

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Honorable Chairman and
Members of the Board of
County Commissioners

DATE: 11/22/2006

FILE: CAO07-0414

SUBJECT: Ordinance Adopting Remedial
Comprehensive Plan Amendments
Pursuant to Stipulated Settlement
Agreement – Third Party Challenge
Final Public Hearing
(BOCC: 12/05/06; 1:30 p.m.; DC)

FROM: 
Barbara L. Wilfite
Chief Assistant County Attorney

REFERENCES: All Commission Districts

It is recommended that the data herein presented be given formal consideration by the Board of County Commissioners.

DESCRIPTION AND CONDITIONS:

This is a companion item to County Attorney's Office Memorandum No. 07-0415 pertaining to the Stipulated Settlement Agreement for the Third Party Challenge to the Evaluation and Appraisal Report-based Comprehensive Plan Amendments. A mediation was held in this matter on November 9, 2006 (which lasted in excess of 12 hours). The parties ultimately agreed on several amendments to the EAR based amendments adopted on June 27, 2006 as part a Stipulated Settlement Agreement.

The following additional amendments are agreed upon pursuant to the Stipulated Settlement Agreement:

Conservation Subdivisions

Revise Policy FLU 2.1.6 to remove the requirement that conservation subdivisions are mandatory in order to receive an increase in residential density in the Northeast Pasco Rural Area and the Rural Transition Area. No other changes are being made to the conservation subdivisions or the definition of conservation subdivision open space.

Three policies modeled after policies that have been in the comprehensive plan since 1989 are being added back into the comprehensive plan. The policies being added back in address the required form of development when residential density increases are sought for large parcels of property (100 acres or more) anywhere in the County within the AG/R or RES-1 land use designations. When residential density increases are sought in AG/R land use designations for parcels 100 acres or more anywhere in the County, a MPUD, clustering and 50 percent open space is required (hereinafter referred to as "AG/R MPUD"). Part of the open space definition is also being revised to be consistent with the open space definition that has been in the comprehensive plan since 1989 relative to the AG/R MPUDs. This definition allows the required open space for the AG/R MPUDs to be within the individual lots. Land Development Regulations will need to be written to set forth certain criteria to be followed when open space will be in the individual lots such as permanent buffering and open space easements. There are no density incentives given for AG/R MPUDs. In order to receive density incentives, a conservation subdivision is required and the conservation subdivision open space is not allowed to be within the individual lots.

For rezonings within the RES-1 land use for parcels 100 acres to 300 acres anywhere in the County, a MPUD and 25 percent open space is required (hereinafter referred to as "RES-1 MPUD"). The revised definition of open space will allow the required open space for the RES-1 MPUD to be within the individual lots. There are no density incentives given for RES-1 MPUDs. In order to receive density incentives, a conservation subdivision is required and the conservation subdivision open space is not allowed to be within the individual lots.

The proposed settlement amendments do not change the requirements for rezonings within the RES-1 land use for parcels more than 300 acres. For rezonings within the RES-1 land use for parcels greater than 300 acres anywhere in the County, a MPUD and 25 percent open space is required (hereinafter referred to "Large RES-1 MPUD"). The open space for large RES-1

MPUD's is not allowed within the individual lots. There are no density incentives given for Large RES-1 MPUDs. In order to receive density incentives, a conservation subdivision is required and the conservation subdivision open space is not allowed to be within the individual lots.

Agriculture Primacy

The following policy is being deleted:

~~Policy FLU 2.2.1 Agricultural Primacy~~

~~Pasco County shall encourage continuation of agricultural operations in the Northeast Pasco County Rural Area. Agricultural uses on lands that have an agricultural exemption from the Pasco County Property Appraiser will be considered to have "primacy" in the area. Primacy means that when conflicts arise between such agricultural lands and other non-agricultural uses that are permitted in agricultural areas of the County, all other factors being equal, the conflict will be resolved in favor of the agricultural interests.~~

The concern with this policy is that it is not clear as to what would be considered a "conflict" and what is meant by the requirement to resolve a conflict in favor of agricultural interests. The policy is being replaced with new FLU 2.2.1 which was modeled after FLU policy 1.5.1 that has been in the comprehensive plan since 1989.

