.

2. Business services, such as advertising agencies, travel agencies, secretarial and telephone answering services, publishing (business office only), data processing, and court reporter services.

3. Financial services, such as insurance, accountants, economic consultants, and stock brokerage and investments firms, but excluding banks and savings and loans.

B. Accessory Uses

Accessory uses and structures customarily incidental to an allowed principal use.

523.3. Areas, Density, and Lot Width Requirements

A. Minimum Lot Area: 10,000 Square Feet

B. Minimum Lot Width: Eighty (80) Feet

523.4. Coverage Regulations

All buildings, including accessory buildings, shall not cover more than thirty-five (35) percent of the total lot area.

523.5. Yard Regulations

The following, minimum building line setbacks measured from the property lines are required in yard areas listed below, unless otherwise specified:

A. Front: Thirty-Five (35) Feet

B. Side: 7.5 Feet

C. Rear: Fifteen (15) Feet

523.6. **Height Regulations**

Building height: thirty-five (35) foot maximum. For exceptions, see this Code, Chapter 500, Supplemental Regulations.

523.7. **On-Site Parking**

On-site parking shall be supplied in accordance with this Code, Section 907.1.

523.8. **Development Plan**

Development plans shall be submitted in accordance with this Code, Chapter 400.

CHAPTER 500. ZONING STANDARDS

SECTION 524. PO-2 PROFESSIONAL OFFICE

524.1. Purpose

The provisions of this district are to minimize the effects generally associated with strip commercial development along roadways, reduce pedestrian and vehicular traffic, and minimize frequent ingress and egress to the highway or major road from abutting uses. The PO-2 Professional Office District is designed to be compatible with residentially developed districts and enhance land-use development along the County's major highways and roads.

524.2. Permitted Uses

A. Principal Uses

1. Professional offices or services.

2. Business services, such as advertising agencies, travel agencies, secretarial and telephone answering services, publishing (business office only), data processing, and court reporter services.

3. Financial services, such as insurance, accountants, economic consultants, and stock brokerage and investments firms, but excluding banks and savings and loans.

4. Public and semipublic buildings and facilities to include the following: County, State, or Federal structures and uses; churches; civic organizations; and public schools.

5. Post office, police and fire stations, hospitals, libraries, and museums.

6. Personal services, such as beauty and barber shops, tailor shops, laundries, shoe repair, dry cleaners, and florists.

7. Photographic studios.

B. Accessory Uses

Accessory uses and structures customarily incidental to an allowed principal use.

524.3. Areas, Density, and Lot Width Requirements

A. Minimum Lot Area: 15,000 Square Feet

B. Minimum Lot Width: 100 Feet

524.4. **Coverage Regulations**

All buildings, including accessory buildings, shall not cover more than thirty-five (35) percent of the total lot area.

524.5. **Yard Regulations**

The following, minimum building line setbacks measured from the property lines are required in yard areas listed below, unless otherwise specified:

A. Front: Thirty-Five (35) Feet

B. Side: 7.5 Feet

C. Rear: Fifteen (15) Feet

524.6. **Height Regulations**

Building height: thirty-five (35) foot maximum. For exceptions, see this Code, Chapter 500, Supplemental Regulations.

524.7. **On-Site Parking**

On-site parking shall be in accordance with this Code, Section 907.1.

524.8. **Development Plan**

Development plans shall be submitted in accordance with this Code, Chapter 400.

CHAPTER 500. ZONING STANDARDS

SECTION 525. C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

525.1. Purpose

The purpose of the C-1 Neighborhood Commercial District is to provide and require a unified and organized arrangement of buildings, service, and parking areas together with adequate circulation and open space in a manner so as to provide and constitute an efficient, safe, convenient, and attractive shopping area to serve neighborhood shopping needs.

525.2. Permitted Uses

A. Principal Uses

1. Retail sales for local or neighborhood needs, to the following limited extent, and when such business is conducted entirely within a building:

   a. The sale of baked goods and pastries, candy and confectioneries, dairy and ice cream, groceries and meats, fruit and vegetables.

   b. The sale of books, magazines, newspapers, tobacco, drugs, gifts, and stationery.

   c. Eating places, lunchrooms, restaurants, cafeterias, and places for the sale and consumption of soft drinks, juices, and ice cream, but excluding places providing dancing or entertainment.

   d. Service establishments, including barber and beauty shops, custom tailor shops, laundry agencies, self-service laundries, shoe repair, dry cleaning, pressing or tailoring shops, and florist retail outlets in which only nonexplosive and noninflammable solvents and materials are used and where no work is done on the premises for retail outlets elsewhere.

2. Day-care centers.

3. Financial institutions and professional offices.

4. Public service facilities, such as police and fire stations.

5. Essential service installations that are essential to the adequate distribution of service, provided it shall not include a business facility, repair facility, storage of materials outside a structure, storage of a vehicle, or housing or quarters for an installation or repair crew. The

installation shall be subject to approval with respect to use, design, yard area, setback, and height.

6. Parking lots and parking garages.

7. Medical, dental, photographic, or similar laboratories and clinics or hospitals.

8. Radio and television broadcasting studios.

9. Other uses which are similar or compatible to the permitted uses.

10. Residential treatment and care facilities.

11. One (1) single-family unit which is accessory to a permitted commercial use and located on the same lot.

12. Public buildings and public utility facilities to include the following: government structures and uses, churches, civic organizations, day nurseries, and public schools. However, any public school located within 1,000 feet of a pre-existing, alcoholic beverage business establishment shall not object to the proximity of such business to the school.

B. Accessory Uses

1. Accessory uses customarily incidental to an allowed principal use.

2. Signs in accordance with this Code.

525.3. **Conditional Uses**

A. The sale or consumption of alcoholic beverages within alcoholic beverage business establishments as defined in this Code and as permitted under County, State, and Federal regulations provided:

1. No such sale or consumption of alcoholic beverages may occur or be conducted within 1,000 feet of any school, church, place of worship, or park as measured from the structure used as a proprietor's place of business to the nearest property line of the school, church, place of worship, or park.

2. The sale or consumption of alcoholic beverages complies with conditional use standards set forth in this Code and has been approved by the Board of County Commissioners in accordance with this section.

3. The premises or building in which the alcoholic beverage sales or consumption are to be conducted or occur shall not be used as an adult entertainment establishment.

B. Medical waste disposal facilities subject to the following performance standards: all activities shall be in conformance with standards established by the County, State, and Federal government. Activities shall emit no obnoxious, toxic, or corrosive dust, dirt, fly ash, fumes, vapors, or gases which can cause any damage to human health, to animals or vegetation, or to other forms of property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission; discharge no smoke of a consistency which will restrict the passage of sunlight beyond the property line; emit any obnoxious odor perceptible beyond the lot boundaries; produce no heat or glare perceptible beyond the lot boundary; produce no electromagnetic radiation or radioactive emission injurious to human beings, animals, or vegetation (electromagnetic radiation or radioactive emissions shall not be of any intensity that interferes with the use of any other property); discharge of any untreated potentially dangerous effluent from operations into local surface or subsurface drainage courses.

C. Helicopter landing pads, provided that no such landing pad be located closer than 1,000 feet from the closest property line of a school that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary, middle, or high schools.

525.4. **Special Exception Uses**

A. Vehicle service station, repair garages, and washing uses provided:

1. No principal structure or accessory structure is located closer than thirty (30) feet to a residential district.

2. No street entrance or exit for vehicles and no portion or equipment of such service station or other drive-in uses shall be located:

a. Within 200 feet of a street entrance or exit of any school, park, or playground conducted for and attended by children.

b. Within 100 feet of any hospital, church, or library.

c. Within seventy-five (75) feet of a lot in a residential district as established in this chapter.

3. No canopy shall be closer than fifteen (15) feet of the right-of-way of any road or street subject to this Code.

4. No pump island shall be closer than twenty-five (25) feet of the right-of-way of any road or street subject to this Code.

B. Establishments providing dancing or entertainment.

C. Animal hospital or veterinary clinic provided that any such use shall be conducted wholly within a completely enclosed building, except for fenced

kennel areas, and further provided that no such fenced kennel area shall be located closer than 1,500 feet to a residential district.

D. Public and private utility facilities, to include the following: County, State, or Federal structures and uses; water pumping plants; transmission lines for gas, electric, and telephones, or broadcasting or communication towers and facilities; and other conforming uses which do not cause an undue nuisance or adversely affect existing structures, uses, and residents.

E. Miniwarehousing and storage units:

1. The development shall be limited to dead storage only and excludes sales and offices.

2. A landscaped strip, twenty (20) feet in width, shall be provided along all street frontages and along borders where subject property abuts any residential zoning district.

3. Fencing shall be required around the perimeter of the project, a minimum six (6) feet in height, either decorative concrete block or chain-link fence with slats or similar material.

4. All outdoor storage yards shall be screened from view of surrounding properties.

5. One (1) office space and living quarters for a manager shall be permitted.

525.5. **Area and Lot Width Regulations**

Neighborhood commercial stores:

A. Minimum Lot Area: 10,000 square feet.

B. Minimum Lot Width: Eighty (80) feet.

525.6. **Coverage Regulations**

Lot Coverage: All buildings, including accessory buildings, shall not cover more than fifty (50) percent of the lot.

525.7. **Yard Regulations**

The following minimum building line setbacks measured from the property lines are required in yard areas listed below unless otherwise specified:

A. Front: Twenty-five (25) feet.

B. Side: a side depth of thirty (30) feet per side from residential districts; no side yard shall be required where two or more commercial districts or an industrial

and commercial district adjoin side by side; however, in no case shall common walls be permitted between properties of separate ownership. In the case of such a series of adjoining structures on lots of single and separate ownership abutting and paralleling a public right-of-way, a passage of at least twenty (20) feet in width shall be provided at grade levels at intervals not more than 400 feet apart where required for public access from adjacent residential areas or for the safety of the public.

C. Rear: thirty (30) feet, when adjacent to residential districts; adjacent to commercial or industrial districts, no rear yard shall be required.

525.8. **Height Regulations**

The maximum building height for commercial uses shall be thirty-five (35) feet. For exceptions, see this Code, Chapter 500, Supplemental Regulations.

525.9. **On-Site Parking**

On-site parking shall be supplied in accordance with this Code, Section 907.1.

525.10. **Performance Standards for Conditional Uses and Special Exceptions**

All activities shall be in conformance with standards established by the County, State, and Federal government.

525.11. **Development Plan**

Development plans shall be submitted in accordance with this Code, Chapter 400.

CHAPTER 500. ZONING STANDARDS

SECTION 526. C-2 GENERAL COMMERCIAL

526.1. Purpose

The purpose of the C-2 General Commercial District is to provide for the orderly development of those uses necessary to meet the community and regional needs for general goods and services, as well as those of a social, cultural, and civic nature, and to exclude uses not compatible with such activities.

526.2. Permitted Uses

A. Principal Uses

1. Unless otherwise provided in this Code, all permitted and special exception uses in the C-1 Neighborhood Commercial District.

2. Automobile parts. New or secondhand, from enclosed buildings only, and provided there is no outside display of parts or tires.

3. New or preowned passenger and commercial vehicle, truck, trailer, motorcycle, boat, and recreational vehicle sales and leasing, and incidental displays and/or storage and/or service departments where such service work is carried on altogether within the building, shall be Permitted Uses within the C-2 General Commercial District only if the property is designated as mixed use or retail/office/residential on the County Comprehensive Plan Future Land Use Map and the standards of this Code, Section 613.2, are met.

4. Automobile washing, body, and painting, including steam cleaning in enclosed buildings only.

5. Bakery stores, retail only. Baking allowed on the premises.

6. Barbecue stands and pits.

7. Bicycle stores and repair shops. All repairs, storage, and displays shall be inside the building.

8. Amusement facilities.

9. Bowling alleys within a building shall not be located closer than 1,500 feet to any residential district unless such building is so constructed as to prevent the emission of odors, sounds, and/or vibrations.

10. Cabinet and carpentry shops. All storage and work shall be inside the building.

11. Dancing halls or dancing academies, provided no alcoholic beverages of any type are served. Shall not be located within 500 feet of any residential district unless such building is so constructed as to prevent the emission of odors, sound, and/or vibrations.

12. Dressed poultry and seafood stores. Retail sales shall be done inside the building.

13. Dry cleaning.

14. Electrical appliances and fixture stores and repair shops. All repairs, storage, and displays to be done inside the building.

15. Exterminating products. Where the materials or ingredients are stored, mixed, or packaged, but not manufactured.

16. Food distribution, wholesale, provided no outside storage.

17. Garage or mechanical service. All work shall be performed inside the building.

18. Hat cleaning and blocking.

19. Hotels, motels, and condotels.

20. Kennels.

21. Laundries, hand and self-service.

22. Lawn mowers, rental, sales, and service. All repairs, storage, and displays to be done inside the building.

23. Lumber yards.

24. Model home centers.

25. Mortuaries or funeral homes, including crematoriums.

26. Music, radio, and television stores and repair shops. All repairs, storage, and displays shall be inside the building.

27. Nurseries, plant.

28. Pawn shops.

29. Pet shops.

30. Plumber shops. Materials to be stored in properly sight-screened areas.

31. Pottery and statues. Designed for yard ornaments, retail sales only.

32. Propane sales. Retail only, not exceeding 20,000-gallon storage.

33. Secondhand stores. All sales and displays shall be inside the building.

34. Septic tank sales and installation business.

35. Shooting and archery ranges, indoors only.

36. Single-family unit which is accessory to a permitted commercial use and located on the same lot.

37. Sign painting shops. All work shall be inside the building.

38. Sod sales.

39. Warehousing and general storage, including sales and office.

40. Printing shops and publishing plants. Newspapers, periodicals, books, and related uses.

41. Residential treatment and care facilities.

42. Other uses which are similar or compatible to the principal uses.

B. Accessory Uses

1. Accessory uses customarily incidental to an allowed principal use.

2. Signs in accordance with this Code.

526.3. **Conditional Uses**

A. The sale or consumption of alcoholic beverages within alcoholic beverage business establishments are defined in this Code and as permitted under County, State, and Federal regulations provided:

1. No such sale or consumption of alcoholic beverages may occur or be conducted within 1,000 feet of any school, church, place of worship, or park as measured from the structure uses as a proprietor's place of business to the nearest property line of the school, church, place of worship, or park.

2. The sale or consumption of alcoholic beverages complies with conditional use standards set forth in this Code and has been approved by the Board of County Commissioners (BCC) in accordance with the said section.

3. The premises or building in which the alcoholic beverage sales or consumption are to be conducted or occur shall not be used as an adult entertainment establishment.

B. Automobile towing services and connected storage of vehicles. All storage shall be located to the rear of the building and must be adequately buffered or fenced from adjoining properties and the street or right-of-way, pursuant to this Code. There shall be no outside display or sale of parts or tires.

C. Transfer stations and recycling operations as defined in this Code, Chapter 200, provided:

1. Transfer of petroleum products or similar materials is specifically prohibited.

2. Cardboard may be compressed, cans and glass may be crushed, and aluminum and copper may be cut. Batteries; however, shall be kept intact.

3. All machines, except hydraulic balers, shall be enclosed within a building.

4. All operations shall comply with requirements of this Code regarding buffering of commercial and industrial districts. Any materials stored on the property must be baled, or in a container, and shall not exceed the required buffer height.

D. Pain management clinics as defined in Chapter 50, County Code of Ordinances, provided that:

1. The hours of operation are limited to 8:00 a.m. to 5:00 p.m., Monday through Saturday.

2. No pain management clinic shall be located within 1,000 feet from a day care, church, place of worship, park, university, alcohol or drug abuse treatment facility, or school. This distance requirement shall be measured from the structure where a pain management clinic would be located to the nearest property line of the uses referenced above.

3. There shall be a one-quarter mile separation between each pain management clinic, and a pain management clinic may not be located within one-quarter mile where a conditional use for the same has been previously denied.

4. A security plan must be submitted with the application illustrating what security devices are to be utilized, including at a minimum unobstructed windows and lighting, and information reflecting the management of patients or clients to ensure the public safety of individuals patronizing or working at any adjacent businesses or individuals residing in the area.

5. No pain management clinic shall be located closer than 500 feet from the boundary of any residentially zoned property and in no event shall said use abut residential property or be across the street or alley from a lot which is zoned for residential use.

6. Clinics shall provide sufficient waiting and seating areas for all patients and business invitees expected to be in the clinic at the same time. Outdoor seating, queues, or waiting areas are prohibited. The use shall be entirely within a completely enclosed building. The clinic shall post conspicuous signs that no loitering is allowed on the property.

7. No pain management clinic shall be collocated in the same office or building with a pharmacy or be located within 500 feet of a pharmacy.

8. Parking shall be at a ratio of one (1) space per 300 square feet of the clinic. The County Administrator or designee may require the applicant to submit a parking analysis if the County has concerns as to safety, sufficiency, or configuration of available vehicle parking based on the unique circumstances of the site.

9. The pain management clinic complies with Chapter 50 of the Code of Ordinances, as amended.

10. The BCC may apply more stringent standards than those hereinabove based upon the location and unique characteristics of the subject site.

11. A minimum distance of three (3) miles shall be required from any off or on ramp to I-75.

E. Amusement parks.

F. Automobile racetracks.

G. Medical waste disposal facilities.

H. Auction houses.

I. Flea markets.

J. Drive-in theaters.

K. Construction and demolition debris disposal facilities subject to all local, State, and Federal regulations.

L. Yard trash disposal facilities.

M. Wastewater treatment plants, except when accessory to a development.

N. Helipad, provided that no such helipad is located closer than 1,000 feet from the closest property line of a school that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary, middle, or high schools.

O. Commercial marinas subject to the marina-siting criteria set forth in the County Comprehensive Plan.

P. Multiple-family dwellings.

Q. Mining and/or reclamation including, but not limited to, the mining or extraction of limestone, clay, sand, natural gas, oil, and organic soils subject to all local, State, and Federal regulations.

526.4. **Special Exception Uses**

A. Travel-trailer parks subject to the requirements set forth in the Supplemental Regulations in this Code, Chapter 500.

B. Public and Private Utility Facilities to Include the Following:

County, State, or Federal structures and uses; water pumping plants; transmission lines for gas, electric, and telephones, or broadcasting or communication towers and facilities; and other conforming uses, which do not cause an undue nuisance or adversely affect existing structures, uses, and residents.

526.5. **Performance Standards**

All activities shall be in conformance with standards established by the County, State, and Federal government.

526.6. **Area and Lot Width Regulations**

General Commercial Stores

A. Minimum Lot Area: 15,000 square feet.

B. Minimum Lot Width: Ninety (90) feet.

526.7. **Coverage Regulations**

Lot Coverage: All buildings, including accessory buildings, shall not cover more than fifty (50) percent of the lot.

526.8. Yard Regulations

The following minimum building line setbacks measured from property lines are required in yard areas listed below unless otherwise specified:

A. Front: Twenty-five (25) feet.

B. Side: A side yard depth of thirty (30) feet per side from residential districts, no side yard shall be required where two (2) or more commercial districts or an industrial and commercial district adjoin side to side; however, in no case shall common walls be permitted between properties of separate ownership. In the case of such a series of adjoining structures on lots of single and separate ownership abutting and paralleling a public right-of-way, a passage of at least twenty (20) feet in width shall be provided at grade level at intervals not more than 400 feet apart where required for public access from adjacent residential areas or for the safety of the public.

C. Rear: Thirty (30) feet, when adjacent to residential districts. Adjacent to commercial or industrial districts, no rear yard shall be required.

526.9. Height Regulations

The maximum building height for commercial uses shall be sixty (60) feet. For exceptions, see this Code, Chapter 500, Supplemental Regulations.

526.10. On-site Parking Regulations

On-site parking shall be provided in accordance with this Code, Section 907.1.

526.11. Development Plan

Development plans shall be submitted in accordance with this Code, Chapter 400.

CHAPTER 500. ZONING STANDARDS

SECTION 527. C-3 COMMERCIAL/LIGHT MANUFACTURING DISTRICT

527.1. Purpose

The purpose of the C-3 Commercial/Light Manufacturing District is to provide for the development of business uses on suitable lands, recognize that certain commercial and manufacturing uses are compatible and can be intermingled with each other and surrounding dissimilar uses, and to provide standards and guidelines for the selection of qualified businesses. The district is primarily intended for business characterized by low land coverage, absence of objectionable external effects with adequate setbacks, attractive building design, and properly landscaped sites and parking areas.

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) where C-3 Commercial/Light Manufacturing Specific Uses only are proposed.

527.3. Permitted Uses

A. Principal Uses

1. Businesses with related offices and showrooms, which manufacture, assemble, process, package, store, and/or distribute small unit products, such as optical devices, tool and die manufactures, electronic equipment, precision instruments, and toys.

2. Warehouses and wholesale distribution centers, including related offices and showrooms, but not to include highway freight transportation and warehousing and wholesale or retail of gasoline or liquefied petroleum gases (propane).

3. Professional and administrative offices.

4. Printing, publishing, engraving, and related reproductive processes.

5. Cabinet and carpentry shops.

6. Research laboratories.

7. Schools for business or industrial training.

8. Shooting and archery ranges, indoors only.

9. Restaurants, except drive-in restaurants.

10. Radio or television station, including studios, offices, and broadcasting towers.

11. Businesses for retail sales conducted entirely within an enclosed structure, such as:

    a. The sale of baked goods and pastries, candy and confectioneries, dairy and ice cream, groceries and meats, fruit and vegetables.

    b. The sale of books, magazines, newspapers, tobacco, drugs, gifts, and stationery.

    c. Eating places, lunchrooms, restaurants and cafeterias, and places for the sale and consumption of soft drinks, juices, and ice cream, but excluding places providing dancing or entertainment.

    d. Service establishments, including barber and beauty shops, custom tailor shops, laundry agencies, self-service laundries, shoe repair, dry cleaning, pressing or tailoring shops, and florist retail outlets in which only nonexplosive and nonflammable solvents and materials are used and where no work is done on the premises for retail outlets elsewhere.

12. Financial institutions, banks, etc.

13. Public service facilities, such as police, fire stations, and post office.

14. Garment assembly and sewing.

15. Medical, dental, photographic, or similar laboratories, clinics or hospitals, and fitness centers.

16. Ornamental iron manufacturing.

17. Parking lots and parking garages.

18. Welding shops.

19. Machine shops.

20. Sheet metal shops.

21. Data processing services.

22. Other uses which are similar or compatible to the permitted uses.

23. Contractor's office and storage.

24. Pest control office and storage.

25. Residential treatment and care facilities.

26. Hotels, motels, and condotels.

27. Single-family unit which is accessory to a principal use and located on the same lot.

28. Telephone exchange and transformer stations. Television facilities and operations, including studios, offices, and broadcasting towers.

B. Accessory Uses

1. Accessory uses customarily incidental to an allowed principal use.

2. Signs in accordance with this Code.

527.4. **Conditional Uses**

A. The sale or consumption of alcoholic beverages within alcoholic beverage business establishments as defined in this Code and as permitted under County, State, and Federal regulations, provided:

1. No such sale or consumption of alcoholic beverages may occur or be conducted within 1,000 feet of any school, church, place of worship, or public park as measured from the structure used as a proprietor's place of business to the nearest property line of the school, church, place of worship, or public park.

2. The sale or consumption of alcoholic beverages complies with conditional use standards set forth in this Code and has been approved by the Board of County Commissioners in accordance with the said section.

3. The premises or building in which the alcoholic beverage sales or consumption are to be conducted or occur shall not be used as an adult entertainment establishment.

B. Public utility substations and relay facilities and other conforming uses within the confines of an enclosed building which do not cause an undue nuisance or adversely affect existing structures, uses, or residents.

C. Aircraft landing fields and helicopter pads subject to approval by the Federal Aviation Administration and compliance with appropriate State and local laws, provided that no such aircraft landing field or helicopter pad be located closer than 1,000 feet from the closest property line of a school that provides a

curriculum of elementary or secondary academic instruction, including kindergarten, elementary, middle, or high schools.

D. Mining and/or reclamation including, but not limited to, the mining or extraction of limestone, clay, sand, natural gas, oil, and organic soils subject to all local, State, and Federal regulations.

E. Medical waste disposal facilities.

F. Auction houses.

G. Construction and demolition debris disposal facilities subject to all local, State, and Federal regulations.

H. Yard trash disposal facilities.

I. Wastewater treatment plants, except when accessory to a development.

527.5. **Area and Lot-Width Regulations**

A. Minimum Lot Size: 20,000 Square Feet

B. Minimum Lot Width: 100 Feet

527.6. **Coverage Regulations**

All buildings, including accessory buildings, shall not cover more than fifty (50) percent of the lot.

527.7. **Yard Regulations**

The following minimum building line setback shall be:

A. Front: twenty (20) feet.

B. Seventy-five (75) feet from any adjoining property not zoned commercial or industrial, side or rear.

C. Side: Where two (2) or more commercial and/or industrial districts adjoin side-to-side, no side setback shall be required.

D. Rear setback requirements shall be fifteen (15) feet from the rear lot line, except as prescribed in B above.

527.8. **Height Regulations**

The maximum building height in this classification shall be sixty (60) feet. For exceptions, see this Code, Chapter 500, Supplemental Regulations.

527.9. **Performance Standards**

All activities shall be in conformance with standards established by the County, State, and Federal government. Activities shall emit no obnoxious, toxic, or corrosive dust, dirt, fly ash, fumes, vapors, or gases which can cause any damage to human health, animals, vegetation, or to other forms of property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission; discharge no smoke of a consistency which will restrict the passage of sun light beyond the property line; emit any obnoxious odor perceptible beyond the lot boundaries; produce no heat or glare perceptible beyond the lot boundary; produce no electromagnetic radiation or radioactive emission injuries to human beings, animals, or vegetation (electromagnetic radiation or radioactive emissions shall not be of any intensity that interferes with the use of any property); or discharge of any untreated, potentially dangerous effluent from operations and to local surface or subsurface drainage courses. Any development activities occurring adjacent to existing agricultural uses shall provide adequate buffering against discharges and emissions listed above and generated by the ongoing agricultural use.

527.10. **On-Site Parking Regulations**

On-site parking shall be provided in accordance with this Code, Section 907.1.

527.11. **Development Plan**

Development plans shall be submitted in accordance with this Code, Chapter 400.

CHAPTER 500. ZONING STANDARDS

SECTION 528. I-1 LIGHT INDUSTRIAL PARK DISTRICT

528.1. Purpose

The purpose of the I-1 Light Industrial Park District is to provide areas for the establishment of uses necessary for the development of a sound and diversified economic base and to encourage the development of these uses in a manner which will be compatible with the overall area in which located while prohibiting such uses which would interfere with the development of industrial uses or which would adversely affect the surrounding area.

528.2. Permitted Uses

A. Principal Uses

Only those industrial, manufacturing, compounding, processing, packaging, or treatment uses and processes from the following listing are permitted when and if they do not represent a health or safety hazard to the community through air, water, and noise pollution, including the production or emission of dust, smoke, refuse matter, toxic or noxious odors, explosives, gas and fumes, excessive noise or vibration, or similar substances and conditions based on determination by the zoning official.

1. Unless otherwise provided in this chapter, all Permitted Uses in the C-3 Commercial/Light Manufacturing District.

2. Building material supplies, storage, and manufacturing.

3. Banks.

4. Boat manufacturing.

5. Carpenter, electrical, plumbing, welding, heating or sheet metal shop, furniture upholstering shop, laundry and clothes cleaning or dyeing establishments, printing shop, or publishing plant.

6. Cold storage and frozen food lockers.

7. Crematory.

8. Dairy products manufacturing.

9. Data processing services.

10. Distributing plants, beverage bottling, and/or distribution.

11. Furniture, decorating materials, and upholstery manufacturing.

12. Rail and highway freight transportation, distribution, and warehousing.

13. Hospitals.

14. Laboratories devoted to research, design, experimentation, processing, and fabrication incidental thereto.

15. Lumber yards.

16. Machine shops.

17. Manufacture or assembly of electrical equipment and appliances, electronic instruments, and devices.

18. Manufacturing of ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas, and the manufacturing of glass products.

19. Manufacturing, compounding, assembling, or treatment of merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, metals, stone, shell, textiles, tobacco, wax, wood, yarn, and paints.

20. Manufacturing, compounding, processing, packaging, treatment, and distribution of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food, and kindred products.

21. Manufacture of musical instruments, toys, novelties, rubber or metal stamps, and other small molded rubber products.

22. Parking lots and parking garages.

23. Photographic equipment and supplied manufacturing and processing.

24. Police and fire stations, including helicopter landing facilities.

25. Post office.

26. Professional offices.

27. Radio and television facilities and operations, telephone exchange and transformer stations, and broadcasting or communication towers and facilities.

28. Recycling operations.

29. Restaurants.

30. Shooting ranges - indoors only.

31. Sign manufacturing, including poles.

32. Technical and trade schools.

33. Testing of materials, equipment, and products.

34. Transfer stations.

35. Public transportation terminals.

36. Utility operations (electric and gas company operators; sewer and water authorities).

37. Wholesale, warehousing, and storage.

38. Other uses which are similar or compatible to the permitted uses.

39. Hotels, motels, and condotels.

B. Accessory Uses

1. Accessory uses customarily incidental to an allowed principal use.

2. Living quarters for guards, custodians, and caretakers when such facilities are accessory uses to the primary occupancy of the premises.

3. Parking lots and parking garages.

4. Restaurant, cafeteria, or recreational facilities for employees and other customary accessory uses for industrial uses.

5. Signs in accordance with this Code.

528.3. **Conditional Uses**

A. Aircraft and helicopter landing fields subject to approval by the Federal Aviation Administration and compliance with appropriate State and local laws, provided that no such aircraft landing field or helicopter pad be located closer than 1,000 feet from the closest property line of a school that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary, middle, or high schools.

B. Automobile race tracks.

C. Medical waste disposal facilities.

D. Auction houses.

E. Construction and demolition debris disposal facilities subject to all local, State, and Federal regulations.

F. Yard trash disposal facilities.

G. Wholesale storage of chemicals, gasoline, or liquefied petroleum gas.

H. Wastewater treatment plants, except when accessory to a development.

I. Mining and/or reclamation including, but not limited to, the mining or extraction of limestone; clay; sand; natural gas; oil; and organic soils to all local, State, and Federal regulations.

528.4. **Performance Standards**

Industrial activities shall be in conformance with standards established by the County. Industrial activities shall emit no obnoxious, toxic, or corrosive dust, dirt, fly ash, fumes, vapors, or gases which can cause any damage to human health, to animals or vegetation, or to other forms of property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission; discharge no smoke of a consistency which will restrict the passage of sunlight beyond the property line; emit any obnoxious odor perceptible beyond the lot boundaries; produce no heat or glare perceptible beyond the lot boundaries; produce no electromagnetic radiation or radioactive emission injurious to human beings, animals, or vegetation (electromagnetic radiation or radioactive emissions shall not be of an intensity that interferes with the use of any other property); discharge of any untreated potentially dangerous effluent from plant operations into local surface or subsurface drainage courses. Any development activities occurring adjacent to existing agricultural uses shall provide adequate buffering against discharges and emissions listed above, generated by the ongoing agricultural use.

528.5. **Storage and Waste Disposal**

A. All outdoor facilities for fuel, raw materials, and products and all fuel, raw material, and products stored outdoors shall be enclosed by an approved safety fence and visual screen and shall conform to all yard and fencing requirements imposed upon the main building in this district.

B. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by normal natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.

C. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

528.6. **Area and Lot Width Regulations**

A. Lot Area:

1. If within a platted industrial park: 15,000 square feet.

2. If not within a platted industrial park: 20,000 square feet.

B. Lot width: 100 feet.

528.7. **Coverage Regulations**

Lot coverage. All buildings, including accessory buildings, shall not cover more than fifty (50) percent of the lot.

528.8. **Yard Regulations**

The following minimum building line setbacks measured from the property lines are required in yard areas listed below unless otherwise specified:

A. Front: Twenty-five (25) feet.

B. Side: Fifteen (15) feet each side.

C. Rear: Minimum of twenty-five (25) feet in depth. Rear yards may be reduced to zero when the rear property line coincides with a railroad siding; however, no trackage shall be located nearer than 400 feet from any residential district.

D. An open yard of not less than 150 feet in width shall be provided along each I-1 Light Industrial Park District boundary which abuts any district other than agricultural, commercial, or industrial districts. Such open yards shall be in lieu of front, side, or rear yards on that portion of lots which abut district boundaries. The seventy-five (75) feet of such yard nearest the district boundary shall not be used for any processing activity, building, parking, or structure other than fences, walls, drainage facilities, or signs and shall be improved and maintained with a landscaped buffer strip in accordance with this Code. The remaining seventy-five (75) feet of the said open yard shall not be used for processing activities, buildings, or structures other than off-street parking lots for passenger vehicles, fences, or walls.

E. For internal lots within a platted industrial park:

1. Front: Twenty (20) feet.

2. Side: Five (5) feet each side.

3. Rear: Ten (10) feet.

528.9. **Height Regulations**

The maximum building height shall be four (4) stories or sixty (60) feet. For exceptions, see this Code, Chapter 500, Supplemental Regulations.

528.10. **On-Site Parking Regulations**

On-site parking shall be provided in accordance with this Code, Section 907.1.

528.11. **Development Plan**

Development plans shall be submitted in accordance with this Code, Chapter 400.

CHAPTER 500. ZONING STANDARDS

SECTION 529. I-2 GENERAL INDUSTRIAL PARK DISTRICT

529.1. Purpose

The purpose of the I-2 General Industrial Park District is to provide areas for the establishment of general industrial uses necessary for the development of a sound and diversified economic base and to encourage the development of these uses in a manner which will be compatible with and protect the overall area in which it is located, while prohibiting such uses which would interfere with the development of industrial uses or which would adversely affect the surrounding area.

529.2. Permitted Uses

Only those industrial, manufacturing, compounding, processing, packaging, or treatment uses and processes from the following listing are allowed when and only if they do not represent a health or safety hazard to the community through air, water, and noise pollution, including the production or emission of dust, smoke, refuse matter, toxic or noxious odors, explosives, gas and fumes, excessive noise or vibration, similar substances, and conditions based on the determination by the County Administrator or designee.

A. Unless otherwise provided in this chapter, all permitted and special exception uses in the I-1 Light Industrial Park District.

B. Automobile wrecking, junkyards, iron, or rag storage.

C. Cement, lime, or gypsum mixing or manufacturing of plaster of Paris or other similar products.

D. Distillation of bones.

E. Fat rendering: soap, tallow, grease, or lard manufacturing.

F. Fertilizer manufacturing.

G. Garbage, offal, or dead animal reduction or dumping.

H. Glue, size, or gelatin manufacturing.

I. Paper or pulp manufacturing.

J. Recycling operations.

K. Refining or mixing of petroleum or its products, such as asphalt.

L. Rubber or gutta-percha manufacturing or treatment.

M. Smelting of aluminum, tin, copper, zinc, or iron ores.

N. Stockyards or slaughter of animals.

O. Tanning, curing, or storage of raw hides.

P. Transfer stations.

Q. Any other use that is determined to be of the same general character as those uses allowed under permitted uses.

529.3. **Conditional Uses**

A. Aircraft landing fields and helicopter pads subject to the approval by the Federal Aviation Administration and compliance with appropriate State and local laws, provided that no such aircraft landing field or helicopter pad be located closer than 1,000 feet from the closest property line of a school that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary, middle, or high schools.

B. Automobile racetracks.

C. Medical waste disposal facilities.

D. Explosive and fireworks manufacturing or wholesale distribution and warehousing.

E. Construction and demolition-debris dumps, subject to all local, State, and Federal regulations.

F. Yard trash disposal facilities.

G. Wastewater treatment plants; all districts unless accessory to a development.

H. Hazardous waste storage and transfer sites.

I. Gas manufacturing.

J. Fertilizer manufacturing.

K. Acid manufacturing.

L. Wholesale storage of chemicals, gasoline, or liquefied petroleum gas.

M. Chemical manufacturing plants.

N. Mining and/or reclamation including, but not limited to, the mining or extraction of limestone, clay, sand, natural gas, oil, and organic soils subject to all local, State, and Federal regulations.

529.4. Performance Standards

Industrial activities shall be in conformance with standards established by the County. Industrial activities shall emit no obnoxious, toxic, or corrosive dust, dirt, fly ash, fumes, vapors, or gases which can cause any damage to human health, animals or vegetation, or to other forms of property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission; discharge no smoke of a consistency which will restrict the passage of sunlight beyond the property line; emit any obnoxious odor perceptible beyond the lot boundaries; produce no heat or glare perceptible beyond the lot boundaries; produce no electromagnetic radiation or radioactive emission injurious to human beings, animals, or vegetation (electromagnetic radiation or radioactive emissions shall not be of any intensity that interferes with the use of any other property); discharge of any untreated, potentially dangerous effluent from plant operations into local surface or subsurface drainage courses. Any development activities occurring adjacent to existing agricultural uses shall provide adequate buffering against discharges and emissions listed above and generated by the ongoing agricultural use.

529.5. Storage and Waste Disposal

A. All outdoor facilities for fuel, raw materials, and products; and all fuel, raw material, and products stored outdoors, shall be enclosed by an approved safety fence and visual screen and shall conform to all yard and fencing requirements imposed upon the main building in this district.

B. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by normal, natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation or which will destroy aquatic life, be allowed to enter any stream or watercourse.

