



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

October 14, 2021

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

Attention: Jessica Basak

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. 21-23, which was filed in this office on October 14, 2021.

Sincerely,

Anya Owens
Program Administrator

AO/lb

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE; CHAPTER 500 ZONING; SECTION 503 A-C AGRICULTURAL DISTRICT; SECTION 504 AC-1 AGRICULTURAL DISTRICT; SECTION 505 A-R AGRICULTURAL-RESIDENTIAL DISTRICT; SECTION 506 ARR-1 AGRICULTURAL-RESIDENTIAL DISTRICT; SECTION 507 AR-5 AGRICULTURAL-RESIDENTIAL DISTRICT; SECTION 508 AR5-MH AGRICULTURAL-RESIDENTIAL DISTRICT; SECTION 527 C-3 COMMERCIAL/LIGHT MANUFACTURING DISTRICT; SECTION 528 I-1 LIGHT INDUSTRIAL PARK DISTRICT; SECTION 529 I-2 GENERAL INDUSTRIAL PARK DISTRICT; SECTION 905.2 LANDSCAPING AND BUFFERING; 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, consistent with Section 163.04, Florida Statutes' legislative intent to protect the public health, safety and welfare by encouraging the development and use of renewable resources, on June 5, 2018, the Board of County Commissioners adopted Ord. No. 18-18 establishing Solar Electric Power Collection Facility (Solar Farm) as Special Exception Uses in agricultural zoning designations and permitted uses in C-3 Commercial/Light Manufacturing, I-1 Light Industrial Park, and I-2 General Industrial Park District; and

WHEREAS, during the 2021 Legislative Session, the Legislature adopted Chapter 2021-178, Laws of Florida, creating Section 163.3205, Florida Statutes, providing further limitations and preemptions on local government regulation of solar facilities; and

WHEREAS, the Local Planning Agency conducted a public hearing on September 9, 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 September 28, 2021, and October 12, 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 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 Chapters 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.

ADOPTED with a quorum present and voting this 12th day of October, 2021.

BOARD OF COUNTY
COMMISSIONERS
OF PASCO COUNTY, FLORIDA



Nikki Alvarez-Sowles, Esc.

NIKKI ALVAREZ-SOWLES, ESC

PASCO COUNTY CLERK & COMPTROLLER

Ronald E. Oakley

RONALD E. OAKLEY, CHAIRMAN

APPROVED
IN SESSION

OCT 12 2021

PASCO COUNTY
BCC

Attachment A

CHAPTER 500. ZONING STANDARDS

SECTION 503. A-C AGRICULTURAL DISTRICT

503.2. Permitted Uses

A. Principal Uses

10. Solar Facility

SECTION 504. AC-1 AGRICULTURAL DISTRICT

504.2. Permitted Uses

A. Principal Uses

9. Solar Facility

SECTION 505. A R AGRICULTURAL-RESIDENTIAL DISTRICT

505.2. Permitted Uses

A. Principal Uses

11. Solar Facility

SECTION 506. AR-1 AGRICULTURAL-RESIDENTIAL

506.2. Permitted Uses

A. Principal Uses

11. Solar Facility

SECTION 507. AR-5 AGRICULTURAL-RESIDENTIAL DISTRICT

507.2. Permitted Uses

A. Principal Uses

9. Solar Facility

SECTION 508. AR-5MH AGRICULTURAL MOBILE HOME DISTRICT

508.2. Permitted Uses

A. Principal Uses

9. Solar Facility

SECTION 527. C-3 COMMERCIAL/LIGHT MANUFACTURING DISTRICT

527.3. Permitted Uses

A. Principal Uses

~~29. Solar Electric Power Collection Facility (Solar Farm) and Substation. If 75 MW or more must be located in a PSP (Public/Semi-Public), PD (Planned Development), IL (Industrial-Light), or IH (Industrial-Heavy) Future Land Use classifications.~~