Policy FLU 2.2.1 Agricultural Primacy

Establish agriculture as the primary use in the AG (Agricultural) and AG/R(Agricultural/Rural) Land Use Classifications (see Land Use Classification System) subject to the General Range of Potential Uses as described in the Appendix to this Comprehensive Plan.

In addition, the new plan that was adopted on June 27, 2006 already contains Objective 2.1 that "encourages the preservation of agriculture as a viable long and short term use of land and an asset of Pasco County's economy", as well as the following policies under that objective: FLU 2.2.2 Conservation Subdivisions, FLU 2.2.3 Agricultural Protection Strategies; and FLU 2.2.4 Agricultural Buffers.

The County and its land use consultant feel that this objective and these policies set forth in a clear manner both the objective to preserve agriculture and the strategy for the continuation of agricultural operations in the Northeast Pasco Rural Area.

Other

Non-substantive changes are being made to the Standards for Future Land Use Amendments in Northeast Pasco Rural Area; Rural Roadway System Policy; Protection of Existing Topography Policy; Flood Plain Protection Policy; Glossary Definitions for Post Development 100 Year Floodplain Prone Areas and Post Development Wetland Areas; Provision of Potable Water & Sanitary Sewer Policies; Standards for Review of Rezoning Requests - Rural Neighborhoods; and the Employment Center Designation. These language changes make the referenced policies, standards and land use designation more clear and in no way change their intent.

ALTERNATIVES AND ANALYSIS:

1. Hold a public hearing, listen to public comment, if any, adopt the EAR-based Remedial Comprehensive Plan Amendments and the attached ordinance for these remedial amendments by roll call vote, and approve and authorize the Chairman to execute the original ordinance and the transmittal letter to the FDCA.
2. Direct staff as to another course of action.

RECOMMENDATION AND FUNDING:

The County Attorney's Office and Growth Management Administrator recommend that the Board of County Commissioners approve Alternative number 1, and direct Secretarial Services to distribute the original Ordinance and transmittal letter as follows: one original to be retained by Secretarial Services and three originals are to be returned to the Growth Management Administrator for forwarding to the FDCA and other State agencies.

Attachments: Remedial Comprehensive Plan Amendments Ordinance (4 originals)
Transmittal Letter to the FDCA (4 originals)

cc: Samuel P. Steffey, II, Growth Management Administrator (GM) (w/attachments)
Richard Tonello, Senior Planner, Growth Management (w/attachments)
Matthew Armstrong, Planner II, Growth Management (w/attachments)
Sharon Peters, Senior Project Clerk, Growth Management (w/attachments)

**AN ACT TO BE ENTITLED
AN ORDINANCE AMENDING ORDINANCE NO 89-13, ADOPTING
THE PASCO COUNTY COMPREHENSIVE PLAN, AS AMENDED AND
ORDINANCE NO. 06-18; PROVIDING REMEDIAL COMPREHENSIVE
PLAN AMENDMENTS TO CHAPTER 2, FUTURE LAND USE
ELEMENT BY CREATING NEW POLICIES 1.1.4, 2.2.2, 2.2.3,
AMENDING POLICIES 1.2.5, 2.1.5, 2.1.6, 2.1.7, 2.1.12, 2.1.13, AND
2.2.1, AND AMENDING APPENDICES A-1 AND A-6; TO CHAPTER
10, PUBLIC FACILITIES ELEMENT BY AMENDING POLICIES 2.1.4,
3.2.6; AND TO GLOSSARY BY AMENDING THE DEFINITIONS;
PURSUANT TO A STIPULATED SETTLEMENT AGREEMENT
PERTAINING TO A CHALLENGE TO THE EVALUATION AND
APPRAISAL REPORT BASED AMENDMENTS, ORDINANCE NO. 06-
18; PROVIDING FOR A REPEALER, SEVERABILITY, AND AN
EFFECTIVE DATE.**

WHEREAS, the Florida Department of Community Affairs (FDCA) is the State land planning agency and has the authority to administer and enforce the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes; and