C. All materials or wastes which might cause fumes or dust, which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

529.6. Area and Lot Width Regulations

A. Minimum Lot Area: 40,000 Square Feet

B. Minimum Lot Width: 200 Feet

C. Minimum Lot Depth: 200 Feet

529.7. Coverage Regulations

Lot Coverage: All buildings, including accessory buildings, shall not cover more than fifty (50) percent of the lot.

529.8. **Yard Regulations**

The following minimum building line setbacks measured from the property lines are required in yard areas listed below, unless otherwise specified:

A. Front: Twenty (25) feet.

B. Side: Fifteen (15) feet each side.

C. Rear: Minimum of twenty-five (25) feet in depth. Rear yards may be reduced to zero (0) when the rear property coincides with a railroad siding; however, no trackage shall be located nearer than 400 feet from any residential district.

D. An open yard of no less than 200 feet in width shall be provided along each I-2 General Industrial Park District boundary which abuts any district other than agricultural, commercial, or industrial.

Such open yards shall be in lieu of front, side, or rear yards on that portion of lots which abut district boundaries. The 150 feet of such yard nearest to the district boundary shall not be used for any processing activity, building, parking, or structure other than fences, walls, drainage facilities, or signs and shall be improved and maintained with a landscaped buffer strip in accordance with this Code. The remaining fifty (50) feet of the said open yard shall not be used for processing activities, buildings, or structures other than on-site parking lots for passenger vehicles, fences, or walls.

529.9. **Height Regulations**

The maximum building height shall be four (4) stories or sixty (60) feet. For exceptions, see this Code, Chapter 500, Supplemental Regulations.

529.10. **On-Site Parking Regulations.**

On-site parking shall be provided in accordance with this Code, Section 907.1.

529.11. **Development Plan**

Development plans shall be submitted in accordance with this Code, Chapter 400.

CHAPTER 500. ZONING STANDARDS

SECTION 530. SUPPLEMENTAL REGULATIONS

The provisions of this chapter shall be subject to such exceptions, additions, or modifications as provided by the following supplemental regulations.

530.1. Height Regulations Exceptions

A. Public, semipublic, or public services buildings; hospitals; public institutions; or schools may not exceed sixty (60) feet in height. Churches or temples may not exceed seventy-five (75) feet in height, and the building shall be set back from each yard line at least one (1) foot for each additional two (2) feet of building height above the height limit otherwise provided in the district in which the building is located. Spires, flagpoles, chimneys, residential antennas, towers, tanks, belfries, and similar projections are exempt from the height regulations.

B. Special industrial and commercial structures, such as cooling towers, elevator bulkheads, fire towers, tanks, water towers, and broadcasting towers which require a greater height than provided in the district in which the structure is located may be erected to a greater height than permitted provided:

1. The structure shall not occupy more than twenty-five (25) percent of the lot area; and

2. The setbacks of the district in which the structure is erected shall be increased by one (1) foot for each three (3) feet of height over the maximum height permitted. However, in no case shall setbacks be less than one-third of the total height of the broadcasting tower, including antennas.

530.2. Yard Requirements

All yards required by this Code to be provided shall be open to the sky and unobstructed by any structure, except for accessory structures and fences. Accessory structures, however, shall not be constructed within five (5) feet of any rear or side lot line.

A. The following may project into the required yards:

1. Steps, porches, decks, balconies, and stoops may project to within three (3) feet of the side or rear property line, but may not project more than four (4) feet into the required front yard area.

2. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies, and the ordinary projection of chimneys and flues not exceeding 3.5 feet in width and placed so as not to obstruct light or ventilation.

3. Sills; eaves; belt courses, cornices; bay windows and ornamental features, such as wing walls; or wall-mounted air conditioning or heating units not exceeding three (3) feet in width.

B. The yard requirements shall be adjusted in the following cases:

1. Front Yard Adjustments:

a. Front-Yard Adjustments for Existing Building Alignment. When appropriate, the County Administrator or designee may increase or decrease the depth of the required front yard in any district so that such front yard will approximate the average depth of the existing front yards of the existing structures on adjoining lots on each side, or if there are no such adjoining structures, shall approximate the average depth of the front yards of the nearest structures on the same side of the street within 200 feet. However, no front-yard setback shall be less than fifteen (15) feet from the property line.

b. Front-Yard Adjustments Through Lots. In the case of through lots, front yards shall be provided on both frontages, except where one (1) of the front yards of a through lot abuts a collector or arterial roadway, then that yard shall be a rear yard with a minimum setback of twenty (20) feet for principal structures. Swimming pools and accessory structures may be erected to within five (5) feet of the property line adjoining such collector or arterial roadway.

c. Front Yard Adjustments for corner lots. In the case of corner lots with more than two (2) frontages, at least two (2) front yards shall each provide the full depth required in the district, and no other front yard on such lot shall have less than half of the full depth required in the district.

2. Side and Rear Yard Adjustments

a. Side-yard and rear-yard width may be varied where the wall of a building is not parallel with the side or rear lot line, is broken or otherwise irregular. In such case, the average width of the yard will be no less than the generally required minimum width, provided that such yard will not be narrower at any point than one-half the normally required setback.

b. When the side lines of a lot converge so as to form a rear lot line of less than ten (10) feet or a point in the rear, the rear lot line is that line parallel to the front lot line and measuring ten (10) feet in length between the two (2) side lot lines. The depth of the rear yard is measured from such ten (10) foot line to the nearest part of the principal building.

c. In the case of corner lots, there shall be two (2) front yards and two (2) side yards.

d. Where an existing side, rear, or front yard setback line has been established by an existing primary building on a parcel, any additions or alterations to the primary building or other accessory uses shall be allowed to use the existing setback line, except that no new additions, alterations, or accessory buildings shall be closer to the side property line than three (3) feet, the rear property line by five (5) feet, and the front property line by fifteen (15) feet.

530.3. **Construction of Accessory Buildings and Structures**

No accessory building or structure, except fencing, shall be constructed upon a lot until the construction of the principal building has been actually commenced. No accessory building shall be used for residential purposes, except as provided elsewhere in this Chapter 500. Provided, however, that one (1) residential unit for a caretaker may be permitted in conjunction with any industrial establishment. Accessory buildings or structures shall not be constructed within five (5) feet of any rear or side lot line.

The principle use shall be established prior to or concurrently with any accessory use.

530.4. **Private Swimming Pools**

Private swimming pools shall comply with the following:

A. The pool is intended and shall be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.

B. Shall be located in the rear yard or side yard of the property, except that pools may be located in the front yard of parcels if the parcel is more than five (5) acres in size.

C. Shall not be located, including any walls or appurtenant accessory structures closer than five (5) feet to any property line.

D. The swimming pool shall be walled, fenced, or enclosed so as to prevent uncontrolled access from the street or adjacent property. The barrier shall be at least four (4) feet in height, shall be maintained in good condition, and meet the following conditions:

1. No openings shall be greater than four (4) inches in width, except for necessary gates.

2. Metal or wire, if allowed to be used as fencing material in the zoning district, shall be at least 11.5 gauge.

3. Barbed-wire fences are permitted to serve as a barrier only in agricultural districts on properties over one (1) acre and provided that the minimum height is four (4) feet and that the said fence consists of a minimum of six (6) strands separated by a minimum of eight (8) inches.

4. Screen mesh enclosures around swimming pools shall be set back a minimum five (5) feet from side and rear property lines and cannot be torn or in disrepair at any location up to four (4) feet from grade.

5. Aboveground pools with side walls more than four (4) feet in height need not be fenced or enclosed, provided that access to the interior of the pool is constructed or installed to prevent access to the interior of the pool by persons other than the legal occupants of the property.

6. Split-rail or picket fences used as barriers shall be a minimum of four (4) feet in height with a maximum spacing of four (4) inches between rails or posts.

530.5. **Parking or Storing of Recreational Vehicles**

A. Recreational vehicles (RVs) may be parked or stored anywhere on residentially zoned property that is one (1) acre or more in size, provided they are not parked or stored within a twenty-five (25) foot setback from the front property line, and provided they are parked or stored at least five (5) feet from a side or rear property line. Vehicles parked in an E-R Estate-Residential Zoning District are subject to the regulations in Subsection B., below, regardless of the size of the property.

B. On residentially zoned property less than one (1) acre in size, or on E-R Estate-Residential zoned property of any size, RVs are subject to the following regulations:

1. RVs may be parked or stored in the side yard or rear yard provided that:

a. No more than one (1) side yard on any property is used for such purpose.

b. No part of the RV may be parked or stored in front of the principal building line of the primary residential structure or between any structure, accessory structure, or part of such structure, and the front yard. This section is intended to restrict such parking in front yards and front driveways as commonly construed.

c. RVs may not be parked in any location less than five (5) feet from any rear or side property line.

d. RVs shall be screened from view from all abutting property by an opaque six (6) foot fence or by vegetation which is at least seventy-five (75) percent opaque and at least six (6) feet high.

e. For double frontage or "corner" residential properties, no RVs shall be parked or stored on the side of a home bordered by a roadway.

f. For residential properties that have a garage or carport that protrudes past the principal building line of the residence where the front door is located (an "L-shaped" or "U-shaped" structure), the "principal building line of the primary residential structure" is that building line parallel to the front door and not to the front protruding edge of the garage or carport. Under no circumstances shall RVs be parked or stored in a location where the distance from the front door to the front property line is greater than the distance from the front protruding portion of the RV to the front property line. Any person may seek a written determination from the County Administrator or designee identifying the "front door" and/or "principal building line of the primary residential structure" for residential property owned or leased by that person.

C. The following provisions apply to all RVs parked or stored on residentially zoned parcels:

1. RVs may not be parked or stored on any residentially zoned property where there is no primary residential structure. .

2. RVs may be temporarily parked in the driveway on a residentially zoned lot for loading, unloading, and cleanup during the times a person is in fact physically engaged in the act of loading, unloading, or cleaning the vehicle. Campers and motor homes of all types may be temporarily parked in the driveway for trip preparation, loading, unloading, and cleanup for up to seventy-two (72) hours in any seven (7) day period, up to four (4) times per calendar year.

3. RVs may not be repaired on residentially zoned property unless parked in accordance with this section and unless owned by the owner-occupant or occupant-lessee of the property. No more than one (1) RV on the property may be in need of repair or under repair. This is intended to limit large-scale or continuous repair or restoration of RVs on residentially zoned property, whether for commercial or noncommercial purposes.

4. RVs shall not be connected to water, sewer, or electric lines, except that properly parked or stored RVs may be connected to battery chargers. It shall be unlawful, at any time, to use RVs parked or stored on residentially zoned property for residential purposes, except that (1) park trailers may be occupied temporarily for residential

purposes within properly zoned campgrounds, RV parks, and RV subdivisions; and (2) houseguests may temporarily occupy an RV in accordance with Section 530.1.C.8 below. Otherwise, the use of RVs for activities, such as sleeping, housekeeping, living quarters, bathing, dressing, watching television, working, reading, writing, working on hobbies, or other similar activities is considered use of the RV for "residential purposes," and is prohibited, even if such activities are confined to the daytime hours and the RV is not occupied overnight. Utility, water, electric, sewage, generator, or cable connections to an RV create a presumption that the RV is being used for residential purposes. This presumption may be rebutted only with clear and convincing evidence.

5. No RV parked or stored on a residentially zoned property shall be used for commercial purposes.

6. No RV shall be parked or stored on the right-of-way. No portion of an RV shall extend over, or interfere with, the use of any sidewalk or right-of-way intended for pedestrian or vehicular traffic.

7. An unlimited number of RVs may be parked or stored within a completely enclosed, permanent structure on any lot in a residentially zoned district, provided the enclosed permanent structure meets all applicable construction codes and a valid Building Permit exists for the structure.

8. Parking or storage of RVs on any residentially zoned lot shall be limited to RVs owned or leased by the occupant-owner or occupant-lessee of the lot.

    a. A vehicle owned or leased by a person who is not a resident of Pasco County and who is a houseguest of the occupant-owner or occupant-lessee of the lot may be parked or stored on the lot for a period not to exceed ten (10) days, four (4) times per calendar year, provided that it is parked in accordance with the other regulations in this section.

        (1) Guest RV parking shall be in accordance with all other provisions of this section, including set backs, except that it may be temporarily used for residential purposes.

        (2) A Guest RV Parking Permit must be obtained prior to parking the vehicle on the property and must be prominently displayed.

        (3) At least thirty (30) days must lapse before guest parking will be permitted on the same property.

b. RVs may be parked in areas zoned for multiple-family residential use, provided that such areas are approved for such use by the owner of the property and included in the approved site plan for such property.

9. Applicability. This section does not apply to trailers that are used or designed for commercial purposes, which bear commercial markings or advertisements, or which contain "commercial equipment" as defined by this Code. Such trailers must be parked or stored in accordance with the regulations in Section 530.19 concerning the parking or storage of commercial vehicles on residential property.

530.6. **Clear-Sight Triangle Requirements**

To prevent traffic hazards from limited visibility at a street intersection or intersection of a street and railroad crossing, no structure, building, earthen bank, or vegetation shall be allowed within the clear-sight triangle on corner lots if it exceeds 3.5 feet in height, measured from grade at the finished, paved area a the center of the roadway.

530.7. **Essential Services**

Essential services, as defined in this Code, shall be permitted in all districts, subject to restrictions recommended by the County Administrator or designee with respect to use, design, yard area, setback, and height.

530.8. **Accumulation of Debris; Property Maintenance**

A. It shall be unlawful for any owner, occupant, tenant, lessee, or other person responsible for the condition of the property to permit, maintain, or cause an accumulation of debris, decaying vegetative matter, exposed salvageable material, or other manmade materials upon any lot, tract, or parcel of land where the effect of such accumulation is to cause or create:

1. A visual nuisance or other unsightly condition visible from adjoining public or private property;

2. An actual or potential haven or breeding place for snakes, rats, rodents, or other vermin of like or similar character;

3. An actual or potential breeding place for mosquitoes;

4. A fire hazard to adjacent properties; or

5. A hazard to traffic at road intersections or rights-of-way within the County.

Debris, decaying vegetative matter, exposed salvageable material, or other manmade materials means and includes without limitation garbage; rubbish; refuse from residential, commercial, or industrial activities; animal waste; scattered recyclable material; scattered personal items, including clothing and household

goods; kitchen and table food waste or other waste that is attendant with or results from the storage, preparation, cooking, or handling of food material; paper; wood scraps; yard waste; tree or landscape debris and rotting fruit; cardboard; cloth; glass; rubber; plastic; carpet; discarded vehicle tires or other vehicle or watercraft fixtures or parts; household goods and appliances; tools and equipment that are broken, derelict, or otherwise in disrepair; and similar materials. Proof of adverse effect, impact, or impairment to economic welfare shall not require expert opinion testimony or a showing of any specific decrease in property value and may be given by fact-based opinion of affected property owners, occupants, or any other person generally knowledgeable concerning property in the area.

B. Exemptions

This section shall not apply to generally accepted horticultural, agricultural, or environmental enhancement practices including, but not limited to, use of decaying vegetative matter for composting, mulching, or habitat creation.

530.9. **Temporary Uses**

A. The following uses may be permitted temporarily, for a period of up to four (4) weeks in any six (6) month period, after issuance of a Zoning Permit and necessary Building Permits by the County Administrator or designee:

1. Christmas tree and tent sales.

2. Facilities for the transshipment, processing, fabrication, or manufacture of materials for public works projects may be permitted as temporary uses during the construction periods of specific public works projects so long as such temporary uses do not cause adverse effects on adjacent lands or uses.

3. Carnival, circus, music festivals, and street fairs.

4. Mobile amusements, banners, and lighting equipment for promotion, advertisement, and grand openings.

5. Tent revival meetings.

6. Other uses that are deemed appropriate by the County Administrator or designee.

B. Before issuing a permit, the County Administrator or designee shall determine that the site is adequate for its intended temporary use according to the following:

1. The proposed activity is in compliance with all safety, health, and environmental standards, and is not detrimental to the surrounding area.

2. The site is of a sufficient size to accommodate the intended temporary use.

3. Safe and orderly flow of traffic can be ensured.

530.10. **Junkyards**

All junkyards existing at the effective date of this Code, within one (1) year thereafter, and all new junkyards, where permitted, shall comply with the following provisions:

A. From and after January 1, 1964, no person, firm, or corporation shall operate or maintain in the County any junkyard, motor-vehicle wrecking yard, or used-car parts business, unless and until the same shall be enclosed by a fence, the construction of which will obscure the view thereof by the passing public. The said fence shall be of a height not less than eight (8) feet and all of the operations of such business shall be carried on and conducted within the enclosure of such fence.

B. All junk shall be stored or arranged so as to permit access by fire-fighting equipment and to prevent the accumulation of water, and no junk pile shall reach a height of more than eight (8) feet, unless it is 200 feet from any property line.

C. No oil, grease, tires, gasoline, or other similar material shall be burned at any time and all other burning shall be in accordance with applicable State and local regulations.

D. Any junkyard shall be maintained in such a manner as to cause no public or private nuisance; nor to cause any offensive or noxious sounds or odors; and not to cause the breeding or harboring of rats, flies, or other vectors.

530.11. **Travel Trailer/Recreational Parks and Campgrounds**

All commercial travel trailer parks shall be subject to the following minimum regulations:

A. A minimum of one (1) dump station for sewage or sanitary waste disposal for every fifty (50) trailer pads or spaces shall be provided, except for those spaces which have approved sanitary sewer connections.

B. Sewage or sanitary-waste facilities shall be in accordance with the requirements of County and State codes and ordinances.

C. A buffer area of a minimum of twenty-five (25) feet with appropriate screening in accordance with this Code shall be maintained around all property boundaries of travel trailer parks adjacent to residential districts. Parks adjacent to other districts and public rights-of-way shall require a minimum fifteen (15) foot buffer area and screening in accordance with this Code. Any development activities occurring adjacent to existing agricultural uses shall

provide adequate buffering against discharges and emissions listed above and generated by the ongoing agricultural use.

D. The development of recreational areas shall be in accordance with the requirements established in this Code; however, in no case shall a recreation area be less than 10,000 square feet. The said recreation area shall be in addition to the buffer area requirements of the section.

E. A minimum space of thirty (30) feet by fifty (50) feet shall be provided for each travel trailer. Park trailers over 400 square feet shall have a minimum space of forty (40) feet by sixty-five (65) feet.

F. Setback Requirements

1. RV units containing 320 square feet or less shall be located a minimum of ten (10) feet from any other RV or permanent building within or adjacent to the travel trailer park. The following accessory structures shall be located to within three (3) feet of a recreational unit (320 square feet or less) or permanent structure:

   a. Open aluminum carports.

   b. Aluminum storage sheds.

   c. Aluminum screened or glass porches.

   d. Open aluminum or metal decks or porches.

   All other accessory structures shall be located a minimum of ten (10) feet from any recreational unit (320 square feet or less) or permanent building.

2. RV units over 320 square feet shall be located a minimum of ten (10) feet side-to-side, eight (8) feet end-to-side, and six (6) feet end-to-end horizontally from any other RV. The following accessory structures may be located to within three (3) feet of an RV unit (over 320 square feet) or permanent structure:

   a. Open aluminum carports.

   b. Aluminum storage sheds.

   c. Aluminum screened or glass porches.

   d. Open aluminum or metal decks or porches.

   All other accessory structures shall be located a minimum of five (5) feet from any recreational unit (over 320 square feet) or permanent building.

3. Front setbacks shall be subject to this Code, Chapter 600, if applicable.

G. Provision of commercial and service facilities intended to directly serve the needs of park users are permitted, encouraged, and should be centrally located within the park.

H. No travel-trailer park shall be divided into three (3) parcels or more or individual lots for the purpose of sales or leasing without complying with all of the requirements of Section 530.14, Travel Trailer/RV Subdivisions.

I. The total number of units shall be limited according to the density limitations established by the Comprehensive Plan Future Land Use (FLU) Map Classification.

J. A development plan shall be submitted in accordance with this Code, Chapter 400.

530.12. **Travel Trailer/RV Subdivisions**

In addition to complying with the requirements of this Code, all travel trailer or RV subdivisions shall be subject to the following minimum regulations:

A. Minimum site area: ten (10) acres.

B. Minimum lot area: 2,600 square feet.

C. Minimum lot width: forty (40) feet.

D. Minimum lot depth: sixty-five (65) feet.

E. Maximum possible gross density of 11.5 dwelling units per acre, subject to compliance with the density limitations established by the FLU Map Classification.

F. Minimum front-yard setback of twenty (20) feet.

G. Minimum side-yard setback of 7.5 feet.

H. Minimum rear-yard setback of ten (10) feet.

I. A buffer area of a minimum of twenty-five (25) feet in depth and consisting of open space with appropriate screening in accordance with this Code shall be maintained around all perimeter property boundaries of travel-trailer subdivisions adjacent to residential districts. Travel-trailer or RV subdivisions adjacent to other districts shall maintain a minimum fifteen (15) foot buffer area and screening in accordance with this Code. Any development activities occurring adjacent to existing agricultural uses shall provide adequate buffering against discharges and emissions listed above and generated by the ongoing agricultural use.

J. Recreational areas shall be provided in accordance with the requirements established in this Code; however, in no case shall any part of such recreation area be less than 10,000 square feet. The said recreation areas shall be in addition to the buffer requirements set forth in J above.

K. Adequate central water and sewer systems shall be provided.

L. A development plan shall be submitted in accordance with this Code, Chapter 400.

530.13. **Waterfront Property**

All waterfront property which, for the purposes of this section shall be defined as those properties which abut navigable water bodies, shall be subject to the following minimum requirements:

A. No structure shall be located within fifteen (15) feet of the mean high-water line. This applies to dwelling structures, accessory structures, enclosed swimming pools, walls, and any other type of construction that presents a visually solid-type wall.

B. Fences may be constructed along the rear property line or within fifteen (15) feet of the mean high-water line or along side property lines, provided they do not exceed four (4) feet in height and shall be constructed so as to not obstruct vision within fifteen (15) feet of the rear property line or within fifteen (15) feet of the mean high-water line.

530.14. **Applicability of this Code to the Sale of Alcoholic Beverages**

A. Off-premises sales of beer, as defined in Section 563, Florida Statutes, shall be exempt from the provisions of this Code. Additionally, the sale of beer, wine, and other liquor in supermarkets for off-premises consumption shall be exempt from the provisions of this Code. For the purposes of this section, the term "supermarket" shall mean a retail store employing at the location of sale a minimum of eight (8) full-time employees on the longest working shift and whose primary business is the retail sale of food products, apart from alcoholic beverages, where such business is located in a building, or portion thereof, of greater than 20,000 square feet in size. Nothing in this subsection shall be construed as exempting any operation, whether a supermarket or any other operation, which permits the sale of beer, wine, or other liquor for on-premises consumption. It is expressly declared that it is the intent of the Board of County Commissioners to include such on-premises operations within the scope of the provisions of this Code.

B. Except as provided for in Section 530.17.A, Section 402.3 is applicable to all unincorporated areas in the County upon which alcoholic beverages are to be sold or consumed.

C. Nothing herein contained shall be construed to permit the sale or consumption of alcoholic beverages at any site in the unincorporated area of the County where there was no building in existence on the original date of adoption of this Code without compliance with the provisions of Section 402.3.

D. A conditional use application must be filed for properties in PUD Planned Unit Developments and MPUD Master Planned Unit Developments before a conditional use will be permitted in an area which is designated for uses comparable to those allowed in a zoning district in which conditional uses are identified as a possible use of property.

530.15. **Fraternal Lodges and Social and Recreational Clubs**

A. Fraternal lodges and social and recreational clubs shall be conditional uses in all districts, except I-1 Light Industrial Park and I-2 General Industrial Park Districts, which must be reviewed and approved in accordance with this Code.

B. In addition to the criteria set forth in this Code, the following site limitations shall be observed for such uses:

1. Minimum lot area: 20,000 square feet.

2. Minimum lot width: 150 feet.

3. The height of any building constructed shall not exceed the maximum height restrictions of the applicable zoning district within which it is located.

4. Fifty (50) feet minimum building setback from all property lines.

5. A buffer consisting of either walls, landscaping, or fences shall be provided when adjacent to residential districts in accordance with this Code.

C. On site consumption of alcoholic beverages by members and guests shall be permitted in any fraternal, social, or recreational club or lodge which is approved as a conditional use, provided such use is located more than 1,000 feet from a school, church, place of worship, or public park, as measured from the structure in which alcoholic beverages are being served to the nearest property line of the school, church, place of worship, or public park.

D. Development Plan

A development plan shall be submitted in accordance with this Code, Chapter 400.

530.16. **Parking and Storage of Commercial Vehicles and Commercial Equipment in Certain Residential Areas Prohibited**

A. No commercial vehicles and no commercially related equipment shall be permitted to park or be stored in any areas of the unincorporated County which are zoned R-1 Rural Density Residential, R-2 Low Density Residential, R-3 Medium Density Residential, R-4 High Density Residential, R-MH Mobile Home, R-1MH Single-Family/Mobile Home, R-2MH Rural Density Mobile Home, PUD Planned Unit Development, MF-1 Multiple Family Medium Density, MF-2 Multiple Family High Density, MF-3 Multiple Family High Density, E-R Estate-Residential, ER-2 Estate-Residential, A-R Agricultural-Residential, and AR-1 Agricultural-Residential Zoning Districts, except when such commercial vehicles and equipment are being utilized as part of a business lawfully operating in the said zoning districts. The following are specifically exempt from this section:

1. Properties zoned A-C Agricultural and AC-1 Agricultural.

2. Properties larger than five (5) acres zoned A-R Agricultural-Residential and AR-1 Agricultural-Residential.

3. Properties with a bona fide agricultural classification, as determined by the County Property Appraiser, when the vehicle or equipment are related to the agricultural use of the property.

B. The provisions of this section shall not apply to:

1. A commercial vehicle parked in a residential neighborhood while the operator of the said commercial vehicle is making a delivery or conducting business within the said residential area or when the commercial vehicle or equipment is parked or stored within an enclosed structure.

2. The use of a commons area in any residentially zoned neighborhood for the parking of a commercial vehicle, provided that the commons area is actually used as a commons area, is duly recorded and platted as a commons area, and provided further that the use of the said commercial vehicle is for the benefit of the community in which it is situated or the use is for the benefit of a charitable project sponsored by the community as a whole or sponsored by any civic or charitable group within the community. For purposes of this subsection only, community is defined as the residentially zoned neighborhood which is serviced by the commons area.

C. Any use of E-R Estate-Residential, R-1 Rural Density Residential, R-2 Low Density Residential, R-3 Medium Density Residential, R-4 High Density Residential, R-MH Mobile Home, R-1MH Single-Family/Mobile Home, R-2MH Rural Density Mobile Home, PUD Planned Unit Development, MF-1 Multiple Family Medium Density, MF-2 Multiple Family High Density, or MF-3 Multiple Family High Density zoned property for the parking or storing

of commercial vehicles or equipment prior to the adoption of this section shall not be considered a nonconforming use.

D. Nothing in this section is intended to authorize the use of residentially zoned property for commercial or industrial activities that are not permitted uses of the zoning district where the commercial vehicle or equipment is parked or stored.

530.17. **Reserved**

530.18. **Temporary Use of Portable Storage Units**

A. Location and Placement

Portable storage units may be temporarily located only on certain residentially zoned and commercially zoned parcels. Units shall not obstruct vehicular or pedestrian traffic. Units shall not be placed in the right-of-way or in such a manner that a person lawfully using the sidewalk must detour into the street in order to go around the unit.

B. Duration

1. A portable storage unit may be placed at a site used for residential purposes for up to thirty (30) calendar days. One (1) portable-storage unit may be placed on a site no more than two (2) times per calendar year.

2. One (1) portable storage unit may be placed at a site zoned for commercial use and actually used for commercial purposes for up to sixty (60) calendar days, no more than two (2) times per calendar year, provided: (a) that the unit is not visible from surrounding parcels or from the right-of-way; the unit must be buffered by tall, opaque fencing; located behind the building; or located on a portion of a parcel with no abutting development; or (b) the location of the unit must be approved as part of a site plan.

3. Redelivery of a portable storage unit for purposes of unloading will be allowed for a period of five (5) days in addition to the time periods provided in this subsection.

C. Construction

1. For sites where the portable storage units are being used in connection with new construction or extensive renovation or repair of property, portable storage units related to and used for the ongoing construction or storage of construction materials during such construction shall be allowed for the period of continuous construction, provided that there is an active and valid Building Permit for the property. Any portable storage unit at the site that is not specifically related to and used in connection with the construction

shall be subject to the limits otherwise imposed in this section of this Code. Within five (5) calendar days of the expiration of a Building Permit, passage of all final inspections, or the issuance of a Certificate of Occupancy (CO) (whichever is later), the portable storage units shall be removed.

2. In the event of a fire, hurricane, or natural disaster causing substantial damage to the principal structure on the property, a portable storage unit shall be allowed on site, subject to all applicable sections of this chapter, for sixty (60) calendar days regardless of the existence of a valid Building Permit.

D. High Winds

Within (twelve) 12 hours after issuance of a hurricane warning including Pasco County, all portable storage units shall be removed or secured to minimize the danger of damage to persons or property from the effect of high winds on the units.

530.19. **Use of Dumpsters in Residentially Zoned Property**

Residential properties in A-R Agricultural-Residential, AR-1 Agricultural-Residential, AR-5 Agricultural-Residential, AR-5MH Agricultural Mobile Home, E-R Estate-Residential, ER-2 Estate-Residential, A-C Agricultural, and AC-1 Agricultural Zoning Districts that are more than one (1) acre or which the Pasco County Property Appraiser has classified as a bona fide agricultural land under the Agricultural Assessment Provisions of Section 193.461, Florida Statutes, may use dumpsters of eight (8) cubic yards or smaller on a permanent basis to store large volumes of refuse as the primary method of garbage collection and disposal for the residence, as long as the dumpster is not located on a right-of-way, and is a portable, nonabsorbent, enclosed container with a close-fitting cover or doors which is capable of being serviced by mechanical equipment. Dumpsters larger than eight (8) cubic yards may be used only on a temporary basis and are subject to the regulations set out in subsections A-E below. Properties that are five (5) acres or larger in A-R Agricultural-Residential and A-C Agricultural Zoning Districts are exempt from the regulations in this section.

Dumpsters are permitted on all other residentially zoned properties only on a temporary basis and are subject to the following regulations:

A. Location and Placement

Dumpsters may be temporarily located only on certain residentially zoned parcels. Dumpsters shall not obstruct vehicular or pedestrian traffic. Dumpsters shall not be placed on the right-of-way or in such a manner that a person lawfully using the sidewalk must detour into the street in order to go around the unit.

B. Duration

A dumpster may remain at a site used for residential purposes for up to thirty (30) calendar days. One (1) dumpster may be placed on a site no more than two (2) times per calendar year allowed.

C. Construction

1. For sites where a dumpster is being used in connection with new construction or extensive renovation or repair of property, dumpsters related to and used for the ongoing construction or demolition during such construction shall be allowed for the period of continuous construction or demolition, provided there is an active and valid Building or Demolition Permit for the property. Any dumpster at the site that is not specifically related to and used in connection with the construction or demolition shall be subject to the limits otherwise imposed in this section of this Code. Within five (5) calendar days of the expiration of a Building Permit, passage of all final inspections, or the issuance of a CO (whichever is later), all dumpsters shall be removed.

2. In the event of a fire, hurricane, or natural disaster causing substantial damage to the principal structure on the property, a dumpster shall be allowed on site, subject to all applicable sections of this chapter, for sixty (60) calendar days regardless of the existence of a valid Building Permit.

D. High Winds

Within twelve (12) hours after the issuance of a hurricane warning including Pasco County, all dumpsters shall be removed or secured to minimize the danger of damage to persons or property from the effect of high winds of the dumpsters.

530.20. **Temporary/Portable Toilet Facilities**

A. Location and Placement

Temporary toilet facilities provided in connection with construction or renovation may be temporarily located on all properties. Units shall not obstruct vehicular or pedestrian traffic. Units shall not be placed on the right-of-way or in such a manner that a person lawfully using the sidewalk must detour into the street in order to go around the unit.

B. Removal

Temporary toilet facilities provided in connection with construction or renovation shall be removed by the person responsible for the unit within fourteen (14) calendar days of cancellation of the rental contract for the unit

or within fourteen (14) calendar days of the issuance of a CO for the structure that is under construction or renovation, whichever is sooner.

C. Storage

Properties upon which such units are stored when not in use shall be fenced with opaque fencing in such a manner so that the units are not visible to abutting, residentially zoned properties.

Chapter 600 - Overlay and Special District Areas
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CHAPTER 600. OVERLAY AND SPECIAL DISTRICT AREAS

SECTION 601. TRADITIONAL NEIGHBORHOOD DEVELOPMENT

601.1. Intent and Purpose

The intent and purpose of the Traditional Neighborhood Development (TND) Standards is to provide design criteria and standards which implement the County's Comprehensive Plan in creating livable areas and communities through traditional design standards as described in Section 601.2.

601.2. TND Principles

TNDs require efficient urban-growth patterns and ensure that each TND exhibits the following characteristics and conforms to the following design principles:

A. Village or Town Centers with Mixed Uses. A mixture of nonresidential and residential uses of various densities, intensities, and types designed to promote walking between uses and a variety of transportation modes, such as bicycles, transit, and automobiles.

B. Functional Neighborhoods. Residential areas are located and designed as neighborhoods, which embrace a full range of urban facilities, including neighborhood retail centers; a variety of housing types; public/civic space; and a variety of open-space amenities, schools, central water and sewer, and fire/safety accessibility.

C. Walkable Streets. Integrated neighborhoods and a compact TND that design a community based on reasonable walking distances; the location of parking; and the design of streetlights, signs, and sidewalks.

D. Interconnected Circulation Network. An interconnected street system that prioritizes pedestrians and bicycle features and links neighborhoods to shopping areas, civic uses, parks, and other recreational features.

E. Respect for Natural Features. Development activity recognizes the natural and environmental features of the area and incorporates the protection, preservation, and enhancement of these features as a resource amenity to the development.

601.3. Applicability

Town Center designated developments and zoning districts, where development is traditional neighborhood design or transit-oriented design (TOD), shall adhere to the TND standards section of this Code. Where the provisions of this Code, except the Life Safety Code, conflict with the TND requirements of this section, the TND requirements shall prevail. Provided; however, except where this section contains a specific standard or requirement that differs from, or conflicts with, a specific standard or requirement governing the same aspect of development that is located elsewhere in this Code (as determined by the subsection headings in this TND

section), this section, and Section 601.4, shall not relieve a TND from compliance with the requirements of this Code or the requirement to seek variances or alternative standards from this Code where applicable.

For purposes of jurisdictional and geographic applicability, this section shall apply to all development on land within the jurisdiction of unincorporated Pasco County that is a Town Center designated development, traditional neighborhood design, or TOD designated development. This section shall apply in a municipality within the County, only upon the County and the municipality entering into an Interlocal Agreement providing for the application of this section, or portions thereof, within the municipality. For purposes of timing applicability, this section shall apply to development approvals containing Town Center designated development, traditional neighborhood design, TOD designated development, or a substantial modification thereof, for which a complete application has been filed or for which the approval has expired or been denied after December 6, 2005, unless the County and the applicant agree to an earlier application date. In addition, the County may apply this section to other development approvals containing a Town Center designated development, traditional neighborhood design, TOD designated development, or substantial modification thereof, for which a complete application has been filed or for which the development approval has expired or been denied after December 6, 2005, unless the County and applicant agree to an earlier application date. For development approvals containing Town Center designated development, traditional neighborhood design, or TOD designated development, this section shall govern in the event of a conflict between this section and prior development approvals.

601.4. **Alternate Design Standards**

Any and all deviations to the TND standards, as required, shall be reviewed in accordance with Chapter 400, Section 407.5, Alternative Standards, of this Code.

Section 601.2, TND Principles, shall be used as the foundation for evaluating the alternate design standards. Deviations to the design standards must describe how the alternate design standards meet all principles in Section 601.2, TND Principles. The proposed alternate design standards should provide alternative design solutions that do not reduce the standards or level of design included in this section.

601.5. **Application Submittal and Processing Requirements**

A TND shall undergo a two (2) step land use plan submittal process. The following tables list the required information by stage for approval of a TND.

A. Stage One (1), Zoning Review. This stage is during the rezoning review or rezoning amendment.

1. Master Land Use Plan

a. Nonbinding graphic showing the detail of neighborhoods and the town center (where applicable).

b. Parks and recreation plan.

c. Zoning classification.

d. Residential/nonresidential mix by neighborhood center and town center (where applicable). Indicate uses within 500 feet of a town center.

e. Public facilities plans (this is not a technical submittal; it is for the applicant to address how utilities will be provided):

(1) Water.

(2) Wastewater.

(3) Stormwater.

(4) Emergency Services.

(5) Solid Waste.

B. Stage Two (2), Development Plan Review. This stage is at the preliminary plan review.

1. Design Component Plan

a. Circulation

Location of major roads external to the site.

b. Street Design

(1) Cross sections.

(2) Traffic calming; describe the types being utilized, if any.

c. Network Pattern

(1) A and B streets identified.

(2) Block layout and dimensions.

(3) Bike/pedestrian network.

(4) Identify public-edge conditions.

(5) Identify network connections (internal and external).

d. Site Design and Lot Layout

(1) Identify block types.

(2) Show joint access if applicable.

(3) Identify the types of open space within neighborhoods and centers.

e. Building Types

(1) Identify each block type that will be permitted by neighborhood, neighborhood center, and town center (where applicable).

(2) Housing-type mix; i.e., multiple family, attached, detached housing, etc.