527.5. Special Exception

A. Solar Facility as a principal use.

SECTION 528. I-1 LIGHT INDUSTRIAL PARK DISTRICT

528.4. Special Exception

A. Solar Facility as a principal use.

SECTION 529. I-2 GENERAL INDUSTRIAL PARK DISTRICT

529.4. Special Exception

A. Solar Facility as a principal use.

CHAPTER 900. DEVELOPMENT STANDARDS

SECTION 905. GREENSPACE REQUIREMENTS AND STANDARDS

905.2. Landscaping and Buffering

D. Specific Planting Requirements

TABLE 905.2-D

BUFFER REQUIREMENTS BY ZONING CLASSIFICATION	
Subject Property's District/Use***	Adjacent District/Use ****
	<u>15</u>
1. Agricultural Districts (A-C Agricultural, AC-1 Agricultural, A-R Agricultural-Residential, AR-1 Agricultural- Residential, AR-5 Agricultural-Residential, AR-5MH Agricultural-Residential)	<u>B</u>
2. Residential Single-Family Districts (E-R Estate-Residential, ER-2 Estate-Residential, R-1 Rural Density Residential, R-2 Low Density Residential, R-3 Medium Density Residential, R-4 High Density Residential)	<u>B</u>
3. Multiple Family Districts (MF-1 Multiple Family Medium Density, MF-2 Multiple Family High Density, MF-3 Multiple Family)	<u>B</u>
4. Mobile Home Districts (R-MH Mobile Home, R-1MH Single-Family/Mobile Home, R-2MH Rural Density Mobile Home)	<u>B</u>

5.	Commercial Districts/Uses (C-1 Neighborhood Commercial, C-2 General Commercial, C-3 Commercial/Light Manufacturing)*	<u>A</u>
6.	Professional Office Districts/Uses (PO-1 Professional Office, PO-2 Professional Office)	<u>A</u>
7.	Industrial Districts/Uses (C-3 Commercial/Light Manufacturing, I-1 Light Industrial Park, I-2 General Industrial Park)	<u>A</u>
8.	Automotive Service Stations and Convenience Stores With Gas Pumps	<u>A</u>
9.	Vehicle Dealerships	<u>A</u>
10.	Mining Operations/Construction and Demolition Debris Disposal Facilities/Landfills (All Types)	<u>A</u>
11.	Self Storage Facilities	<u>A</u>
12.	Free Standing RV/Boat Storage	<u>A</u>
13.	Rights-of-Way**	=
14.	Controlled Access Roadways	=
15.	<u>Electric Substations, Distribution Electric Substations or Similar Uses, Including Solar Facility</u>	=

Appendix A

Minor Public/Semipublic Facilities. Those facilities with frequent or regular use by residents of the community and have an essential purpose for the health, safety, and welfare of the community, particularly major health care and educational facilities. These facilities include, but are not limited to roads, sidewalks, libraries, parks, governmental office complexes, sports stadiums, parks, athletic fields, post offices, street lights, lift stations, transfer stations, pumping stations, fire stations, police/sheriffs' stations, places of religious assembly, cemeteries, essential services, electric substations, solar **facilities** ~~electric power collection facilities (solar farm) less than 75MW,~~ transportation corridors, public or private colleges and universities, public or private hospitals, or health

care complexes including a hospital, which are subject to the requirements by the State of Florida including the issuance of a Certificate of Need, and other similar public or semi-public uses and schools, other similarly scaled uses, and accessory uses that are customarily incidental.

Solar Electric Power Collection Facility or Solar Farm. A type of electric power collection facility that includes solar photovoltaic (PV) systems mounted on the ground (which may include battery storage) that are utilized in the collection/storage of solar electric power as the primary or principal use of the property and whereby the power being collected/stored is being sold to an electric utility provider or being collected/stored directly by an electric utility provider. Means a production facility for power which a) uses photovoltaic modules to convert solar energy to electricity that may be stored on site, delivered to a transmission system, and consumed primarily off site; b) consists primarily of photovoltaic modules, a mounting or racking system, power inverters, transformers, collection systems, battery systems, fire suppression equipment, and associated components; c) may include accessory administration or maintenance buildings, electric transmission lines, substations, energy storage equipment, and related accessory uses and structures.

Solar Farm. See Solar Electric Power Collection Facility.