



July 15, 2019

Mr. D. Ray Eubanks
Plan Processing Administrator
Florida Department of Economic Opportunity
Division of Community Development
107 East Madison Street
Caldwell Bldg., MSC 160
Tallahassee, FL 32399-0800

**RE: Adoption Package - Pasco County Large Scale Comprehensive Plan
Amendment, CPAL19-013 2025 Comprehensive Plan Text Amendment**

Dear Mr. Eubanks:

On July 9, 2019 the Pasco County Board of County Commissioners (BCC) adopted CPAL19-013 2025 Comprehensive Plan Text Amendment, a Large-Scale Map Amendment to the Comprehensive Plan. The enclosed adoption package includes the adopted **Ord. No. 19-26**.

AN ORDINANCE AMENDING THE PASCO COUNTY COMPREHENSIVE PLAN; PROVIDING FOR A TEXT AMENDMENT TO OBJECTIVE FLU 1.1: PRINCIPLES FOR GROWTH MANAGEMENT; AND A TEXT AMENDMENT TO POLICY FLU 1.4.4: RESIDENTIAL COMPATIBILITY: BUFFER STANDARDS BETWEEN RESIDENTIAL AND NONRESIDENTIAL LAND USES; PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

One hard copy and two compact disks of the amendment are included in this adoption package.

Copies of the proposed amendment have been forwarded directly to the Tampa Bay Regional Planning Council; Southwest Florida Water Management District; Florida Department of Transportation, District Seven; Florida Department of State; Florida Fish and Wildlife Conservation Commission; Florida Department of Agriculture and Consumer Services, Division of Forestry; and Florida Department of Environmental Protection.

Any Florida DEO comments and requests should be forwarded to:

Planning and Development Department
West Pasco Government Center
ATTN: Amy E. Hyler
8731 Citizens, Suite 360
New Port Richey, FL 34654-5598

If there are any questions or comments, please contact me at jjenkins@pascocountyfl.net or call (727) 847-8140 ext. 8419.

Sincerely,


Jeffrey Jenkins, MPA, AICP
Executive Planner

Enclosures

cc: **VIA – Email – Required**

Dan C. Santos, AICP, Growth Management Supervisor, Florida Department of Transportation, District Seven, 11201 N. McKinley Drive, Mail Station 7-500, Tampa, FL 33612-6456, email to: Daniel.Santos@dot.state.fl.us

Ivana Kajtezovic, Planning Program Manager, Tampa Bay Water, 2575 Enterprise Road, Clearwater, FL 33763, email to: ikajtezovic@tampabaywater.org

Robin Jackson, Historic Preservationist, Compliance and Review, Bureau of Historic Preservation, Division of Historical Resources, Florida Department of State, 500 South Bronough Street, Tallahassee, Florida 32399, email to: Robin.Jackson@DOS.MyFlorida.com

Trisha Neasman, AICP, Planning Supervisor, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, email to: trisha.neasman@swfwmd.state.fl.us

Scott Sanders, Florida Fish and Wildlife Conservation Commission, Conservation Planning Services, 620 South Meridian Street, MB-585, Tallahassee, FL 32399-1600, email to: FWCConservationPlanningServices@myfwc.com

Suzanne E. Ray, Department of Environmental Protection, Office of Intergovernmental Programs, 3900 Commonwealth Boulevard, Mail Station 47, Tallahassee, FL 32399-3000, email to: Plan.Review@dep.state.fl.us

Kylene Casey, Operations & Management Consultant II- Growth Management Liaison, Dept. of Education, Office of Educational Facilities, 325 West Gaines Street, Suite 1014, Tallahassee, FL 32399-0400, email to: kylene.casey@fldoe.org

John Meyer, Tampa Bay LEPC & DRI Coordinator, Tampa Bay Regional Planning Council, 4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, FL 33782, email to: johnm@tbrpc.org

Department of Agriculture & Consumer Services, Attn: Comprehensive Plan Review, Office of Policy and Budget, The Capitol, Plaza Level 8, Tallahassee, FL 32399-0800, email to: complans@freshfromflorida.com

VIA – Email

George Romagnoli, AICP, Development Director, City of New Port Richey, 5919 Main St., New Port Richey, FL 34652, email to romagnolig@cityofnewportrichey.org

Joe Moreda, Director, AICP, Planning and Zoning Services, Hillsborough County, 601 E. Kennedy Boulevard, 20th Floor, Tampa, FL 33602, email to: moredaj@hillsboroughcounty.org