(3) General description of the types of architectural style that will be included in neighborhoods, town centers, and neighborhood centers. It can be a list of types and not specificity to neighborhoods or centers.

f. Create a signage plan for the town center and neighborhood center, which consists of the type, location, and materials that will be used for each center and any theming, wayfinding, and directional signage needed for the center.

601.6. **Site Design and Lot Layout**

The following applies to all town centers, neighborhoods, and neighborhood centers within a TND.

A. Form Requirements

1. Town Centers

a. Town Center Size. A town center shall be a minimum of forty (40) acres in size.

b. Intent. A town center shall provide a mix of medium-density residential, employment, commercial uses, and civic uses.

(1) Retail. A minimum of twenty-five (25) percent of the total, buildable land area shall be developed as nonresidential uses. Vertically mixed-use buildings that provide retail uses on the ground floor shall count toward meeting this requirement. Additionally, a minimum of thirty (30) percent and a maximum of seventy-five (75) percent of the total nonresidential, including retail and office, floor space shall be constructed for retail uses.

(2) Residential. A minimum of twenty-five (25) percent of the total, buildable land area shall be developed as residential use.

(3) Community Common Areas. A minimum of fifteen (15) percent of each town center shall be usable community common areas and open space accessible to the public. Two (2) types of community common areas, as described below, are required. All community common areas shall be owned and maintained by the property owner, property owner associations, homeowners' associations, or similar entities.

(a) A minimum of five (5) percent of the total land area shall be provided in the form of greens, squares, and plazas.

(b) A community park, a minimum of one (1) contiguous acre in size, shall be provided within the land-use designation. Community parks shall include, at minimum, one (1) shelter and walking paths/trails. Parks may also include open-play areas and ball fields.

2. Neighborhood. TNDs shall be developed as a collection of neighborhoods that have been designed so that a majority of the housing units are within a walking distance or one-fourth mile radius of a neighborhood center.

a. Neighborhood Size. A neighborhood shall be sized such that the majority of housing is within a walking distance or one-fourth mile radius of a neighborhood center.

(1) Minimum Size: Forty (40) Acres

(2) Maximum Size: 160 Acres

The minimum and maximum size may include existing or approved neighborhoods that are connected to the TND and considered an integral part of the TND.

b. Neighborhood Interconnection. Neighborhoods shall be connected by a system of interconnected streets that provide local public-road connections between all adjacent parcels and that is designed to discourage, and provide alternatives to, the use of the arterial roadway system.

c. No Restricted Access to Neighborhoods. Access into and through the village neighborhoods shall not be restricted by

gates or other security measures that would inhibit vehicular or pedestrian connectivity and accessibility. This regulation does not prohibit entry features for neighborhoods, provided that they do not restrict vehicular access to any person.

d. Neighborhood Center

(1) Neighborhood Center Locational Requirements. Neighborhood centers shall be located within a one-fourth mile radius or walking distance for the majority of the residences within the neighborhood.

(2) Co-Location of Neighborhood Centers. No more than two (2) neighborhood centers may be located adjacent to one another.

(3) Neighborhood Center Mix of Uses. Neighborhood centers shall have a core, which shall be a combination of at least two (2) of the following uses: recreational space; public/civic use; or small-scale, neighborhood-oriented commercial uses. The size of each neighborhood center shall be determined during the master land use plan process and shall be based upon the size of the neighborhood and adequately sized to provide a public/civic focal point for the neighborhood.

(4) Maximum Size of an Individual Retail Use. The maximum size of an individual retail use within a neighborhood center is 10,000 square feet. The maximum size of an individual retail use within neighborhood centers that have been co-located is 20,000 square feet.

B. Development Block Structure. The following shall apply to a town center, all neighborhoods, and neighborhood centers located within a TND.

In order to create a system of land subdivision and development which links one (1) neighborhood to another and to provide interconnected streets that are designed to balance the needs of all users, new development within the neighborhood centers and a town center, where applicable, shall be organized by development blocks to the maximum extent feasible given the topography and physical characteristics of each individual site. Flexibility to design each site to preserve on-site environmental resources and preservation areas is permitted through the development approval processes and the design criteria provided herein.

Development activity shall be modeled after the town center prototype (Figure 601.B), the traditional neighborhood prototype (Figure 601.C), and shall conform in all material respects to the principles illustrated in one (1) or more of the following development block types:

1. Mixed-Use Development Block with Surface Parking (Figure 601.D) and Mixed-Use Development Block with Structured Parking (Figure 601.E). The mixed-use development block accommodates a range of multiple family; retail; and mixed-use building types within the town center, including "anchor" retail, "out-parcel" or "liner" retail, and "main street" retail buildings.

2. Retail Development Block (Figure 601.F). The retail development block accommodates a range of multiple-family residential, retail, and mixed-use buildings.

3. Multiple-Family Development Block (Figure 601.G). The multiple family development block accommodates a range of multiple family building types, including multiplex, apartments, community residential homes, housing for older persons, and nursing and extended-care facilities.

4. Attached, Detached, and Accessory-Unit Development Block (Figures 601.H, 601.I, 601.J, and 601.K). The attached, detached, and accessory residential development block accommodates a range of residential building types, including single-family detached and attached two (2) family, townhouses, and multiplex units that are four (4) units or less per structure as well as accessory residential units.

C. Use of Prototypes. Prototypes are described within a single-use prototype for illustrative purposes. Development applications for specific sites are required to assemble structures into mixed-use blocks or half blocks, as appropriate, for the site. Each site plan shall be required to identify how the proposed development, including buildings and structures, are assembled within a context that conforms in all material respects to the design standards for the block or half block within which the building occurs. Specific development block standards are located in Section 601.9.C.

D. General Development Block Standards. The method of internal connection and linkages for neighborhood centers and a town center shall be based upon a prototypical block which represents an ideal development form. Blocks shall be designed to conform to a street pattern that is connected and may be in a gridiron, curvilinear, organic, radial, or any other style that provides internal connections and external linkages (See Illustration 601.D.1).

E. <u>Height</u>

1. Mixed-Use Development Blocks and Retail Development Block. Building height shall range from a minimum of twenty-four (24) feet, including parapet walls, for single-story buildings to a maximum height

of fifty-one (51) feet. The building height may be increased to a maximum of seventy (70) feet within a town center when vehicular parking is provided within the building or as structured parking. The maximum height of a building is measured to include parking within the structure.

2. Multiple-Family Development Block. Building height for a multiple family, single-use structure shall range from a minimum of twenty-four (24) feet to a maximum height of forty-five (45) feet. The building height may be increased to a maximum of sixty-five (65) feet when vehicular parking is provided within the building. The maximum height of a building is measured to include parking within the structure.

3. Attached, Detached, and Accessory Block (Detached Units). Building height for detached units shall range from a minimum of eighteen (18) feet (one [1] story) to a maximum of thirty-five (35) feet. Building height shall be further limited by the compatibility requirements of each individual site.

4. Attached, Detached, and Accessory Block (Attached Units). Building height for attached units shall range from a minimum of twenty-four (24) feet (two [2] stories) to a maximum of thirty-five (35) feet. Building height shall be further limited by the compatibility requirements of each individual site.

5. Exceptions. The Development Review Committee (DRC) may grant an exception to the maximum height on a case-by-case basis during the master land use plan review process based upon the following findings:

   a. The increased height would not be incompatible with adjacent uses.

   b. The applicant has demonstrated that the granting of the exception(s) does not adversely affect the ability of the TND as a whole to meet the intent of the TND principles.

F. <u>Setbacks</u>

1. External Compatibility Setbacks

   a. When a nonresidential or multiple-family (apartment) use within a TND is abutting any residential property that is adjacent or external to a TND, there shall be an additional setback required for any yard of that use which is contiguous to the residential property as follows. When any side of a structure equal to or less than thirty-five (35) feet in height abuts a residentially zoned property, that portion of the structure(s) shall be set back at a minimum of twenty (20) feet.

b. The specific minimum setbacks and other compatibility requirements for structures greater than thirty-five (35) feet in height shall be determined during the rezoning process and shall become a condition of the zoning amendment. At a minimum, structures that are greater than thirty-five (35) feet in height shall comply with the following building-height, transition-zone requirements:

Transition Zone Height and Setbacks	
Height	**Minimum Setback, Rear or Side Yard, when Adjacent to Detached Single-Family Residential**
≤35'	20'
36'-45'	30'
46'-55'	60'
>55'	110' (1)

Any structure greater than fifty-five (55) feet is required to transition from the edge of the town center with buildings of shorter height located between the residential areas and the edge of the town center. If the edge of a town center is located on a major arterial or collector street, the shorter height adjacent to this roadway is not required; however, the requirement for the adjacent residential areas will remain. The intent is to provide an opportunity for this additional height to occur internal to the town center only and not along the perimeter boundary of the town center. There shall be at least one (1) transition structure between the residential area and any building greater than fifty-five (55) feet in height with a minimum height of thirty-five (35) feet within the town center.

c. Building Design. The side of the building that is facing or backing up to any residential development must be treated with the same architectural design standards as the front of the building.

2. Mixed-Use Development Block and Retail Development Block. Building setbacks along "A" street frontages shall be a minimum of zero (0) feet to a maximum of fifteen (15) feet. On arterial roadways, building setbacks along "A" street frontages shall be a maximum of twenty-five (25) feet.

a. A nonresidential or mixed-use structure is required to be located on a corner parcel at the intersection of two (2) "A" streets and shall be set back a minimum of zero (0) feet and a maximum of fifteen (15) feet for both the front and side yards.

Lot Width Max. Building Coverage		Front Yard (4)		Rear Yard (7)	Side Yard (1) (6)		Garage and Accessory Structures Height (Stories)			
Min.	**Max.**	**Min. (Feet) (5)**	**Max. (Feet)**	**(Feet)**	**Interior (Feet)**	**Corner (Feet)**	**Front-Yard Min. (2)**	**Rear-Yard Min.**		
Detached Residential										
40'	100'	80%	10	30	20	5 (1 Story)	10'	5'	4' w/Alley 10' w/o Alley	2.5'
Attached Residential										
Townhouse, Apartment, Condominium		N/A	5	20	10	0	5' (End Unit)	5'	4'	3.5"
Duplex/Triplex		N/A	10	25	20	5 (1 Story)	7.5'	10'	4' w/Alley 10' w/o Alley	2.5'
Quadplex		N/A	10	25	20	7.5	7.5'	10'	4' w/Alley 10' w/o Alley	3.5'
Nonresidential			0	15		0-15				51'-75 '(8)

(1) Structures that are located on a corner parcel at the intersection of two (2) "A" streets shall be set back a minimum of zero (0) feet and a maximum of fifteen (15) feet for both the front and side yards. Side-yard setbacks apply to both primary structures and accessory structures.

(2) Measured from the primary facade of the residential structure.

(3) Garages served by a shared driveway that is located along the center line on the common-side lot line may encroach into the setback.

(4) Front porches may encroach in the front-yard setback by five (5) feet.

(5) The finished floor of all detached residential units with a front setback ranging from ten (10) to fifteen (15) feet must be elevated a minimum of three (3) feet above finished grade. The finished floor of all attached residential units with a front setback ranging from five (5) to ten 10 foot standards must be elevated a minimum of three (3) feet measured from the sidewalk.

(6) The development must comply with the following stipulations for five (5) foot side-yard setbacks, as established by the Engineering Services Department in order to address site grading and access for the lot and project:

(a) Prior to any construction on the lot, proper erosion and sedimentation controls shall be installed.

(b) Lots that back up to drainage-retention areas and wetland areas shall be "Type B;" graded with high points at the midpoint of the side lot line and slopes toward both the front and rear yards. Discharge into wetlands shall only be allowed where the wetlands are designed and permitted to receive discharge. A minimum fifteen (15) foot wide drainage and access easement shall be provided along all rear lot lines. Drainage and access easements shall extend to the road right-of-way at block ends. Side-yard cross-access easements shall be provided connecting the rear-yard easement to the front right-of-way.

(c) Lots graded as "Type A," which back up to other lots, shall require the installation of gutters on the sides and backs directing drainage to the front.

(d) Lots graded as "Type B" or "Type C," which back up to other lots, shall require that traffic-bearing grates be installed upon a Florida Department of Transportation (FDOT) inlet placed within each rear lot-line easement. Culverts connecting rear-yard inlets to acceptable outfalls shall be installed and shall be reinforced concrete pipe with premium sealed joints designed to sustain an H-20 loading. A minimum fifteen (15) foot wide drainage and access easement shall be provided along all rear lot lines. Drainage and access easements shall extend to the road right-of-way at block ends. Side-yard cross-access easements shall be provided connecting the rear-yard easement to the front right-of-way.

(e) Side-yard swales shall be sloped to create positive outfall to the front and/or rear of each lot with velocities no greater than allowable for

grassed stabilization, as in the FDOT Drainage Manual.

(f) A minimum fifteen (15) foot wide drainage and access easement shall be provided along all rear lot lines. Drainage and access easements shall extend to the road right-of-way at block ends. Side-yard cross-access easements shall be provided connecting the rear-yard easement to the front right-of-way.

(g) A maintenance entity, other than and acceptable to the County, shall be designated to provide perpetual maintenance to all drainage and access easements. The approved maintenance entity shall provide annual inspections of side- and rear-yard easements and drainage facilities to verify that no modifications have been made to the grading and ground cover and to inspect any inlets and pipes to verify that no hydraulic restrictions exist. Any modification or hydraulic restriction observed at any time shall be corrected. Additional inspections shall be performed if requested by an adjoining resident or the County. The maintenance entity shall have the right to file a lien to charge property owners for corrections or modifications and collect sufficient funds to perform required maintenance.

(h) No obstruction/service equipment shall be permitted in the side yard between houses. This includes, but is not limited to, air conditioning systems, water softeners, pumps, fences, etc.

(i) Walkways shall be allowed if they do not create any obstruction and are flush with grade.

(j) Gutters and roof structures shall be installed so as to reduce direct discharge to the side-yard swales.

(k) The engineer of record shall provide to Pasco County signed and sealed, design calculations for each typical lot demonstrating compliance with Pasco County's drainage criteria. The typical site-grading plan shall identify elevations, grades, ground cover, allowable

tolerances, and quality-control plan addressing construction and postconstruction phases. In addition, the engineer of record shall inspect the lot upon completion and complete the “as-built” certification prior to issuance of the Certificate of Occupancy for the associated unit.

(7) Refer to 601.6.F.1, External Compatibility Setbacks.

(8) Height ranges are explained in Section 601.7.E.

b. An increase in the maximum setback may be approved by the DRC for individual buildings that require additional setback from the property for pedestrian-oriented uses, such as outdoor dining and active-merchandise display and sales as permitted to promote pedestrian activity.

3. Multiple-Family Development Block. Building setbacks along "A" street frontages shall be a minimum of zero (0) feet to a maximum of fifteen (15) feet.

FIGURE 601.A

TRADITIONAL TOWN CENTER

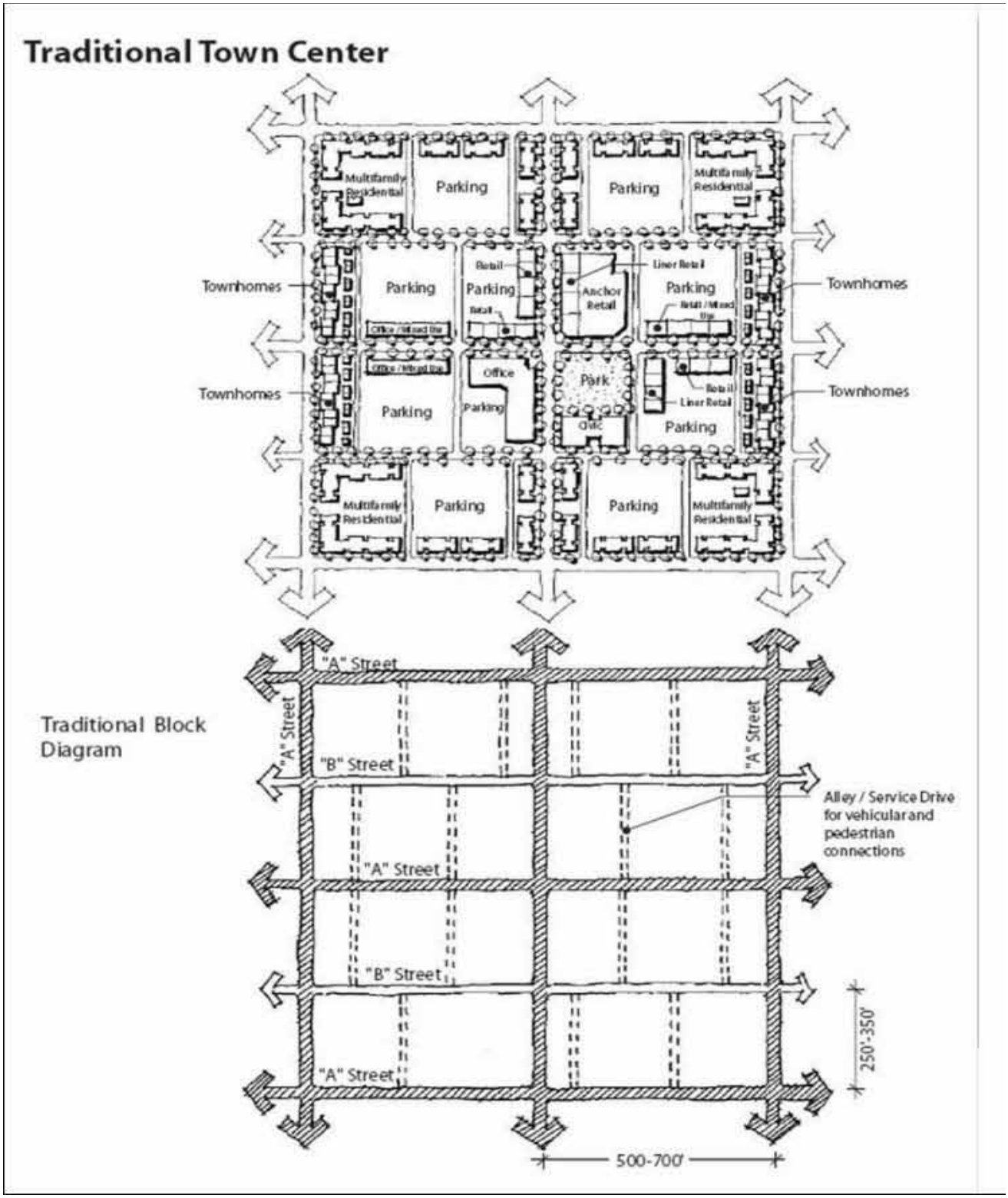


FIGURE 601.B

TOWN CENTER PROTOTYPE

FIGURE 601.C

TRADITIONAL NEIGHBORHOOD PROTOTYPE

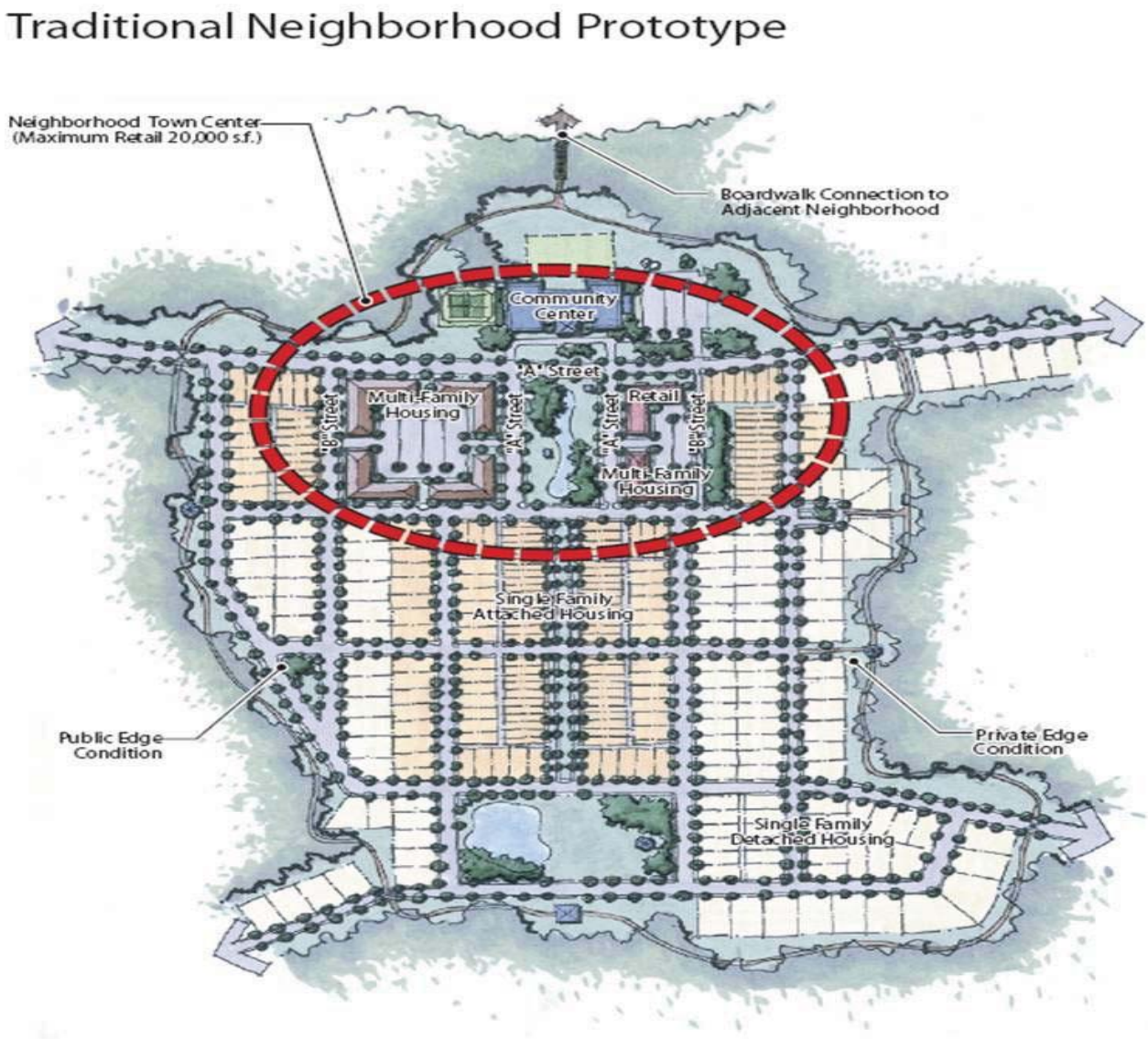


FIGURE 601.D

MIXED-USE COMMERCIAL (WITH RETAIL ANCHOR)

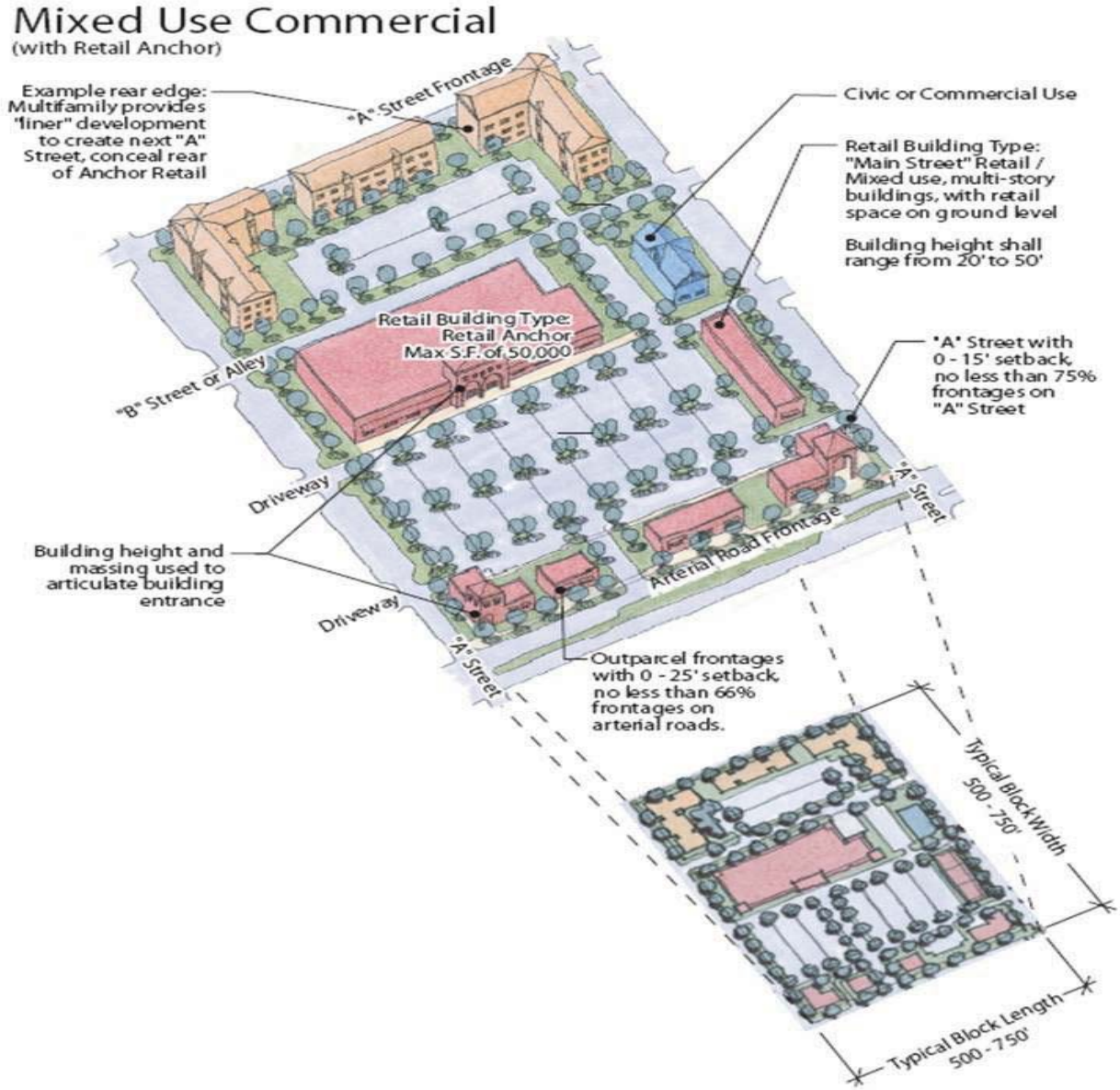


FIGURE 601.E

MIXED-USE DEVELOPMENT BLOCK (WITH STRUCTURED PARKING OPTION)

