



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

December 11, 2020

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

Attention: Jessica Rodriguez

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. 20-39, which was filed in this office on December 11, 2020.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 20-39

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE; CHAPTER 300 PROCEDURES; TABLE 303-5 REQUIRED PUBLIC HEARINGS FOR DEVELOPMENT APPROVAL APPLICATIONS; TABLE 304-1 REQUIRED PUBLIC NOTICE FOR DEVELOPMENT APPROVAL APPLICATIONS; SECTION 305 NEIGHBORHOOD MEETING; SECTION 306 NEIGHBORHOOD NOTICE; CHAPTER 400 PERMIT TYPES AND APPLICATIONS; SECTION 402.3 CONDITIONAL USES; SECTION 402.4 SPECIAL EXCEPTIONS; SECTION 402.5 MISCELLANEOUS USES; CREATING NEW SECTION 402.5.D ADMINISTRATIVE USE PERMITS FOR THE SALE OF ALCOHOLIC BEVERAGES; SECTION 406.5.I RIGHT OF WAY USE PERMITS – BOND REQUIREMENT; CHAPTER 500 ZONING; SECTION 503 A-C AGRICULTURAL DISTRICT; SECTION 511 R-MH MOBILE HOME DISTRICT; SECTION 517 R-4 HIGH DENSITY RESIDENTIAL DISTRICT; SECTION 522 MPUD MASTER PLANNED UNIT DEVELOPMENT DISTRICT; SECTION 525 C-1 NEIGHBORHOOD COMMERCIAL DISTRICT; SECTION 526 C-2 GENERAL COMMERCIAL DISTRICT; SECTION 528 I-1 LIGHT INDUSTRIAL PARK DISTRICT; SECTION 529 I-2 GENERAL INDUSTRIAL PARK DISTRICT; SECTION 530 SUPPLEMENTAL REGULATIONS; STRIKING AND RESERVING SECTION 530.14 APPLICABILITY OF THIS CODE TO THE SALE OF ALCOHOLIC BEVERAGES; SECTION 530.15 FRATERNAL LODGES AND SOCIAL AND RECREATIONAL CLUBS; CHAPTER 700 SUBDIVISION AND PLATTING STANDARDS; CHAPTER 900 DEVELOPMENT STANDARDS; SECTION 901.1 TRANSPORTATION CORRIDOR SPACING; SECTION 901.2 TRANSPORTATION CORRIDOR MANAGEMENT; SECTION 905.2 LANDSCAPING AND BUFFERING; CHAPTER 1000 MISCELLANEOUS STRUCTURE REGULATIONS; SECTION 1003 GATES, FENCES, AND WALLS; CHAPTER 1100 SPECIAL DEVELOPMENT STANDARDS; SECTION 1101 VEHICLE DEALERSHIPS; SECTION 1102 LARGE SCALE COMMERCIAL DESIGN STANDARDS; SECTION 1105 SELF STORAGE FACILITIES DESIGN STANDARDS; SECTION 1200 NONCONFORMITIES; 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.

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**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 hybrid virtual public hearing on November 5, 2020 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 17, 2020 and December 8, 2020, where the Board of County Commissioners considered all oral and written comments received at hybrid virtual 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 held using Communications Media Technology; 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 (2020) 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.

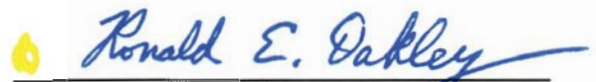
ADOPTED with a quorum present and voting this 8<sup>th</sup> day of December, 2020.



BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

  
\_\_\_\_\_  
NIKKI ALVAREZ-SOWLES, ESQ

PASCO COUNTY CLERK & COMPTROLLER

  
\_\_\_\_\_  
CHAIRMAN

APPROVED  
IN SESSION  
DEC 08 2020  
PASCO COUNTY  
BCC

## Attachment A

### CHAPTER 300.      PROCEDURES

#### 303.7. Application Review

**TABLE 303-5**  
**Required Public Hearings for Development Approval Applications**

<b>Application</b>	<b>PC</b>	<b>LPA</b>	<b>BCC</b>
Development of Regional Impact (DRI)	X		X
DRI Substantial Amendment (NOPC)	X		X
DRI Non Substantial Amendment (NOPC)			X
DRI Development Order Amendment (no NOPC)			X
DRI Abandonment			X
DRI Recision			X
Zoning Amendment	X		X
MPUD Amendment	X		X
MPUD Substantial Amendment	X		X
Conditional Use	X		X
Special Exception	X		
Conditional Use and Special Exception Revocation			X
Operating Permits (Except Minor Land Excavation)	X		X
Zoning Variance	X		
Alternative Relief	X		
Alternative Standards as Specified in Section 407.5.C and D	X		
Wireless <b><u>Communications</u></b> Facilities (Tier III)	X		X
Review of Staff Tier II Wireless Facility Determination			
Appeals of Administrative Determinations	X		
Appeals of Zoning Interpretations			X
Appeals of PC Decisions			X
Development Agreement		X	X
<b><u>Unified Sign Plan</u></b>	<b><u>X</u></b>		<b><u>X</u></b>
<b><u>Waiver of Specific Distance of 1,000 Feet for On-Premises Consumption of Alcoholic Beverages</u></b>	<b><u>X</u></b>		

