

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE; CHAPTER 500 ZONING; SECTION 511 R-MH MOBILE HOME PARK DISTRICT; SECTION 515 R-2 LOW DENSITY RESIDENTIAL DISTRICT; SECTION 516 R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT; SECTION 527 COMMERCIAL/LIGHT MANUFACTURING DISTRICT; SECTION 528 I-1 LIGHT INDUSTRIAL PARK DISTRICT; SECTION 529 I-2 GENERAL INDUSTRIAL PARK DISTRICT; SECTION 530 SUPPLEMENTAL REGULATIONS; RENAMING SUBSECTION 530.14 RESERVED TO OUTDOOR ILLUMINATION LIMITS; CHAPTER 900 DEVELOPMENT STANDARDS; SECTION 901 TRANSPORTATION; SUBSECTION 901.4 SUBSTANDARD ROADWAY ANALYSIS MITIGATION; APPENDIX A DEFINITIONS; AND OTHER SECTIONS, AS NECESSARY, FOR INTERNAL CONSISTENCY; PROVIDING FOR APPLICABILITY; REPEALER; PROVIDING FOR 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, the Local Planning Agency conducted a public hearing on October 28, 2021 and found the proposed amendments consistent with the Pasco County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners conducted duly noticed public hearings on November 9, 2021 and December 7, 2021, where the Board of County Commissioners considered all oral and written comments received at public hearings, including staff reports and information received during said public hearings and found the proposed amendments 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 Horizontal Roundtable and Interested

Parties meeting, public meetings and 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 policy direction and to correct internal inconsistencies.

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

SECTION 1. Authority.

This ordinance is enacted pursuant to Chapter 125 and 163, Florida Statutes, as amended and under the home rule powers of the County.

SECTION 2. Legislative Findings of Fact.

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

SECTION 3. Applicability and Effect on Existing Development Approvals.

The applicability and effect of this amendment shall be as provided for in Sections 103.1 and 103.2 of the restated Land Development Code.

SECTION 4. Repealer.

Any and all ordinances in conflict herewith are 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 Attachment 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 contained 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 by electronic mail within ten (10) days after adoption and shall take effect upon such filing, provided, however, this ordinance shall not apply to complete applications for preliminary site plans for Self-Storage Facilities or Free-Standing Recreational Vehicle/Boat Storage filed on or before

December 7, 2021.

ADOPTED with a quorum present and voting this 7th day of December, 2021.

(SEAL)

BOARD OF COUNTY
COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

NIKKI ALVAREZ-SOWLES, ESQ
PASCO COUNTY CLERK & COMPTROLLER

CHAIRMAN

ZONING STANDARDS

R-MH MOBILE HOME DISTRICT

511.6. Yard Regulations

B. For Single Family Detached Dwellings on individual lots, the minimum building line setbacks, measured from property lines, are required in yard areas listed below unless otherwise specified:

1. Front twenty (20) feet.

2. A side and rear setback of five (5) feet in width, measured from the property lines of individual lots, shall be provided and maintained.

SECTION 515. R-2 LOW DENSITY RESIDENTIAL DISTRICT

515.4. Special Exception Uses

H. Public or private parks, playgrounds, recreation centers, and structures used for civic and homeowners' associations.

SECTION 516. R 3 MEDIUM DENSITY RESIDENTIAL DISTRICT

516.4. Special Exception Uses

F. Public or private parks, playgrounds and recreation areas ~~areas~~ **centers, and structures used for civic and homeowners' associations.**