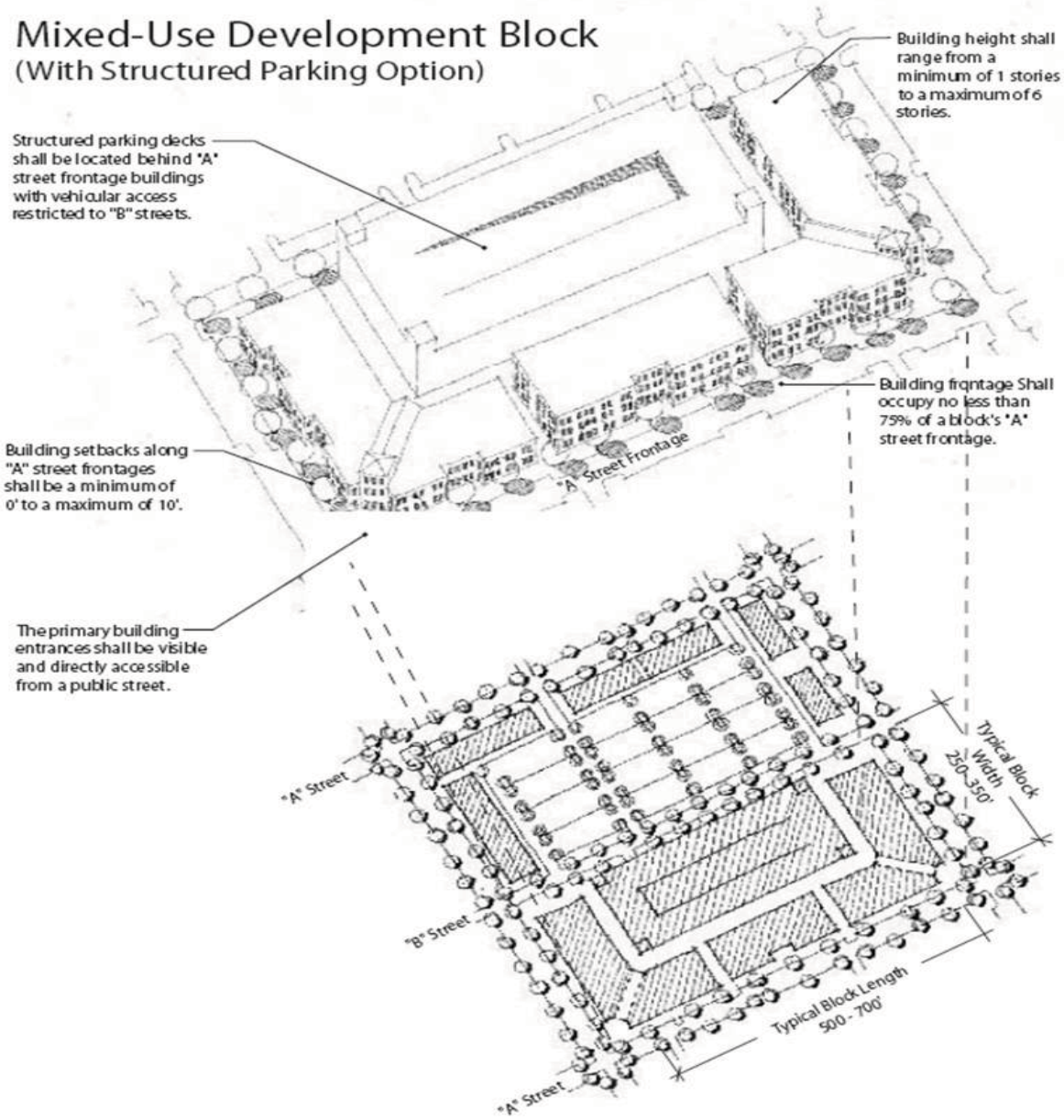


FIGURE 601.F

RETAIL DEVELOPMENT BLOCK

FIGURE 601.G

MULTIPLE-FAMILY DEVELOPMENT BLOCK

FIGURE 601.H

DETACHED RESIDENTIAL: FRONT-LOADED RESIDENTIAL DEVELOPMENT

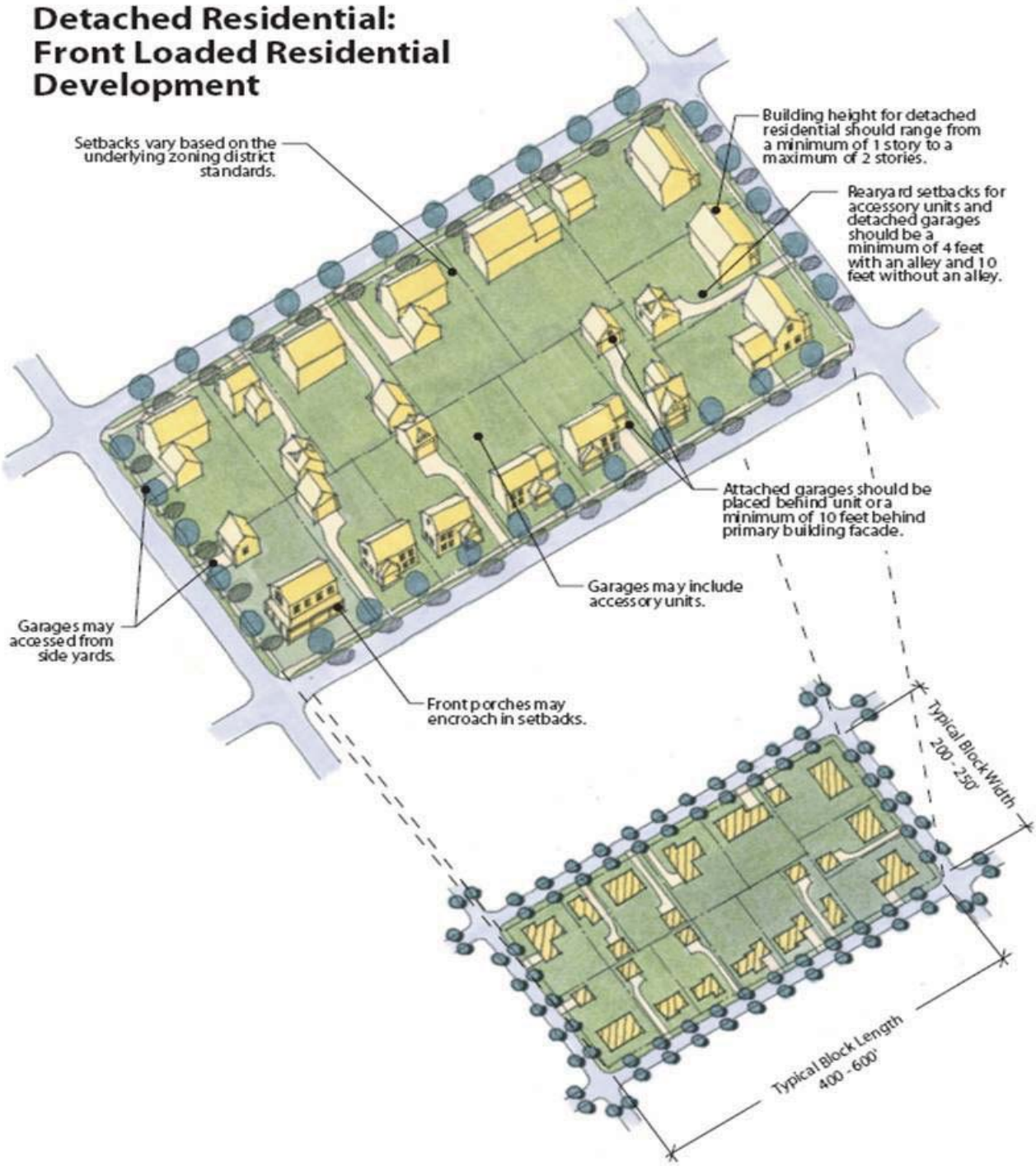


FIGURE 601.I

DETACHED RESIDENTIAL: REAR-LOADED RESIDENTIAL DEVELOPMENT

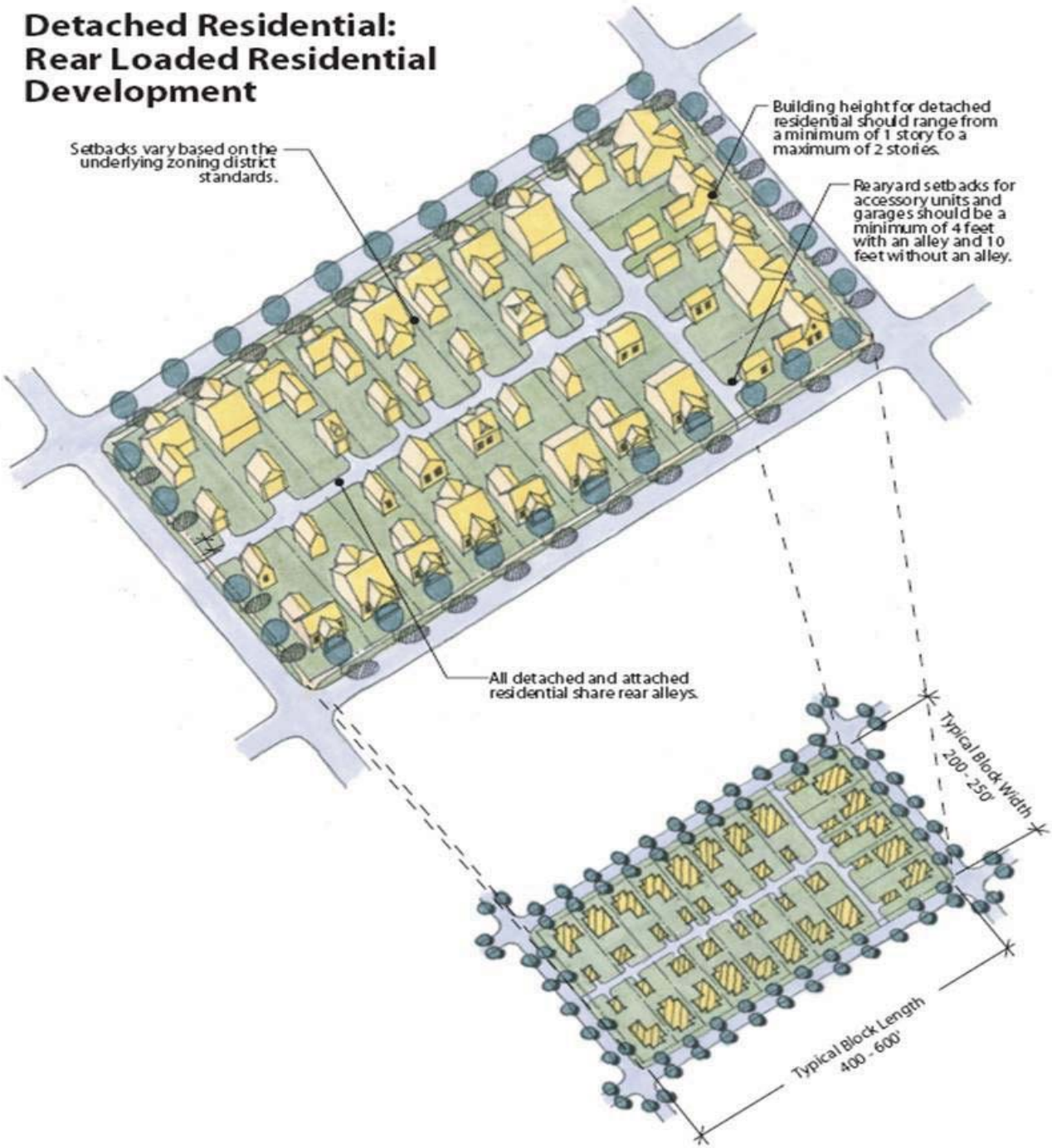


FIGURE 601.J

ATTACHED RESIDENTIAL: DUPLEX AND QUAD-RESIDENTIAL DEVELOPMENT

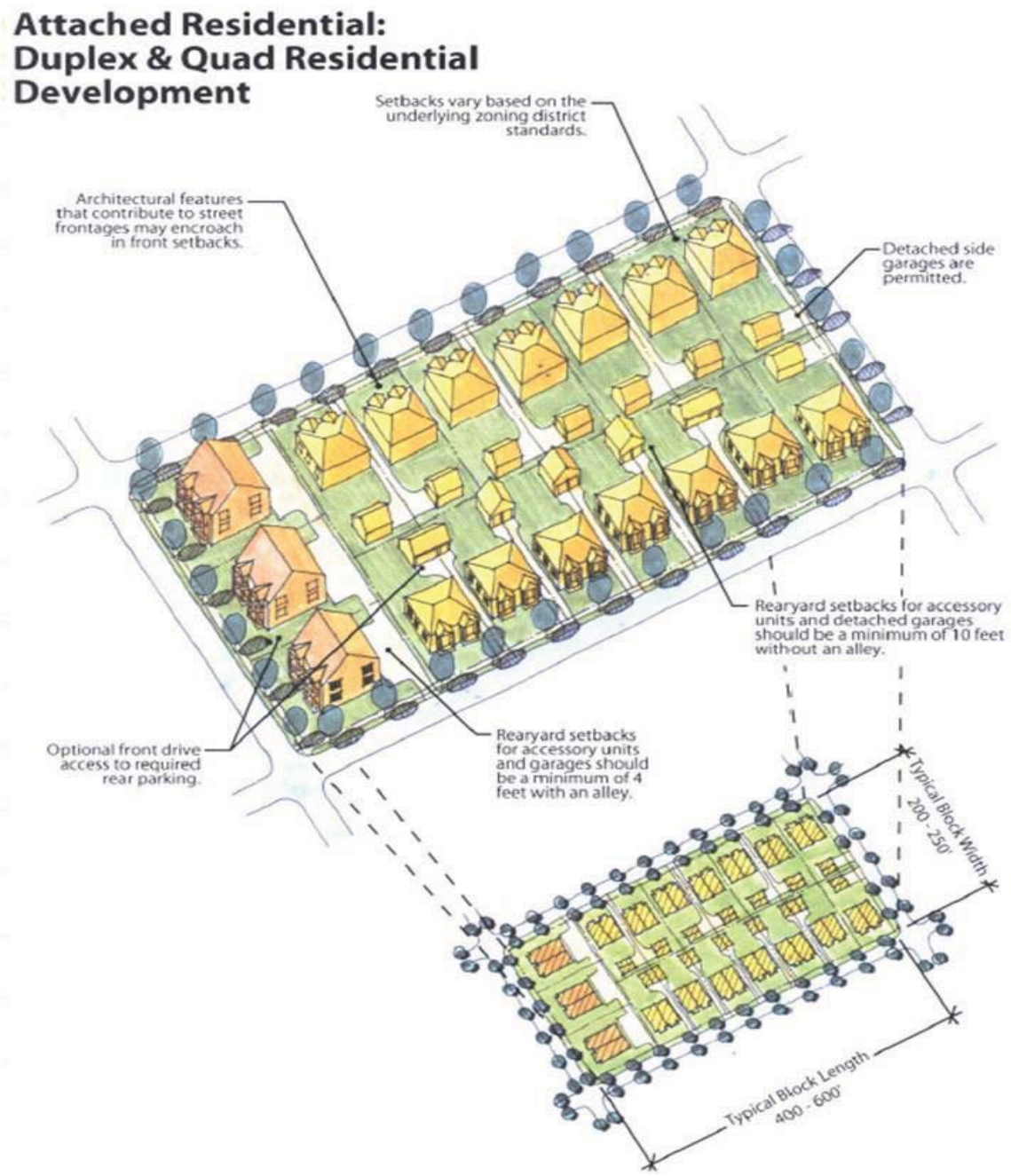
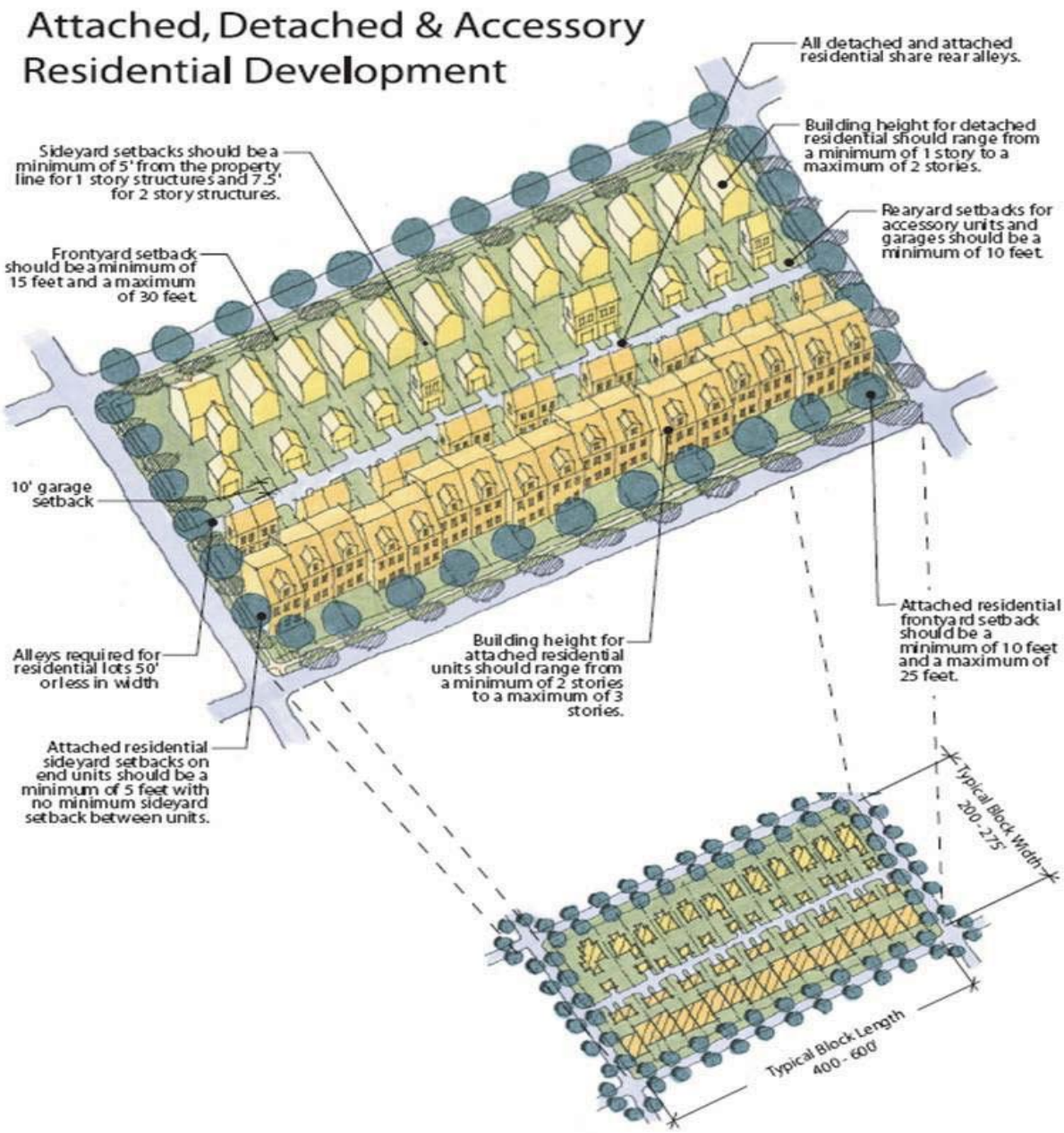


FIGURE 601.K

ATTACHED, DETACHED, AND ACCESSORY RESIDENTIAL DEVELOPMENT



G. <u>General Site-Design Standards: Town Centers</u>

1. Building Frontage. Building frontages shall occupy no less than seventy-five (75) percent of a block's "A" street frontage. On arterial

roadways, building frontages shall occupy no less than sixty-six (66) percent of a block's street frontage.

2. Adjacent Building Types: Urban Form. Similar building types shall generally face across streets; e.g., detached residential shall face detached residential and attached residential shall face attached residential. Dissimilar building types, when adjacent; e.g., attached residential adjacent to multistory structure, shall abut at rear lot lines separated by a shared alley, service drive, or common wall. Each of the following shall be considered dissimilar building types: detached residential, detached nonresidential, attached residential, and any multistory structure greater than two (2) stories regardless of use.

3. Screening. Trash, recycling receptacles, loading docks, service areas, and other similar areas must be located in parking areas or in a location that is not visible from "A" street frontages, and must be screened to minimize sound to and visibility from residences and to preclude visibility from adjacent streets. Service areas shall be screened by a masonry wall and landscape buffer. The wall shall be a minimum of one (1) foot higher than that which is being screened not-to-exceed ten (10) feet in height using architectural design, materials, and colors that are consistent with those of the primary surrounding structure. The landscape buffer shall be a minimum of five (5) feet in width and a minimum of three (3) feet in height.

4. Equipment Screening. Mechanical equipment at ground level shall be placed on the parking lot side of the building away from view from adjacent "A" street frontage and shall be screened from view of any street by fencing, vegetation, or by being incorporated into a building. All loading, service, and trash collection shall be accessed from "B" streets or alleys.

5. Rooftop Equipment. All rooftop mechanical equipment shall be integrated into the overall mass of a building by screening it behind parapets or by recessing it into the roof structure.

6. Utilities. All internal subdivision utilities shall be located underground.

7. Parking. Parking lots shall be located at the rear and side of primary buildings. Building frontage requirements enforce this requirement.

H. <u>General Site-Design Standards: Residential</u>

1. Residential Development. The location of residential development lots shall be configured to meet the following standards in all material respects:

Residential lots shall be arranged in a contiguous pattern and shall be clustered in such a way as to preserve the function, purpose, and integrity of the on-site natural resource and

environmental systems to the maximum extent practicable. The location of residential development lots shall minimize disturbance to woodlands, wetlands, and other natural features.

2. Utilities. All internal subdivision utilities shall be located underground.

3. Location of Highest Density. Within each neighborhood, higher-density, residential-housing types shall be located closer to the neighborhood center and town center (where applicable).

I. Special Site-Design Considerations/Block Configuration

1. Schools/Parks (Figure 601.L). Developments that incorporate or are adjacent to a school or a park site, including any stormwater facilities that are included with or adjacent to the school or park, that is larger than one-half acre in size, shall configure the development blocks in such a manner as to create a "public-edge condition" between the school or park site and the development block(s). A "public-edge condition" requires that the development blocks that are adjacent to the school or park site shall be designed such that a public street which forms the edge of the block shall be located between the school or park site and the lot(s) or building site(s) within the development block. The orientation of all of the primary structures on such lot(s) or site(s) shall be toward the street.

FIGURE 601.L

SCHOOL/CIVIC DEVELOPMENT BLOCK

NOTES:

1. Joint use school park site +/- 30 Acres. Includes required Elementary School facilities adjacent to school to make joint use "small children's" park.
2. Larger fields located beyond for "large children / adult" active park.
3. Residential "fronts" on joint use park - with pedestrian access.
4. Parking, bus drop, school and park facilities available for weekend and after-hours use.
5. Trail system throughout.
6. School "fronts" on East / West road for strong neighborhood presence.
7. Parking to side or rear of building.

2. Golf Courses (Figure 601.M). Golf courses using best management practices may be designed to be located adjacent to a neighborhood within the open-space areas in which case they shall be treated as a "private-edge condition" or they may be integrated into the neighborhood in which case they shall be treated as a "public-edge condition" for a minimum of fifty (50) percent of the perimeter of the fairway/course. The public-edge requirement shall be measured based upon the total perimeter of the areas within the neighborhood that are regulated under this standard and not each feature individually.

   a. Private-Edge Condition. Development blocks that are adjacent to a golf course in a "private-edge condition" are permitted to have a single row of lots or building sites adjacent to the golf course.

b. Public-Edge Condition. Development blocks that are adjacent to a golf course that require a "public-edge condition" shall be designed such that a public street or multiuse trail, which forms the edge of the block, shall be located between the golf course and the lot(s) or building site(s).

FIGURE 601.M

NEIGHBORHOOD WITH GOLF RESIDENTIAL

3. Environmental Protection Area/On-Site Water Bodies. Developments that incorporate, or are adjacent to, an area that is to be preserved as an environmental protection area or lake amenity shall be required to configure the development blocks in such a manner as to create a "public-edge condition" for a minimum of fifty (50) percent of the perimeter of either the environmental protection area(s) or the lake(s)/pond(s). This requirement shall be measured based upon the

total perimeter of the areas within the TND that meet this criteria and not each feature individually.

601.7. **Traffic Circulation**

A. Access and Circulation

Access and circulation requirements and design shall be as required by this Code, Section 901.3, Access Management, except as modified herein for the TND.

B. Mobility Standards

1. A highly interconnected street and pedestrian network is central to creating walkable communities.

2. The streets within the TNDs shall provide accessibility and mobility for those living and working in the area, those visiting the area, and those passing through the area.

3. Streets shall be considered public outdoor rooms with structures on either side representing the walls; paving surface and landscaping representing the floor; tree canopy representing the ceiling; and lighting, signage, and benches representing the furniture. Like public spaces, streets shall be designed to create rooms for public movement and gathering.

4. The County hereby finds and determines that the following standards for street-network connectivity, street widths and design, intersection design, and traffic-calming measures will enhance the safety and efficiency of access to adjacent areas, while promoting pedestrian activity and transit utilization.

5. Except as otherwise provided by this section, all transportation and mobility standards shall be in accordance with this Code.

C. Street Design Standards. In order to create a system of land subdivision and development which links one neighborhood to another and to provide interconnected streets that are designed to balance the needs of all users, new development within the neighborhood centers and a town center (where applicable) shall be organized by development blocks to the maximum extent feasible given the topography and physical characteristics of each individual site. Flexibility to design each site to preserve on-site environmental resources and preservation areas is permitted through the development approval processes and the design criteria provided herein.

1. Support of Adjacent Land Uses. The choice of street cross-sectional elements and minimum street-design specifications shall provide safe and efficient access for vehicles, including transit, bicyclists, and pedestrians. First and foremost, street design shall be connected to

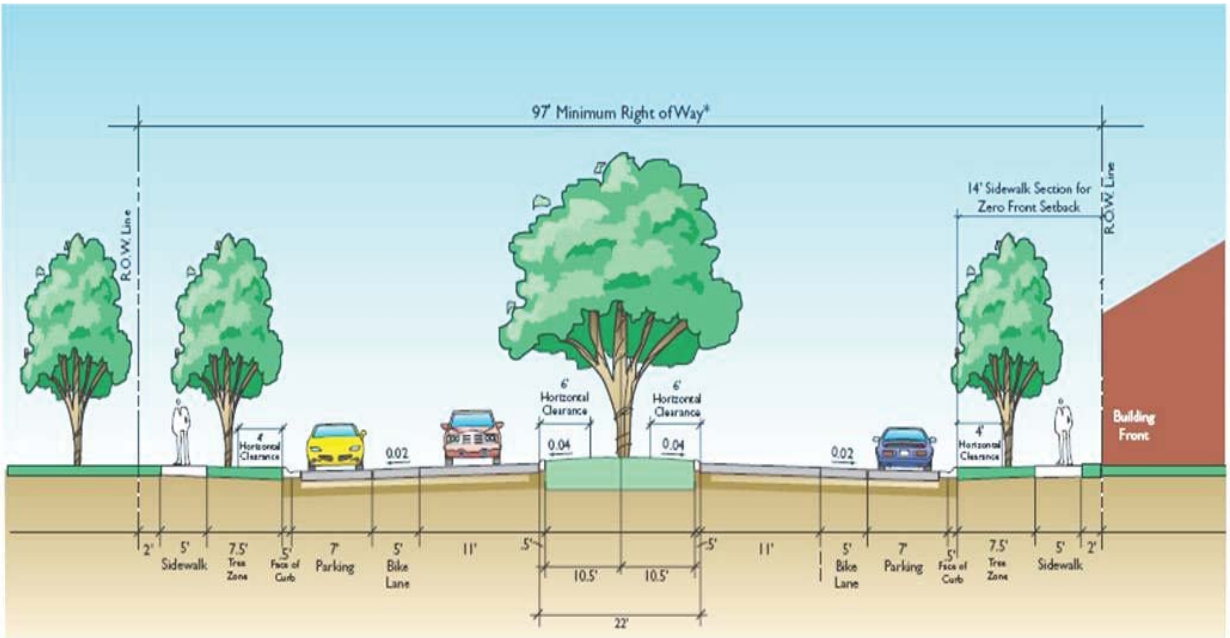
and shall support the land uses that the street will serve. For example, narrower streets are appropriate for medium- to low-density residential areas, while wider streets with on-street parking or medians are appropriate for high-density residential, commercial, industrial, and mixed-use areas.

2. Minimum Street Design Specifications. All streets shall be designed in accordance with the following minimum specifications as depicted in Table 601.A and Figures 601.N through 601.S. These street standards are hereby called the TND street standards, and lane widths and required rights-of-way are established herein. The figures and illustrations are intended to give clear direction as to the intent of the street cross-section requirements. The figures and illustrations are intended to supplement and clarify the written text. In the event a figure or illustration conflicts with written text, the written text shall prevail.

3. Alternative Street Designs. Alternative street designs may be approved by the DRC where the design is found to be consistent with the intent of the zoning district and is found to further the design standards included herein. Standards may include modifications to street types, consideration for one-way streets, and arterial streets where such roadways are able to reinforce the design principles of a TND. One-way streets must have at least one public-facing edge that may be a park, open space, or environmental area. Arterial streets and major collectors should be designed with context-sensitive principles, which may include decreasing right-of-way and cross-section widths, lowering design speeds, and incorporating traffic-calming designs. In addition, the County may adopt, by resolution, alternative typical sections for arterial and major collector roadways with context-sensitive design standards.

FIGURE 601.N

AVENUE



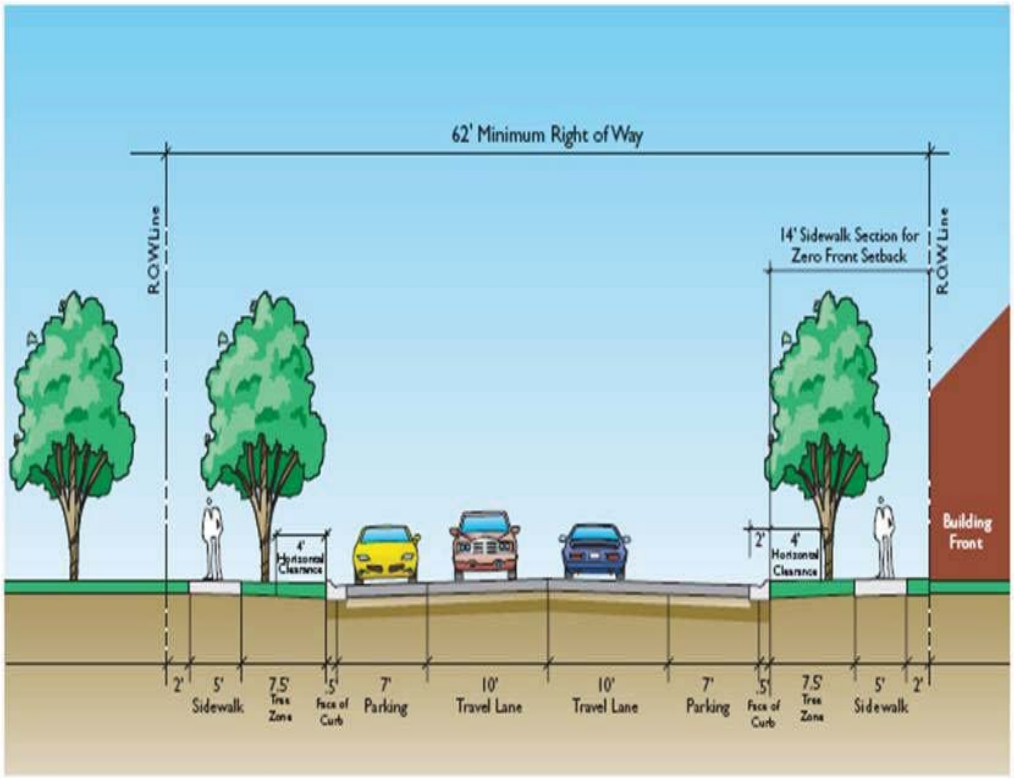
* If only one parking lane is desired the minimum right-of-way required will be 90 feet.

Function	Arterial
Traffic Lanes	One Lane in each direction, 11'
Parking Lanes	Both sides, marked, 7'
Bike Lanes	Both sides, marked, 5'
R.O.W. Width	97'
Street Width	76'
Median	22'
Curb Radius Design	WB40
Vehicular Design Speed	30mph
Sidewalk Width	5' - 10'
Landscaping Width	7' - 8'

AVENUE

FIGURE 601.O

MAIN STREET

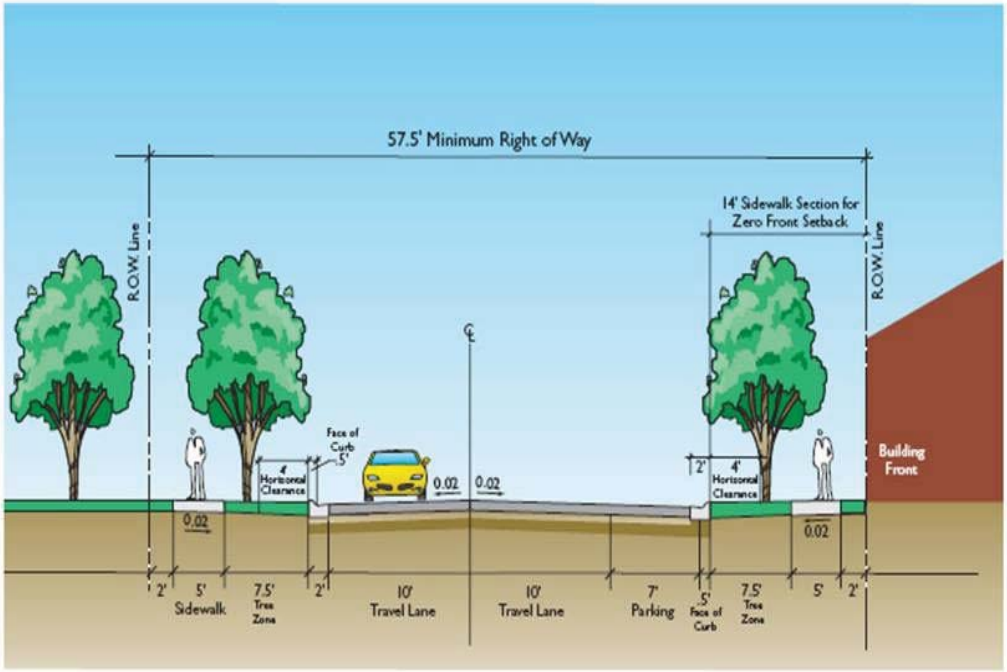


Function	Minor Urban Collector
Traffic Lanes	One Lane in each direction, 11'
Parking Lanes	Both sides, marked, 7'
Bike Lanes	none
ROW Width	62'
Street Width	36' including gutter
Median	None
Curb Radius Design	WB40
Vehicular Design Speed	25mph
Sidewalk Width	5' - 10'
Landscaping Width	7'

MAIN STREET

FIGURE 601.P

ROAD

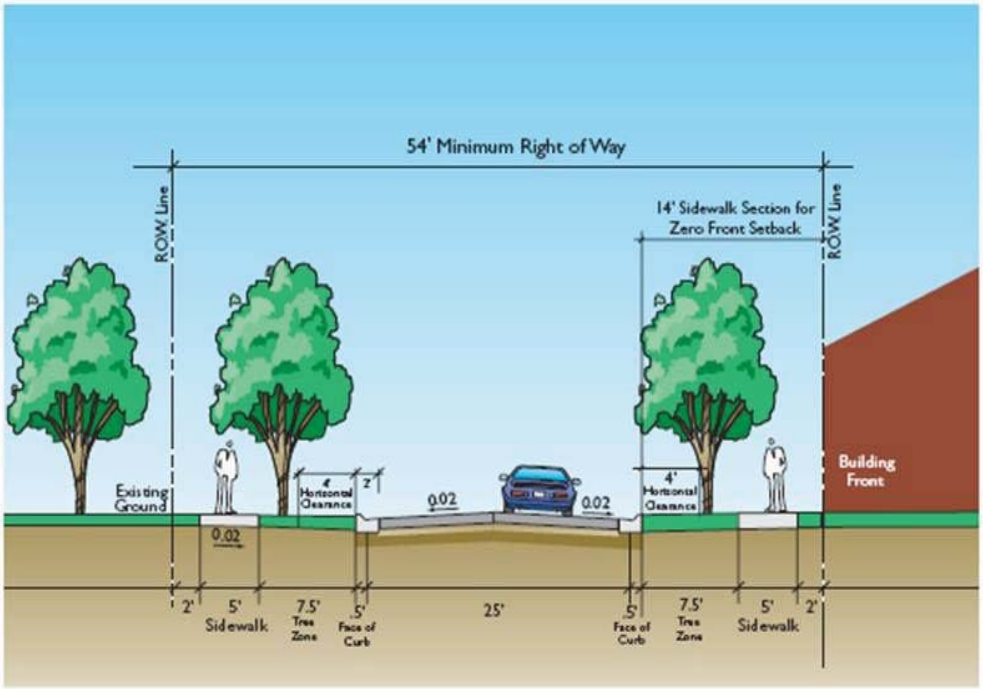


Function	Collector or Local Residential - Volume > 1,500 VPD
Traffic Lanes	One Lane in each direction, 10'
Parking Lanes	One side, marked, 7'
Bike Lanes	None
ROW Width	57.5'
Street Width	24'-38'
Median	None
Curb Radius Design	WB40
Vehicular Design Speed	25mph
Sidewalk Width	5' - 10'
Landscaping Width	7' - 8'

ROAD

FIGURE 601.Q

LANE

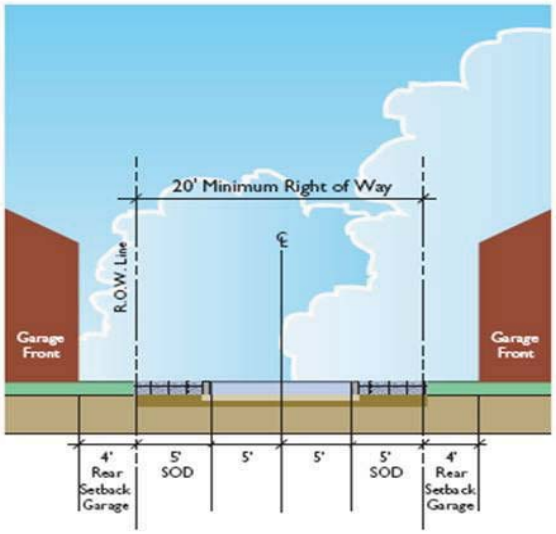


Function	Local - Volume < 1,500 VPD
Traffic Lanes	One Lane in each direction, 10'
Unmarked Parking	Both sides
Bike Lanes	None
ROW Width	54'
Street Width	24'
Median	None
Curb Radius Design	WB40
Vehicular Design Speed	25mph
Sidewalk Width	5' - 10'
Landscaping Width	7' - 8'

Figure 9.4
LANE

FIGURE 601.R

ALLEYS

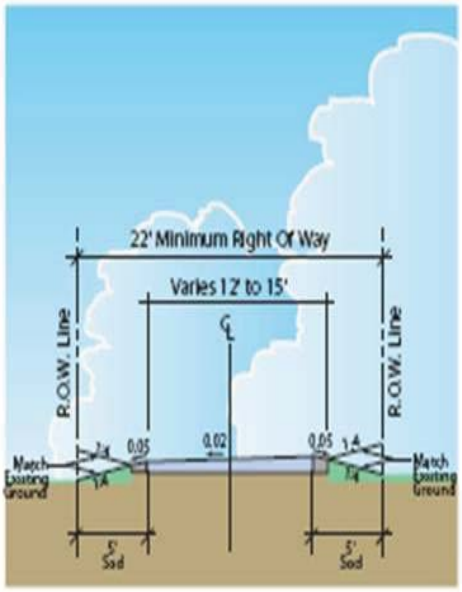


ROW Width	20'
Pavement Width	10'

ALLEYS

FIGURE 601.S

MULTIUSE TRAIL



MULTI-USE TRAIL

TABLE 601.A

CHARACTERISTICS OF STREET TYPES

	Avenue (Figure 601.N)	Main Street (Figure 601.O)	Road (Figure 601P)	Lane (Figure 601.Q)	Alley (Figure 601.R)	Multiuse Trail (Figure 601.S)
Function	Minor Urban Collector	Minor Urban Collector	Local	Local	N/A	N/A
Traffic Lanes	One Lane in Each Direction; 11'	One Lane in Each Direction; 11'	N/A	One Lane in Each Direction; 10'	N/A	N/A
Parking Lanes (3)	Both Sides, Marked; 7'	Both Sides, Marked; 7'	One Side Marked; 7'	None	N/A	N/A
Bike Lanes	Both Sides, Marked; 5'	None		None	N/A	N/A
ROW Width	90'-97'	62'	57.5'	54'	20'	22'
Street Width	76', Including Curb and Gutter	36', Including Curb and Gutter	24'-38', Including Curb and Gutter	24', Including Curb and Gutter	10'	12'-15'
Median	18'	None	None	None	N/A	N/A
Curb Radius Design (2)	WB40	WB40	WB40	WB40	N/A	N/A
Vehicular Design Speed	30 MPH	25 MPH	25 MPH	25 MPH	N/A	N/A
Multiuse Path/ Sidewalk Width	5' or 14'	5' or 14'	5' or 14'	5' or 14'	N/A	N/A
Landscaping Width	7'	7'	8'	7'	N/A	N/A
Planting Street Tree Spacing	A: Approx. 30'-40' or Fraction Thereof B: 30-50' on Center	A: Approx. 30'-40' or Fraction Thereof B: 30-50' on Center	A: Approx. 30'-40' or Fraction Thereof B: 30-50' on Center	A: Approx. 30'-40' or Fraction Thereof B: 30-50' on Center	N/A	N/A

a. Under circumstances of extreme constraint, including constraints of environmentally sensitive areas, the minimum pavement width for a multiuse trail of twelve (12) feet may be reduced to ten (10) feet if approved by the DRC as an alternate standard.

b. Textured pavers, mortared boulders, and rumble strips that include a mountable curb of at least four (4) inches may be permitted to meet the turning radius of the road. Only one (1) vehicle must be accommodated within the regular pavement.

c. Parking is measured to the face of the curb.

4. Design and Construction of the Street Network. Design and construction of the street network and the streets is limited by the following standards:

a. Eighty-five (85) percent of the detached residential units within a neighborhood shall be served by a lane.

b. Turning radii shall reflect the minimum required for ninety (90) degree turns for WB40' design vehicles, assuming encroachment into the full, next, adjacent vehicular lane. Other standards, such as angles and lengths of tapers and stacking-area length for left-turn lanes, are dependent on the expected mix and level of traffic and turning volumes.

c. On streets with on-street parking (avenue, main street, lane with parking), within every 125 linear feet of on-street parking, on-street parking shall cease and the curb shall extend to the travelway for a length of twenty-five (25) feet, including tapers. The resulting bulb-out shall be landscaped with a street tree.

d. On all "A" street block faces, there shall be a maximum of two (2) access drives/curb cuts.

e. Regarding street-design elements not specified in the TND street standards, final street design for all streets shall encourage pedestrian and bicycle safety and comfort through the application of minimum standards for vehicles.

f. The TND street standards are typical, thus shall be modified to accommodate special circumstances. Such modifications shall be reviewed by all pertinent County departments and shall be approved by the DRC.

5. Sidewalks and Other Pedestrian Walkways. Sidewalks and other pedestrian walkways shall meet the following, minimum design standards:

a. Sidewalk design shall comply with the TND street standards and shall be a minimum of five (5) feet wide when not located on street curbs and six (6) feet wide when located on street curbs. Within 1,320 feet of a school site or planned future school site, sidewalks that lead to the school shall be seven (7) feet in width and not located on street curbs. The Sidewalk design shall comply with the Americans with Disabilities Act (ADA) and Florida Accessibility Code standards. When multiuse trails are utilized to achieve pedestrian network standards, they shall comply with the ADA and Florida Accessibility Code standards.

b. As required in the TND street standards, sidewalks are required on both sides of every street. The fourteen (14) foot sidewalk section provided is required for all zero (0) foot front-setback buildings and available to all nonresidential parcels and residential parcels that are sixty (60) feet wide or less. The entire fourteen (14) foot sidewalk area, except tree-planting areas, shall be finished with an appropriate sidewalk pavement.

c. Sidewalks shall be well lit with pedestrian lighting that is decorative and complements the architecture within the TND and has a minimum height of twelve (12) feet. The light omitted from pedestrian lighting shall not shine into adjacent residential homes.

d. When pedestrian crossings are provided at midblock locations, raised crosswalks (or other traffic-calming measure(s) identified in this section) shall be located at all points where the pedestrian crossing traverses the lane of vehicle travel. When pedestrian crossings are provided at intersection locations, the requirements in intersection design and traffic calming shall be followed.

e. In special areas designed as permanent or occasional plaza areas, curbs between on-street parking and sidewalk are optional. Curbs are optional only in limited special areas as permanent or occasional plaza areas; on only the main street, road, and lane-street types; and shall have design speeds of twenty-five (25) mph or less.

f. The sidewalk and pedestrian walkway standards are typical, thus shall be modified to accommodate special circumstances. Such modifications shall be reviewed by all pertinent County departments (Planning and Growth Management, Development Services Branch [Public Works Department and Engineering Services Department], Emergency Services Department, Sheriff's Office, and Solid Waste and Resource Recovery Section) and shall be approved by the DRC.

6. Right-of-Way Landscaping

a. The TND street standards denote appropriate locations for street trees and other landscaping. Parcels that front streets shall be built to street cross-section standards. Within the TND street buffer tree zones and landscaping areas, trees shall have a minimum two (2) inch caliper trunk and be of Florida No. 1 grade per "Grades and Standards for Nursery Plants," Florida Department of Agriculture and Consumer Services (FDACS). All landscaping shall meet FDOT visibility standards and not obstruct the view of any traffic-control devices.

b. Tree Spacing. For "A" streets, one (1) street tree shall be planted approximately thirty (30) to forty (40) linear feet, frontage, or fraction thereof, taking into consideration the type of plant species. For "B" streets and residential streets, one (1) street tree shall be planted forty (40) to sixty (60) feet on center, taking into consideration the type of plant species.

Street trees shall be planted a minimum of ten (10) feet from any above-ground utility, such as transformer pads and fire hydrants.

c. Street trees shall be installed in tree pits with irrigation and subdrainage as applicable.

d. Traffic-calming measures that create landscaping opportunities (midblock bulb-outs, gateways, chicanes, and midblock yield points) shall be landscaped. All landscaping design shall be in accordance with appropriate regulations of this Code. Modifications of these standards shall be reviewed by all pertinent County departments and shall be approved by the DRC. All landscaping shall meet FDOT visibility standards and not obstruct the view of any traffic-control devices.

e. All streets shall be lit through decorative street lamps that are appropriate for surrounding architecture and conform to County standards. Streetlights shall be between fifteen (15) feet and twenty-four (24) feet in height. Silver, cobra-headed and shoebox-type fixtures shall be prohibited.

7. Continuation of Street Pattern Between Phases. The street layout of subsequent phases shall be connected with the street system of previous phases.

8. Intersection Design. The design of intersections shall balance the needs of all street users, including pedestrians and bicyclists. Safe pedestrian crossings shall be included on every arterial and collector.

a. Dedicated Turning Lanes:

(1) To promote mobility and accessibility, dedicated left-turn lanes shall be provided at all intersections on "A" streets where turn-lane warrants are expected to be met or are required by the County Engineer. No left-turn lanes are permitted on the lane street type.

(2) On street types with medians (avenue), the median shall be narrowed to allow the left-turn lane without disrupting on-street parking and bulb-outs.

(3) On street types without medians and with on-street parking (main street, lane with parking), on-street parking shall cease a safe distance from the intersection and travel lanes shall shift to allow for a dedicated left-turn lane. See Illustration A.

(4) Double left-turn lanes and dedicated right-turn lanes shall be prohibited, except in extraordinary circumstances and with the permission of the County Engineer.

b. Bulb-Outs. Bulb-outs are curb extensions at intersections that reduce roadway width curb-to-curb, depicted in Illustration B. Bulb-outs are encouraged where possible. At a safe distance from the intersection, on-street parking shall cease and the curb shall be extended to the travel lane.