Thomas Deardorff, FAICP, Director, Growth Management Department, Polk County, P.O. Box 9005, Drawer GM01, Bartow, FL 33831-9005, email to: thomasdeardorff@polk-county.net

Ron Pianta, AICP, Director, Hernando County, Planning Department, 20 N. Main Street, Room 262, Brooksville, FL 34601, email to: rpianta@hernandocounty.us

Karl Holley, Director of Development Services, Sumter County Planning Department, 209 N. Florida Street, Room 301, Bushnell, FL 33513, email to: karl.holley@sumtercountyfl.gov

Jake Stowers, Executive Director, Pinellas County Planning Dept., 310 Court St, Clearwater, FL 33756,
email to: jstowers@pinellascounty.org and,
Renea Vincent, Planning Director, Pinellas County Planning Dept., 310 Court St, Clearwater, FL 33756,
email to: rvincent@co.pinellas.fl.us
Cristian Arias, Senior Planner, City of New Port Richey, Development Services
Department, 5919 Main St., New Port Richey, FL 34652, email to AriasC@cityofnewportrichey.org
Jocilyn Martinez, Assistant City Manager, City of Port Richey, 6333 Ridge Rd., Port Richey, FL 34668, e-
mail to: j.martinez@cityofportrichey.com
Michael Sherman, AICP, Community Development Director, City of Dade City, Community Development
Department, P.O. Box 1355, 38020 Meridian Avenue, Dade City, FL 33526, email to:
msherman@dadecityfl.com
Andrea Calvert, CMC, Town Clerk, Town of St. Leo, P.O. Box 2479, St. Leo, FL 33574, email to:
townclerk@townofstleo.org
Todd Vandenberg, City of Zephyrhills, 5335 - 8th Street, Zephyrhills, FL 33542, email to:
vandenberg@ci.zephyrhills.fl.us
Mark G. LeCouris, City Manager, City of Tarpon Springs, 324 E. Pine Street, Tarpon Springs, Florida 34689,
email to: thickey@ctsfl.us
Melissa Zornitta, Hillsborough City-County Planning Commission, 601 E. Kennedy Boulevard,
18th Floor, Tampa, Florida 33602, email to: zornittam@plancom.org
Tony Garcia, Hillsborough City-County Planning Commission, 601 E. Kennedy Boulevard,
18th Floor, Tampa, Florida 33602, email to: garciat@plancom.org
Matt Lewis, Hillsborough County, Executive Planner, Infrastructure and Growth Planning, Transportation
Planning and Development Division, Public Works, 601 E. Kennedy Boulevard, Tampa, Florida 33602,
email to: LewisM@hillsboroughcounty.org
Richard M. Tonello, Supervisor, Pasco County Schools, Department of Planning, 11815 Tree Breeze Dr.
New Port Richey, FL 34654. rtonello@pasco.k12.fl.us
Planning and Development Department, pddstaff@pascocountyfl.net
Central Permitting (Only to: Esther Oluyemi, Building Construction Services Director,
eoluyemi@pascocountyfl.net, & Mark DeRaedt, Lead Development Review Technician, Central
Permitting-NPR, mderaedt@pascocountyfl.net
Mike Carballa, Director, Utilities - Engineering and Contracts Management Dept. -
mcarballa@pascocountyfl.net
Charles Cullen, Engineering Manager, Utilities - ccullen@pascocountyfl.net
Ray Cleaver, P.E. Engineer I, Utilities - rcleaver@pascocountyfl.net
Debra V. Smith – Senior Development Review Technician, Utilities Engineering, dsmith@pascocountyfl.net
Jeremy Edwards, Supervisor, GIS, jedwards@pascocountyfl.net
Tracy Wolf, Executive Assistant, Development Services, twolf@pascocountyfl.net
Erica Jones – Administrative Secretary II, Development Services, ejones@pascocountyfl.net

AGENDA SUMMARY SHEET



Meeting Type:

Pasco County Commission

Department:

Planning and Development Agenda Coordinators

Memorandum Number:

PDD19-0984

Subject:

AN ORDINANCE AMENDING THE PASCO COUNTY COMPREHENSIVE PLAN; PROVIDING FOR A TEXT AMENDMENT TO OBJECTIVE FLU 1.1: PRINCIPLES FOR GROWTH MANAGEMENT; AND A TEXT AMENDMENT TO POLICY FLU 1.4.4: RESIDENTIAL COMPATIBILITY: BUFFER STANDARDS BETWEEN RESIDENTIAL AND NONRESIDENTIAL LAND USES; PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Recommendation:

Approve



**LOCAL PLANNING AGENCY
AGENDA MEMORANDUM**

COMMISSION DISTRICT: ALL

FILE NO.: PDD19-0984

DATE: 6/28//2019

SUBJECT: AN ORDINANCE AMENDING THE PASCO COUNTY COMPREHENSIVE PLAN; PROVIDING FOR A TEXT AMENDMENT TO OBJECTIVE FLU 1.1: PRINCIPLES FOR GROWTH MANAGEMENT; AND A TEXT AMENDMENT TO POLICY FLU 1.4.4: RESIDENTIAL COMPATIBILITY: BUFFER STANDARDS BETWEEN RESIDENTIAL AND NONRESIDENTIAL LAND USES; PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE (Public Hearing: BCC: 7/9/2019 at 1:30 p.m., DC)

THRU: Don L. Rosenthal, M.B.A., CPM, Assistant County Administrator (Development Services)

FROM: Nectaros C. Pittos, AICP, Planning and Development Director

RECOMMENDED AGENCY ACTION:

Adopt the proposed Comprehensive Plan text Amendment CPAL19(13), amending OBJECTIVE FLU 1.1: Principles for Growth Management and POLICY FLU 1.4.4: Residential Compatibility: Buffer Standards between Residential and Nonresidential Land Uses, and adopt the ordinance by roll-call vote. Authorize the Chair to execute the original(s) of the ordinance provided and direct the Board Records Department to distribute as set forth under the Distribution section below.

BACKGROUND SUMMARY/ALTERNATIVE ANALYSIS:

PROJECT OVERVIEW

On June 15, 1989, the Board of County Commissioners adopted Pasco County's 2025 Comprehensive Plan. The Comprehensive Plan has been subsequently revised numerous times since the original date and this text amendment proposal is the first of what will be series of further text clarification and updates for 2019.

The Pasco County Planning and Development Department (formally known as the Growth Management Department) and Pasco County Board of County Commissioners (collectively, the "County") have always interpreted Objective FLU 1.1 and Policy FLU 1.4.4 as follows:

Objective FLU 1.1: Principles for Growth Management: As an intent for the County to pursue a vision for the future growth and development of the County that preserves and enhances the quality of its communities. The County has never interpreted Objective FLU 1.1 as intending to preserve or enhance property values.

Policy FLU: 1.4.4 Residential Compatibility: Buffer Standards Between Residential and Nonresidential Land Uses: As intended to require future Land Development Code amendments to establish in the Land Development Code buffer standards between residential and nonresidential land uses to protect residential land uses from certain sensory intrusions identified in said policy. The County has never interpreted Policy FLU 1.4.4 to be self-executing, primarily because the Comprehensive Plan does not contain objective standards or criteria for the protection of residential uses from sensory intrusions.

Other parties have recently interpreted Objective FLU 1.1 as intending to preserve or enhance property values and have interpreted Policy FLU 1.4.4 as being self-executing. Therefore, the Planning and

Development Department is recommending said Policy and Objective be amended to clarify the County's long-standing interpretations of such Objective and Policy.

This agenda memo was prepared by: *Amy E. Hyler, Planner II*

LPA/BCC ACTIONS

On May 23, 2019, the Local Planning Agency (LPA) held a public hearing on the proposed text amendment to the Comprehensive Plan and recommended approval to the Board of County Commissioners.

On June 4 2019 the BCC held a public hearing on the proposed Large-Scale Comprehensive Plan Amendment and authorized transmittal to the Department of Economic Opportunity (DEO) and other reviewing agencies.

On June 13, 2019, the DEO received the transmittal package for expedited review and will provide comments by July 8, 2019. Currently, there are no comments on the proposed amendment.

PLANNING DISCUSSION

1. Objective FLU 1.1. The proposed amendment to the 2025 Comprehensive Plan is as follows:

OBJECTIVE FLU 1.1: PRINCIPLES FOR GROWTH MANAGEMENT

To pursue a vision for the future growth and development of the County that both preserves and enhances the quality and value of its communities. This vision relies upon a solid foundation for future planning which is reflected in its adopted Future Land Use Map and capital improvements program and which:

- Establishes market areas and market area visions;
- Protects rural neighborhoods and effectively limits urban sprawl;
- Relies upon a lands-acquisition program that is designed to preserve key ecosystems and protect wildlife, water resources, and natural areas;
- Includes an economic incentives program to attract targeted business industries and create new high-paying jobs; and
- Provides a solid infrastructure support system.

