

THE BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 21-02

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE SECTION 602, J. "BEN" HARRILL VILLAGES OF PASADENA HILLS STEWARDSHIP DISTRICT, REVISIONS TO TEXT, TABLE, AND EXHIBITS 602-C AND 602-D TO CHAPTER 602 – J "BEN" HARRILL VILLAGES OF PASADENA HILLS STEWARDSHIP DISTRICT, INCLUDING UTILITY MASTER PLAN AND UTILITY DEVELOPMENT FEES; AND ADDITION OF 2020 VOPH MASTER UTILITY PLAN; AND AS NECESSARY, FOR INTERNAL CONSISTENCY; PROVIDING FOR APPLICABILITY, REPEALER, SEVERABILITY, INCLUSION INTO THE LAND DEVELOPMENT CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Pasco County, Florida, is authorized under Chapters 125, 162, 163, 177, and 380 Florida Statutes, to enact zoning and other land development regulations to protect the health, safety and welfare of the citizens of Pasco County; and

WHEREAS, Sections 163.3201, 163.3202, 163.3211 and 163.3213, Florida Statutes, empowers and requires the Board of County Commissioners of Pasco County, Florida, to implement adopted Comprehensive Plans by the adoption of appropriate land development regulations and specifies the scope, content and administrative review procedures for said regulations; and

WHEREAS, Section 163.3202, Florida Statutes, provides that certain specified and mandated regulations are to be combined and compiled into a single land development code for the jurisdiction; and

WHEREAS, the Board of Commissioners adopted the restated Pasco County Land Development Code on October 18, 2011 by Ord. No. 11-15; and

WHEREAS, at the time of the adoption of the restated Land Development Code, the Board of County Commissioners contemplated the need to make amendments addressing issues of implementation and internal consistency; and

WHEREAS, in 2008, the Pasco County Board of County Commissioners adopted the Villages of Pasadena Hills (VOPH) Area Plan as part of the Comprehensive Plan (Ordinance 08-09), with an amendment in 2010 (Ordinance 10-21). The VOPH Area Plan Goals, Objectives, and Policies are designed as a supplement to the Future Land Use Element of the Pasco County Comprehensive Plan, and provide a comprehensive, area-wide vision for transportation, open space, and land use within the VOPH Area over a 50 year horizon; and

WHEREAS, to implement the Villages of Pasadena Hills Area Plan, the J. "Ben" Harrill Villages of Pasadena Hills Stewardship District was adopted as a specialized and limited single-purpose, dependent, special district unit of local government for the district lands located within the VOPH boundary to (a) prevent urban sprawl by providing sustainable and freestanding infrastructure and by preventing needless and counterproductive community development when the existing urban area is not yet developed; and (b) prevent the needless duplication, fragmentation, and proliferation of local government services in a proposed land use area; and

WHEREAS, in September 2019, the Property Owners Group (POG) retained Heidt Design as consultants to update the VOPH documents to revise the Comprehensive Plan to enhance the marketability and create a more competitive environment to develop VOPH, and bring into conformance the Stewardship Ordinance to implement these revisions; and

WHEREAS, On May 5, 2020, the Pasco County Board of Commissioners approved Phase 1 of the 2020 VOPH Update Study incorporating all revisions into the Comprehensive Plan, Land Development Code and Financial Plan; and

WHEREAS, after the approval of Phase 1, Heidt Design, updated the VOPH Study to 1) resolve issues related to the definition of the Core Reserve, Village Separator and pre-approved MPUD projects in the VOPH Comprehensive Plan, and 2) evaluate the Master Utility Plan from the Utilities Department of Pasco County in order to establish new Utility surcharges to extend main transmission lines in VOPH that would be creditable, thus following a plan for water and sewer extensions in a planned and systematic order (Phase 2); and

WHEREAS, On September 23, 2020, the Pasadena Hills Planning and Policy Committee in a virtual hybrid public hearing reviewed the proposal and impacts of the 2020 Phase 2 revisions to the VOPH Financial Plan, amendments to the Comprehensive Plan Chapter 2, FL 6 VOPH Goals, Policies and Objectives, and Section 602 of the Land Development Code (the VOPH Stewardship Ordinance), and recommended approval to the Local Planning Agency and the Board of County Commissioners; and

WHEREAS, On November 5, 2020, the Local Planning Agency held a virtual hybrid public hearing on the proposed Phase 2 amendments to the Comprehensive Plan, and Land Development Code, and with due public notice provided, pursuant to Section 125.66(2), Florida Statutes, found the proposed amendments consistent with the Pasco County Comprehensive Plan and recommended approval to the Board of County Commissioners; and

WHEREAS, on December 8, 2020 and January 26, 2021, the Board of County Commissioners conducted duly noticed virtual hybrid public hearings, where the Board of County Commissioners considered all oral and written comments, including staff reports and information received during said hybrid virtual public hearings and found the

Phase 2 amendments to the Comprehensive Plan and Land Development Code, consistent with the Pasco County Comprehensive Plan; and

WHEREAS, the citizens of Pasco County were provided with ample opportunity for comment and participation in this amendment process through hybrid virtual public hearings; and

WHEREAS, in exercise of said authority the Board of County Commissioners of Pasco County, Florida, has determined that it is necessary and desirable to amend the restated Pasco County Land Development Code to implement the Phase 2 amendments.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, with a quorum present and voting, as follows:

SECTION 1. Authority

This Ordinance is enacted pursuant to Chapter 125 and 163, Florida Statutes (2019) and under the home rule powers of the County.

SECTION 2. Legislative Findings of Fact

The foregoing Whereas clauses, incorporated herein, are true and correct.

SECTION 3. Applicability and Effect on Existing Development Approvals

These Land Development Code amendments shall apply both prospectively and retroactively to the existing MPUDs already approved in VOPH (except for Excluded Projects). On May 5, 2020, the Board of County Commissioners delegated authority to the County Administrator or his designee, to administratively amend any and all existing VOPH MPUDs in order to conform to these amendments, without the necessity of an MPUD amendment application or application fee, after notice to the affected VOPH-MPUD owner, and to adjacent property owners. Such administrative amendments may occur at the time of the first preliminary site plan/preliminary plan approval for the applicable VOPH MPUD under review.

SECTION 4. Repealer.

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

SECTION 5. Amendment

The Pasco County Land Development Code is hereby amended as shown and described in Exhibit A; attached hereto and made part hereof.

SECTION 6. Severability.

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

SECTION 7. Effective Date.

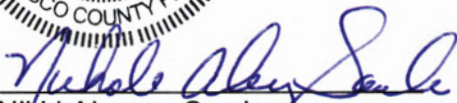
A certified copy of this ordinance shall be filed with the Florida Department of State by the Clerk to the Board within ten (10) days after adoption and shall take effect upon such filing.

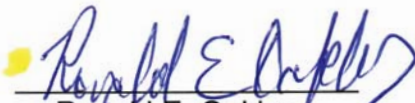
ADOPTED with a quorum present and voting this 26th day of January 2021.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA




Nikki Alvarez-Sowles,
Clerk & Comptroller


Ronald E. Oakley
Chairman