(1) Medians. On street types with medians, TND street standards allow for a ten (10) foot median at intersections after a left-turn lane has been provided. Construction and landscaping of these medians shall provide a midintersection pedestrian refuge.

(2) Roundabouts. A roundabout is a raised circular structure constructed at a three (3) way or four (4) way intersection, depicted in Illustration C. Urban, single-lane roundabouts may be installed in all areas; mini-roundabouts may be constructed at intersections of lane with parking and lanes only. Roundabout design shall comply with all applicable County, State, and Federal design guidelines such as the Federal Highway Administration's *Roundabouts: An Informational Guide*. Urban, single-lane roundabouts shall be designed to minimum WB40' standards.

(3) Raised intersections. As described in traffic calming, each intersection of two "A" streets within the town center shall be designed and constructed as a raised intersection with textured pavement, regardless of traffic conditions. Other intersections within the town center may also be designed as raised intersections.

c. The intersection design standards are typical, thus shall be modified to accommodate special circumstances. Such modifications shall be reviewed by all pertinent County departments and shall be approved by the DRC.

9. Alleys. Alleys shall be required for residential housing that has a lot width of fifty (50) feet or less. When provided, alleys shall be in accordance with the alley street standard as provided in the TND standards. The minimum right-of-way width for an alley includes an additional ten (10) feet, which may comprise of any of the following: stamped, decorative, or scored concrete paving and/or sod. The ten (10) feet of sodded area within the right-of-way must be held in common form of ownership for maintenance.

ILLUSTRATION A

ON-STREET PARKING CESSATION

A. On-Street Parking Cessation

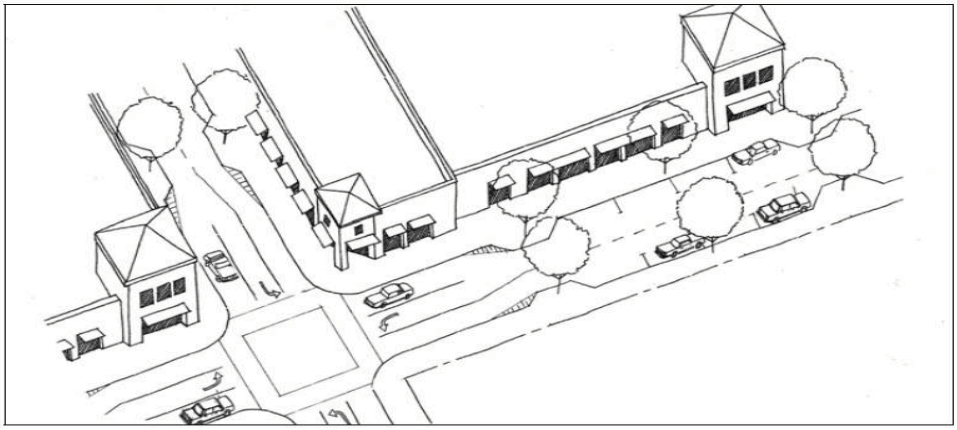


ILLUSTRATION B

BULB-OUTS

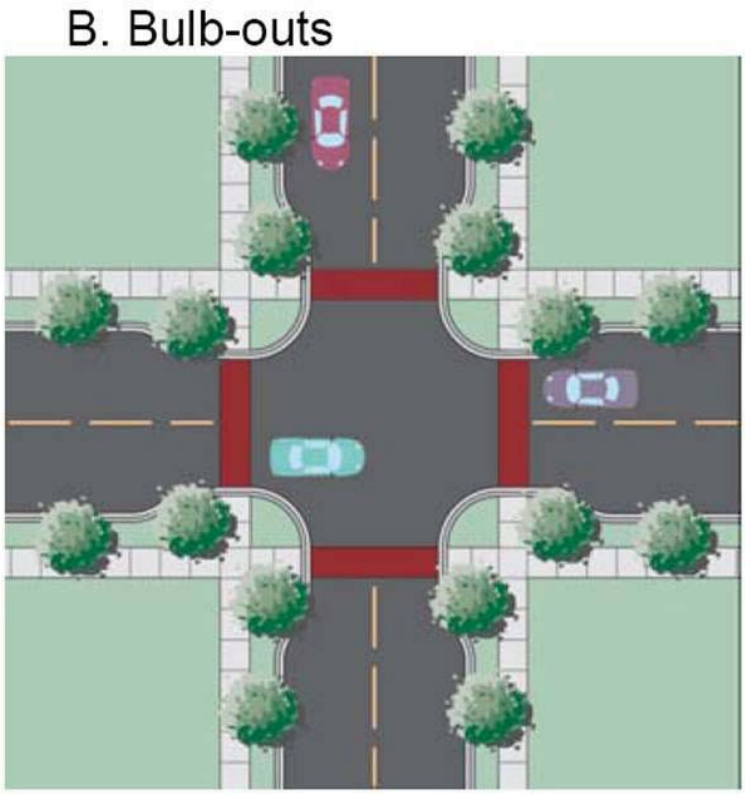
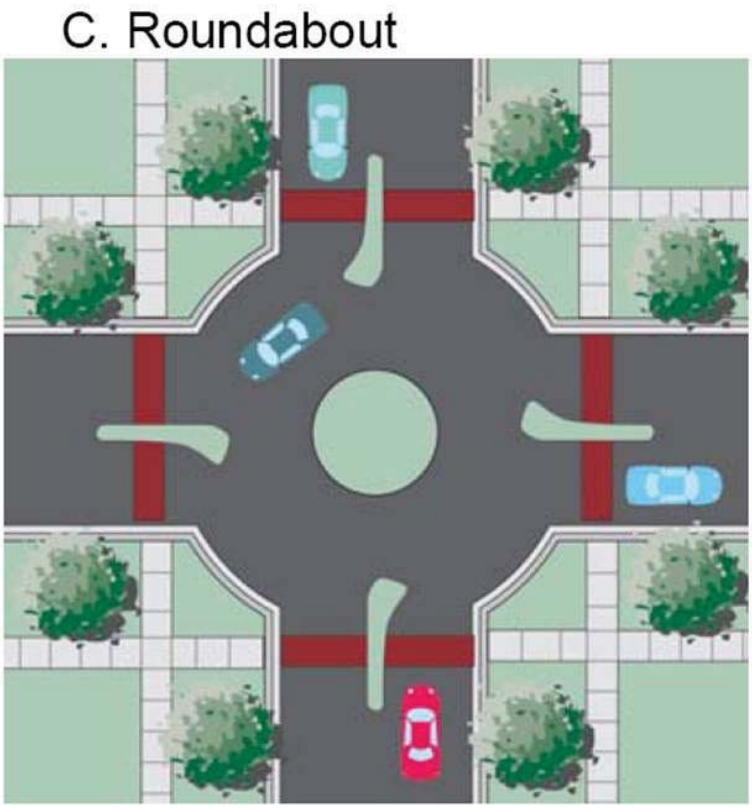


ILLUSTRATION C

ROUNDABOUT



10. Street Standards for Promotion of Transit. Development within the TND shall allow and promote efficient transit-service opportunities.

a. Required Transit Facilities

(1) Town Center. A town center shall be considered a major stop on the existing or future local-transit network. Transit-stop facilities shall be integrated into the design of a town center, centrally located and easily accessible for pedestrians walking to or from the surrounding neighborhoods.

(2) Neighborhood Centers. Each neighborhood center shall have at least one (1) transit-accessory pad designed as a primary local stop, which shall include shelter, transit-route information, seating, trash receptacle, bicycle rack, and adequate lighting. The developer and representatives of Pasco County Public Transportation shall choose the design of the transit shelter. If determined by the DRC that the public-transit facilities are not needed for a neighborhood center, the County Administrator or designee may waive the primary local-stop requirement.

b. The design of transit stops, connections, and infrastructure shall be consistent with the pedestrian accessibility provisions contained in the Florida Accessibility Code, ADA requirements, and the County's adopted transit infrastructure guidelines.

c. Transit stops shall be located on the street and should be located near pedestrian, bicycle, and multiuse trail connections.

d. Connections between transit stops and sidewalks shall be paved. Connections between transit stops and main entry points for nearby nonresidential buildings and recreational areas shall be clearly marked.

e. Corner Radii. Turning radii shall reflect the minimum required for ninety (90) degree turns for WB40' design vehicles, assuming encroachment into the full, next, adjacent vehicular lane.

11. Traffic Calming. All streets within the TND shall be constructed and designed to encourage appropriate vehicle speeds and other driver behavior that promote the safety of pedestrians and bicyclists.

a. Traffic-calming measures described in Table 601.C may be used to modify vehicle speeds and other driver behavior. A

"Y" means that the device is permitted, while an "N" means that the device is not permitted.

b. Traffic-calming measures may be incorporated into the street standards design, with the selection of appropriate measures matched to permissible street standards. Traffic calming shall be installed on streets with unsafe conditions for pedestrians, including street crossings longer than forty (40) feet without a pedestrian refuge, sidewalks that are narrower than five (5) feet or absent, sidewalks directly adjacent to traffic with average speeds higher than the posted speed limit, any street with average traffic speeds higher than 125 percent of the posted speed limit, and other conditions deemed unsafe by the County Engineer or designee.

c. The choice, design, and installation of traffic-calming measures on any collector or arterial road shall be balanced with its regional vehicle, traffic-carrying role.

d. The planning and installation of traffic-calming measures shall respect the presence of driveways, drainage structures, and intersections.

e. When textured pavements and or raised intersections are used, provisions shall be made in the design to provide for any and all required pavement markings in accordance with the *Federal Manual on Uniform Traffic Control Devices*.

TABLE 601.C

TRAFFIC CALMING MEASURES

	Traffic Calming Measures	Avenue	Main Street	Road	Lane
Street Narrowing	Midblock Bulb-Outs. Midblock bulb-outs reduce the width of the roadway for a midblock section. They shorten crossing distances for pedestrians and draw attention to pedestrians via raised peninsulas. Bulb-outs can be built within the marked on-street parking area or on residential roadways over twenty (20) feet in width.	Y	Y	N	N
	Restriping. A street can be restriped to create lanes that are nine (9) to eleven (11) feet wide. The excess space can be used to create bike lanes or marked on-street parking on one (1) or both sides. Bicycle lanes shall be a four (4) foot wide minimum and on-street parking shall be a seven (7) foot wide minimum. The parking can be staggered to create a weaving path on the roadway, further informing drivers that caution should be used in the neighborhood.	Y	Y	Y	Y
	Gateways. Gateways appear to narrow the street and also serve as highly visible entryways into neighborhoods. Gateway features can also double as transit waiting areas.	Y	Y	Y	Y
Vehicle Deflection	Chicanes. A chicane changes the physical characteristics of a roadway section from an existing, straight alignment to a series of horizontal curves. Trees can be planted in the slow point to restrict the driver's vision down the street, creating the feeling of a "closed" street.	N	N	N	Y
Pavement Sharing	Midblock Yield Point. The midblock, single-lane yield point reduces the street width to a single lane for a short section at some point between intersections. A variety of designs are possible for the remaining single lane of traffic: centered on the existing street, offset to one side, or aligned in a curve from one side of the street to the other.	N	N	N	Y

	Traffic Calming Measures	Avenue	Main Street	Road	Lane
Pavement Sharing (cont.)	Unmarked On-Street Parking. Allowing on-street parking on streets without designated on-street parking areas will create a series of single-lane yield points wherever parked cars are present. This "informal" single-lane yield point occurs when the street width is narrow enough to prevent simultaneous passing of two moving vehicles past a parked vehicle. For streets up to thirty (30) feet in width, allowing parking on both sides of the street is necessary to create a yield point.	N	N	Y	Y
Pavement Surface Treatments	Textured Pavement. Textured pavement, such as brick streets, is also an effective traffic-calming measure. The advantages of a brick street are that it is aesthetically pleasing and it calms traffic better as it ages, as the surface wears out. Installation costs are higher than those for asphalt roadways, but long-term maintenance costs are lower. However, textured pavement can be loud.	Y	Y	Y	Y
	Raised Intersections. Raised intersections slow cars down throughout an entire intersection, providing an extra level of safety for pedestrians crossing an intersection. This improvement may be most appropriate for commercial areas where both vehicular and pedestrian traffic volumes are high. Textured pavement can also be part of this improvement.	Y	Y	N	N

D. Network Pattern Standards

1. General Purposes

a. A highly interconnected street and pedestrian network is central to creating a walkable community and to help minimize automobile trip lengths.

b. The streets within the town center and neighborhood center shall provide accessibility and mobility for those living and working in the area, those visiting the area, and those passing through the area.

c. Streets shall be considered public outdoor rooms with structures on either side representing the walls; the paving surface and landscaping representing the floor; tree canopy representing the ceiling; and lighting, signage, and benches representing the furniture. Like public spaces, streets shall be designed to create rooms for public movement and gathering.

d. The following standards for street network connectivity, street widths and design, intersection design, and traffic-calming measures will enhance the safety and efficiency of access to adjacent areas, while promoting pedestrian activity and transit utilization.

e. The following standards for street network connectivity, street widths and design, intersection design, and traffic-calming measures will enhance the safety and efficiency of access to adjacent areas, while promoting pedestrian activity and transit utilization.

2. Block Size. The size, location, and placement of blocks shall respect natural features by recognizing the natural and environmental features of the area and incorporating the protection and preservation of these features as an amenity to the development, where such protection is required by applicable environmental regulations. The relative size and functional value of each feature shall be assessed as a part of the site-design process to determine the protection measures required. Within town centers and neighborhood centers, the following block-size limitations shall apply:

a. For commercial, apartments, and mixed-use development, the range of the block length which is preferred shall be from 500 to 700 feet, including alleys that may bisect the block, and the preferred half-block width shall range from 250 to 350 feet.

b. For attached and detached residential uses, the range of the block length shall be from 400 to 600 feet, including alleys that may bisect the block, and the preferred half-block width shall range from 200 to 300 feet.

For neighborhoods, a maximum block perimeter shall be no more than 2,100 feet. Pedestrian breaks and pedestrian access must follow the ranges provided in Subsections 60.1.7.D.2.a and 607.1.D.2.b.

3. Designation of "A" Streets and "B" Streets within Town Centers

a. All streets within a town center, excluding alleys, shall be designated as an "A" street or a "B" street on the master land use plan.

b. "A" streets are intended to be the primary pedestrian-oriented streets that provide a mix of uses promoting pedestrian activity, cycling, and transit. These streets have building-frontage requirements that place buildings close to the street and restrict parking and service uses along them.

c. "B" streets are intended to provide vehicular and service access to development blocks. These streets have no building-frontage requirements. While "B" streets are not intended to be primary pedestrian streets, at a minimum they must include sidewalks and street trees in accordance with specified street-design standards.

d. In order to maximize the pedestrian-friendly character of new development, the lineal footage of "B" streets shall not exceed thirty-five (35) percent of the total linear length of all new streets.

e. "B" streets may be designated by individual block faces; however, no block face shall be split by "A" street and "B" street designations.

4. Street Network Connectivity

a. External Connections. Internal streets shall be designed to provide vehicular connections from the town center to adjacent collector and arterial roadways, these connections shall number at least two (2). For the extent of all external connection streets, a sidewalk shall be included in the external connection street cross-section or a multiuse trail shall run roughly parallel and within one-fourth mile of the external connection streets.

b. Street Network Standards.

(1) The street network shall provide direct vehicular pathways between the town center and all neighborhood centers within a TND.

(2) Within neighborhood centers and town centers, the street network shall be in a block pattern. The block length shall range from 500 to 700 feet, including alleys that may bisect the block, and the half-block width shall range from 250 to 350 feet. The ideal street pattern is internally connected and may be in a gridiron, curvilinear, organic, radial, or any other style that provides for internal connections and external linkages. Street network pattern types are illustrated in Illustration 601.D.1.

(3) Within neighborhoods the following standards shall apply:

(a) The ideal street pattern is internally connected and may be in a gridiron, curvilinear, organic, radial, or any other style that provides for

internal connections and external linkages. Street network pattern types are illustrated in Illustration 601.D.1.

(b) The street network shall respect topography and physical characteristics, thus the street network pattern may be modified due to topography, physical characteristics, or to protect designated environmental resources.

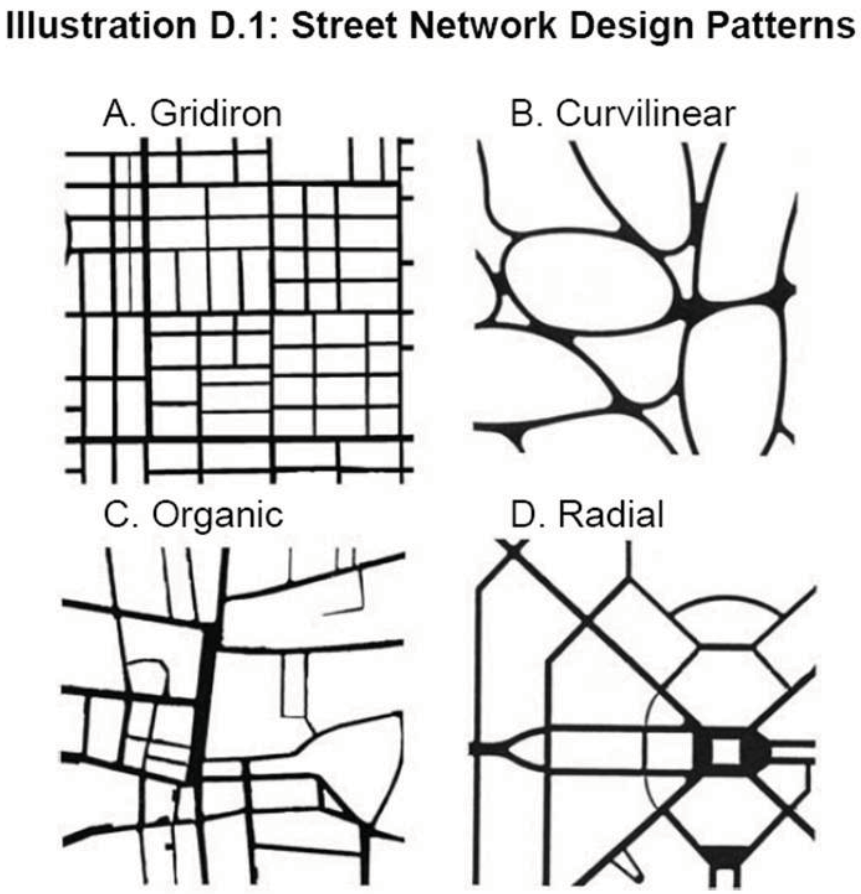
(c) Dead-end streets shall be prohibited, except when necessary next to geographical features. An individual neighborhood shall not be designed to include more than two (2) dead-end streets or cul-de-sacs. At the neighborhood plan stage, exceptions to the number of cul-de-sacs may be considered if geographical features, such as existing lakes and wetlands, dictate that the use of cul-de-sacs cause the least impact on the land and internal street connectivity. A dead-end street or cul-de-sac shall not exceed 1,000 feet in length. Turning radii of a cul-de-sac shall reflect the minimum required for ninety (90) degree turns for emergency vehicles.

(d) An intersection shall occur on every street within the neighborhood at least every 1,000 feet.

(e) The neighborhood center should be located at the intersection of at least two (2) streets. None of the streets shall terminate in a cul-de-sac within one (1) block of the neighborhood center.

ILLUSTRATION 601.D.1

STREET NETWORK DESIGN PATTERNS



c. Pedestrian Network Standards

(1) The following standards shall apply:

(a) The pedestrian network shall provide direct pedestrian and bicycle pathways between and among the town center, all neighborhood centers, public and private schools, and recreational spaces greater than or equal to five (5) acres in size within a TND.

(b) The pedestrian network shall be in a connected block pattern throughout the developed area. Intersections of pedestrian facilities shall occur

on every pedestrian facility every 500 feet at a minimum.

(c) The following elements qualify as a pedestrian facility and may form a side of a block: (1) continuous sidewalks along roadways, (2) alleys less than or equal to 500 feet in length, (3) pass-throughs located at midblock locations or at cul-de-sac heads, (4) boardwalks, and (5) multiuse trails.

(d) The following elements do not qualify as pedestrian facilities and may not form a side of a block: (1) recreational or open space without a designated pedestrian or multiuse path; (2) alleys greater than 500 feet in length; and (3) trails, sidewalks, and boardwalks that dead-end.

(e) Pedestrian network standards may be modified under the following circumstances: (1) boardwalks crossing environmental areas are physically impractical due to required length or (2) boardwalks crossing environmental areas are prohibited due to avoidable impacts to wetlands or native habitat.

E. Parking. Parking and loading requirements and design are required per this Code, Section 907.1, Off-Street Parking, Loading and Unloading Regulations, as modified by the following for development within the TND.

1. Alleys. The function of alleys shall not be obstructed for service-area use and vehicular access; therefore, vehicular parking shall be prohibited on any alley.

2. Off-Street Parking Ratios. The parking ratio requirements contained in this Code, Section 907.1, shall not apply in the neighborhood center and town center. In lieu of said requirements, the following shall apply:

a. Single, Two (2) Family, and Multiple-Family Dwellings. A minimum of one (1) off-street parking space for each dwelling unit. Tandem parking of two (2) vehicles associated with an individual dwelling unit may be permitted.

b. All other permitted or permissible uses:

(1) There shall be no off-street parking requirement for those uses that occupy a structure of less than 5,000 square feet in floor area.

(2) For all other uses, the total quantity of required parking, as set forth in this Code, Section 907.1, Off-Street Parking, Loading and Unloading Regulations, shall be reduced by up to fifty (50) percent.

3. Vehicular Parking Requirement Reduction Methods. The oversupply of vehicular surface-parking area detracts from the pedestrian orientation of the town center. Vehicular parking requirements shall be reduced through the following methods, as applicable:

a. On-Street Parking Credit. After calculating the required, minimum number of off-street vehicle parking spaces on a one (1) for one (1) basis, credit for off-street parking spaces shall be given for each adjacent on-street parking space. When an extended parcel line splits an on-street parking space, that space shall be deducted from the parking requirements of the parcel that fronts the majority of the on-street parking space. On street types with parking on only one (1) side, on-street parking spaces shall be evenly distributed among parcels on both sides of the street.

b. Shared Parking. The County Administrator or designee may approve shared parking facilities for developments or uses with different operating hours or different peak-business periods if the shared parking complies with the all of the following standards:

(1) Ineligible Activities. Shared parking may not be used to satisfy the off-street parking standards for upper-story residential uses. Required parking spaces reserved for persons with disabilities may not be located off site. There shall be no off-street parking requirement for those uses that occupy a structure of less than 5,000 square feet in floor area.

(2) Location. Shared parking spaces must be located within 600 feet of the primary entrance of all uses served. Required parking spaces reserved for persons with disabilities shall meet all requirements of the Florida Accessibility Code.

(3) Zoning Classification. Shared parking areas for uses located in a nonresidential district shall not be located in any residential district.

(4) Shared Parking Study. Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the County Administrator or designee that clearly

demonstrates the feasibility of shared parking. The study must be provided in a form established by the County Administrator or designee and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

(5) Agreement for Shared Parking. A shared parking plan shall be enforced through a written agreement among all owners of the property to be served by the shared parking area. The owner(s) of the shared parking area shall enter into a written agreement acceptable to the County Attorney's Office and the County with enforcement running to the County and providing that (1) the land comprising the parking area shall never be disposed of, except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; (2) that the owner agrees to bear the expense of recording the agreement; and (3) that such agreement shall bind his or her heirs, successors, and assigns. A recorded copy of an attested copy of the agreement between the owners of record shall be submitted to the County Administrator or designee. Recordation of the agreement must take place before issuance of a Building Permit for any use to be served by the shared parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided on site in accordance with the off-street parking schedules in this section. The written agreement shall be voided by the County if other off-street facilities are provided in accord with these regulations.

(6) Change in Use. Where the uses subject to a shared parking agreement change, the County Administrator or designee shall have the authority to require a revised shared parking study and a new shared parking agreement when the revised shared parking study indicates additional parking is required.

4. Vehicular Parking Requirement Expansion Methods. Within a town center, the County Administrator or designee may approve installation of more than the minimum required number of vehicular parking spaces in surface lots, up to 120 percent of the minimum required number of vehicular spaces as required in Section 907.1, if the property owner provides the site-design amenities as described below. Since additional parking spaces in surface lots detract from

the pedestrian and bicycle orientation of the town center, the additional site-design amenities seek to re-establish the balance. For the County Administrator or designee to approve up to 120 percent of the minimum number of required vehicular parking spaces, 100 percent of the landscaping required by this Code, Section 905.2 shall qualify as Florida Fancy grade per "Grades and Standards for Nursery Plants," FDACS. In addition, where a landscaped area median between abutting tiers of parking is provided, one (1) canopy tree shall be provided for each thirty 30 lineal feet of such landscaped area. Required parking landscape areas may be relocated to other portions of the site, provided that the tree canopy at five (5) years is greater than or equal to the tree canopy resulting under this Code, Section 905.2.

601.8. **Landscaping and Open Space**

A. Special Landscape Requirements

1. Landscape Requirements for Neighborhood Center and Town Center. The following landscaping requirements shall apply within the neighborhood center, town center, and shall modify applicable requirements of this Code, Section 905.2:

a. No street buffer and project-boundary buffer landscaping shall be required for commercial, office, industrial, and multiple-family uses that are built on a block that conforms to the preferred block length and width. These areas shall follow the street planting guidelines as detailed in Table 601.A.

b. Where a building is located within five (5) feet or less of a sidewalk or right-of-way line, no street buffer landscaping is required; however, this area shall be filled in with a decorative, hard surface. Where a building is located more than five (5) feet from a sidewalk or right-of-way, the street landscaping shall be provided by at least one (1) of the following:

(1) Planters may be located within the front setback, one (1) planter per twenty (20) linear feet of storefront. The planters shall be filled with flowers, ground cover, and similar landscaping. All planters shall be irrigated with an automatic-drip irrigation system.

(2) When buildings are being brought up to the street and utilizing a build-to-line, an urban buffer should be considered as an alternative to the required front-buffer standards. The required front buffer for an urban-type development shall be allowed to provide potted plants that total, at a minimum, a forty-five (45) inch pot per twenty (20) linear feet. If a mix or combinations of potted plants are being used to meet this standard,

varying heights and sizes with a minimum size of a fifteen (15) inch planter and a minimum plant material of one (1) gallon or four (4) inch annuals should be utilized. All planter pots should be irrigated with an automatic-drip irrigation system.

Any pavement materials used shall comply with the pedestrian accessibility provisions contained in the Florida Accessibility Code and ADA requirements.

2. Native Landscaping Requirements. Within the TND, the use of native, drought-resistant vegetation shall be utilized. A list of native plants is specified by the Florida Native Plant Society's "Native Plants for Landscaping Florida" or the Southwest Florida Water Management District.

3. Water-Efficient Landscaping Regulations. It is the intent of this section to require resourceful landscape planning, installation of water-efficient irrigation, and to encourage appropriate maintenance measures to promote conservation of water resources.

B. Public-Space Standards

1. A minimum of five (5) percent of the total land area of each town center shall be public spaces, which shall be provided in addition to Section 601.8.C, Park Space Standards. Public spaces shall take one (1) or more of the following forms and shall be located within a block.

a. Green. A public space available for unstructured recreation, bounded on at least two (2) sides by streets with facing buildings on all sides. A green is landscaped with lawns and trees, including existing or natural vegetation, paths, and trails. The minimum size shall be one (1) acre.

b. Square. A public space located at the intersection of streets and bounded on at least two (2) sides by streets with facing buildings on all sides. A square includes paved walks; lawns; trees; and ornamental structures, such as fountains and gazebos. The minimum size shall be one-half acre and the maximum size shall be five (5) acres.

c. Plaza. A public space at the intersection of streets devoted to civic purposes and temporary commercial activities, such as craft shows, farmers markets, etc. A plaza is surrounded by streets with facing buildings or may abut a civic structure with streets on the remaining sides and includes lawns; trees; walks; ornamental structures, such as fountains and gazebos; buildings; and durable pavement for parking. The minimum

size shall be one-half acre and the maximum size shall be two (2) acres.

C. Park Space Standards. The following park space standards shall replace Section 905.1, Neighborhood Parks, to provide for a variety of parks that will complement a TND.

1. Residential Level of Service Requirements

a. Residential development shall provide a minimum of five (5) percent of a neighborhoods gross acreage toward on-site parks.

b. Locational Criteria. All residential units shall be located no more than one-eighth mile walking distance from a park.

TABLE 601.D

PARKS CLASSIFICATION TABLE FOR RESIDENTIAL DEVELOPMENT

Classification	General Description	Minimum Size	Maximum Size	Facilities/ Character	Location
Mini-Park	Used to address limited, isolated, or unique recreational needs.		¼ to 1 Acre	Play structures, benches, picnic areas, open spaces, landscaping.	Less than an ⅛ mile distance in a residential setting.
Green	Public space available for unstructured recreation, bounded on at least two (2) sides by streets with facing buildings on all sides.	1 Acre	5 Acres	A green is land-scaped with lawns and trees, including existing or natural vegetation, paths, and trails. May be a joint-use facility that may include a school, library, etc., if the park is open to the public and at least 3 acres in size.	
Square	A public space located at the intersection of streets and bounded on at least two (2) sides by streets with facing buildings on all sides	½ Acre	5 Acres	A square includes paved walks, lawns, trees, and ornamen-tal structures, such as fountains and gazebos.	Neighborhood centers, town centers, attached housing, or higher residential areas facing the square.
Plaza	A public space at the intersection of streets devoted to civic purposes and temporary commercial activities, such as craft shows, farmers markets, etc.	½ Acre	2 Acres	A plaza is surround-ed by streets with facing buildings or may abut a civic structure with streets on the remaining sides and includes lawns; trees; walks; orna-mental structures, such as fountains and gazebos; buildings; and durable pavement for parking.	Neighborhood centers, town centers, attached housing or high-er residential areas facing the square.

Classification	General Description	Minimum Size	Maximum Size	Facilities/ Character	Location
Neighborhood Park	The basic unit of the park system that serves as the recreational and social focus of the neighborhood. Focus is on informal active and passive recreation.	5 Acres	No Maximum	Some areas that are naturally vegetated, play structures, recreation buildings, court games, hard courts, tennis courts, internal trails that connect to a greenway, shuffle-board, volleyball courts, picnic area, open area, and landscaping.	Preferred location is at a neighborhood edge.

c. Trails. Multipurpose trails are encouraged throughout a TND; however, they may not count towards the required parks percentage per development.

d. Maintenance. A community development district or other funding mechanism approved by the County shall maintain all parks.

e. Stormwater Facilities. Any stormwater facility that is included within a park must be designed as an amenity without a fence and must be landscaped. Stormwater facilities underground pipes are not to be calculated into determining the size of the facility.

f. Golf courses and associated clubhouses shall not qualify as recreational space.

601.9. **Building Design Standards**

A. Architectural and Design Standards for Nonresidential and Multiple-Family Development. All new nonresidential, mixed-use, and apartment-building development within the TND shall comply with the following standards:

1. Public Entrance. Buildings that are open to the public shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be attractive, functionally be a distinctive and prominent element of the architectural design, and shall be open to the public during business hours. Buildings shall incorporate lighting and changes in mass, surface, or finish to give emphasis to the entrances.

2. Primary Entrance. Triplex, quadplexes, and apartments may have their primary entry facing a central, landscaped courtyard. Ancillary dwelling units may face an internal walkway, driveway, or alley.

3. Building Facade. Blank walls shall not occupy more than fifty (50) percent of a street-facing frontage and shall not exceed twenty (20) linear feet without being interrupted by a window or entry. No more than twenty (20) feet of horizontal distance of wall shall be provided without architectural relief for building walls and frontage walls facing the street. Buildings shall provide a foundation or base that extends from the ground to the bottom of the lower windowsills that is distinguished from the building face by a change in volume or material. A clear, visual division shall be maintained between the ground-level floor and upper floors, which may include changes in volume; materials; or other architectural detailing, such as a belt course or cornice. The top of any building shall contain a distinctive finish consisting of cornice or other architectural termination.

4. Corner Parcels. Ground-floor retail uses that are located in nonresidential or mixed-use structures, that are located on a corner parcel, and have two (2) "A" street frontages, shall provide either:

   a. Ground-floor, storefront display windows that shall cover a minimum of forty (40) percent and a maximum eighty (80) percent of a storefront's linear frontage. Blank walls shall not occupy over fifty (50) percent of a street-facing frontage and shall not exceed twenty (20) linear feet without being interrupted by a window or entry; or

   b. "Liner" Retail Uses. Liner retail buildings shall not be relieved of building-facade requirements.

5. Form. Buildings shall form a consistent, distinct edge, spatially delineating the public street and the private-block interior.

6. Building Orientation. A building's primary orientation shall be toward the street rather than the parking areas. The principal entrance must be readily apparent from the street. Building massing, such as tower elements, shall be used to call out the location of building entries.

7. Large-Scale Commercial-Retail Design Standards. This Code, Section 1102, provides standards for commercial buildings equal to or exceeding 25,000 square feet. All standards in Section 1102 shall be maintained within the TND as written, with the exception of G.1., Parking Lot Design; H.1., Building Perimeter (Landscape); H.1.a., Facade with Customer Entrance; and H.1.b., Other Facades, Except Facade with the Service Area. A large-scale commercial building may not exceed a block length of 500 feet × 500 feet.

8. Alternative Design Standards. A TND may request to use alternative design standards and architectural themes that meet and/or exceed the design standards provided in the TND ordinance during the zoning amendment process. Deviation from the architectural and design

standards provided herein shall be specifically delineated by the applicant and submitted to the Board of County Commissioners (BCC) for review and action. Upon approval by the BCC, any such alternative design standards shall be incorporated as a binding condition of the zoning amendment development order.

B. Architectural and Design Standards for Single-Family Residential. All new attached and detached single-family residential development within the TND shall comply with the following standards. Such development is encouraged to construct homes that have a distinct and defined architectural style, such as Craftsman, Colonial, Spanish Eclectic, etc., and any other well-known architectural style.

1. Orientation. Primary facades shall contain the primary entry, be street facing, and be parallel or nearly parallel to the streets they face. Where public parks are located across a street, the primary facade should face the public park.

2. Primary Entrances. With the exception of quadplexes, apartments, and ancillary dwelling units, every home shall have its primary entry (front door) facing a public street.

C. Specific Development Block Standards

1. Mixed-Use Development Block and Retail Development Block

a. "Main-Street" Retail. The main-street, retail-building type permits multistory, mixed-use buildings with retail uses on the ground floor.

b. "Out-Parcel" or "Liner" Retail. The out-parcel or liner-retail building type permits single-story retail uses along street frontages.

c. "Anchor" Retail. The anchor-retail building type permits grocery stores and larger-format retail within the mixed-use commercial development block. At least one (1) building entrance shall face a public street and shall be articulated with additional height and massing.

d. Transparency. All street-facing, park-facing, and plaza-facing structures shall have windows covering a minimum of forty (40) percent and a maximum of eighty (80) percent of the ground floor of each storefront's linear frontage. Blank walls shall not occupy over fifty (50) percent of a street-facing frontage and shall not exceed twenty (20) linear feet without being interrupted by a window or entry. Mirrored glass, obscured glass, and glass block cannot be used in meeting this requirement. Display windows may be used to meet this

requirement, but must be transparent and shall not be painted or obscured by opaque panels or signage.

e. Shelter. Buildings shall incorporate arcades, roofs, alcoves, porticos, or awnings that protect pedestrians from the rain and sun.

f. Setback Encroachment. Special architectural features, such as balconies, bay windows, arcades, awnings, etc., may project into front setbacks and public right-of-ways on "A" or "B" streets, provided they are eight (8) feet above the sidewalk and leave a minimum five (5) foot wide unobstructed sidewalk. Support structures for these features shall be located such that they do not affect the clear recovery zone for travel lanes or the on-street parking.

g. Drive-Through Services. Drive-through customer services shall be located at the rear or the side of the building or on a side facing a "B" street. Driveways shall not be permitted along "A" streets. Landscaping of drive-through windows and drive-through lanes shall have a five (5) foot wide buffer located between the lane and the perimeter of the property that is visible from the street. The length shall be determined by the length of the window and lane. The buffer shall be planted with shrubs a minimum of twenty (20) inches in height at the time of planting and be capable of attaining a height of two (2) feet within one (1) year and three (3) feet within two (2) years. Automatic teller machines shall be visible from the street.

2. Multiple-Family Development Block.

a. Garages. Street-facing ground-floor parking, including individual unit garages, is not permitted on the first floor of a multiple-family structure on an "A" street. Parking shall occur within parking garages or within surface lots that do not front on an "A" street. Driveways shall not have direct access onto an "A" or "B" street and shall only be accessed from an alley or interior-parking courts.

b. Habitable Street Frontage. The first twenty (20) feet of depth of the first floor of any structure facing an "A" street shall be constructed as habitable space.

3. Attached, Detached, and Accessory Residential Development Block

a. Housing Types. Each development of 100 or more homes shall have at least four (4) models with three (3) elevations and material treatments each. No street block should have

more than two (2) consecutive single-family homes with the same house model.

b. Access. All residential development on lots that have a lot width less than fifty (50) feet shall be served by rear alleys. Alleys and other streets shall be interconnected.

c. Garage. If located facing a street, garages shall be setback a minimum of five (5) feet from the primary structure.

d. Porches. Porches may extend six (6) feet into the setback. Front porches must have a minimum depth of six (6) feet clear and comprise a minimum of thirty (30) percent of the width of a building's primary front facade (not including the garage) or ten (10) feet clear, whichever is larger.

e. Bay Windows. Bay windows and balconies may extend up to three (3) feet into required front setbacks, but not for a width of more than eight (8) feet. Bay windows and balconies must be separated by at least twelve (12) feet from one another.