WHEREAS, Pasco County is a local government with the duty to adopt comprehensive plan amendments that are in compliance with the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Pasco County adopted Evaluation and Appraisal Report (EAR) based Comprehensive Plan Amendments by Ordinance No. 06-18 on June 27, 2006; and

WHEREAS, on August 17, 2006 the FDCA issued its Statement and Notice of Intent regarding the Amendments finding certain portions of the EAR-based Amendments not in compliance and the remainder in compliance with the requisite Florida Statutes; and

WHEREAS, on September 7, 2006 a Petition challenging the FDCA Notice of Intent finding portions of the EAR-based Amendments in compliance was filed to initiate a formal administrative proceeding; and

WHEREAS, the parties wanted to avoid the expense, delay, and uncertainty of lengthy litigation and to resolve this proceeding and entered into a Stipulated Settlement Agreement approved by the Pasco Board of County Commissioners on December 5, 2006; and

WHEREAS, pursuant to the Stipulated Settlement Agreement, Pasco County agreed to adopt Remedial Plan Amendments by ordinance; and

WHEREAS, the Pasco Board of County Commissioners, on December 5, 2006, held a duly noticed public hearing on the adoption of the proposed Remedial Plan Amendments and this Ordinance and has considered all comments received during the public hearing and provided for necessary revisions.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY FLORIDA AS FOLLOWS:

SECTION 1. The Future Land Use Element, Chapter 2, is hereby amended as follows.

A. Policy FLU 2.1.6, Conservation Subdivisions, is revised as follows.

The County shall permit the creation of a Conservation Subdivision in conformance with the guidelines provided herein through the Comprehensive Plan and shall amend the Land Development Code by December 2007 to establish specific requirements for the creation of Conservation Subdivisions. ~~For all properties that are 100 acres or greater within the Northeast Pasco Rural Area, in order to obtain any increase in residential density, land must be developed as a Conservation Subdivision.~~

~~For all properties that are 100 acres or greater within the Rural Transition Area, in order to obtain any increase in residential density, the proposed development must be:~~

- ~~a. Developed as a Conservation Subdivision; or~~
- ~~b. If located within a RES-1 Future Land Use Designation must be developed as either a Conservation Subdivision or as an MPUD; or~~
- ~~c. If located within an Urban Residential Land Use Designation must be developed as an MPUD.~~

Land Development Code provisions regulating the design of Conservation Subdivisions shall recognize the following design guidelines and criteria:

- a. A minimum of fifty percent (50%) of the gross acreage of the parcel shall be designated as Conservation Subdivision Open Space, exclusive of individual lots. Conservation Subdivision Open Space is not required to be owned, held, managed or maintained through one single owner or through one common ownership mechanism such as a homeowners association or other common interest development;
- b. Conservation Subdivision 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 Conservation Subdivision and extinguishes all development rights on the Conservation Subdivision Open Space;
- c. Conservation Subdivision Open Space shall be configured, when appropriate, to create external connectedness by adding to a larger contiguous off-site network of interconnected open space, particularly existing habitats, and shall address through the Open Space Management Plan, opportunities for restoring native habitats. The criteria for the restoration of native habitat shall be included as a part of the Open Space Management Plan;
- d. Conservation Subdivision Open Space shall be configured to create internal connectedness through connected and integrated open space within the subdivision parcel and shall be based upon the context sensitive site design standards;
- e. A plan for the use of the Open Space shall be submitted, as a part of the approval process and 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 conservation easement, or other mechanism which extinguishes the development rights
- f. A plan for the ownership and maintenance of the Open Space shall be submitted, as a part of the approval process and compliance with said plan shall become a condition of the subdivision approval and a condition of the perpetual open space or conservation easement, or other mechanism which extinguishes the development rights. The Land Development Code provisions regulating the design of Conservation Subdivisions shall also include performance measures for insuring that the Open Space Management Plan provides satisfactory maintenance of the dedicated Conservation Subdivision Open Space.