2. Policy FLU 1.4.4. The proposed amendment to the 2025 Comprehensive Plan is as follows:

POLICY FLU 1.4.4: RESIDENTIAL COMPATIBILITY: BUFFER STANDARDS BETWEEN RESIDENTIAL AND NONRESIDENTIAL LAND USES

~~The County shall protect residential uses from the sensory intrusions of adjacent uses and shall amend the Land Development Code by December 2008 to include methods of protecting neighborhoods from the sensory intrusions of adjacent nonresidential uses that may affect the long-term viability of those neighborhoods. Sensory intrusions include unwanted light, noise, physical access, odor, and other sources of disruptions. These criteria shall include provisions that:~~

- Prevent uses that generate obnoxious, sensory intrusion from being developed or expanded in certain areas;
- Eliminate or reduce the sensory intrusions of proposed development or redevelopment; and
- Intercept or prevent the sensory intrusion from affecting the adjacent use.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

July 12, 2019

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

Attention: Shannon Egbert

Dear Ms. Alvarez-Sowles:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Pasco County Ordinance No. 19-26, which was filed in this office on July 12, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

FISCAL IMPACT/COST/REVENUE STATEMENT:

No additional funding is required for this action.

DISTRIBUTION:

Board Records Department to distribute as set forth below:

1. Retain One Original
2. Electronically to:
 - a. Amy E. Hylar, Planner I, Long Range Planning – ahylar@pascocountyfl.net
3. Mail Original to:
 - a. Pasco County BOCC
Planning & Development Department
ATTN: Amy E. Hylar
8731 Citizens Drive STE 320
New Port Richey, FL 34654

ATTACHMENT(S):

Att 1 - Affidavit of Publication

Att 2 - Proposed Ordinance

DLR/NP/EM/AEH/CPAL19(13) Agenda Memo Adoption



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

July 12, 2019

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

Attention: Shannon Egbert

Dear Ms. Alvarez-Sowles:

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Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

SENT TO STATE

THE BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 19-26

AN ORDINANCE AMENDING THE PASCO COUNTY COMPREHENSIVE PLAN; PROVIDING FOR A TEXT AMENDMENT TO OBJECTIVE FLU 1.1: PRINCIPLES FOR GROWTH MANAGEMENT; AND A TEXT AMENDMENT TO POLICY FLU 1.4.4: RESIDENTIAL COMPATIBILITY: BUFFER STANDARDS BETWEEN RESIDENTIAL AND NONRESIDENTIAL LAND USES; PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Chapters 125 and 163, Florida Statutes, authorize and require the Board of County Commissioners of Pasco County to prepare and enforce a Comprehensive Plan for the development of the County; and

WHEREAS, the Board of County Commissioners adopted a Comprehensive Plan on June 15, 1989, which has been subsequently amended; and

WHEREAS, since its original adoption, the Pasco County Planning and Development Department (formally known as the Growth Management Department) and Pasco County Board of County Commissioners (collectively, the "County") have interpreted Objective FLU 1.1: Principles for Growth Management as an intent for the County to pursue a vision for the future growth and development of the County that preserves and enhances the quality of its communities; the County has never interpreted Objective FLU 1.1 as intending to preserve or enhance property values; and

WHEREAS, since its original adoption, the County has interpreted Policy FLU: 1.4.4 Residential Compatibility: Buffer Standards Between Residential and Nonresidential Land Uses as requiring future Land Development Code amendments to establish in the Land Development Code buffer standards between residential and nonresidential land uses to protect residential land uses from certain sensory intrusions identified in Policy FLU 1.4.4; the County has never interpreted Policy FLU 1.4.4 to be self-executing, primarily because the Comprehensive Plan does not contain objective standards or criteria for the protection of residential uses from sensory intrusions; and

WHEREAS, certain parties have recently interpreted Objective FLU 1.1 as intending to preserve or enhance property values and have interpreted Policy FLU 1.4.4 as being self-executing, and the Board of County Commissioners desires to amend this Objective and Policy to clarify the County's long-standing interpretations of such Objective and Policy; and

WHEREAS, the Board of County Commissioners has considered the staff report including data and analysis and has determined that the proposed Amendment is consistent with the Part II, Chapter 163, Florida Statutes, and the Pasco County Comprehensive Plan; and

WHEREAS, the Local Planning Agency, on May 23, 2019, held a public hearing on the proposed Amendment to the Comprehensive Plan with due public notice provided, pursuant to Section 125.66(2), Florida Statutes, and recommended approval to the Board of County Commissioners; and