D. Prototypes. The town center and neighborhood prototypes are development models that illustrate a typical assemblage of permitted structure types within permitted block types and details the specific design standards for each structure type within the context of a block. The "prototypical" block is not intended to be used to regulate development and therefore does not address specific or individual conditions of each site.

601.10. **Signs**

A. Location Restrictions. Signs shall not be erected, constructed, or maintained so as to obstruct any fire escape, window, door, or opening used as a means of egress or so as to prevent free passage from one part of a roof to any other part thereof. A sign shall not be attached in any form, shape, or manner to a fire escape, nor be placed in such manner as to interfere with any opening required for ventilation.

B. Conflict with Other Regulations. Where the provisions of this Code, Section 406.1, Signs, conflict with the TND signage requirements, the TND signage requirements shall prevail. Signs standards not addressed in these subsequent sections shall defer to any applicable standards.

C. Measurement of Building Frontage. For purposes of sign-area computation, the building frontage shall be that part of the building where lines perpendicular to a straight line connecting the corners of the building site intersect the building.

D. Maximum-Allowable Copy Area. Within the town center or neighborhood center, a total sign area of one (1) square foot shall be allowed for each linear foot of building frontage along the primary business site building frontage.

Primary frontage shall be the narrow dimension of the primary business site building facing a street, park, plaza, or parking lot. If the building has frontage on more than one (1) street, additional sign area shall be allowed based on one (1) half square foot of sign area for each linear foot of building frontage along the secondary street(s) frontage of the building site.

Sign types excluded from this calculation are:

1. Accessory Service Use Signs

2. Directional Signs

3. Hours and Address Signs

4. Restaurant Menu-Box Signs

5. Temporary Signs

E. Sign Shape and Area Computation. In computing sign area in square feet, standard mathematical forms for common shapes will be used. Common shapes shall include squares, rectangles, trapezoids, and triangles. The total sign area will be the area of the smallest common shape that encompasses the several components of the sign. All words and components of a sign or related message shall be included as one (1) sign. Individual words or components may be considered separate signs only if they express a complete, independent message and are separated so as to be obviously disassociated from other messages or components.

When signs are enclosed in a border or highlighted by background graphics, the perimeter of such border or background will be used to compute area.

F. Number of Signs Permitted. Each business within the town center and neighborhood center may have up to three (3) signs. The total copy area permitted is for all of the signs combined and not for each individual sign. Signs that are not included in copy-area calculations shall be exempt from the total number of signs permitted.

G. Multifaced Signs. On any sign with more than one face, the maximum number of advertising surfaces visible from any location will be counted, provided; however, that all advertising surfaces of a multi-faced sign shall be equal in size and height and contained within a common perimeter.

H. Illumination of Signs. Back-lit, halo-lit illumination, or reverse-channel letters with halo illumination are the only type of illumination permitted within a TND. White light and neon are the only colors permitted as illumination within the TND.

I. Permitted Signs. The following sign types are permitted within the town center and neighborhood center:

1. Building Types:

    a. Accessory-Use Service Areas

    b. Hours and Address

    c. Wall Signs

    d. Window Signs

2. Projecting Types:

    a. Projecting Signs

    b. Hanging Signs

3. Other, Additional Types:

    a. Awning Signs

    b. Canopy Signs

    c. Directional Signs

    d. Menu Boards/Street-Art Signs

    e. Restaurant Menu Boxes

    f. Temporary Signs

J. Building-Type Signage. The following building-type signs are permitted as detailed herein.

1. Accessory Service-Use Signs. Only one (1) nonilluminated sign shall be permitted for an accessory service use. Such sign shall be limited to a maximum of three (3) square feet in area, be limited to the name of the business, and be located at the business entrance and shall not be included in total sign allotment and copy area. Ground or pole signs, roof signs, and high-rise (parapet) signs shall not be permitted.

2. Hours and Address. The minimum size of each letter shall be a minimum of one (1) inch and a maximum of six (6) inches.

3. Wall Sign. No wall sign or supporting structure shall project more than twelve (12) inches from the wall of a building. No wall sign shall extend more than thirty (30) feet above ground level to the top of the sign, nor above the roof line.

4. Window Signs, Attached. Signs which are physically attached or painted to any surface of a window are permitted and the area of any such sign shall count in the maximum-allowable sign area.

5. Window Signs, Unattached and Temporary. Signs located on the interior of a structure, but visible from the exterior of the building, are permitted and are not charged against the maximum-allowable signage area if such signs are not physically attached or painted to the window and do not obscure more than ten (10) percent of ground-floor, street-side building transparency. The ten (10) percent is not-to-exceed total glass area calculated for both unattached and temporary window signs.

   Temporary signs can take the form of banners, window graphics, or as cards integrated with a window display. Temporary signs are permitted on the interior of the business establishment only and shall be no more than five (5) square feet of text; shall not exceed ten (10) square feet in size; and no more than ten (10) percent of ground-floor, street-side building transparency. Temporary signs shall not be displayed more than thirty (30) days in a calendar year.

6. Projecting and Hanging Signs. No projecting sign or supporting structure shall extend above the roof line, nor shall any such sign extend into any street centerline setback or more than thirty (30) feet above ground level to the top of the sign and shall provide a vertical clearance of nine (9) feet along pedestrian areas.

7. Awning Signs. An awning sign where allowed by the County (insert position in the County that would assess the liability of awnings hanging in the right-of-way) and built in accordance with the Florida Building Code shall be permitted, but shall count in allowable signage for the building.

8. Directional Signs. One (1) private directional sign, not exceeding three (3) square feet in area, may be permitted at each access drive, providing such sign only directs motorists to the location of off-street parking areas.

9. Sandwich Boards. One (1) menu board shall be allowed per street address. Menu boards shall not exceed eight (8) square feet in size (sign and copy area is calculated on one [1] side only), shall be positioned so as to be adjacent to that restaurant or business listed on the board and information on that board shall advertise exclusively the goods and services of that business, and be placed in a manner which is clearly visible to pedestrian traffic. All signs shall be removed at the end of each business day. All signs shall be securely anchored to the ground.

10. Menu-Box Signs. Menu signs shall be located in a permanently mounted display box on the surface of the building within eight (8) feet to the entry.

    The allowable area for menu signs shall be a maximum of four (4) square feet and shall not be included in the calculation of allowable copy area.

11. Ground-Mounted Signs. One (1) shopping-center sign shall be allowed within the town center and may not exceed thirty-four (34) square feet of copy area per side. This sign shall be a monument sign no higher than six (6) feet. The illumination of this shopping-center sign shall not be internally lit and may have external lighting that is concealed to the sign. An increase of ten (10) percent copy area shall be permitted if an architectural base is as described below in Subsection i. The ground-sign support base shall be encased or provide external support and meet the following standards:

    a. Signs shall be in an enclosed base possessing a minimum width of two-thirds the width of the sign.

    b. If any support; upright, bracing, or framework is utilized or proposed to support a ground sign, said support; upright, bracing, or framework shall be:

        (1) Architectural Feature. Encased in an ornamental shell of stone, brick, ornamental metal, or similar and/or compatible materials with the architecture of the building or other site features; and

        (2) The maximum size of the background structure of a sign shall not exceed 110 percent of the total square footage of copy area. For example, fifty (50) square feet of copy area can have fifty (55) square feet of background-structure area (see Multitenant Ground-Sign Illustration). If the sign is encased in an architectural feature (see Single-Tenant Ground Sign) which is the base of the sign, the maximum background structure may be up to 150 percent of the total square footage of copy area and increase maximum copy area by an additional twenty-five (25) percent per total copy area.

        (3) The base shall not be intended or designed to include messages and shall not include colors, trademarks, or any other decorative design features that are primarily intended to attract attention, rather than be unobtrusive or compatible with the architecture of the building or other site features.

c. A minimum width of thirty-six (36) inches of landscaping shall be incorporated around the base to include low-growing shrubs and ground cover and/or flowering annual to promote color and must have an automatic-drip irrigation system.

d. Ground signs are permitted within the town center if the building is setback more than fifteen (15) feet from the right-of-way. The maximum height shall be six (6) feet.

12. Home-Based Business Sign. One (1) home-based business sign is permitted. A business may have one (1) square foot of signage per four (4) lineal feet of building frontage not-to-exceed sixteen (16) square feet. A home-based building sign shall not be illuminated.

13. Street-Art Signs. Street-art signs shall be permitted by meeting the following standards:

a. Street art shall be counted toward the maximum-allowable copy area; the square footage of the street art shall be calculated by multiplying the greatest width by the greatest height of the object.

b. The maximum sign area per street-art sign is eight (8) square feet. Sign and copy area is calculated on one (1) side only.

c. One (1) piece of street art shall be allowed per street address. A storefront must be a minimum width of twenty (20) feet in order to have street art.

d. Street art shall be removed at the end of the business day.

e. Street art shall be located in the front of the business, address the name on the Sign Permit, and advertise that business exclusively.

f. The applicant may have one (1) street-art piece or a menu board, but not both.

601.11. **Definitions**

The following words, terms and phrases, and their derivations shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words not defined in this section shall have the meaning as defined within this Code. Words not defined in this section or this Code shall have the meaning as defined within the Comprehensive Plan. When not inconsistent with the context, words in the present tense include the future. The word "shall" is always mandatory and not merely directory.

A. "A" Street. The primary, pedestrian-oriented streets within a neighborhood center and a town center that provide a mix of uses promoting pedestrian

activity, cycling, and transit. These streets have building-frontage requirements that place buildings close to the street and restrict off-street parking and service uses along them.

B. Accessory Service-Use Area. A service area that is used for loading, unloading, and a staff entrance which is not used as a public entrance, but has access to the building.

C. Anchor. Large national or regional retailer that serves as primary draw for a shopping center. At regional malls, anchor tenants are typically department stores and at community and power centers, they are food/drug stores, discount department stores, etc.

D. Architectural Relief. Decorative finish that will provide a visual break in building facade.

E. Awning. Temporary shelter supported entirely from the exterior wall of a building and composed of nonrigid materials, except for the supporting framework.

F. "B" Street. The secondary streets within a neighborhood center and a town center that provide vehicular and service access to development blocks. These streets have no building-frontage requirements. While "B" streets are not intended to be primary pedestrian streets, at a minimum they must include sidewalks and street trees in accordance with specified street-design standards.

G. Bicycle Lane. A portion of a roadway that has been designated by striping, signage, and pavement marking for the preferential or exclusive use of bicyclists.

H. Block Faces. The building facades on one (1) side of a block's street frontage.

I. Buffer. An area reserved or designed to separate potentially incompatible land uses.

J. Buildable Area (Also, Buildable Land Area). The area within the boundary of a development or parcel, excluding areas devoted to right-of-way, transmission power-line easements, lakes, wetlands, or areas within the 100-year floodplain.

K. Building Facade. An exterior wall of a building that is set along a frontage line.

L. Building Frontage. The linear length of a building facing a public street right-of-way, exclusive of alleys.

M. Building Massing. The three (3) dimensional bulk of a structure: height, width, and depth.

N. Building Orientation. The position in which the primary facade of a building is located on a block.

O. Caliper. The measure of the trunk diameter of a tree at six (6) inches above the soil line.

P. Community Common Areas. Includes a park; green and/or plaza; centralized recycling areas; mailbox kiosks; informal open space, both active and passive; fountains; monuments that serve as a community identity; and other, additional meeting areas within the town center which precludes streets, parking lots, and sidewalks. Sidewalks that are located internal to a common area are permitted to count towards this requirement, but not sidewalks that are provided throughout the development.

Q. Cul-de-Sac. A turnaround at the end of a dead-end street.

R. Development Blocks or Blocks. A unit of development that is surrounded on all sides by "A" streets. Example dimensions: 500 feet to 700 feet in length by 500 feet to 700 feet in width.

S. Encroachment. Entering into adjacent area.

T. Finish. The final, exterior material or treatment applied to a building, such as brick or stucco.

U. Half-Blocks. A subunit of a development block that is surrounded on three (3) sides by "A" streets and on one (1) side by "B" streets. Example dimensions: 500 feet to 700 feet in length by 250 feet to 350 feet in width.

V. Hanging Signs. Hanging signs are similar to projecting signs, except that they are suspended under a canopy or attached to a ceiling. Hanging signs are generally smaller than projecting signs due to their lower mounting height.

W. Linear Facilities. The legal definition of linear facilities is set forth in Section 704.06(11), Florida Statutes, and includes electric, telecommunication, other transmission and distribution lines and facilities, and public or private transportation corridors and related appurtenances. Linear facilities also include water distribution and sewer-collection systems.

X. Liner Retail. Liner retail is defined as a building type designed to mask surface parking lots or anchor retail uses in order to provide building frontage along "A" streets, typically single story.

Y. Live Work Unit. An apartment unit that is integral with a commercial building. Only the owner, operator, or an employee of the principal permitted use and the immediate family may occupy such units.

Z. Main Street (within a Town Center). An "A" street that serves as the primary, nonresidential corridor for a town center.

AA. Mass. See "Building Massing."

BB. Mixed-Use Building. The combination of either commercial or office and residential uses within a single building of two (2) or more stories, wherein at least fifty 50 percent of the floor area contains residential-dwelling unit(s).

CC. Multi-Modal Transportation System. A network of transportation infrastructure that supports multiple modes of travel, including vehicles, transit, walking, and biking.

DD. Neighborhood. Neighborhoods are characterized by a mix of residential housing and neighborhood services that may include schools, parks, neighborhood shopping, and houses of worship.

EE. Neighborhood Center. The public core of a neighborhood, which may be a combination of parks; schools; public-type facilities, such as churches or community centers, and may include small-scale, neighborhood-oriented commercial uses.

FF. Neighborhood-Oriented Commercial Uses. Retail or office land uses that serve most of the daily needs of residents of the neighborhood in which it is located.

GG. Nonresidential Use. Office, business, commercial, including retail uses, or light-industrial uses.

HH. Open Space. Undeveloped land or water body which is free of structures and equipment, except those incidental to the land's open-space uses. Open space may include the following: flood protection, creating a sense of spatial separation for incompatible land uses, areas for agricultural operations, passive recreation, active recreation, conservation uses, or historical site preservation.

II. Parking, Diagonal. Parking spaces within the right-of-way that is adjacent to and at an angle between forty-five (45) and ninety (90) degrees. Diagonal parking may be back-in parking only.

JJ. Parking, Off-Street. Parking spaces that are located outside of any street right-of-way or easement and designed to accommodate the parking of domestic vehicles. Parking spaces are allowed within the travel lanes of some streets as illustrated in the street sections.

KK. Parking, On-Street. Space located inside of any street right-of-way or easement and designed to accommodate the parking of domestic vehicles.

LL. Parking, Parallel. Parking spaces within the right-of-way that is adjacent to and parallel to travel lanes.

MM. Plaza. A public space at the intersection of streets devoted to civic purposes and temporary commercial activities, such as craft shows, farmers markets, etc. A plaza is surrounded by streets with facing buildings and includes lawns, trees, walks, ornamental structures, buildings, and durable pavement for parking.

NN. Principal Entrance. Entrance of a structure in which a primary access point is provided.

OO. Private-Edge Condition. A development block that is permitted to create a single row of lots or building sites as an edge or boundary.

PP. Primary Local Stop: A bus stop that is located within a neighborhood which includes shelter, transit-route information, seating, trash receptacle, bicycle rack, and adequate lighting.

QQ. Prototype. A generalized development diagram that illustrates the basic design principles to be applied to actual development conditions.

RR. Public-Edge Condition. A requirement for development blocks to share a public street as a common edge or boundary.

SS. Public Entrance. Entrance that is available for access by the general public during operating hours of business.

TT. Public Space. Any publicly accessible square, plaza, or green that is available for passive or active recreation.

UU. Public/Civic. A class of land uses that includes the following public and civic-use categories as defined within the County zoning ordinance: community service; education facilities; government facilities (limited to city, county, State or Federal government offices; emergency services; fire; sheriff; medical station; or post office); and places of worship.

VV. Recreational Space. Passive or active recreational areas.

WW. Residential Use. The use of land, buildings, or structures for uses which include, but are not limited to, community residential facilities, dwelling units, fraternity and sorority houses, life-care treatment facilities, private-pleasure craft used as a residence, professional-residential facilities, and temporary living facilities.

XX. Restaurant Menu-Box Signs. Signs that incorporate a menu containing a listing of products and prices offered by the business.

YY. Service-Function Area: An Equipment Area. Loading area or dock; trash-collection area; trash-compaction area; truck-parking area; recycling area; or other, similar service-function area.

ZZ. Shade/Street Tree. A self-supporting woody plant, typically having a minimum height at maturity of at least twenty (20) feet, planted primarily for its high crown of foliage.

AAA. Street-Art Signs. Any freestanding, three (3) dimensional inanimate object that is not merchandise and is used to attract the attention of potential customers.

BBB. Surface. See "Finish."

CCC. Town Center. A concentration of development within a neighborhood that includes identified residential, retail, office, public spaces, and public/civic uses.

DDD. TND. A collection of neighborhoods around a town center.

EEE. Urban Development Form. A development pattern that is designed on a grid using a system of blocks that are limited in width and length; that are framed by a street system that prioritizes pedestrian activity; and that has buildings and structures that form a consistent, distinct edge spatially delineating the public street and the private block interior.

FFF. Walking Distance. The distance a resident of average health and age may be expected to walk for the purposes served by the neighborhood center considering the available sidewalks, streets, and paths; conditions which enhance the walking experience, such as tree canopies, shade and visual interest; or which detract from it, provided that in no event shall "walking distance" exceed one-half mile of pedestrian travel.

GGG. Window Signs, Attached. Signs that are painted, posted, displayed, or etched on an interior translucent or transparent surface, including windows or doors.

HHH. Window Signs, Unattached. Signs that serve as advertising display located within twenty-four (24) inches of a business window or door.

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CHAPTER 700. SUBDIVISION AND PLATTING STANDARDS

700.1. Intent and Purpose

The intent and purpose of this chapter is to set forth the standards for subdividing and platting land. It is the intent of this Code to ensure that all future developments are served adequately and economically by the County or developed with facilities and services as are necessary for the health, safety, and welfare of the residents. Except as provided in this chapter section, platting is required when a parent parcel is divided into three or more parcels or when any lot which was platted after May 1, 1974, is divided.

700.2. General

A subdivision shall not be approved unless the County finds after full consideration of all pertinent data, that the proposed subdivision conforms to all the provisions of this Code and the County Comprehensive Plan. These requirements apply to the four (4) types of subdivision plat approvals which are:

A. Minor Rural Subdivisions (MRS). MRS are subdivisions meeting the requirements below:

Land Use Classification	Maximum Number of Proposed Lots	Minimum Lot Size (Acres)
AG (Agricultural)	16	*
AG/R (Agricultural/Rural)	16	*
RES-1 (Residential - 1 du/ga)	10	1
*Minimum lot size as governed by the Comprehensive Plan Future Land Use Classification and zoning district. Wetlands and required upland buffer may be included in the lot provided that setbacks are measured from the upland buffer line and that no activity requiring the issuance of a Building Permit shall be allowed within five (5) feet of the upland buffer line required by the County.		

1. Wetlands and required upland buffers may be included and platted within the lots provided that setbacks are measured from the upland buffer line and that no activity requiring the issuance of a Building Permit shall be allowed within five (5) feet of the upland buffer line required by the County. A notation on the plat for MRS subdivisions shall be made setting forth these additional restrictions on measurement of setback and issuance of Building Permits.

2. The parent parcel contains only agricultural and/or residential zoning.

3. If connection to water and/or sewer, beyond an individual point-of-service connection where the distribution or collection line exists in front of the development, is determined to be available and the

development is required to connect, then the development cannot be considered an MRS.

B. Residential Subdivisions

C. Nonresidential Subdivisions, which are those subdivisions not designed for fee-simple residential development. There are two categories of nonresidential subdivisions:

1. Common Plan of Development, those subdivisions where the created lots are inextricably linked through shared infrastructure such as parking, access and landscaping. The most common form of these subdivisions are shopping centers with outparcels.

2. Stand Alone, those subdivisions where the created lots are generally developed independently. A common form of these subdivisions are commerce parks.

700.3. **Exemptions**

The following developments shall not be subject to the subdivision requirements of this Code:

A. Division of an agriculturally or residentially zoned parent parcel into:

1. Lots greater than or equal to forty (40) acres within the AG (Agricultural) and AG/R (Agricultural/Rural) Future Land Use Classifications.

2. Lots greater than or equal to twenty (20) acres within the RES-1 (Residential - 1 du/ga) and RES-3 (Residential - 3 du/ga) Future Land Use Classifications.

3. Lots greater than or equal to ten (10) acres within the RES-6 (Residential - 6 du/ga) and higher Future Land Use Classifications.

B. Limited Family Lot Division (LFLD). LFLDs are subject to the provisions of this Code, Section 405.1.

C. Any condominium as defined in Chapter 718, Florida Statutes.

D. The combination or recombination of all or a portion of previously platted lots of record where none of the newly created or residual lots contain less area, width, or depth than the smallest of the original lots of record that are being combined, and no streets or alleys of any kind or public easements are created, changed, or extinguished.

E. Any conveyance between adjoining landowners if the purpose of the conveyance is to adjust or settle the common boundary line and the deed of conveyance, or other legal instrument, states such purpose of the conveyance and is recorded in the Official Records of Pasco County.

F. The combination of an adjoining parcel or a portion of an adjoining parcel provided a substandard lot is not created and a unity of title is recorded in the Official Records of Pasco County.

G. Any division of land for the purpose of conveying land to any Federal, State, or local government entity or agency, or public utility, provided such conveyance is accepted and acknowledged by the grantee by an instrument recorded in the Official Records of Pasco County.

H. Any conveyance for the purpose of correcting an error made in the language used in an original conveyance.

I. Construction of a single-family dwelling on any parcel of land recorded by Deed as of June 16, 1989, but not to include lands platted on or after May 1, 1974.

J. Dividing a parcel with existing legal dwelling units into individual lots for each dwelling unit, provided the property owner submits the following:

1. A plan showing proposed lot lines prepared by a Florida-registered surveyor. This will be used to determine if the structures meet the applicable Future Land Use Classification, zoning district, and applicable land development requirements.

2. Proof of the lawful existence of all septic tanks or central sewer facilities servicing the unit(s). The location of the septic tanks shall be shown on the survey and verified by the Health Department.

3. Proof of the issuance of a lawful Building Permit prior to December 19, 1989. This condition may be waived by the County Administrator or designee if the dwelling units existed prior to February 1985, and proof from the serving power company of existing power service for the unit(s) can be provided. Proof shall include connect and disconnect dates for each unit.

4. Proof of ownership or legal interest.

5. Proof of lawful access.

6. Lot surveys:

a. The owner or owner's agent shall submit lot surveys of the entire development meeting the requirements of Chapter 5J-I7, 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.

b. Upon receiving approval, the owner or owner's agent shall record the survey, the County-approved development conditions, the agenda memorandum conditions, index name under which the development was recorded, and the owner's or owner's agent's notarized signature stating: "These documents are a true and correct recordation." Any deeds recorded shall also contain the Official Record Book and page numbers of the above recordation.

c. Prior to the issuance of the first Building Permit, the owner or owner's agent shall submit proof of recording to the County Administrator or designee.

700.4. Conformance with County Policy

The subdivision and development within any subdivision shall be consistent with the Pasco County Comprehensive Plan, all applicable provisions of this Code, and all adopted water supply, waste disposal, street lighting, and other essential utilities plans.

700.5. Use of Natural Features

The arrangement of lots and blocks and the street system should make the most advantageous use of topography and preserve mature trees and other natural features wherever possible.

700.6. Consideration of Soil Conditions, Flood Hazards, and Water Resources

A subdivision shall not be approved unless all land intended for use as building sites can be used safely for building purposes after completion of proposed improvements without the danger of flooding and adverse soil conditions affecting structural stability, and human health, safety, and welfare. Further, a subdivision shall not be approved unless design measures to minimize the adverse impact on the quality and quantity of the natural hydrological system are included as components of the proposed subdivision improvements, as required by this Code. In particular, all subdivisions affecting lakes, ponds, cypress swamps, bay, and mixed hardwood swamps, watercourses of a seasonal or perennial occurrence, tidal and estuarine marshes, or the subsurface aquifer system shall provide measures to minimize adverse impacts.

700.7. **Standards**

The following shall be used in the design of subdivisions and reflected on Preliminary Development Plans and Construction Plans, unless an MPUD Master Planned Unit Development zoning amendment allows for another standard:

A. Lots and Blocks

Lots shall meet or exceed the minimum area required. Consistent with this Code, where individual water supply and/or sewage disposal is permitted for individual lots, the minimum net useable area shall meet the current requirements of the State. Lots proposed for industrial or commercial purposes shall be adequate to provide off-street parking, loading, and service facilities.

B. Corner Lots

Each corner lot shall be at least ten (10) feet greater in width than the minimum required for interior lots within the subdivision.

C. Access

Each residential lot shall have a minimum frontage along the access street right-of-way or easement line of twenty-five (25) feet. This requirement shall not be construed to prohibit private streets within developments. The subdivision shall be so designed that remnants and landlocked areas shall not be created, which do not have access by right-of-way or easement. No lot shall be created without sufficient legal access. All subdivisions shall have access to a street, public or private. Access by easement is prohibited except for Minor Rural Subdivisions and internal access for “Common Plan of Development” nonresidential subdivisions.

D. Lot Lines

In subdivisions which overlap municipal, County, tax district boundaries, or other district boundaries, lot lines shall follow the boundary lines, unless specifically approved otherwise at the time of preliminary development plan approval.

E. Double-Frontage Lots

Double frontage lots shall be approved only to separate a development from arterial, collector, and/or major local roads, or to overcome disadvantages of topography and orientation. Where double frontage lots are created, they shall all front away from the arterial, collector, and/or major local roads. The rear of the lots shall be buffered from the abutting roadway in accordance with this Code, access rights shall be dedicated to the County, and a noningress/egress easement shall be recorded on the plat. A note stating "vehicular access rights dedicated to Pasco County" shall be lettered along

the right-of-way line of the plat adjacent to the lots affected. A noningress/egress easement shall be recorded on the plat.

F. Block Lengths

Where practicable, the length of blocks should not exceed 1,760 feet, unless specifically approved otherwise at the time of preliminary development plan approval.

G. Streets

1. General

All streets shall be constructed in accordance with this Code, Section 901.6, Street Design.

2. Continuation of the Existing Street Pattern and Street Access to Adjoining Property

The proposed street layout shall take into consideration the street system of the surrounding area. Streets in the proposed subdivision shall be connected to streets and/or right-of-way in adjacent areas to provide for proper traffic circulation unless approved otherwise at the time of preliminary plan approval, lots within a proposed MRS subdivision that are five (5) acres or greater are exempt from this requirement. Street connections and rights-of-way to adjoining areas shall be provided to give access to such areas and/or to provide for proper traffic circulation as determined necessary at the time of preliminary development plan approval. Where a cul-de-sac is not provided, a temporary T-type turnaround, including barricades, shall be provided on all dead-end streets with more than two (2) fronting lots or parcels.

The developer, when required at the time of preliminary development plan approval, shall extend, improve, and construct off-site streets and rights-of-way providing access to the subdivision. The developer shall bear all costs of such extensions, improvements, and construction.

3. Intersection Design and Separation

Intersections of all street types with Type 1 streets and/or with streets functionally classified by the County Comprehensive Plan Future Roadway Network shall adequately provide for all turning and through-traffic movements by construction of additional lanes as determined necessary at the time of Preliminary Development Plan approval in accordance with this Code, Section 901.3, Access Management.

Right-of-way for additional lanes shall be provided by the developer in excess of the minimum required for the various types of streets as listed in this Code, as determined necessary at the time of preliminary plan approval. The minimum intersection spacing within the subdivision shall be 150 feet. Connections to major county roads shall be in accordance with this Code, Section 901.3, Access Management.

The subdivision layout shall be designed to discourage through traffic along Type 1, 2, 3, and 4 streets. Unless otherwise approved at the time of preliminary plan approval, intersections of Type 1, 2, 3, and 4 streets shall be T-type intersections.

H. Pedestrian and Bicycle Facilities

Provisions for public pedestrian and bicycle traffic shall be incorporated into the subdivision design in accordance with this Code, Sections 901.7, Bicycle Facilities, and 901.8, Pedestrian Facilities.

I. Street Names

Streets shall be named in accordance with this Code, Section 901.9, Street Naming and Addressing.

J. Traffic Control Devices

Traffic control devices shall be provided, designed, and constructed in accordance with this Code, Section 901.10, Traffic Control Devices.

K. Street Lighting

Street lighting shall be provided, designed, and constructed in accordance with this Code, Section 901.11, Street Lighting.

L. Stormwater Management System

The stormwater management system shall be designed in accordance with the requirements of this Code, Section 902, Stormwater.

M. Easements

The use of all easements shall be clearly shown on all plans. The minimum easement widths shall be as stated in this Code.

N. Utilities

Utilities shall be in accordance with this Code, Section 903, Utilities.

O. Fire Protection

Fire protection shall be provided in accordance with this Code, Section 904, Fire Protection.

P. Neighborhood Parks

Neighborhood Parks shall be provided in accordance with this Code, Section 905.1, Neighborhood Parks for all subdivisions with a residential component.

Q. Tree Protection, Landscape and Buffering

Trees, landscaping, and buffering shall be in accordance with this Code, Sections 802 and 905.2. In addition, all double-frontage lots which abut a roadway functionally classified in the County Comprehensive Plan future roadway network shall be provided with a Type B buffer along the rear-lot lines.

700.8. Prior to Platting

Prior to commencing the platting process, the following approvals are required:

A. Preliminary Development Plan Required

The Preliminary Development Plan - Residential (PDP-R) or Preliminary Development Plan - Nonresidential/Mixed-Use (PDP-NR/MU) as required pursuant to this Code, Sections 403.1 and 403.2, shall outline the plan of development for the proposed subdivision. The PDP shall identify the general configuration of lots and plans for public services as required. The PDP-NR/MU shall specifically identify whether the proposed subdivision will be a “Common Plan of Development” or “Stand Alone” subdivision.

B. Construction Plan Review and Approval

As required by Section 403.5, Construction Plans, each subdivision shall submit for review construction plans detailing plans for development of the proposed subdivision. The plans shall be approved prior to Draft Record Plat Review.

700.9. Platting

A. Draft Record Plat Review

1. A draft record plat shall be prepared and submitted by a state-registered surveyor and shall strictly comply with Chapter 177, Florida Statutes, as amended.

2. The draft record plat shall be prepared using a computer aided design (CAD) process, on sheets twenty-one (21) inches by twenty-five (25) inches. Each sheet shall have a margin line completely around the sheet placed to leave a three (3) inch binding margin on the left, and a minimum of a one-half inch margin on the other three (3) sides.

   a. The minimum scale for plats having lot areas of less than one-half acre shall be drawn at a scale of one (1) inch equals fifty (50) feet.

   b. Plats with lot widths of less that twenty-five (25) feet shall be drawn at a scale of one (1) inch equals forty (40) feet.

   c. Plats with acreage lots shall be drawn to a scale of no smaller than one (1) inch equals 100 feet.

   d. The minimum text size for all plats will be no less than 0.08 times the scale.

3. A draft certificate of title and encumbrances, as required by Chapter 177, Florida Statutes, shall appear on the draft record plat.

4. Twelve (12) paper check prints and all supporting data to demonstrate compliance with the approved plans and conditions of approval shall be submitted. The supporting data shall conform to the check lists provided by the County Surveyor or designee and included in the development manual.

5. 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. The draft record plat shall substantially conform to the approved preliminary development plan and approved construction plan.

B. <u>Final Record Plat Review and Approval Procedures</u>

1. Prior to the conveyance of lots, the final record plat shall be submitted for review, approval, and recordation by the County.

2. A final record plat shall be submitted for review to the County Administrator or designee within ninety days (90) of receipt of notification of any deficiencies and noncompliance under Section 700.9.A, unless an extension is granted by the County Administrator or designee.

3. The final record plat shall substantially conform to the previously approved plans and conditions of approval.

4. All subdivision plats shall meet the following standards:

   a. All subdivision plats shall be tied to the Pasco County Primary Horizontal Control Network (PCPHCN) meeting the accuracy requirements for Third-Order Class 1 surveys as defined by the Standards and Specifications for Geodetic Control Networks, as published by the Federal Geodetic Control Committee, latest edition.

   b. A minimum of two (2) permanent reference monuments (PRMs) per plat shall be shown with state plane coordinate values based on the PCPHCN and shall be independently tied by a reference line labeled with bearing and distance to the PCPHCN.

   c. The PCPHCN shall also be shown with state plane coordinate values.

   d. Digital forms of the plat should be submitted on state plane coordinate values.

   e. A note shall be placed on each plat as follows: “The coordinate values shown hereon are based on the County Primary Horizontal Control Network and were established to Third-Order Class 1 accuracy as defined by the Standards and Specifications for Geodetic Control Networks, as published by the Federal Geodetic Control Committee, latest edition.”

   f. The basis for all bearings shown on the plat shall be “grid” and referenced to the PCPHCN.

5. A minimum of two permanent benchmarks shall be established for each plat submitted. The benchmarks shall be referenced to North American Vertical Datum (NAVD) 1988. For projects where construction plans were prepared using National Geodetic Vertical Datum (NGVD) 1929, the benchmarks shall reference NGVD 1929 and be cross-referenced to NAVD 1988. The plat benchmark data and reference benchmark data shall be submitted as a benchmark report, certified by the platting surveyor and submitted to the County Surveyor. The report shall consist of mark identification, description, location, and elevation. The benchmarks shall be identified by a metal disk with the reference mark thereon. It shall be set in a concrete structure such as a catch basin, curb, or other permanent place within a public area or other location to be designated by the County Surveyor.

6. Where corners are found to coincide with a previously set PRM, the State registration number of the professional surveyor and mapper, or the Certificate of Authorization number of the legal entity responsible for the previously found PRM, shall be shown on the new plat as

"found" or shown with a symbol different than those symbols set specifically for the already adjoining plat, or if unnumbered, shall so state. This provision shall apply to all monuments, regardless of any monuments that were previously set and found by the same professional surveyor and mapper, or by the same legal entity, responsible for the new plat, or by any other surveyor and mapper or legal entity.

7. The original final record plat shall be prepared using a computer aided design (CAD) process, on stable base film, a minimum of three mil thickness, using sheets twenty-one (21) inches by twenty-five (25) inches. Each sheet shall meet the margin and scale requirements established for the draft record plat.

8. Ten paper check prints and all supporting date to demonstrate compliance with the approved plans and conditions of approval shall be submitted to the County Administrator or designee.

9. The final record plat shall strictly comply with Chapter 177, Florida Statutes, as amended.

10. 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).

700.10. **Prohibitions**

A. With the exception of model homes and noncommercial clubhouses as specified in this Code, no Building Permit shall be issued for any property which is depicted upon any plat until such plat is approved by the BCC and recorded with the Pasco County Clerk and Comptroller; and

1. All approved improvements necessary to service the applicable phase or unit of the subdivision are complete; or

2. An assurance of a completion document conforming to the requirements of this Code and covering said improvements has been accepted by the BCC provided; however, that no Certificate of Occupancy (CO) for such nonmodel structures shall be issued until said plat is approved and recorded and all approved improvements are substantially completed.

B. It shall be unlawful for any person to record a subdivision plat of lands, except condominium plats, in the County, whether as an independent instrument or by attachment to another instrument entitled to record, unless and until such

subdivision plats have been approved by the BCC and accepted for recording in the Public Records of the County.

700.11. **Dedication**

A. A developer shall be required to dedicate or convey as a prerequisite or incident to record plat, or prior to issuance of the CO where a record plat is not required, in conformance with conditions of the development approval: land; access rights; improvements; water and sewer systems, including lines; wells; pumping stations and other appurtenances; interests in real property, or other real or personal property where the review of a preliminary development plan, or record plat, submitted by the developer indicates that such a dedication, transfer, or conveyance is necessary to:

1. Ensure adequate traffic flow to and through the land, adequate drainage, and to otherwise ensure the suitability of the site for the proposed use.

2. Ensure consistency with the goals, objectives, and policies of the County Comprehensive Plan or elements which project the anticipated needs of the community with regard to school, roads, drainage, or other public facilities.

3. Meet needs for public facilities which are solely or substantially attributable to the proposed development.

4. Expand existing public facilities so as to meet the increased demand or burden placed upon such facilities as a result of the impact of the proposed use or of new users generated by the proposed use.

5. Promote, expand, unify, or preserve an acceptable or approved existing pattern of development or existing system of public improvements.

The interest in or amount of property or development rights required to be dedicated shall be directly related to the projected impact of the proposed development on public improvements and facilities.

B. Dedications or conveyances may be accomplished by plat, deed, bill of sale, written instrument, or other acceptable technique.

C. Mandatory dedication of water and sewer facilities shall be limited to those developers connecting into or utilizing the County utility system.

D. By plat shall be required for all platted subdivisions as follows:

1. The owners or developers of land to be developed shall dedicate to the County or to the public and show on the plat such dedication, where required by the County to do so, pursuant to this Code, all roads, streets and alleys, drainage easements, and lands and

easements upon which utility facilities and other improvements are proposed, and for other purposes incidental thereto, including vehicular access rights, where required.