- g. The location of residential development lots shall be arranged in a context sensitive manner such that they form a contiguous pattern and shall be clustered in such a way as to preserve the function, purpose and integrity of the on-site natural resources and environmental systems to the maximum extent practicable; to minimize disturbance to woodlands, wetlands, and other natural features; to protect and preserve the rural appearance of land when viewed from public roads and from abutting properties; and
- h. The maximum density of a Conservation Subdivision shall be no more than the maximum density allowed by the land use designation of the land on the Comprehensive Plan's Future Land Use Map as defined by the "Density Restrictions: Dwelling Units/Developable Residential Acre" in the Future Land Use Element Appendix in which the Conservation Subdivision is located.

B. Policy FLU 2.2.2, Agricultural/Rural Land Use Open Space Requirement, is created as follows and the remainder of the policy series renumbered.

Require development consisting of more than twenty (20) residential units within the AG/R (Agricultural/Rural) Land Use Classification to preserve fifty (50%) percent of the project site as open space.

C. Policy FLU 2.2.3, Agricultural/Rural Land Use MPUD/Clustering Requirement, is created as follows and the remainder of the policy series renumbered.

Prohibit the rezoning of property in the AG/R (Agricultural/Rural) Land Use Classification which is zoned A-C or AC-1 Agricultural (one unit per ten acres) unless the property owner can demonstrate that a rezoning is:

- a. Necessary to support the continuation or expansion of the agricultural use of the property;
- b. Part of a proposed MPUD (Master Planned Unit Development District) designed to accomplish clustering and open-space requirements so as to limit or prevent urban sprawl which might otherwise occur from a nonagricultural use of the property and to ensure perpetuation of agricultural uses;
- c. A conservation subdivision;
- d. Necessary as a result of changed conditions which deprive the owner of any reasonable use of the property under existing zoning;
- e. Necessary to prevent inconsistency with other requirements of this Comprehensive Plan; or
- f. Necessary to allow an agricultural support, nonresidential use.

This policy shall not be applicable to future amendments to the Land Use Plan which would change the AG/R (Agricultural/Rural) Land Use Classification to another classification.

D. Policy FLU 1.1.4, Residential-1 Land Use MPUD/Conservation Subdivision Requirement, is created and the remainder of the policy series renumbered.

Rezoning requests that increase the density within the RES-1 (Residential – 1 du/ga) land use category for all properties that are 100 acres or greater must meet the following criteria:

- a. Be developed as a Master Planned Unit Development (MPUD); or
- b. Be developed as a conservation subdivision.

E. Policy FLU 2.1.12, Rural Roadway System, is revised as follows.

The collector and arterial roadway system within the Northeast Pasco County Rural Area predominantly consists of two (2) lane facilities. Specific collector, arterial and rural residential roads shall not be expected to require, nor are they planned to receive capacity improvements over the twenty (20) year planning period, unless otherwise consistent with Chapter 7, Transportation Element, Table 7-4A, Pasco County Corridor Preservation Table. ~~When not inconsistent with state law or county ordinances and policies,~~ Unless otherwise required by state law or county ordinances and policies, including the County Concurrency Ordinance, the County shall discourage additional

roadway expansions of these facilities beyond two (2) lanes. Prior to the final determination of any concurrency requirements that would require the expansion of the roadway network, the County shall evaluate whether there are and may impose alternative solutions for meeting the identified capacity need.

F. Policy FLU 2.2.1, Agricultural Primacy, is revised as follows.

~~Pasco County shall encourage continuation of agricultural operations in the Northeast Pasco County Rural Area. Agricultural uses on lands that have an agricultural exemption from the Pasco County Property Appraiser will be considered to have "primacy" in the area. Primacy means that when conflicts arise between such agricultural lands and other non-agricultural uses that are permitted in agricultural areas of the County, all other factors being equal, the conflict will be resolved in favor of the agricultural interests.~~

Establish agriculture as the primary use in the AG (Agricultural) and AG/R(Agricultural/Rural) Land Use Classifications (see Land Use Classification System) subject to the General Range of Potential Uses as described in the Appendix to this Comprehensive Plan.