SECTION 527. C 3 COMMERCIAL/LIGHT MANUFACTURING DISTRICT

527.5 Area and Lot Width Regulations **Special Exception Uses**

A. Free-Standing Recreational Vehicle/Boat Storage in compliance with Section 1105 of this Code.

527.6 Coverage Regulations **Area and Lot Width Regulations**

527.7 Yard Regulations **Coverage Regulations**

527.8 Coverage Regulations **Yard Regulations**

527.9 Performance Standards **Height Regulations**

527.10 On-Site Parking Regulations **Performance Standards**

527.11 Development Plan **On-Site Parking Regulations**

527.12 **Development Plan**

SECTION 528. I 1 LIGHT INDUSTRIAL PARK DISTRICT

528.4 Performance Standards **Special Exception Uses**

A. Free-Standing Recreational Vehicle/Boat Storage in compliance with Section 1105 of this Code.

- 528.5 ~~Storage and Waste Disposal~~ **Performance Standards**
- 528.6 ~~Area and Lot Width Regulations~~ **Storage and Waste Disposal**
- 528.7 ~~Coverage Regulations~~ **Area and Lot Width Regulations**
- 528.8 ~~Yard Regulations~~ **Coverage Regulations**
- 528.9 ~~Height Regulations~~ **Yard Regulations**
- 528.10 ~~On-Site Parking Regulations~~ **Height Regulations**
- 528.11 ~~Development Plan~~ **On-Site Parking Regulations**

528.12 Development Plan

SECTION 529. I 2 GENERAL INDUSTRIAL PARK DISTRICT

529.4 Performance Standards Special Exception Uses

A. Free-Standing Recreational Vehicle/Boat Storage in compliance with Section 1105 of this Code.

- 529.5 ~~Storage and Waste Disposal~~ **Performance Standards**
- 529.6 ~~Area and Lot Width Regulations~~ **Storage and Waste Disposal**
- 529.7 ~~Coverage Regulations~~ **Area and Lot Width Regulations**
- 529.8 ~~Yard Regulations~~ **Coverage Regulations**
- 529.9 ~~Height Regulations~~ **Yard Regulations**
- 529.10 ~~On-Site Parking Regulations~~ **Height Regulations**
- 529.11 ~~Development Plan~~ **On-Site Parking Regulations**

529.12 Development Plan

SECTION 530. SUPPLEMENTAL REGULATIONS

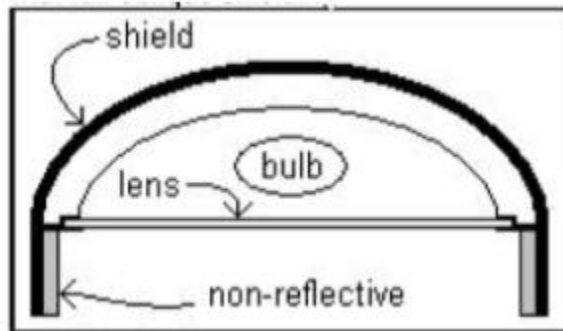
530.14. Reserved **Outdoor Lighting Illumination Limits**

- A. **Direct Illumination. All outdoor lighting fixtures shall have full oblique shielding (see Figure 530.14-A) so that a property's light sources do not directly illuminate another property that has an outdoor lighting protected area.**
- B. **Driver Vision Impairment. Lights shall not impair the vision of drivers and interfere with safe driving. A light source shall have shields to prevent it from glaring into the eyes of drivers where drivers need to see structures, signs, other vehicles, and overhead clearances to a height of sixteen (16) feet. Affected driving areas include streets, driveways, parking lots, and other vehicle use areas on-site or off-site.**

C. **Measurable Spill Illumination Limits. The total illumination caused by all of a property's outdoor lighting, including light sources, diffraction, and reflections from on-site objects, shall not illuminate another property in excess of the following limits:**

1. **0.2 foot-candles on property with outdoor lighting protected areas but not including the street rights-of-way.**
2. **1.5 foot-candles on street rights-of-way because such limited coincidental illumination of a street will not constitute a nuisance to people using the street.**

Figure 530.14-A Vertical cross section of fixture with full oblique shielding



CHAPTER 900. DEVELOPMENT STANDARDS

SECTION 901. TRANSPORTATION

901.4. Substandard Roadway Analysis and Mitigation

B. Applicability

This section applies to all development where any portion of the development has connection, either directly or indirectly, to County, local ~~or~~ collector, ~~arterial, or controlled access roadways, including non-State public roadways and~~ ~~or~~ privately **non-County and non-State** owned **maintained** roadways on which anyone other than the owners travel.