2. Except as provided herein, no liens, mortgages, bonds, or other financial encumbrances shall exist against the property to be platted, at time of such dedication, and the lack of such encumbrances shall be certified on the plat by all necessary persons. If the property is encumbered by a mortgage, the owner and mortgagee shall join in the dedication, or in some other manner, subordinate the mortgagee's interest to the dedication to the public.

3. For MRS developments where interconnection is not required, accessways within the development shall not be required to be dedicated to the public provided that the accessways are shown on the plat as easements, and the easements are conveyed to and maintained by a mandatory homeowners association.

E. Once Dedication or Conveyance Occurs

1. Areas specified for particular purposes or uses on a plat, or other instrument of dedication or conveyance, shall be deemed dedicated for such uses and may not be used by any person in a manner inconsistent with such uses or purposes, unless vacated by the BCC in the manner provided by law.

2. Nothing herein shall be construed as creating any obligation on the County to perform any act of construction, maintenance on, or operation of dedicated property, improvements, or facilities, except when the obligation is voluntarily assumed by the County through action by the BCC.

F. In the case of developments completed in phases, the developer may meet the dedication or conveyance requirements of this Code by initially dedicating or conveying property sufficient to meet the total requirements of all phases, provided that the areas so dedicated must be designed to serve all such phases of the development and such a dedication is approved by the BCC.

G. The BCC may require or accept in lieu of a dedication or conveyance by written instrument or document, a dedication fee to be used for the expansion of the specific public improvements for which dedication was required. Such fees shall be established by resolution in a just and equitable manner based upon the factors set forth in this Code and upon County public improvement policies related to the need for property or fees in lieu of dedication, as established by the BCC and in accordance with the following:

1. Fees accepted in lieu of dedication shall be deposited by the County in separate trust funds or accounts established for specific categories of public improvements, including roads, utilities, schools, and parks. Thereafter, money in the said funds or accounts shall be expended

solely for acquisition or construction in connection with the expansion of the public improvement program for which the fee was collected.

2. Money appropriated from the above-referenced funds shall be allocated, as practicably as possible, to serve those projects and areas generating the said monies.

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CHAPTER 800. NATURAL, AND CULTURAL RESOURCES PROTECTION

SECTION 801. GENERAL

It is the intent and purpose of this chapter to:

801.1. Protect, conserve, and enhance the natural and cultural resources of the County in a manner that cultivates and preserves a unique sense of place while fostering economic well-being.

801.2. Implement the Comprehensive Plan with particular emphasis on preserving and protecting biodiversity and the ecological values and functions of uplands, wetlands, open bodies of water and flowing streams, floodplains, groundwater, and other significant geological features, soils and slopes, and flora and fauna.

801.3. Provide standards for development that do not contribute to increasing vulnerability to natural and man-made hazards.

801.4. Protect the habitat of listed species, critical linkages, natural resources within Ecological Planning Units, lakes, rivers, streams, and beneficial wetlands functions.

801.5. Maintaining adequate quality and quantity of water and open space.

CHAPTER 800. NATURAL AND CULTURAL RESOURCES PROTECTION

SECTION 802. TREE PRESERVATION AND REPLACEMENT

802.1. Intent and Purpose

It is the intent and purpose of this section to preserve, maintain, and protect existing native and noninvasive trees on site and to require a minimum number of trees as a condition of land development approvals.

802.2. Applicability

This section shall apply to all land in unincorporated Pasco County, except for the activities of registered commercial growers on the premises of plant or tree nurseries, botanical nurseries, botanical gardens, or tree farms (sponsored by the American Forest Foundation).

802.3. Tree Removal

A. Permits Required

A Tree Removal Permit is required for the removal of all ten (10) inch diameter at breast height (dbh) or greater trees, except in the following circumstances:

1. Utilities

Removal by agents of a utility for overhead and underground utilities service, including distribution, collection and transmission lines, and pipelines subject to the following limitations:

a. Pruning or trimming a tree inconsistent with the American National Standards Institute (ANSI) 300A 2001, as amended, is prohibited.

b. Removal of trees eighteen (18) inches dbh and larger within corridors and/or easements shall require notification, prior to removal, by telephone to the County Administrator or designee and notification to the property owner and/or occupant at least three (3) business days prior to removal.

2. County Maintenance

County Road and Drainage Maintenance Projects

3. Management Plans with Tree and Vegetation Removal

Projects for which a plan has been approved by a Federal, State, or local agency or water management district for the removal of undesirable invasive or nonnative vegetation on lands owned,

controlled, or managed for conservation, excluding vegetation in surface waters and wetlands. This includes alteration of vegetation pursuant to an adopted management plan for government-maintained parks, recreation areas, wildlife management areas, conservation areas, and preserves.

4. County Approved Management Plan

Activities consistent with a management plan adopted by or reviewed and approved in writing by the County, provided that the activity furthers the natural values and functions of the ecological communities present, such as clearing firebreaks for prescribed burns.

5. Fencing

The minimal removal of trees necessary to install a fence or wall defining a property line, provided that all of the following conditions are complied with:

a. The fencing or wall is not related to the requirements of a development plan;

b. The path cleared for the fence does not exceed ten (10) feet in width;

c. No equipment heavier than a one (1) ton pickup truck, hand-held outdoor power equipment, or a standard farm tractor is used in clearing the fence or installing the fence; and

d. No dredge or fill activity is required other than the installation of posts and fence materials.

6. Survey or Other Test Required

The necessary removal of vegetation by, or at the direction of, a State of Florida licensed professional surveyor and mapper, professional geologist, or professional engineer to conduct a survey or other required test, provided that no tree of special significance tree is removed and the path cleared does not exceed ten (10) feet in width.

7. Exotic and Invasive Species

8. Palms and Pines

Any tree of the palm family or pine family (other than long leaf pine) located on that portion of a lot which is more than twenty (20) feet from a street right-of-way, including an approved private street or other access easement, and more than ten (10) feet from any other property line.

9. Bona Fide Agricultural Land

Tree removal on lands classified as bona fide agricultural land for ad valorem taxation purposes pursuant to Section 193.461, Florida Statutes, or proposed for bona fide agricultural purposes, except that such activity must be done in compliance with the Southwest Florida Water Management District (SWFWMD), the Florida Department of Environmental Protection regulations, and silviculture Best Management Practices. Tree replacement and/or mitigation shall be required for trees removed pursuant to a proposed application for land classification if such application is not granted within one (1) calendar year of removal.

B. Tree Removal Permit Applications

1. Tree Removal Associated with Development Activity

a. Intent and Purpose

It is intended that consideration of tree removal will be part of a holistic evaluation of a project proposal. While retaining existing trees and vegetation is encouraged, it is also recognized that trees have a life span and are subject to injury and disease. It is the intention of this section to protect trees that are currently healthy and viable and are able to remain so for a significant period after development. It is also recognized that tree removal is often an inevitable part of development and as such, replacement of tree canopy is often a necessary and preferred alternative.

b. Development Plan Submittals

Applications associated with Development Permit requests shall include the following:

(1) A tree location survey identifying all trees ten (10) inches dbh and larger.

(2) An inventory of identified trees by type and size.

(3) A tree plan prepared or approved by a registered landscape architect as authorized by Chapter 481, Florida Statutes, as amended, or other type of professional as approved by the County Administrator or designee. The tree plan shall be part of the landscape plan for the site and the overall design plan and shall consider the following:

(a) Minimizing tree removal through design creativity and sensitivity using requests for alternative standards and modifications as appropriate to permit existing trees to remain on site.

(b) Design and location of streets, accessways, sidewalks, and other hardscape shall consider the location of trees.

(c) Stature, strength, health, and endurance of existing trees with due consideration given to fill requirements of the proposed development.

c. Development Approval Required

Approval to remove trees shall be part of the overall development approval and shall only be allowed after the development approval is granted.

2. Individual Tree Removal Permits

a. Applications

Applications for individual Tree Removal Permits or Tree Removal Permits not in association with a development proposal, shall be submitted on the forms and in the manner prescribed by the County Administrator or designee in the Development Manual. The application shall include a sketch of the location of the tree or trees proposed for removal and an analysis of the reason removal should be authorized.

b. Criteria to Allow Removal

The following shall be considered by the County Administrator or designee when determining whether to approve a request for tree removal:

(1) Proximity to Structures

Whether the tree or root system is determined to be detrimental to the integrity of a structure or proposed structure's foundation.

(2) Thinning

Whether the removal of the tree would be beneficial to the enhanced growth of other trees on site.

(3) Safety

Whether the tree poses a hazard and the hazard cannot be eliminated through other means, such as trimming.

(4) Condition of Tree

Whether the tree is dead; irreversibly diseased; insect ridden; or weakened by age, storm, fire, or other natural causes or act of God rendering it beyond saving. When this condition is field verified by an arborist, tree replacement is not required.

(5) Not Viable

If the tree will be damaged or killed by required site grading, excavation, and/or fill.

(6) Whether the tree is subject to the provisions of Section 802.3.D, Removal of Previously Approved and Required Tree Plantings.

c. Denied Requests

In circumstances where the request to remove a tree or trees is denied by the County Administrator or designee, the applicant may supply additional information from a certified arborist demonstrating compliance with the criteria for removal.

C. <u>Tree Replacement and Mitigation</u>

1. Tree Replacement

a. Residential Tree Replacement

A replacement tree shall be required to be planted for each tree removed from existing single family, two (2) family, or mobile home lots, including those on agriculturally zoned property, where the removal will result in fewer beneficial trees remaining on the lot than shown below:

Size of Lot (Square Feet)	Minimum Number of Trees
Less than 3,500	1
3,500-6,000	2
6,001-7,500	3
7,501-9,500	4
9,501-16,000	6
Over 16,000	8

b. Replacement on Other Than Residential Lots

(1) Replacement Ratio

Trees of ten (10) inch dbh and larger which are allowed to be removed shall be replaced as follows:

(a) For live oak (*Quercus virginiana)*, the total caliper inches of replacement trees shall equal the total caliper inches of live oaks removed, rounded to the nearest whole number.

(b) For other trees, the total caliper inches of replacement trees shall equal one-third the total caliper inches removed, rounded up to the next whole inch.

(2) Planting Credit

Credit against the required replacement trees will be given for trees planted pursuant to the landscaping and buffering requirements. Trees located within environmentally sensitive lands shall not be credited toward the total number of required trees.

(3) Tree Mitigation Fund

If the applicant demonstrates to the satisfaction of the County Administrator or designee that a site cannot accommodate the total number of replacement trees required by this section as a result of insufficient planting area, the applicant shall provide a monetary contribution to the Tree Mitigation Fund at the rate established by resolution of the Board of County Commissioners (BCC).

D. Removal of Previously Approved and Required Tree Plantings

1. Applicability

This section applies only to trees that were planted as part of a development project where the trees installed in accordance with the approved plan are damaging utilities, sidewalks, parking areas, or structures (problem trees).

2. Verification of Problem Trees

A licensed arborist shall provide written verification that the tree is causing damage and that measures, such as excavation under roots, meandering or reinforcing the sidewalk, or pruning roots are not appropriate and the tree should be removed. If not all trees of a particular species are causing damage, it may be presumed that the remaining trees of that species will become problematic in the future and may also be removed pursuant to this section.

3. Authority to Request Removal of Problem Trees

a. In residential projects, the homeowners' association, Community Development District, or similar entity having authority may submit an application for removal of problem trees located on the property under the control of the entity or where the owner has authorized the entity to act on its own behalf. Where such entities do not exist, an authorized representative of the neighborhood, through petition of the affected owners, may apply.

b. In nonresidential projects, the property owner, merchants' association, or similar entity having authority may submit an application for problem tree removal.

4. Submittal Requirements

An applicant shall submit required information in the form as specified by the County Administrator or designee. Plans shall be drawn at a readable scale and include:

a. The location and number of the problem trees to be removed;

b. The planting locations and number of replacement trees, including botanical names;

c. Application fee; and

d. Proof of authority.

5. Replanting Requirements

a. Problem trees shall be replaced at 1:1 for each problem tree removed.

b. Replacement trees shall be of a species appropriate for the placement area and comply with the principle of "right plant, right place." Additional resources, such as Costello, L.R. & Jones, K.S. Reducing Infrastructure Damage By Tree Roots: A Compendium of Strategies, 2003, should be consulted.

c. Replacement trees shall meet the quality of standards in this Code and be planted, installed, and maintained according to the requirements of this Code.

d. Where possible, replacement trees shall be installed in the same location as the problem tree was formerly located.

e. If an appropriate replacement tree cannot be installed in the same location as the problem tree, the replacement tree shall be planted on site in other common areas, such as around drainage ponds, near a clubhouse, a park, or at the entrance of the project.

f. If all of the replacement trees cannot be replaced on site, the applicant shall contribute to the Tree Mitigation Fund as provided for in Section 802.3.C.1.b.(3) and 802.3.E.

E. <u>Tree Mitigation Fund</u>

1. Establishment

A tree mitigation trust fund is hereby established. All monies received by the County pursuant to this section shall be deposited in a separate revenue account known as the Tree Mitigation Fund, established and maintained apart from other general revenue funds and accounts of the County.

2. Purpose

The fund shall be used solely for the reimbursement of the purchase and planting of drought tolerant trees, as listed by the SWFWMD or the University of Florida Institute of Food and Agricultural Sciences and by the County Administrator or designee, and other landscape plants or native trees and landscaping plants meeting the intent and purpose of this Code and the administrative costs as designated by the BCC.

3. Authorized Locations

Trees and other landscaping plants and materials purchased with fund monies may only be planted:

a. On land owned by or under the control of the County;

b. Where the County desires to assist homeowners and affordable housing project meet the tree plant requirements of this Code, after an assessment by the Community Development Division of property value and income level;

c. To assist in the redevelopment of designated portions of Pasco County, including providing assistance to individual property owners; and

d. To assist the District School Board of Pasco County in the creation and maintenance of attractive community assets. In this circumstance, the assistance shall be specifically approved by the BCC.

F. Tree Standards

All trees required by this section to remain or be planted shall be alive, in good health, and meet the following standards:

1. Florida Grade No. 1. Trees to be planted shall be Florida Grade No. 1 or better pursuant to the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Grades, and Standards for Nursery Plants, which is incorporated herein by reference.

2. Trees shall be equal to or greater than two (2) inches in caliper. Multi-trunked trees shall be equal to or greater than two (2) inches in caliper with a minimum of three (3) trunks.

3. Trees shall meet the following diversity standards:

Required Number of Trees	Required Species
1-5	1
6-10	2
11-15	3
16-20	4
21-25	5
26-30	6
31-35	7
35 or more	8

4. Invasive or exotic species located within a project area shall be removed.

5. Tree plans shall designate a person or entity, other than the County, to be responsible for maintenance.

6. All trees shall be planted according to the Florida Chapter, International Society of Arboriculture Standards for Planting, which is incorporated herein by reference. All trees must be maintained in good condition and planted in locations with adequate open space to allow for mature tree-canopy development.

7. A tree of the required size and type shall replace any required tree that dies within one (1) year from completion of construction of associated infrastructure improvements; issuance of a Certificate of Occupancy (CO) for the lot; or where no CO is required, final inspection or first use of the lot. Planting of such tree shall take place within thirty (30) days, unless an extension is requested by the applicant and granted by the County Administrator or designee. To increase likelihood of survivability, the tree may be located elsewhere on site.

8. Trees shall not be planted within any easement so as to interfere with the use of that easement, nor under any present or planned overhead utility, nor in any rights-of-way or on public lands without County approval through the appropriate review process.

G. Tree Protection Requirements

To ensure a healthy tree canopy in Pasco County, the following tree protection measures shall be complied with:

1. Tree Protection During Development

a. Marking and Barriers. Prior to the clearing or grubbing of land or the removal of any tree, the applicant shall clearly mark all trees for which Tree Removal Permits are requested and shall erect barriers around trees to be retained so as to create a protected zone.

(1) The protected zone shall radially extend from the tree trunk at a minimum distance equal to the tree's drip line.

(2) Barriers a minimum three (3) feet in height shall be erected outside the protected zone to prevent encroachment. Barriers shall remain in place and be in good condition throughout all development and building activity. Silt barriers, hay bales, or similarly effective erosion-control barriers shall be required in any areas where erosion or siltation may cause damage to retained trees.

(3) For large property areas, contained stands of trees to be retained that are separated from grubbing, clearing, and construction, in lieu of placing barriers around each tree, the stand of trees may be partitioned off by placing the barriers around the perimeter of the stand area on the sides where grubbing, clearing, construction, etc., is occurring, as long as an equivalent protected zone is established.

b. The application shall not cause or permit the movement of equipment or the storage of equipment, material, and debris or fill to be placed in the protected zone. No excavation shall occur within the protected zone, and there shall be no cleaning of equipment or material or the storage or disposal of waste materials, such as paints, petroleum products, oils, solvents, asphalts, concrete, mortar, or any other material within the protected zone. There shall be no fire or burning within thirty (30) feet of the protected zone.

c. Protective barriers may be removed for the final grading. Removal of vegetation or any landscaping activities within the barrier area shall be accomplished by mowing or hand clearing. If landscaping is to be located within the protected zone, clearing by light rubber-wheeled machinery only in the area and to the extent necessary shall be allowed.

2. Utilities

Utility lines which are tunneled beneath tree roots in order to protect feeder roots are permitted. Elsewhere, trenching is allowed no closer to the tree's trunk than two-thirds of the drip line radius. However, protective measures shall be taken as specified in the *Tree Protection Manual for Builders and Developers*, as amended and published by the Florida Department of Agriculture and Consumer Services, which protective measures for feeder roots are incorporated herein by reference.

3. Activities Prohibited

The following are prohibited:

a. Irreversible damage to a tree.

b. Pruning or trimming any tree (except invasive) in a manner inconsistent with ANSI Pruning Standards, Section A300 2001, as amended, which is incorporated by reference.

c. Topping of any tree.

d. Damaging, in any manner, any tree located on public lands.

e. Failure to remove guy or support wires, where used, from trees within six (6) months after planting.

H. Trees of Special Significance

1. Designation

Trees of special significance are those trees or grouping of trees designated as such by resolution of the BCC. Designations can only be initiated by the property owner(s) of such trees or, if on County property, by County staff. After initiation, designation requests shall be reviewed by County staff, and those trees meeting the requirements of this section shall be presented to the BCC who shall decide whether to approve the designation. Trees may be designated if one (1) of the following criteria exists:

a. It is a historic tree, which is a tree of notable historical interest and value to the County because of its location or historical association with the community.

b. It is a specimen or grand tree, which is a tree of high value to the community because of its type, size, age, exceptional characteristics, or other relevant criteria.

c. It is a champion tree, which is a tree that has been identified by the State Division of Forestry as being the largest of its species in the United States or the world.

2. Trees designated as trees of special significance shall have a preservation easement, prepared by the owner(s) of the tree(s), created around them, and extending a minimum of fifteen (15) feet in all directions from the trunk. The preservation easement shall be recorded by the owner(s) of the tree(s) in the Public Records of Pasco County.

3. Special Protection

An administrative variance of the required minimum front, rear, and side yard setbacks may be granted to allow the preservation of trees of special significance. Topping, irreversible damage to, or incorrect pruning of trees of special significance shall be subject to all penalties and fines as provided by this Code. The removal of any designated tree of special significance requires a permit, a site inspection, and a written evaluation by a certified arborist demonstrating that removal is deemed necessary to avoid the immediate peril to life, and/or property, and/or the condition of the tree warrants removal; removal must be approved by the BCC and the replacement requirements shall be as determined by the BCC.

CHAPTER 800. NATURAL AND CULTURAL RESOURCES PROTECTION

SECTION 803. LISTED SPECIES

803.1. Intent and Purpose

It is the intent and purpose of this section to implement Comprehensive Plan Policies CON 1.1.2 and 1.5.5, by requiring that proposed development site be examined for the presence of plant and animal species listed as threatened, endangered, or of special concern by the Florida Fish and Wildlife Conservation Commission (FFWCC) or the United States Fish and Wildlife Service (USFWS).

803.2. Impacts to Listed Species

A. All applications for Developments of Regional Impact, zoning amendments, and site development where the site is shown on Map 3-1 in the Comprehensive Plan shall include a report which indicates the results of a site survey for the presence of listed plant and animal species by the FFWCC or the USFWS. All surveys shall be conducted in accordance with applicable State and Federal guidelines, technical reports, and recommendations.

B. Where a listed plant or animal is present on the proposed development site, development applications must be submitted to the FFWCC or USFWS, as appropriate.

C. Prior to initiating filling, grading, or construction, any permits required for any impacts to habitats occupied by listed species shall be obtained and a copy provided to the County.

D. Where mitigation or a management plan is required by either the FFWCC or the USFWS for impacts to listed species, the applicant shall copy the County on all correspondence, plans, and resulting mitigation.

CHAPTER 800. NATURAL AND CULTURAL RESOURCES PROTECTION

SECTION 805. WETLANDS

805.1. Intent and Purpose

It is the intent and purpose of this section to identify, delineate, and protect wetlands and the natural function of wetlands within the County.

805.2. Applicability

This section shall apply to all Category I, II, and III wetlands within unincorporated Pasco County.

805.3. Delineation of Wetlands

A. Conceptual

The wetlands designation on the land cover and classification maps published by the Southwest Florida Water Management District (SWFWMD) and the Wetland/Lake Overlay on the FLU Map (Map 2-5: Wetlands [SWFWMD]) shall serve as a conceptual indicator of wetlands. All applications for land use amendments, Developments of Regional Impact, rezoning, preliminary site plans, and preliminary development plans shall include a map/plan that conceptually categorizes, identifies, and calculates the size of all wetlands on site, by category. The applications shall also identify proposed wetland impacts, categorized by wetland type.

If, at the time of the Master Planned Unit Development (MPUD) rezoning an applicant disputes the accuracy of Geographic Information System data, the applicant shall be required to submit a SWFWMD delineation identifying the location and size of the wetlands. Such request is for the purpose of determining density and intensity as well as identifying potential impacts on the Master Plan for an MPUD.

B. Specific

The precise delineation of wetlands shall be determined through site-specific studies and field determinations by the applicant and the SWFWMD prior to mass grading, Stormwater Management Plan and Report, fill construction plan, or Operating Permit application submission. Delineated boundaries shall be submitted at the time of application. The County will defer to the SWFWMD for the delineation of wetland boundaries. Where impacts to wetlands are proposed, required mitigation shall be identified and approved prior to the authorization of the wetland impact. The delineation of wetlands on any proposed development shall be determined prior to any site development approval or the start of any filling, grading, or construction associated with proposed development.

805.4. **Impacts to Wetlands and Mitigation**

In addition to meeting the requirements of this section for the protection of wetlands, all applications for development orders/permits shall also comply with applicable Federal, State, and SWFWMD regulations. No permit authorizing construction shall be issued until the County receives copies of the SWFWMD, the Florida Department of Environmental Protection (FDEP), and/or the Army Corps of Engineers (ACOE) Permits, as applicable, authorizing the wetland impacts.

Except as otherwise permitted in this section and by regulatory agencies with jurisdiction, no development activity or grading, clearing, grubbing, or tree removal shall be undertaken within wetlands and required, postdevelopment, upland wetland buffers.

A. Category I Wetlands

1. Impacts. The removal, alteration, encroachment, dredging, filling, borrowing, or changes to the natural hydro period or water quality (hereinafter collectively referred to as "impacts") within Category I wetlands may only be authorized in cases where no other feasible and practicable alternative exists that will permit a reasonable use of the land except for public roadway infrastructure. Where any impact to a Category I wetland is proposed, the application shall include a narrative statement demonstrating that no other feasible and practical alternative exists and describing the proposed mitigation.

   The protection, preservation, and continuing viability of Category I wetlands shall be the prime objective of the basis for review of all proposed impacts within these areas.

2. Mitigation. In circumstances where impacts to Category I wetlands are authorized, mitigation for the impacts shall be required. A mitigation plan shall be submitted for review by the County. Mitigation shall be based on providing mitigation of equal or better ecological function and water quality. Acceptable forms of mitigation shall be of equal, ecological function and water quality or better. If these criteria are met, the County shall authorize impacts to Category I wetlands as part of the preliminary development plan approval or preliminary site plan approval only and designate the required mitigation.

   Mitigation may consist of the preservation, enhancement, and/or restoration of uplands and wetlands located:

   a. Within or immediately adjacent to Critical Linkages;

   b. Immediately adjacent to existing public conservation lands;

   c. Immediately adjacent to rivers and named tributaries;

d. Within the seasonal high waterline of natural lake systems in which the open water portions of the lakes are greater than ten (10) acres in size; or

e. Contiguous with coastal marsh systems.

B. Category II Wetlands

1. Impacts. Impacts to Category II wetlands may be authorized as part of a construction plan approval where SWFWMD rule criteria for impacts to wetlands are met. Where an impact to a Category II wetland is proposed, the application shall include a narrative statement of the proposed impact and the proposed mitigation for the said impact, or shall provide a copy of the issued SWFWMD Permit.

2. Mitigation. Where possible, it is preferred that mitigation be within or immediately adjacent to Critical Linkages; parcels immediately adjacent to existing, public conservation lands; or within ecological planning units in areas that are adjacent to conservation lands.

C. Category III Wetlands

Impacts to Category III wetlands may be allowed. Where an impact to a Category III wetland is proposed, the application shall include a narrative statement of the proposed impact and shall provide a copy of the issued SWFWMD Permit.

D. De Minimis Use of Property

Development sites which consist solely of wetlands and where the owner does not have an ownership interest in any adjacent, upland property may develop at a density of one (1) residential unit per twenty (20) acres.

E. Public Roadways

Public roadway, to include any nongated roadway that is open to public travel, regardless of whether it is privately owned or maintained, improvements shall be, where feasible and practicable as determined by the County Administrator or designee, located and designed to minimize the acreage of adversely altered jurisdictional wetland areas; minimize direct and indirect impacts on rivers, lakes, and streams; and minimize impacts on listed species. Further, mitigation for impacts shall be as required by the regulatory agencies with jurisdiction. These objectives shall be deemed to be met where the other regulatory agencies with jurisdiction have issued the necessary permits and required mitigation.

805.5. **Upland Buffers**

A. A minimum of a twenty-five (25) foot upland buffer is required around postdevelopment Category I wetlands unless the applicant has an unexpired

SWFWMD, FDEP, or ACOE Permit and/or a County site development plan issued prior to January 26, 2007. These upland buffers are integral to maintaining wetland structure and function and are necessary to protect the natural wetland ecosystem from significant, adverse impacts.

The upland buffer is not required at the location where an impact to a wetland is permitted, because it is not appropriate to have greater wetland impacts in order to provide upland buffers. However, project design shall recognize the importance of upland buffers to wetland function.

B. Activities/Items Within Upland Buffers Around Category I Wetlands

1. Drainage features such as spreader swales are permitted.

2. Wetland creation/mitigation areas and floodplain compensation areas are permitted if the presence of such areas enhances the function of the wetland.

3. Stormwater retention and detention facilities are discouraged. Any retention or detention facilities allowed shall be planted with native plantings that require minimal maintenance (no mowing or fertilizer).

4. The County may require, or the developer/landowner may elect, the planting and maintenance of suitable native species to promote recovery of impaired or previously damaged wetlands or to offset any impact/removal of vegetation for drainage features allowed.

5. Elevated boardwalks where specific approval is granted by the County Administrator or designee.

C. For Category II and III wetlands, upland buffers and allowed/prohibited uses within said upland buffers shall be as required by the SWFWMD or other regulatory agencies with jurisdiction.

805.6. Restrictions on Postdevelopment Wetlands and Upland Buffers Within Residential Lots and Nonresidential Parcels

A. Except where a relief is granted specifically stating otherwise, postdevelopment wetlands and the required upland buffers shall not be platted within residential lots within residential FLU classifications of RES-3 (Residential - 3 du/ga) and higher. These areas shall be platted as conservation tracts.

B. Postdevelopment wetlands and the required upland buffers may be platted within residential lots greater than one (1) acre within the FLU classifications of RES-1 (Residential - 1 du/ga), AG/R (Agricultural/Rural), and AG (Agricultural); however, building setbacks will be measured from the upland buffer line and a conservation easement pertaining to the postdevelopment wetland and upland buffer shall be conveyed to the homeowners' association (HOA) or Community Development District (CDD).

Limited-family lot divisions and Minor Rural Subdivisions shall be exempt from the conservation easement requirement.

C. When a nonresidential project is platted, the postdevelopment wetlands and required upland buffer shall be platted as a conservation tract.

D. All wetland and upland buffer areas platted as conservation tracts shall be concurrently deeded to a mandatory HOA/CDD/merchants' association. The HOA/CDD/merchants' association documents shall provide that the HOA/CDD/merchants' association be responsible for the payment of taxes, if any, on and maintenance of the conservation areas. To the extent not inconsistent with requirements of issued permits/approvals from regulatory agencies with jurisdiction, maintenance shall be specifically defined in said documents and prohibit activity within the wetlands and upland buffers; that the buffers retain the existing undisturbed vegetation and remain in their undisturbed condition except for planting of native vegetation, removing invasive vegetation, controlling and removing litter from the wetlands and upland buffers, and maintenance of features allowed.

E. When a nonresidential project is not required to be platted, the postdevelopment wetlands and required upland buffer may be within the nonresidential parcel; however, building setbacks will be measured from the upland buffer line and a conservation easement shall be conveyed to the County for the postdevelopment wetlands and the required upland buffer prior to issuance of the first Certificate of Occupancy (CO) or where a CO is not required prior to final inspection.

F. Nothing contained in this section shall require the platting, deeding, or conveyance of wetlands and wetland buffers within conservation subdivision open space, which is governed by other regulations within this Code.

CHAPTER 800. NATURAL AND CULTURAL RESOURCES PROTECTION

SECTION 806. RIVERS AND SURFACE WATERS

806.1. Intent and Purpose

It is the intent and purpose of this section to protect, maintain, and enhance the quality of riverine and surface waters by requiring mandatory setback areas , containing vegetation, from certain rivers and surface waters and to regulate the uses within those areas consistent with the intent and purpose of Policy CON 1.6.1 of the Comprehensive Plan.

806.2. Applicability

This section shall apply to all new development adjacent to the Anclote, Hillsborough, Pithlachascotee, and Withlacoochee Rivers; Outstanding Florida Waters (Rule 62-302.700, Florida Administrative Code); and Shellfish Harvesting Areas as classified by the Florida Department of Agriculture and Consumer Services.

806.3. Identification and Delineation of Rivers and Protected Water Bodies

All applications for land use amendments, development of regional impact, zoning amendments, and all site development shall include and identify the presence, as applicable, of the Anclote, Hillsborough, Pithlachascotee, and Withlacoochee Rivers; Outstanding Florida Waters; and Shellfish Harvesting Areas. The precise delineation of the mean annual flood line, wetland jurisdictional line, ordinary high water or mean high water, shall be determined through site specific studies and field determinations by the applicant and the Southwest Florida Water Management District (SWFWMD), the Florida Department of Environmental Protection, and/or the Army Corps of Engineers, as applicable, prior to construction plan approval.

806.4. Mandatory Setback Areas

A. A fifty (50) foot wide area from the mean annual flood line as identified and delineated pursuant to Section 806.3 is required adjacent to the Anclote, Hillsborough, Pithlachascotee, and Withlacoochee Rivers.

B. A fifty (50) foot wide area from the landwardmost, wetland jurisdictional line or the ordinary high water, or mean high water of Outstanding Florida Waters and Shellfish Harvesting Areas.

806.5. Restriction on Uses within River and Protected Water Body Setback Areas

A. Where setback areas are not platted as a separate tract, the setback areas shall not be included in the minimum lot size.

B. The setback areas shall remain in native vegetation except where provided for below.

C. Impervious surfaces are prohibited within the setback areas, except where appropriate to accommodate the following:

1. Bona fide agricultural activities;

2. Storm management facilities;

3. Water access facilities, seawalls, and docks; or

4. Other impervious surfaces as provided for in the Comprehensive Plan.

D. Other activities and structures not requiring the use of impervious surfaces shall be allowed.

CHAPTER 800. NATURAL AND CULTURAL RESOURCES PROTECTION

SECTION 807. SOILS AND GEOTECHNICAL HAZARDS

807.1. **Intent and Purpose**

The intent and purpose of this section is to evaluate the suitability of soils for the proposed development and identify any subsurface conditions or geological hazards that may need mitigation or avoidance.

807.2. **Applicability**

A. All applications where structures are proposed and construction is authorized shall include a Soils and Geotechnical/Geological Engineering Report containing the information meeting the requirements of this section. Areas proposed for development shall be evaluated for soil suitability and investigated for existing geologic hazards and the presence of poor soil conditions or other factors that may affect the improvements proposed for the site. At the developer's option and where the proposed development of single-family homes are on lots of one (1) acre or more of uplands, the Geotechnical/Geological Engineering Report may be completed for each lot at the time of Building Permit submittal. Where the developer chooses this option, it shall be noted on each deed.

B. All development or structures in unincorporated Pasco County for which applications are submitted after March 1, 2008, and not otherwise exempt by this section, shall be subject to this section.

807.3. **Exemptions**

A. Exemptions from the Geotechnical/Geological Engineering Report submittal requirements are:

1. Structures on lands which do not require preliminary site plan, preliminary development plan, subdivision, or construction plan approval or for which the land is subject to a valid approval issued prior to March 11, 2008. However, this exemption expires with the expiration of the said development approval. Included in this exemption are the alterations of the same to include detached structures such as garages, barns, and swimming pools.

2. Limited Family Lot Divisions

3. Developments for which a completed development application has been submitted prior to March 11, 2008. However, this exemption expires with the expiration of the said development application or the expiration of the subsequent approval of the application.

B. Exemption from land development compaction requirements:

Developments where a hard copy Site Development Permit for a Class I, II or III development approval has been issued prior to March 11, 2008. However, this exemption expires with the expiration of the approval.

807.4. **Geotechnical/Geological Engineering Report**

The report shall be prepared by a qualified professional geologist in accordance with Chapter 492, Florida Statutes, and a qualified professional engineer in accordance with Chapter 471, Florida Statutes, or a professional engineer with experience in the geotechnical field in accordance with Chapter 471, Florida Statutes. All development permit applications required to submit a geotechnical/geological engineering report must also contain certification of an appropriate design professional that the proposed project complies with the geotechnical /geological engineering report recommendations.

The report shall be project specific and shall identify, within the scope of the investigation and with reasonable probability, subsurface conditions encountered, and recommendations in each of the topic areas. Reports shall be prepared in accordance with the accepted industry standard for evaluation of a site and shall include, at a minimum:

A. Project description and general site information.

B. Map or map series of the area(s) proposed for development depicting site specific test location performed as part of the geologic evaluation, including soils composition and locations of features related to known or found geologic hazards.

C. Evaluation of the site including, but not limited to, the following:

1. Evaluation of subsurface, soils, and groundwater conditions.

2. Conclusions as to the presence of known or found geologic hazards.

3. Subsurface conditions, including boring logs along with a map(s) of location of borings overlaid with the proposed development plan. At a minimum, borings appropriate for the proposed development shall be required under areas where roadways, structures, and retention/detention areas are proposed to be located.

4. The County soil survey information, which, at a minimum, includes a map of generalized soils, description of the soils likely to be present on the site, or laboratory data substantiating soil characteristics relied upon in the engineering/geological analysis of the site. The Soil Survey of Pasco County - Natural Resources Conservation Service maps may be used for general reference.

5. Groundwater information, which, at a minimum, includes depth to groundwater, seasonal high water table, and any other pertinent information.

6. Appendices containing maps, boring logs, and other subsurface data collected during the geological analysis of the site.

D. Development and construction recommendations based upon the engineering/geotechnical analysis of the site including, but not limited to, the following:

1. Site preparation, including demucking and deleterious material removal.

2. Fill placement and subgrade preparation.

3. Pavement designs consideration.

4. Foundation construction requirements.

5. Maximum allowable soil bearing pressure.

6. Discussion of potential land settlement issues.

7. Soil and groundwater conditions.

8. Drainage and groundwater concerns.

9. Minimum requirements for construction inspection and testing.

10. Recommendations for mitigation of known or found geological hazardous areas, as necessary, for the development proposed. In the alternative, recommendations for additional or more detailed analysis, as may be necessary, to understand or quantify geological hazard(s), whether remediation measures are recommended, and to evaluate remediation options.

807.5. **Land Development Construction Requirements**

A. Remediation as required by the Geotechnical/Geological Engineering Report.

B. Noninfiltration-based green infrastructure techniques are encouraged to be considered.

C. Should any noticeable soil slumping or sinkhole formation become evident, the applicant/developer shall immediately notify the County, Tampa Bay Water, and the Southwest Florida Water Management District (SWFWMD) and adopt one (1) or more of the following procedures as determined to be appropriate by the County and SWFWMD:

1. If the slumping or sinkhole formation becomes evident before or during construction activities, stop all work (except for mitigation activities) in the affected area and remain stopped until the County and SWFWMD approve resuming construction activities.

2. Take immediate measures to ensure no surface water drains into the affected areas.

3. Visually inspect the affected area.

4. Excavate and backfill or grout, as required, to fill the affected area and prevent further subsidence.

5. Use soil reinforcement materials in the backfilling operation when appropriate.

6. If the affected area is in the vicinity of a water-retention area, maintain a minimum distance of two (2) feet from the bottom of the retention pond to the surface of the limerock or karst connection.