G. Policy FLU 2.1.5, Protection of Existing Topography, is revised as follows.

Pasco County shall amend the Land Development Code by December 2007 to include standards that would limit topographic alterations within eastern Pasco County including: Northeast Pasco County Rural Area and particularly along the Northeast Pasco County Rural Area Boundary; areas along the Brooksville Ridge; and areas along the Polk Ridge in order to maintain and protect the integrity of the natural rolling vistas and scenic veiwsheds within the Northeast Pasco County Rural Area. The intent of these standards is to provide ~~guidance and limitations for topographic alterations~~ major site alterations that would negatively impact ~~remove the unique vistas of the area, including limitations for activity that would remove naturally occurring berms, or hillsides that provide unique vistas of the area or function as buffers.. that could function as buffers.~~

H. Policy FLU 1.2.5, Flood Plain Protection, is revised as follows.

Pasco County shall continue to require the identification of the 100-year floodplain on any proposed development site prior to the issuance of a development order. Development shall be limited within the 100-year floodplain in order to minimize property damage from a 100- year storm event. These restrictions and limitations shall include:

- a. Restriction of uses which are dangerous to health, safety and property, and minimize public and private losses due to flood conditions.
- b. Restrict ~~Prohibit~~ land filling and grade changes where such activity will cause erosion or inhibit flood waters;
- c. Require development to comply with the requirements and rules of the National Flood Insurance Program;
- d. Require development to comply with the requirements and rules for the installation of septic tanks from the Florida Department of Health; and
- e. Require all subdivisions and site plans to maintain pre-development run off characteristics, provide compensating storage, and comply with wetland regulations.

I. Policy FLU 2.1.13, Provision of Potable Water & Sanitary Sewer, is revised as follows.

Consistent with the provision of services and facilities within the Northeast Pasco County Rural Area, Pasco County shall:

- a. Continue to rely primarily upon individual wells as the method of providing potable water to the residents and other occupants within the Northeast Pasco County Rural Area;
- b. Continue to rely primarily upon individual septic tank systems as the method of disposal of wastewater within the Northeast Pasco County Rural Area;
- c. Require that new development within the Northeast Pasco County Rural Area

shall not be designed nor constructed with central water and/or sewer systems. Public and private central systems shall may be, if paid for by the landowner/developer, permitted in the future if:

1. The development form is a Conservation Subdivision; or
2. The development form is an MPUD in RES-1; or
3. It is clearly and convincingly demonstrated by the proponents of the system expansion that a health problem exists in a built by un-served area for which there is no other feasible solution. In such cases, the service area expansion plans will be updated concurrent with an area wide administrative land use update; or
4. It is a part of the implementation strategies for the Comprehensive Redevelopment Plan for Trilby, Lacochee and Trilachochee. This exception permits the extension of utilities along US 301 to serve the Business District uses as described in Policy FLU 1.7.4; or
5. It is within the I-75/41 interchange mixed use/employment center/RES-9 designated properties.

SECTION 2. The Future Land Use Element, Chapter 2, Appendix, is hereby amended as follows.

A. SECTION FLU A-1: PLAN AMENDMENTS STANDARDS OF REVIEW, is revised as follows.

Standards for Review of Increased Density within the Northeast Pasco County Rural Area and the Rural Character Area

Requests for amendments to the Future Land Use Map within the Northeast Pasco County Rural Area for any future land use designation that permits more density than permitted by the Residential-1 future land use designation or any other future land use designation that requires the installation of central water and sewer services as per *Exhibit 2-1: Services and Facilities by Classification* or amendments within the "Rural Character Area" for any future land use designation that permits three (3) or more dwelling units per developable residential acre shall be held to the following standard of review and may be considered only if all of the following standards are affirmatively met:

- A. Demonstration of Need
An applicant shall demonstrate that additional lands are required to accommodate the population, housing or employment needs of the county projected over the horizon of the Comprehensive Plan. This analysis shall be performed consistent with the requirements of Rule 9J-5.006(2)(c), FAC that establish the standards for an analysis of the amount of land needed to accommodate the projected population.
- B. Compatibility
 1. An applicant shall demonstrate that the proposed amendment shall create and/or provide an appropriate transition of land uses adjacent to existing rural residential development within either the Northeast Pasco County Rural Area or the Rural Character Area.
 2. An applicant shall demonstrate how the proposed amendment shall protect existing rural neighborhoods consistent with FLU 2.1.7 or FLU 2.3.3, as applicable. ~~create a final area of transition between either the Northeast Pasco County Rural Area or the Rural Character Area and existing urban development such that further future intrusion into the Rural Character Area shall be constrained.~~
 3. An applicant shall perform a soil suitability analysis and shall demonstrate that the soils can support the proposed amendment.
- C. Contiguity to existing urban development patterns.
An applicant shall demonstrate that the proposed development is contiguous to existing urban patterns of development.
- D. Consistency with Goals, Objectives and Policies of the Comprehensive Plan. An applicant shall demonstrate that the proposed amendment is consistent with all applicable goals, objectives and policies of the Comprehensive Plan.

THE ABOVE STANDARDS SHALL BE EVALUATED BY MEANS OF THE PREPARATION OF NEEDS ANALYSIS STATEMENTS AND LAND USE COMPATIBILITY ANALYSES. IF AN AMENDMENT TO THE NORTHEAST PASCO COUNTY RURAL AREA BOUNDARY OR THE RURAL CHARACTER AREA BOUNDARY ARE ADOPTED, THE ABOVE REFERENCED DOCUMENTATION SHALL ALSO BE SUBMITTED AS SUPPORT DOCUMENTS

B. SECTION FLU A-6: THE OFFICIAL FUTURE LAND USE MAP, is revised as follows.

Special Provisions & Mix of Uses:

A. Mix of Use

The Employment Center shall be developed to accommodate an area wide composite land use mix as described below:

General Use	Minimum	Maximum
Corporate Business Park or Targeted Primary Businesses or Industrial Uses	55%	75%
Multi-family Uses	20%	40%
Support Commercial/Office Uses (such as Service Stations, Hotels, Neighborhood Scale Markets, and Restaurants)	5%	20%

This distribution range represents the mix of uses within each area designated as an Employment Center which would be accommodated over the planning horizon. The specific method for determining the land use mix distribution on a parcel by parcel basis during the development review process will be established as either a part of the standards and guidelines of the Land Development Code or as a part of an area-wide master planning process. If an area wide master plan has not been prepared for the Employment Center located at the I-75/41 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 above. The uses permitted within the land use designation may be developed in any sequence.

SECTION 3. The Public Facilities Element, Chapter 10, is hereby amended as follows.

A. Policy WAT 2.1.4, Provision of Potable Water – Rural Area, is revised as follows.

Consistent with the provision of services and facilities within the Northeast Pasco County Rural Area, Pasco County shall:

- A. Continue to rely primarily upon individual wells as method of providing potable water to the residents and other occupants of the Rural Area and;
- B. Require that new development within the Rural Area shall not be designed nor constructed with central water systems. Public and private central systems shall may be, if paid for by the landowner/developer, permitted in the future if:
 - 1. The development form is a Conservation Subdivision; or
 - 2. The development form is an MPUD in RES-1; or
 - 3. It is clearly and convincingly demonstrated by the proponents of the system expansion that a health problem exists in a built by un-served area for which there is no other feasible solution. In such cases, the service area expansion plans will be updated concurrent with an area wide administrative land use update; or
 - 4. It is a part of the implementation strategies for the Comprehensive Redevelopment Plan for Trilby, Lacochee and Trilachochee. This exception permits the extension of utilities along US 301 to serve the Business District uses as described in Policy FLU 1.7.4; or
 - 5. It is within the I-75/41 interchange mixed use/employment center/RES-9 designated properties.

B. Policy SEW 3.2.6, Provision of Central Sewer – Rural Area, is revised as follows.

Consistent with the provision of services and facilities within the Northeast Pasco County Rural Area, Pasco County shall:

- A. Continue to rely primarily upon individual septic tank systems as method of disposal of wastewater within the Rural Area and;
- B. Require that new development within the Rural Area shall not be designed nor constructed with central sewer systems. Public and private central systems shall

may be, if paid for by the landowner/developer, permitted in the future if:

1. The development form is a Conservation Subdivision; or
2. The development form is an MPUD in RES-1; or
3. It is clearly and convincingly demonstrated by the proponents of the system expansion that a health problem exists in a built by un-served area for which there is no other feasible solution. In such cases, the service area expansion plans will be updated concurrent with an area wide administrative land use update; or
4. It is a part of the implementation strategies for the Comprehensive Redevelopment Plan for Trilby, Lacoochee and Trilachochee. This exception permits the extension of utilities along US 301 to serve the Business District uses as described in Policy FLU 1.7.4; or
5. It is within the I-75/41 interchange mixed use/employment center/RES-9 designated properties.