### SECTION 304.      PUBLIC NOTICE REQUIREMENTS

TABLE 304-1

## Required Public Notice for Development Approval Applications

Application	Mailed	Published	Posted
<b><u>Administrative Use Permit for the Sale of Alcoholic Beverages**</u></b>			<b><u>X</u></b>
Development of Regional Impact (DRI)	X	X	X
Development Agreement (DA)		X	
DRI Substantial Amendment (NOPC)	X	X	X
DRI Non Substantial Amendment (NOPC)		X	X
DRI Development Order Amendment (no NOPC)		X	
DRI Abandonment	X	X	X
DRI Rescission	X	X	X
Zoning Amendment*	X	X	X
MPUD Substantial Amendment*	X	X	X
MPUD Non-substantial Amendment**			X
Conditional Use*	X	X	X
Special Exception*	X	X	X
Minor Land Excavation*			
Zoning Variance	X		X
Alternative Relief	X		X
Alternative Standards as Specified in Section 407.5.C and D	X		X
<b><u>Unified Sign Plan</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>X</u></b>
Wireless <b><u>Communication</u></b> Facilities (Tier II)	X		
Appeals (see Section 407.1)	X	X	X
Preliminary Site Plan and Substantial Modifications to	X		
Preliminary Development Plan and Substantial Modifications to	X		
Mass Grading and Substantial Modifications to	X		

Vested Rights	X		X
<b><u>Waiver of Specific Distance of 1,000 Feet for On-Premises Consumption of Alcoholic Beverages</u></b>	<b><u>X</u></b>		<b><u>X</u></b>

\*See Sections 305 and 306 for Neighborhood Meeting and Neighborhood Notice Requirements

\*\*Posted notice to occur within two (2) business days of the final written approval

## SECTION 305. NEIGHBORHOOD MEETING

### 305.1. **Intent and Purpose**

- G. Wireless **Communications** Facilities

## SECTION 306. NEIGHBORHOOD NOTICE

### 306.1. **Intent and Purpose**

- G. Alternative Standards (other than those in 407.5.C and 407.5.D). **Notice may be provided in connection with other notice above.**

## CHAPTER 400. **PERMIT TYPES AND APPLICATIONS**

## SECTION 402. USE PERMITS

### 402.3. **Conditional Uses**

- F. Required Standards

9. The proposed Conditional Use is in compliance with all specific standards established in this Code for the proposed Conditional Use, ~~provided; however, that specific distance may be waived by motion of the BCC upon an affirmative demonstration that:~~

a. ~~\_\_\_\_\_ The criteria set forth in 1-9 above would otherwise be met; and~~

b. ~~\_\_\_\_\_ That due to unique physical barriers or other factors, the specific separation requirements would not be necessary in order to protect other land uses in the area.~~

- H. Effect of Final Determination

#### 2. Approval

c. ~~\_\_\_\_\_ For the purposes of this section, the sale of specific varieties of alcoholic beverages in an existing building, under the authority of any prior approval issued by the Clerk and Comptroller or deputy, shall be deemed to constitute a Conditional Use which may be expanded in accordance with this section without regard to the proximity of the existing building to a public church, school, park. Such uses may be revoked pursuant to the section below. A prior approval issued in the form of a resolution duly~~

~~adopted by the BCC, authorizing the sale of alcoholic beverages in an existing building, shall be deemed to constitute a Conditional Use which requires no further expansion in order to increase the variety of alcoholic beverages to be sold, but which may be revoked pursuant to the section below.~~

I. Enforcement

Violations of conditions of approval may be addressed by any of the methods available in Section 108 or through revocation of the Conditional Use pursuant to the provisions of this Code, Section 402.4.1J, or both.

402.4. **Special Exceptions**

J. Revocation of Special Exception, and Conditional Use, **and Administrative Use Permit for the Sale of Alcoholic Beverages** Approvals

1. Board of County Commissioners (BCC) Jurisdiction. The BCC hereby reserves to itself the jurisdiction and authority to review and revoke Special Exception, and Conditional Use, **and Administrative Use Permit for the Sale of Alcoholic Beverages** approvals.