7. If the affected area is in the vicinity of a water-retention area and the above methods do not stabilize the collapse, relocate the retention area.

D. Discharge of stormwater into depressions with direct or demonstrated hydrologic connection to the Floridan Aquifer shall be prohibited.

E. The site shall be graded to within twelve (12) inches of the final grade. Where fill is proposed, it shall be placed in compliance with the Geotechnical/Geological Engineering Report recommendations (including any lift depths recommended) and compacted to a minimum density of ninety-five (95) percent of the modified Proctor maximum dry density. Density tests to confirm compaction shall be required within the building pad area before the next lift is placed. Upon completion of the land development construction, a professional engineer shall provide a certification to the County that the project, including each pad area, complies with the recommendations of the Geotechnical/Geological Engineering Report.

807.6. **Building Permit Application Requirements**

The Building Permit application shall be accompanied by a statement of an appropriate design professional that they have reviewed the Geotechnical/Geological Engineering Report and that either remedial action is required or that remedial action

is not required or that the proper foundations have been designed for the structures proposed to be built thereon.

The type and size of all foundations for structures in the area of the project development shall be designed in accordance with the design recommendations of the project geotechnical engineer to minimize the potential for ground settlement impacts.

807.7. **Building Permit Inspection Requirements**

Prior to conducting the first inspection, evidence shall be provided that compressible/ collapsible material has been excavated and removed or recompacted; the site is free from the presence of organic materials, construction debris, and/or clay soils to prevent ground settlement in all areas of project development; or, in the alternative, that proper foundations have been designed for use with the compressible/ collapsible materials.

All Building Permit inspection requirements shall be in accordance with the technical standards adopted in Chapter 18, Building Regulation, Pasco County Code of Ordinances, and per density testing/certification as required by the Building Official.

CHAPTER 800. NATURAL AND CULTURAL RESOURCES PROTECTION

SECTION 808. GROUNDWATER PROTECTION

808.1. Intent and Purpose

It is the intent and purpose of this section to protect and maintain the quality of groundwater in the County by providing criteria for land uses and the siting of facilities which use, handle, produce, store, or dispose of regulated substances, and by providing protection to vulnerable features which discharge directly to the Floridan aquifer. This section is intended to protect the quality of water obtained from existing and future community public supply wells in addition to the Countywide groundwater resources.

The Ground Water Resource Availability Inventory for Pasco County produced by the Southwest Florida Water Management District (SWFWMD) and the County Groundwater Protection Study prepared by Metcalf & Eddy and adopted by the Board of County Commissioners (BCC) both indicate that much of the County is highly susceptible to groundwater contamination. As such, these regulations are vital to the health, safety, and welfare of Pasco County and its residents.

This section is not intended to duplicate existing State or Federal regulatory provisions, but shall apply to those activities not currently regulated by the Federal or State permits or where such regulations are less restrictive.

808.2. Applicability

This section shall apply to the unincorporated area of the County and to the incorporated areas of the County to the extent permitted by Article VIII, Section 1(f), of the State Constitution.

808.3. Exemptions

The following activities are exempt from this section:

A. Continuous Transport of Regulated Substances

The transportation of any regulated substance through the County provided the transporting motor vehicle is in continuous transit and meets all applicable State and Federal requirements.

B. Office Uses

Use, handling, or storage of regulated substances by offices provided that the regulated substances are auxiliary to the operating activities of the business and the regulated substances are used, handled, and stored pursuant to all applicable State and Federal requirements and product label instructions.

C. Janitorial Uses

The use of regulated substances for the maintenance and cleaning of residential, commercial, office buildings, and other allowable uses provided the regulated substances are used, handled, and stored pursuant to all State and Federal requirements and product label instructions.

D. Application of Pesticides, Herbicides, Fungicides, and Rodenticides

The application of regulated substances used as pesticides, herbicides, fungicides, and rodenticides are exempt provided that the application is conducted pursuant to all applicable State and Federal requirements and product label instructions. The application shall be flagged in the records of the certified operator supervising the use. The certified operator shall provide specific notification in writing to the applicators under his supervision that they are working at a site located in Wellhead Protection Areas (WPA) 1 or 2, or Special Protection Areas (SPA) for which particular care is required. Records shall be kept of the date and amount of those substances applied at each location and said records shall be available for inspection at reasonable times by the County.

E. Fire, Police, Emergency Medical Services, and County Emergency Management Facilities

Existing fire, police, emergency medical services, and County emergency management center facilities.

F. Potable Water Utilities

Community water system utilities shall be exempt from Sections 810.7.A and B to the extent necessary to operate water treatment facilities in WPA 1, WPA 2, or SPA. Utilities shall eliminate the use of liquid fuels for backup generators whenever possible. Provisions shall be made for aboveground and secondary containment when liquid fuels will continue to be used.

G. Reclaimed Water

Reclaimed water activities as permitted pursuant to Rule 62-610, Florida Administrative Code (F.A.C.).

H. Residential Lots of Record Where Sewer is Unavailable

On residential lots of record existing as of December 2, 2002, a residential land use may be developed, with a permitted individual septic system and subject to existing zoning, within a protection area although such use would otherwise be prohibited by this section, because a sewer is unavailable; however, such use shall be connected to a sewer when it becomes available.

808.4. **Existing Nonconforming Uses**

Any use which lawfully existed on December 2, 2002, or for which a County permit, master plan, or conditional plat had been issued by the County, or for which an active application for a County permit was pending on December 2, 2002, and which does not conform with all the provisions of this section, may remain in use or come into use as a nonconforming use subject to the following:

A. Expansion or modification of existing nonconforming uses shall be governed by this Code, Section 1200, Nonconformities.

B. All existing uses utilizing on-site sewage disposal; e.g., septic tanks, shall be connected to the public sewer within 365 days of the sewer becoming available as defined in Sections 110-113, Pasco County Code of Ordinances.

C. All permitted land application sites for wastewater residuals (sludge) or septage in SPAs and WPAs may be used until the expiration of the current permit. Permits for wastewater residual and/or septage land application sites shall not be renewed.

D. Abandonment of a permit, permit application, master plan, or conditional plat under this section will result in the loss of nonconforming use status.

E. All such uses shall be operated and maintained pursuant to all applicable County, State, and Federal laws and regulations.

808.5. **Establishment of Groundwater Resource, Wellhead and Special Protection Areas**

A. Groundwater Resource

The entire land area within the County is a groundwater resource protection area. Any activity that involves the handling, utilization, generation, or disposal of regulated substances shall be conducted pursuant to all applicable County, State, and Federal laws and regulations.

B. Wellhead Protection Areas

1. Designation

The County designates WPAs for all community water system supply wells based on the average permitted capacity of the supply well. (See Appendix 808 for methodology.)

a. Wells Below 100,000 gallons per day (gpd). Community water system supply wells with an average permitted capacity below 100,000 gpd shall have a WPA 1 with a 500-foot radius around the well.

b. Wells 100,000 gpd or greater. Community water system supply wells with an average permitted capacity of 100,000 gpd or more shall have an established WPA 1 and WPA 2. The WPA 1 shall encompass the land between the well and the five (5) year travel time contour. The WPA 2 shall be the area between the five (5) and ten (10) year travel time contours. All WPAs for supply wells with a capacity of 100,000 gpd or more shall have a 200-foot buffer zone to account for variations in modeling as recommended by Metcalf & Eddy in its Groundwater Protection Study Final Report.

2. Owner/Operator Responsibilities

a. Operators and/or owners of community water systems shall provide the County with copies of applications to renew water use/water supply permits and final permits issued by the Florida Department of Environmental Protection (FDEP) and/or the SWFWMD. Community water systems shall provide the County with updates to existing water use/water supply permits. Additionally, water use/water supply permit applications for new supply wells shall be provided to the County at the time of the application to FDEP and/or SWFWMD.

b. Community water systems shall provide, if necessary to delineate or revise protection areas, within ninety (90) days of a request by the County, a calibrated pump test from which the maximum capacity of the supply can be calculated. Community water systems that serve projects ninety-five (95) percent built out and contain adequate flow measuring devices may substitute peak daily pumpage for maximum capacity.

C. Special Protection Areas

SPA shall be designated around vulnerable features when the County determines that the feature has the potential to discharge directly to the Floridan aquifer. These areas include excavations and solution features such as sinkholes and caves. These features shall be deemed vulnerable when they expose the top of the Floridan aquifer. For purposes of this section, SPAs may also be designated to include areas with land use approval for mining whether actual excavation has taken place or not. Such a designation as an SPA shall remain in place unless and until any excavation resulting from mining activities is backfilled, or otherwise reclaimed as set forth below, or for areas which have not been excavated, the land use approval for mining is eliminated.

The SPA shall consist of a setback of 500 feet as measured from the outer boundary of the vulnerable feature or area with land use approval for mining. SPAs shall be delineated on the SPAs map.

Sinkholes or excavations which have been backfilled to the land surface with materials of permeability similar to, or less than that of the surrounding soil or equivalent reclamation will not be considered a vulnerable feature.

D. Rebuttable Presumption

Challenge of the County's determination of the applicability of WPAs and SPAs will be conducted in accordance with Section 808.6.B below and may be appealed pursuant to this Code. The substantially affected party shall provide site specific data that would allow for more detailed calculations of the zones of contribution on a case-by-case basis.

808.6. **Maps**

A. Adoption of Maps

The WPA maps developed as a part of the Groundwater Protection Study are adopted by the County and by reference are made a part of this section. SPA maps shall be adopted by resolution as they become available. Official WPA and SPA maps shall be placed on digital file with the County Development Services Branch.

B. Determination of Prohibited Uses Within Wellhead and Special Protection Areas

Properties located partially within a WPA or an SPA reflected on the maps shall be governed by the restrictions applicable to that zone.

The determination of locations of prohibited uses within the WPAs and SPAs shall be accomplished in one (1) of the following ways:

1. Acknowledgement by the landowner or operator/owner of the facility that the use as regulated by this Code is located within a WPA or an SPA.

2. Review and location of property on the WPA or an SPA map by County staff.

3. Use of differentially corrected global positioning system techniques may be used to determine the distance from the protected feature to the prohibited use.

4. Survey of the proposed location of a prohibited use by a licensed professional surveyor.

If the location of a WPA or an SPA boundary is disputed by any party, a survey, by a licensed professional, shall serve as the basis of the determination. (The survey shall be paid for by the property owner and prepared by a professional surveyor acceptable to the County.) Such a survey may also be used to determine that portion of a property which is actually located within the WPA or an SPA thereby allowing development of a land use on property located partially within a WPA or an SPA while ensuring the groundwater protection intended by this section.

Potentially prohibited uses located within more than one (1) WPA shall be considered to be in the most restrictive WPA. Where the prohibited use is overlapped by WPAs of different wells or wellfields, the most restrictive WPA shall apply.

C. Review of Protection Area Maps

The WPA and SPA maps may be reviewed by the BCC on a periodic basis. However, failure to conduct said review shall not affect the validity of the existing approved map. WPA and SPA maps may be modified due to changes in technical knowledge, such as transmissivity or porosity; changes in pumping rates; reconfiguration of wellfields; abandonment or relocation of supply wells; the installation of new supply wells or wellfields; establishment of minimum flows or levels pursuant to Chapter 373, Florida Statutes; changes in maximum contaminant levels; changes in laws or regulations that may impact this section; or to accommodate changes in topography, such as sinkholes or newly approved mining areas, in a manner consistent with the methodology and standards established in this section for designation of these areas. In the event that new wellfields are established within the County which result in WPAs being established pursuant to the methodology set forth in this section, or changes that occur with respect to SPAs, the WPA and SPA maps may be amended by BCC resolution after a duly noticed public hearing to reflect the existence or changes of such WPAs or SPAs. Any substantially affected person may petition the BCC to consider amendments to the WPA and SPA maps. The County shall schedule the requested WPA or SPA map amendment no more than ninety (90) days after receipt by the County of the request.

808.7. **Prohibitions Within Wellhead and Special Protection Areas**

A. WPA 1 and SPA

The activities listed below are prohibited in WPA 1 and SPAs:

1. Solid waste disposal.

2. Discharges from commercial and industrial wastewater treatment plants and industrial septic systems and commercial and industrial wastewater effluent disposal.

3. Wastewater treatment plants. Expansion of existing domestic wastewater treatment plants may be allowed upon demonstration of compliance with the FDEP regulations. Public access reuse of reclaimed water and land application of domestic wastewater effluent may be allowed upon demonstration of compliance with Rule 62-610, F.A.C.

4. Any use which is a potential source of pollution requiring the issuance of a permit required for the use and handling of regulated substances from the State (FDEP), other than residential collection systems for central wastewater systems.

5. Any commercial or industrial activity that handles, utilizes, generates, or disposes of regulated substances including, but not limited to, hazardous waste treatment, storage, or disposal facilities as defined in Section 403.703(22), Florida Statutes, or 40 CFR or Rule 62-730, F.A.C., including transfer facilities, such facilities ancillary to recycling facilities and facilities which burn such hazardous waste for fuel; hazardous waste generators including conditionally exempt small quantity generators and small quantity generators; facilities regulated by the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. § 11001-11050; vehicle or equipment service and repair facilities; dry-cleaning or laundromat operations; commercial car wash operations; and maintenance yards and pesticide/fertilizer mixing and handling facilities.

6. New industrial euclidian zoning amendments.

7. Concentrated animal feeding operations.

8. Land application of wastewater residuals or septage.

9. Discharges of any regulated substance or untreated stormwater into karst solution features, sinkholes, or drainage wells. Stormwater facilities that treat stormwater to Rules 62-25 and 40D-4, F.A.C., standards shall be presumed to be allowed.

10. Underground storage tanks for regulated substances; however, this does not prohibit the replacement of tanks associated with an existing nonconforming use where such replacement is required to comply with State or Federal regulations.

11. Mining and borrow pits; however, retention or detention ponds required for allowable uses shall not be prohibited, unless the ponds would be prohibited by Sections 810.7.A.17 or 18 below.

12. Residential subdivisions, with more than one (1) unit per two (2) acres, that do not provide for a central sanitary sewer facility and wastewater treatment plant outside WPA 2.

13. Junkyards.

14. Landfarming of soil contaminated with regulated substances.

15. Stormwater retention or detention ponds that will receive stormwater from land uses prohibited in WPA 1, WPA 2, or SPA were constructed after November 19, 2002.

16. The siting of underground product lines including, but not limited to, pipelines designed for the transportation of gasoline, oil, or other regulated substances. This prohibition does not include sewer or reclaimed water lines serving uses allowed within these protection areas.

17. Excavation of waterways or drainage facilities that intersect the Floridan aquifer.

18. Excavation that removes or disturbs the confining unit located above the Floridan aquifer.

19. Land application of animal waste.

20. Dairy farms or egg production facilities as defined in Rule 62-670.200 F.A.C.

B. <u>WPA 2</u>

The following activities are prohibited in WPA 2:

1. Hazardous waste treatment, storage, or disposal facilities as defined in Section 403.703(22), Florida Statutes; 40 CFR, § 260.10; or Rule 62-730, F.A.C., including transfer facilities, such facilities ancillary to recycling facilities, and facilities which burn such hazardous waste for fuel.

2. Solid waste disposal.

3. Discharges from commercial and industrial wastewater treatment plants, and industrial septic systems, and commercial and industrial wastewater effluent disposal.

4. Discharges of any regulated substance or untreated stormwater into karst solution features, sinkholes, or drainage wells. Stormwater facilities that treat stormwater to Rules 2-25 and 40D-4, F.A.C., standards shall be presumed to be allowed.

5. Landfarming of soil contaminated with regulated substances.

6. The siting of underground product lines including, but not limited to, pipelines designed for the transportation of gasoline, oil, or other regulated substances. This prohibition does not include sewer or reclaimed water lines serving uses allowed within this zone.

7. Underground storage tanks for regulated substances; however, this does not prohibit the replacement of tanks associated with an existing nonconforming use where such replacement is required to comply with State or Federal regulations.

8. Residential subdivisions, with more than one (1) unit per acre, that do not provide for a central sanitary sewer facility and wastewater treatment plant outside WPA 2.

9. Wastewater treatment plants. Expansion of existing domestic wastewater treatment plants will be allowed upon demonstration of compliance with FDEP requirements. Public access reuse of reclaimed water and land application of domestic wastewater effluent may be allowed upon demonstration of compliance with Rule 62-610, F.A.C.

10. Hazardous waste generators including conditionally exempt small quantity generators and small quantity generators.

11. Excavation of waterways or drainage facilities that intersect the Floridan aquifer.

12. Excavation that removes or disturbs the confining unit located above the Floridan aquifer.

808.8. **Best Management Practices Within WPAs and/or SPAs**

A. Any commercial or industrial activity that handles, utilizes, generates, or disposes of regulated substances shall be operated and maintained pursuant to all applicable County, State, and Federal laws and regulations.

B. For existing and future land development uses or activities located in a WPA or an SPA proposing to discharge to surface or groundwater or to handle regulated substances, the County may require, where necessary for the protection of groundwater, any or all of the following:

1. Groundwater monitoring wells as in the manner approved by the County, installed at the property owner's expense, prior to the issuance of a Certificate of Occupancy (CO). The County shall have the right to inspect and sample the monitoring wells. Certified analytical results of the quantity present in each monitoring well of any regulated substance used, handled, reduced, or stored on the property shall be filed quarterly with the county.

2. Containment for regulated substances. Leak-proof trays on the containers, floor curbing, liners, or other containment systems to provide secondary liquid containment shall be installed where necessary, prior to the issuance of a CO. The containment shall be of adequate size to handle all spills, leaks, overflows, and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to preclude any regulated substance loss to the external environment. The containment system shall be sheltered so that the intrusion of precipitation is effectively prevented. These requirements shall apply to all areas of use, production, and handling, to all storage areas, to loading and off-loading areas, and to aboveground and underground storage areas. The containment devices and liquid collection systems shall be certified by a registered professional engineer or a professional geologist licensed in the State.

3. Emergency collection devices. Vacuum suction devices, absorbent scavenger materials, or other devices approved by the County shall be present on-site prior to the issuance of a CO or within two (2) hours of a spill by contract with a cleanup company approved by the County prior to the issuance of a CO. Devices or materials shall be available in sufficient magnitude so as to control and collect the total quantity of regulated substances present. To the degree feasible, emergency containers shall be present in such capacity as to hold the total quantity of regulated substances plus the absorbent material. The presence of such emergency collection devices shall be certified by a registered professional engineer or professional geologist licensed in the State and verification shall be provided to the County prior to the issuance of a CO.

4. Emergency plan. An emergency plan shall be prepared and filed with the County Office of Emergency Management prior to the issuance of a Building Permit. The emergency plan shall contain each element listed on the Office of Emergency Management checklist as amended and shall indicate the procedure to be followed in the event of spillage of regulated substance so as to control all such spill material in such a manner as to prevent it from reaching the stormwater or wastewater system or the ground.

5. Alterations, expansions, and modifications. Any alteration, expansion, or modification of regulated land use or activity must be approved by the County prior to implementation. Such alteration, expansion, or modification may result from increased square footage or production, storage capacity, increased quantities of regulated substances, or changes in types of regulated substances. The County shall be notified in writing prior to any such alteration, expansion, or modification and shall be provided with a detailed description of the alteration, expansion, or modification. The proper notification shall not prevent a reevaluation of the amendment for modification, and a revision of the conditions of approval if, in the opinion of the County,

the alteration, expansion, or modification substantially or materially modifies, alters, or affects conditions upon which the approval was granted or the ability to continue to satisfy any conditions that have been imposed as part of the approval.

C. Conditions of Development Approval

In the event the County determines that a particular land use or activity outside the WPA or SPA boundaries poses a significant threat of pollution or contamination to the groundwater, wellfields, or community water system supply wells as a result of the handling, storage, production, or other use of regulated substances, the County may impose, as conditions of development approval, one (1) or more of the requirements set forth in Section 808.8.B.

808.9. **Registration - Regulated Substances**

Any nonresidential facility or activity within the County, other than the continuous transit through the County, that uses, handles, produces, stores, or disposes of regulated substances in quantities greater than twenty-five (25) gallons (approximately ninety-five [95 liters]) if liquid or greater than 220 pounds (100 kilograms) if solid, in a calendar month shall be required to register with the County.

808.10. **Sinkholes**

A. Backfill material shall be clean and of similar or lower permeability of the surrounding soil. It shall be a violation of this section to dispose of regulated substances, solid waste, untreated stormwater, or other inappropriate substances in a sinkhole.

B. Sinkholes that occur in existing detention/retention ponds shall be filled with clean fill material of similar permeability to surrounding soil that will not reduce storage within the ponds and will not allow for short-circuiting of the treatment process.

808.11. **New Community Water Supply Locations**

Prior to siting of new community water system supply well(s), the increase in permitted withdrawal quantities, or the relocation of permitted supply well(s), the utility shall model WPAs for the proposed supply wells using the methodology and data provided by the County. No community water system supply wells or withdrawal quantity increase will be allowed into an area that would incorporate existing prohibited uses in the WPA. However, if the only such prohibited use is a mine or borrow pit, the supply wells may be sited if the utility can demonstrate control of the mining or borrow pit.

808.12. **Appeals**

Any determination made pursuant to this section may be appealed by a substantially affected person pursuant to this Code, Section 407. Notice of an appeal hearing shall

be mailed to the property owner, the owner/operator of the affected supply well(s), and all property owners within the WPA boundary in question.

808.13. **Reporting of Spills and Unauthorized Discharges**

A. Any unauthorized discharge of a regulated substance(s), in excess of five (5) gallons if a liquid or twenty-five (25) pounds if a solid, shall be reported immediately by the facility owner, operator, or other responsible party to the County. Such notification shall in no way alleviate the owner, operator, or responsible party from other local, State, or Federal reporting obligations required by law. The owner, operator, responsible party, or person providing notification shall inform the County of the substance(s) discharged, the amount, location, duration of discharge, and the potential hazard to groundwater, if known.

B. A discharge of any quantity of a regulated substance must be remediated such that contamination of soils, surface water, or groundwater is brought into compliance with local, State, and/or Federal standards.

C. Clean-up activities shall begin concurrent with or immediately following emergency response activities. A full written report including the steps taken to contain and clean up the spill shall be submitted to the County within forty-five (45) days of the discovery of the spill.

D. Any person responsible for a spill or unauthorized discharge shall be subject to the clean-up and reimbursement provisions in this section.

APPENDIX 808

METHODOLOGY FOR DELINIEATION OF WELLHEAD PROTECTION AREA

A. Methodology for the delineation of WPAs for community water system supply wells permitted to pump 100,000 gpd or greater.

The wellhead protection areas correspond to five (5) and ten (10) year travel time contours. These travel time contours were generated using the modeling techniques explained in the September 25, 2001, County groundwater protection study by Metcalf & Eddy (Pasco Groundwater Study) adopted herein by reference. The following is a summary of the procedures used to develop the WPAs for community water system supply wells that are permitted on average to pump ≥100,000 gpd.

1. The locations of the subject water supply wells were established in terms of the Universal Transverse Mercator (UTM) coordinates (NAD83 datum) based on surveying conducted by Tampa Bay Water, Metcalf & Eddy, Inc., and SWFWMD.

2. The Central North Tampa Bay Integrated Surface and Groundwater model (version 2.5, calibration NEWCNTB 127) was used to develop regional groundwater regime information for input to local groundwater models with finer resolution.

3. The regional groundwater model was refined in eighteen (18) areas around water supply wells to produce local groundwater models with grid resolutions of fifty (50) to 100 feet. Groundwater levels calculated by the regional model were specified on the boundary of the local models, which were run to steady state with average recharge conditions, and well withdrawals equal to their permitted daily average flows.

4. Zones of contribution were determined by backward tracking of particles uniformly released around the supply wells for two (2), five (5), and ten (10) year travel times. For these simulations, an effective porosity of 0.15 was used in conjunction with a thickness of 500 feet for the Upper Floridan Aquifer. The delineation methodology is described in the Pasco Groundwater Study.

5. Based on a sensitivity analysis of the delineation methodology, a buffer of 200 feet around the calculated zones of contribution was adopted to provide a margin of safety and account for uncertainty in the parameters and approaches used in the modeling.

B Methodology for the delineation of wellhead protection areas for community water systems permitted on average to pump less than 100,000 gpd.

WPA 1 for community water system supply wells permitted on average to pump less than 100,000 gpd shall be a fixed radius of 500 feet from the well or wells. This radius is based on a time of travel of five (5) years for a supply well withdrawing 100,000 gpd over an aquifer thickness of 200 feet, with an effective porosity of 0.15.

CHAPTER 800. NATURAL AND CULTURAL RESOURCES PROTECTION

SECTION 809. CULTURAL RESOURCES

809.1. Intent and Purpose

It is the intent and purpose of this section to implement the Goals, Objectives, and Policies of the Comprehensive Plan relating to the identification and protection of historic structures and to encourage adaptive use consistent with the preservation of their historic character. The identification, recognition, protection, enhancement, sensitive use, and promotion of such resources is in the public interest as these resources provide concrete evidence of the cultural, physical development, and the historic heritage of the County and the State to residents and visitors alike.

It is also the intent and purpose of this section to implement the Goals, Objectives, and Policies of the Pasco County Comprehensive Plan relating to the preservation, protection, and restoration of archaeological resources. These resources constitute the physical evidences of past human activity as well as evidences of the effects of that activity on the environment including, but not limited to, monuments; memorials; Indian habitations; ceremonial sites; abandoned settlements; sunken or abandoned watercraft; engineering works; treasure troves; artifacts; or other sites, landforms, properties, objects, or features with intrinsic properties.

809.2. Generally

Cultural resources is a comprehensive term that refers to both historic structures and sites, and archaeological resources and properties. Cultural resources are those resources listed on the County Register of Historic Resources and/or are listed in the State of Florida Master Site File (FMSF). Maps of known cultural resources are maintained by the Florida Department of State, Division of Historical Resources, FMSF, and by the County's Development Services Branch. Historic structures and sites have been inventoried in the central and eastern portions of the County. See the Central and Eastern Pasco Historical Surveys available online at pascocountyfl.net/portal/server.pt/directory/studies/315. Archeological resources are identified in the Tampa Bay Region Coastal Archaeological Survey Project created by the Tampa Bay Regional Planning Council.

809.3. Applicability

The County shall require a Phase I Cultural Resource Assessment Survey in the following circumstances:

A. Surveys shall be submitted to the County as a part of an MPUD Master Planned Unit Development zoning amendment application.

B. A survey has been done for the subject property but failed to include a known cultural resource.

C. Upon recommendation of the Department of State, Division of Historical Resources, or a qualified professional retained by the County.

D. Where a survey on an adjacent property determined the existence of a cultural resource located within 100 feet of the subject property, regardless of whether a prior survey was submitted for the subject property. However, such subsequent survey may be limited to an area less than the entire property as determined by a qualified professional.

809.4. Standards for Surveys and Analysis

Surveys and analysis shall be conducted in accordance with standards and methodology for cultural resource assessment pursuant to the current edition of the *Cultural Resource Management Standards and Practices Manual* published by the Division of Historical Resources and conform to Rule 1A-46 or Rule 9J-2.043, Florida Administrative Code, as applicable. Standards specific to surveys of cemeteries are contained within that subsection.

Where cultural resources are mapped and/or listed within the FMSF, an analysis of the impact to such resource shall be submitted to the County.

809.5. Prohibited Activities

A. Where a historical resource is identified on the property or a cultural resources survey and analysis of a property is determined to be required, no development shall occur on the property without the appropriate survey and analysis.

B. When archeological resources are identified in the Tampa Bay Region Coastal Archaeological Survey Project as being located on the subject property, no development activity involving ground disturbance shall occur on the a property without the appropriate survey and analysis.

809.6. Protection of Historic Structures and Sites

Preservation, restoration, or rehabilitation of historic structures and sites shall be encouraged and incentives provided where possible. Preservation may be accomplished by, but not limited to, the following methods:

A. Designing the proposed development surrounding the historic structure or site in a manner to minimize any adverse impacts of new construction on the resource.

B. Retaining natural features and vegetation which contribute to the preservation or provide a buffer between the resources and new development.

C. Protective techniques such as greater setbacks or appropriate fencing.

D. Seeking designation for qualified historic structures on the County Register of Historic Resources, which registration may be accomplished simultaneously with development approval.

E. Rather than the demolition of a historic structure, or a structure that is integrally related to a historic structure, an opportunity for the acquisition of fee or less-than-fee interest in the property by a governmental unit, an organization, or by any other entity committed to the preservation, restoration, or rehabilitation of the structure(s).

F. Adaptive use of the historic structures consistent with preservation of their historic character.

G. Using variances and/or alternative standards to building codes and regulations may be made to facilitate the rehabilitation and maintenance of historic structures.

809.7. **Protection of Archeological Resources**

Avoidance, minimization, and mitigation (in that order of preference) of adverse impacts on significant archaeological resources shall be required as appropriate to the scale and significance of the resource as determined pursuant to the required survey and analysis. Development orders for parcels containing known or newly discovered areas of archaeological significance shall be conditioned, where appropriate, based on a recommendation from a qualified professional, to accomplish the following:

A. Ensure professional archaeological investigation prior to construction and, where appropriate, avoidance, minimization, and mitigation of impacts.

B. Preserve and provide perimeter buffering or appropriate fencing around significant archaeological sites in order to maintain the security and integrity of the source.

C. Alteration to the proposed or originally approved development plan if necessary.

D. Adaptive use of archaeological landforms or properties consistent with preservation of their archaeological character.

E. Rather than the demolition of an archeological site, an opportunity for the acquisition of fee or less-than-fee interest in the property by a governmental unit, an organization, or by any other entity committed to the preservation of the site.

F. Where archaeological sites are to be preserved, incentives to encourage retention of these areas may be provided, such as incorporation of the sites into open space or green space requirements.

809.8. **Historic Cemeteries**

A. Applicability

These provisions shall not apply to active cemeteries and/or cemeteries subject to Chapter 497, Florida Statutes.

B. Specific Requirements

All proposed development projects, including residential, nonresidential, and mixed use, containing or immediately adjacent to a historic human cemetery shall comply with the following requirements:

1. All of the cemetery, including significant trees or vegetation that are identified by an archeologists as features of the cemetery, shall be protected and preserved. However, invasive species shall be removed carefully so as not to disturb any plots or the historical integrity of the cemetery.

2. Cemeteries shall be identified on the preliminary site plan, preliminary development plan (residential or nonresidential/mixed use), construction plan, or a rezoning application. Cemeteries shall not be located within lots and must be platted as tracts. Cemeteries shall be maintained by the homeowners' association/Community Development District/merchants' association or other entity other than the County.

3. The cemetery shall be incorporated into the project design and may be included in the development's common area or open space. However, other common area amenities shall not impact the cemetery or detract from its historical value to the community. Common area amenities shall not be placed within the boundaries of the cemetery. Access to the cemetery, including ingress/egress easements as necessary, shall be provided pursuant to Section 794.8, Florida Statutes.

4. The boundaries of the cemetery and significant vegetation shall be delineated by a qualified archeologist, except where the boundaries are clear and unambiguous. Where ambiguous, the cemetery boundary shall be clearly marked. The boundary identified shall be protected during construction by four (4) foot high orange fencing installed prior to the commencement of a land disturbance activity.

5. Cemeteries are not required to be buffered or fenced. If buffered, the buffering shall incorporate any identified significant trees and vegetation. Fencing shall not prohibit pedestrian access to the cemetery. If fenced, the fencing shall be on the exterior of the cemetery, including any unmarked graves. If not fenced or buffered, an open yard set back on one (1) or more sides of the cemetery may be required if unmarked graves are discovered so as to encompass

the grave(s) plot. Such open yard need not exceed the width necessary to protect the integrity of the existing unmarked grave site.

6. The cemetery shall be added to the County Register of Historic Resources by County staff during the development review process of the proposed project.

7. The developer or successor and assigned shall be responsible for the perpetual maintenance and care of the cemetery located in the project. Cemetery maintenance and care shall conform to industry standards for cemetery care while considering the historic value of the cemetery. *Florida's Historic Cemeteries: A Preservation Handbook*, available through the State Division of Historical Resources, is a useful resource for such maintenance and care.

809.9. **Unmarked Human Remains**

A. Unmarked human remains do not include marked or previously marked cemeteries. Where unmarked human remains are discovered, the Pasco County Sheriff's Office must be notified immediately and the procedures of Section 872.05, Florida Statutes, complied with.

B. When unmarked human remains are discovered during excavation, construction, development, or any other circumstances, such discovery must be reported to the State Archaeologist (850) 245-6444 and to the County Medical Examiner, District 6 (see www.fdle.state.fl.us/cjst/mec/DMElist.pdf). Any activities on the site that may disturb the remains shall not be resumed until authorized in writing by such offices. This requirement is enforced under Sections 872.02 and 872.05, Florida Statutes (see also www.flheritage.com/archaeology/FS872/procedure.cfm).

C. If the unmarked human remains are determined by a qualified professional to actually be an unmarked historic cemetery, such historic cemetery shall be protected pursuant to this section.

809.10. **County Register of Historic Resources**

The County Register of Historic Resources is the official register of historic structures, objects, sites, including cemeteries, districts and archaeological sites, both private and public, meeting the designation criteria and deemed resources pursuant to this section. The County Register of Historic Resources also consists of those structures, buildings, objects, districts, and sites featured in the book, *The Historic Places of Pasco County* (James J. Horgan et al., 1992). The County Register of Historic Resources is maintained by the Development Services Branch and official interpretations of the County Register of Historic Resources shall be made by the County Administrator or designee.

A. Designation of Historic Resources

Resources meeting the following criteria are significant as defined in Federal law and shall be designated as historic resources and placed on the County Register of Historic Resources by the Board of County Commissioners (BCC).

Districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and/or association; and

1. Are associated with events that have made a significant contribution to the broad patterns of our history; or

2. Are associated with the lives of persons significant in our past; or

3. Embody the distinctive characteristics of a type, period, or method of construction; or that represent the work of a master; or that possess high artistic values; or that represent a significant and distinguishable entity whose components may lack individual distinction; or

4. Have yielded, or may be likely to yield, information important in prehistory or history.

B. Application and Procedure for Designation

1. Property owner(s) or the County Administrator or designee, at the request of the BCC and with the approval of the owner(s), may initiate designation of resources meeting the criteria outlined above.

2. The application shall contain the following information.

   a. A description of the district, site, building, structure, or object, accompanied by photographs.

   b. A statement of evidencing and supporting compliance with the designation criteria of this section.

   c. A description of the existing physical condition of the district, site, building, structure, or object and a statement of rehabilitative or adaptive use proposals, if applicable.

   d. A location map depicting zoning and land use.

3. The application, supporting information, and whether the resource meets the criteria of this section shall be considered by the BCC, who shall make the determination as to whether the resource shall be listed on the County Register of Historic Resources. This determination may be made in conjunction with other development approvals.

C. Effect of Being Listed on the County Register of Historic Resources

1. As funding becomes available, the resource may have an official marker or plaque located on or near the property or district. Verbiage proposed for an official marker shall be approved by the County Administrator or designee after consultation with a qualified, local historian or historical preservation society.

2. No development, remodeling, or demolition permits pertaining to or affecting the resource shall be granted prior to the issuance of a Certificate of Appropriateness by the County Administrator or designee.

3. All properties placed on the County Register of Historic Resources shall be eligible for any applicable financial assistance and/or incentives for preservation projects by the County, the State, or the Federal government, provided any additional requirements of those financial assistance programs are met.

4. The demolition of a registered resource shall be prohibited without first obtaining a Certificate of Appropriateness.

5. Removal of a resource from the County Register of Historic Resources shall require a petition to the BCC.

D. Certificates of Appropriateness

1. No development, remodeling, or demolition of a resource listed on the County Register of Historic Resources shall occur until a Certificate of Appropriateness has been issued by the County Administrator or designee. Resources listed on the Florida Master Site File or the National Register of Historic Places may be subject to other and/or additional requirements.

2. The following actives performed on a listed resource are exempt from obtaining a Certificate of Appropriateness.

   a. Work on or in a resource for which a permit is not normally required does not require a Certificate of Appropriateness.

   b. Work requiring a Building Permit and which is classified as ordinary maintenance and repair (work done to prevent deterioration, decay, or damage, or to repair damage to a resource or any part thereof by restoring it, as nearly as practicable, to its condition prior to such deterioration, decay, or damage) does not require a Certificate of Appropriateness.

3. Nothing in this section should be construed to prevent an owner from reasonably and effectively controlling and preventing nuisances or

threats to the public health, safety, and welfare. Conditions on or in a resource that present serious threats to the public health, safety, or welfare may be corrected immediately without a Certificate of Appropriateness.

4. Certificate of Appropriateness Application Procedures

a. Applications containing the following information shall be filed with the County Administrator or designee.

(1) Name of the resource as it appears on the County Register of Historic Resources.

(2) An explanation of the project and its affect on the resource.

(3) Whether the owner seeks to remove the resource from the County Register of Historic Resources.

b. Certificates of Appropriateness shall be issued by the County Administrator or designee within sixty (60) days of submittal of a complete application and after the consideration of the following:

(1) The importance of the resource to the neighborhood.

(2) Whether the designated historic resource is the last remaining example of its kind in the district, neighborhood, County, or the region.

(3) Whether reasonable measures can be taken to save the resource.

809.11. **Enforcement**

Any work conducted contrary to the provisions of this section is a violation of this Code and subject to the provisions of Section 108 including, but not limited to, immediate cessation of activities as ordered by the County Administrator or designee.