SECTION 4. The Glossary, is hereby amended as follows.

A. Open Space: Undeveloped land or water body which is free of structures and equipment except that incidental to the land's open-space uses. For urban land use categories which include Residential Land Use Categories, Non-residential Land Use Categories and Mixed Use Land Use Categories, open space is a common area under common ownership that 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 (not otherwise defined in this Glossary) historical or archaeological sites. For the Rural Land Use Categories, open space can be of any size, treed or open grassland. Functions include the providing of flood protection, creating a sense of spatial separation for incompatible land uses, the provision of passive recreation, active recreation, or conservation uses, historical site preservation and areas for agricultural operations. For the Residential-1 Land Use Category which is classified as both a Residential Land Use Category and a Rural Land Use Category, when such land is developed as estate lots, 1 acre or greater in size, or as an MPUD under Policy FLU 1.1.4. it shall be classified as a Rural Land Use Category for the purposes of this definition. When such Residential -1 land is developed as a cluster residential subdivision an MPUD under Special Provision A the Residential-1 land use designation definition, it shall be classified as a Residential Land Use Category for the purposes of this definition.

B. Post Development 100 year floodplain prone areas. Lands that are delineated on a master site development plan or subdivision plat as flood prone protection areas that are not a part of a building lot or other developed area.

C. Post Development wetland areas. Lands that are delineated on a master site development plan or subdivision plat as wetland protection areas that are not a part of a building lot or other developed area.

SECTION 5. Codification of and correction of scrivener's errors. The correction of typographical or scrivener's errors which do not affect the intent of the Plan Amendments may be authorized by the County Administrator or designee, without public hearing, by filing a corrected copy of the same with the Clerk of the Circuit Court.

SECTION 6. Ordinance to be Liberally Construed. This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety and welfare of the citizens and residents of Pasco County, Florida.

SECTION 7. Repealing Clause and Restatement. All Goals, Objectives, and Polices parts of thereof in conflict herewith are, to the extent of the conflict, hereby repealed. Certain provisions of the Remedial Comprehensive Plan Amendments are merely reiterations or restatements of the prior plan, rather than substantive changes, and are being carried over by way of repeal and re-adoption for the sake of simplicity and convenience.

SECTION 8. Severability. It is the declared intent of the Board of County Commissioners that, if any section, sentence, clause, phrase or provision of this Ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this Ordinance, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be valid.

SECTION 9. Effective Date. The effective date of the Remedial Comprehensive Plan Amendments shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the adopted Remedial Comprehensive Plan Amendments to be in compliance in accordance with s. 163.3184(9) or (10), Fla. Stat. No development orders, development permits, or land uses dependent on the Remedial Comprehensive Plan Amendments may be issued or commence before said Amendments become effective. If a final order of non-compliance is issued by the Administration Commission, the Remedial Comprehensive Plan Amendments may nevertheless be made effective upon the adoption of a resolution affirming its effective status and the receipt of written notice from the Florida Department of Community Affairs, Division of Resource Planning and Management, Plan Processing Team, that it has received a copy of the resolution.

Duly adopted this _____ day of December, 2006.

(S E A L)

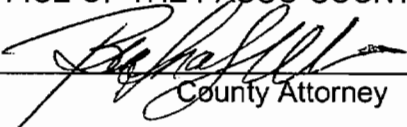
BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

By: _____
JED PITTMAN, CLERK

By: _____
ANN HILDEBRAND, CHAIRMAN

APPROVED AS TO LEGAL FORM AND SUFFICIENCY
OFFICE OF THE PASCO COUNTY ATTORNEY



County Attorney