2. ~~MPUD Master Planned Unit Developments, Euclidean Zonings that generate more than 100 daily trips, Conditional Uses, and Special Exceptions ; provided, however that in no event shall any MPUD (Master Planned Unit Development), Euclidean rezoning, Conditional Use or Special Exception generating less than 50 Peak Hour trips that has access directly to a roadway classified as a Collector or Arterial roadway on the County's Highway Vision Plan and Functional Class Map (Comprehensive Plan Map 7-36) be required to (a) submit or conduct a Substandard Road Analysis as to such Collector or Arterial roadway or (b) provide any substandard roadway mitigation as to such Collector or Arterial roadway.~~

~~C. Standard of Acceptability~~

~~At least eighty (80) percent of the project traffic shall access the site from the major County road continuously on, not merely crossing, standard roads. Up to twenty (20) percent of the project traffic, but not more than 100 daily trips (or 50 Peak Hour trips, as applicable per above) on any given road, will be allowed to access the site via substandard roads.~~

C. Exemptions

- 1. Any project having an impact of less than 500 daily trips to a Collector roadway segment on the County's Highway Vision Plan and Functional Class Map (Comprehensive Plan Map 7-36) is exempt from mitigation and analysis for that roadway segment.**
- 2. Any project having an impact of less than or equal to 20 daily trips to a County-maintained local or subdivision collector roadway is exempt from mitigation and analysis for that roadway segment.**
- 3. Any project having an impact of less than or equal to 100 daily trips to a County-maintained local or subdivision collector roadway is exempt from analysis for that roadway segment.**
- 4. Any project having an impact of less than or equal to 100 daily trips to a non-County maintained roadway is exempt from mitigation and analysis for that roadway segment.**
- 5. Unless specifically required by the County Administrator or designee or Board of County Commissioners, no analysis or mitigation shall be required for roadways that lie beyond the first standard collector roadway segment accessed by the project.**

D. Analysis

1. ~~When Required~~ **If applicable under Section 901.4.B and not otherwise exempt under Section 901.4.C, the following analysis requirements shall apply:**
 - a. ~~Subject to Section 901.4.B, a Substandard Roadway Analysis shall be required for those developments generating more than 100 driveway trips, as indicated in Exhibit 901.4.A. Subthreshold projects, those generating less than 100 driveway trips (or 50 Peak Hour trips, as~~

~~applicable per above), shall be responsible for substandard roadway mitigation requirements pursuant to this Section, but shall have the option of having the analysis performed by the County.~~ When a substandard road analysis has been submitted as part of the application for an MPUD or DRI a second substandard road analysis shall not be required as part of a subsequent development application. However, should the County determine that roadway pavement conditions (to a public roadway previously identified in the initial substandard road analysis and for which no conditions of approval have been approved to bring such road to standard) have changed, it reserves the right to require an updated substandard roadway analysis.

A required Substandard Roadway Analysis may be waived by the ~~County Engineer~~ **County Administrator or Designee** if:

2. Procedural Requirements

a. Methodology

- (3) Net external estimated daily traffic generation. If trip generation data for a specific land use is not available, then the latest version of the Institute of Traffic Engineers (ITE) Trip Generation Manual shall be used or other trip generation estimates as mutually agreed to by the applicant and the **County Administrator or Designee** ~~County Engineer~~. Trip generation estimates shall include separate estimates for interim trip generating uses.
- (5) Passerby Capture

If passerby data for a specific land use is not available, then the latest version of the ITE Trip Generation Manual shall be used, or other data as mutually agreed to by the applicant and the **County Administrator or Designee** ~~County Engineer~~. In no event shall the total passerby trips entering and exiting a site exceed the (10) percent of the total background traffic on the adjacent roadway.