WHEREAS, on June 4, 2019, the Board of County Commissioners held an initial public hearing on the proposed Amendment to the Comprehensive Plan with due public notice provided, pursuant to Section 163.3184, Florida Statutes, and authorized transmittal of the proposed Amendment to the adopted Comprehensive Plan to the Florida Department of Economic Opportunity (DEO) and other agencies to obtain review and comment on the said Amendment; and

WHEREAS, the Board of County Commissioners received a letter of no comment from the DEO; and

WHEREAS, no objections have been received from any reviewing agency; and

WHEREAS, the Board of County Commissioners has considered all comments received; and

WHEREAS, the proposed Amendment is consistent with Chapter 163, Florida Statutes, and the Pasco County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners, on July 9, 2019, held an adoption public hearing on the proposed Amendment to the Comprehensive Plan with due public notice provided, pursuant to Section 163.3184, Florida Statutes, and considered all comments received during the public hearing.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, as follows:

SECTION 1. FUTURE LAND USE ELEMENT TEXT AMENDMENT.

The Pasco County Comprehensive Plan, Future Land Use Element, Chapter 2, OBJECTIVE FLU 1.1: PRINCIPLES FOR GROWTH MANAGEMENT and POLICY FLU 1.4.4: RESIDENTIAL COMPATIBILITY: BUFFER STANDARDS BETWEEN RESIDENTIAL AND NONRESIDENTIAL LAND USES are amended as follows:

OBJECTIVE FLU 1.1: PRINCIPLES FOR GROWTH MANAGEMENT

To pursue a vision for the future growth and development of the County that both preserves and enhances the quality and value of its communities. This vision relies upon a solid foundation for future planning which is reflected in its adopted Future Land Use Map and capital improvements program and which:

- Establishes market areas and market area visions;
- Protects rural neighborhoods and effectively limits urban sprawl;
- Relies upon a lands-acquisition program that is designed to preserve key ecosystems and protect wildlife, water resources, and natural areas;
- Includes an economic incentives program to attract targeted business industries and create new high-paying jobs; and
- Provides a solid infrastructure support system.

POLICY FLU 1.4.4: RESIDENTIAL COMPATIBILITY: BUFFER STANDARDS BETWEEN RESIDENTIAL AND NONRESIDENTIAL LAND USES

The County shall ~~protect residential uses from the sensory intrusions of adjacent uses and shall amend the Land Development Code by December 2008 to include methods of protecting neighborhoods from the sensory intrusions of adjacent nonresidential uses that may affect the long-term viability of those neighborhoods.~~ Sensory intrusions include unwanted light, noise, physical access, odor, and other sources of disruptions. These criteria shall include provisions that:

- Prevent uses that generate obnoxious, sensory intrusion from being developed or expanded in certain areas;
- Eliminate or reduce the sensory intrusions of proposed development or redevelopment; and
- Intercept or prevent the sensory intrusion from affecting the adjacent use.

SECTION 2. REPEALER.

All provisions of the Pasco County Comprehensive Plan adopted pursuant to Ordinance No. 89-13, as amended, in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY.

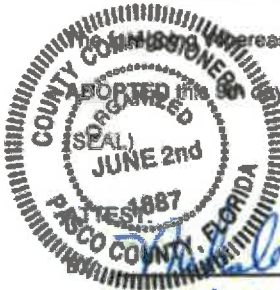
It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provisions and shall not be affected by such holding.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall be transmitted to the Department of State by the Clerk to the Board by electronic mail within ten (10) days of the adoption of this Ordinance, and this Ordinance shall take effect upon confirmation by the Department of State of its receipt. The effective date of this Plan Amendment, if the Amendment is not timely challenged, shall be (thirty-one) 31 days after the state land planning agency notifies Pasco County that the Plan Amendment package is complete. If timely challenged, this Amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining the Amendment to be in compliance. If a final order of noncompliance is issued by the Administration Commission, this Amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency. These amendments to the Comprehensive Plan are intended to be remedial in nature and to clarify the County's long-standing interpretation of the Comprehensive Plan. Therefore, these amendments, once effective, shall apply retroactively.

SECTION 5. LEGISLATIVE FINDINGS OF FACT.

Whereas clauses, incorporated herein, are true and correct.
ADOPTED this 9th day of July, 2019.



APPROVED
IN SESSION

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

JUL 09 2019

PASCO COUNTY
BCC

Nikki Alvarez-Sawles
Nikki Alvarez-Sawles, Esq.
Clerk and Comptroller ad Interim

Ronald E. Oakley
Ronald E. Oakley, CHAIRMAN