The **County Administrator or Designee** ~~County Engineer~~ will review and comment on the acceptability of the proposed methodology.

E. Submittal Information

- 1. The Substandard Roadway Analysis shall contain all the necessary data and assessment, and a list of any potential improvements ~~that are needed to achieve the above "eighty (80) percent rule"~~ and shall be signed and sealed by a Florida registered professional engineer. The data and assessment shall be sufficient for

the County Administrator or Designee ~~County Engineer's~~ review and approval of the substandard section of the study. The assessment shall include a statement as to whether the existing typical condition meets the standards; a general description of physical constraints that may prevent upgrading the substandard condition to a standard condition and a proposal of alternative standards, if necessary; and a detailed description of the proposed improvements and associated costs.

F. Mitigation

If applicable under Section 901.4.B and not otherwise exempt under Section 901.4.C, the following mitigation requirements shall apply:

1. For Projects **that have impact to collector roadways** ~~Conducting Analysis~~
 - a. The required mitigation for substandard roads shall be the payment of the development's fair share of the cost of designing, constructing, and acquiring right-of-way for all the improvements needed to achieve ~~the eighty (80) percent rule and the~~ applicable minimum roadway design and maintenance standards. The fair share shall be calculated in accordance with the following equation:

$$\text{Developer Share} = \text{Daily Development Trips} / (\text{Existing AADT} + \text{Daily Development Trips}).$$

~~The required mitigation for proposed development that exceeds the maximum entitlements of the existing zoning or land use (whichever is more restrictive) shall be the design, construction, and right-of-way donation/acquisition for all the improvements needed to achieve the eighty (80) percent rule and the applicable minimum roadway design and maintenance standards.~~

2. For Projects **that have an impact to local roadways:** ~~Exempt from Analysis~~
 - a. ~~Fair share payment required:~~ Developments generating impacting less than or equal to 100 driveway **daily** trips (Substandard Road Subthreshold Developments) shall be required to pay a substandard road fair-share payment, calculated by the County, **or, at the applicant's option, calculated by the applicant and approved by County** if the development has access or is required to have access to a substandard road or roads (as defined above). **Any Substandard Road Subthreshold Development that disagrees with the cost estimate for correcting substandard conditions prepared by the County, or the calculation of the fair-share payment as determined by the County, shall have the right to prepare a cost estimate in accordance with the requirements set forth in this section, which shall be approved by the County. For the purposes of this subsection, the term "development" shall be defined as a "project" pursuant to the definition in Appendix "A".**

b. ~~Assessment by the County: For Substandard Road Subthreshold Developments, the assessment of whether the road(s) to be accessed are substandard, and the estimate for correcting substandard conditions shall be prepared by the County Engineer. For Substandard Road Subthreshold Developments, the calculation of the fair-share payment shall be based upon the cost estimate for correcting substandard conditions prepared by the County Engineer and shall be computed using: (1) County Paving Assessment equivalent residential unit assessment methodology for local roads; (2) the fair-share formula set forth above for subdivision collector roads, or (3) other appropriate methodology established by the County.~~ **The required mitigation for substandard County-maintained roads, where the proposed development has an impact of more than 100 daily trips and exceeds the maximum entitlements of the existing zoning or land use (whichever is more restrictive), shall be the design, construction, and right-of-way donation/acquisition for all the improvements needed to achieve the applicable minimum roadway design and maintenance standards.**

c. The required mitigation for substandard County-maintained roads, where the proposed development has an impact of more than 100 daily trips and exceeds the maximum entitlements of the existing zoning or land use (whichever is more restrictive), shall be the design, construction, and right-of-way donation/acquisition for all the improvements needed to achieve the applicable minimum roadway design and maintenance standards.

3. For projects impacting more than 100 daily trips to a non-County maintained roadway segment, the mitigation shall be the design, construction, and right-of-way donation/acquisition for all the improvements needed to achieve the applicable minimum roadway design and maintenance standards.

c. ~~Option to prepare analysis: Any Substandard Road Subthreshold Development that disagrees with the Substandard Roadway Analysis (SRA), the cost estimate for correcting substandard conditions, or the calculation of the fair-share payment as determined by the County shall have the right to prepare an SRA in accordance with the requirements set forth in this section. For the purposes of this subsection, the term "development" shall be defined as a "project" pursuant to the definition in this Code's Definitions.~~

Any substandard road fair-share payment collected by the County shall be budgeted separately and shall be utilized only to correct substandard conditions on one (1) or more of the roads which formed the basis of the fair-share calculation or on other substandard roads which will benefit the fee payer. Such payment shall be credited against any future paving

assessment that includes the project and the substandard road(s) which were the basis of the fair-share payment. If the payment has not been budgeted for one of the foregoing substandard roads within 15 years of the date the payment was made, a refund may be requested in accordance with Section 1302.1.H.

G. Relief

The **County Administrator** ~~County Engineer~~, or designee, is authorized to grant deviations from the requirements of Section 901.4.D, 901.4.E, or 901.4.F pursuant to Section 303.6.C or 407.5, as applicable. Relief from the remaining provisions of this section may only be granted by the Board of County Commissioners in accordance with Section 407.4 or the Planning Commission in accordance with Section 407.5.

EXHIBIT 901 4

EXHIBIT A

~~PASCO COUNTY TIS GUIDELINES~~

SIZE OF DEVELOPMENT THAT GENERATES OVER **20, 100, and 500** ~~400~~ DAILY TRIPS

Appendix A Definitions

Outdoor Lighting. The nighttime illumination of an outside area or object by any fixed luminaire. Vehicle lights and flashlights are not included in this definition.

1. **Fixture. The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.**
2. **Foot-candle. The unit for measurement of illumination received by a surface located at a distance from a source of visible light. Typically calculated for a lighting plan and measured with a light meter.**
3. **Full Oblique Shielding. A design for a fixture that does not emit light above the line of sight to the light source when viewed from protected property. The shield blocks direct illumination of protected property. The fixture completely conceals and recesses the light source from all viewing positions except those positions permitted to receive illumination.**

An observer can establish a sight line at any location where the observer can see only a small part of the fixture until the light source no longer appears, the observer will cross the sight line. Where the observer's eyes coincide with the sight line, the observer can project the sight line to the ground. The sight line coincides with the oblique line along the bottom of the shielding angle. If the sight line falls on protected property, then the

fixture does not provide adequate full oblique shielding.

4. Light fixtures, Outdoor. All outdoor, illuminating devices, reflective surfaces, lamps, and other devices, either permanently installed or portable, that are used for illumination or advertisement.
5. Light Source. The medium producing the visible light or changing the direction of the light. Such media may include bulbs, lenses, refractors, reflectors, diffusers, or any emitter of visible light either directly from the material discharging the visible radiant energy or indirectly from material that redirects the illuminating light.
6. Lumen. The unit of measurement of the total visible light produced by a light source. Typically published in specifications by the manufacturer.
7. Luminaire. A complete lighting system, including a lamp or lamps and a fixture.

~~Outdoor, light fixtures. All outdoor, illuminating devices, reflective surfaces, lamps, and other devices, either permanently installed or portable, that are used for illumination or advertisement.~~

Warehouse. Any premises where the principal use is the storage of merchandise, products, or materials in bulk for a fee or charge or for distribution to other establishments operated by the same business enterprise or establishment. A warehouse may include accessory wholesale sales, but shall not be deemed to include retail sales establishments, **miniwarehouses, Self-Storage Facilities,** or bulk storage of flammable, explosive, toxic, or noxious materials as a principal use.