2. Initiation of Revocation Proceeding

Only the County Administrator or designee, upon a determination of probable cause, may petition the BCC for a review and/or revocation of a Conditional Use or Special Exception, **or Administrative Use Permit for the Sale of Alcoholic Beverages** where such use, continuation, expansion, alteration, or change of such use:

4. Public Hearing

- a. Upon a determination by the County Administrator or designee that a revocation hearing is warranted, a public hearing shall be scheduled for the purpose of reviewing and making a final determination on the revocation of the Conditional Use, or Special Exception, **or Administrative Use Permit for the Sale of Alcoholic Beverages**. Notice of the time and place of such hearing and of the facts and findings contained in the determination shall be given in writing to the owner of the property at least ten (10) days prior to the scheduled hearing. All notice procedures shall be in accordance with this Code.
- b. At the public hearing, the BCC shall take testimony from County staff, property owners, and interested persons and, upon consideration of the evidence presented, determine whether to:
  - (1) Revoke the Conditional Use, or Special Exception, **or Administrative Use Permit for the Sale of Alcoholic Beverages** approval;



- (2) Approve the continuation of the Conditional Use, or Special Exception, or Administrative Use Permit for the Sale of Alcoholic Beverages with additional conditions or stipulations; or
- (3) Approve the continuation of the Conditional Use, or Special Exception, or Administrative Use Permit for the Sale of Alcoholic Beverages without added conditions or stipulations.

402.5. **Miscellaneous Uses**

A. Temporary Uses

1. Mobile Food Operations

b. Applicability

Owners of qualifying mobile food operations may avail themselves of the provisions of this Section. Qualifying mobile food operations are those meeting all of the applicable requirements of the Florida Department of Agriculture and Consumer Services, Division of Food Safety or the Department of Business and Professional Regulation, Division of Hotels and Restaurants; and the Florida Department of Health; Florida Statutes; the Florida Administrative Code; the 2009 FDA Food Code, as may be amended from time to time; the National Fire Protection Association Codes and Standards; the Florida Building Code; the Florida Fire Prevention Code; and this LDC; and having obtained all required permits and licenses from the State of Florida ~~and the County.~~ **and location so as to comply with the requirements of this Section.**

~~c. Permits Required~~

~~(1) Mobile Food Operations Registration~~

~~All qualifying mobile food operations seeking to operate in the County shall first register with the County.~~

~~(a) Registration shall require proof of status as a qualifying mobile food operation;~~

~~(b) Payment of a registration fee;~~

~~(c) Posting of a valid registration on site;~~

~~(d) Registration shall be required annually and is not transferable.~~

~~(e) The location of the mobile food operation shall comply with the requirements of this Section.~~

3. Active Construction Sites

Mobile food operations shall vend to the personnel lawfully authorized to be on the construction site and not to the general public. an Operations shall be located in an appropriate location based on the location of the active construction, as authorized by the general contractor consistent with safe construction site management practices.

8. Revocation or Suspension of Registration **State of Florida License**

If, at any time, a Mobile Food Operation's State of Florida issued license is revoked or suspended, ~~the County's registration shall be deemed to have been simultaneously revoked or suspended~~ the mobile food operation shall be prohibited from operating in Pasco County.

C. Public Hearings Required

Prior to the enactment of any change in zoning, the Planning Commission (PC) and the BCC shall each hold a separate public hearing on the proposed amendment ~~within sixty (60) days after all information and facts comprising the application have been submitted.~~ In accordance with the timelines established in Chapter 125.022, Florida Statutes.

D. Administrative Use Permits for the Sale of Alcoholic Beverages

1. Intent and Purpose

The intent and purpose of this section is to provide uniform regulations pursuant to the authority granted by Section 562.45(2), Florida Statutes, for all Alcoholic Beverage Business Establishments in unincorporated Pasco County.

2. Applicability

The sale or consumption of alcoholic beverages within Alcoholic Beverage Business Establishments as defined in this Code and permitted under County, State, and Federal regulations.

3. Exemptions

a. Off-premises sales of beer, as defined in Section 563, Florida Statutes, shall be exempt from the provisions of this Code.

b. The sale of beer, wine, and other liquor in supermarkets for off-premises consumption shall be exempt from the provisions of this Code. For the purposes of this section, the term "supermarket" shall mean a retail store employing at the location of sale a minimum of eight (8) full-time employees on the longest working shift and whose primary business is the retail sale of food products, apart from alcoholic beverages, where such business is located in a building, or portion thereof, of greater than 20,000 square feet in size.

c. A prior approval issued in the form of a resolution duly adopted by the BCC, authorizing the sale of alcoholic beverages in an existing building, shall be deemed to constitute a Conditional Use which requires no further expansion

in order to increase the variety of alcoholic beverages to be sold, but which may be revoked pursuant to the Section 402.4.J.

- d. State of Florida Department of Business and Professional Regulation ABT One/Two/Three Day Permit or Special Sales License for fundraisers and charity events authorized under Chapter 561.422, Florida Statutes, nonprofit civic organizations, charitable organizations, municipalities and counties; temporary events.
- e. The package sales of beer, wine, and liquor for off-premises consumption and the sale of beer, wine, and other liquor in supermarkets, shall be exempt from the 1,000 foot-distance requirement from pre-k through 12th grade public or private school, place of religious worship, or County park as stated in this Code.

#### 4. Initiation

An Administrative Use Permit for the Sale of Alcoholic Beverages may only be requested for properties zoned C-1 Neighborhood Commercial District, C-2 General Commercial District, C-3 Commercial/Light Manufacturing District, I-1 Light Industrial Park District, and areas within MPUD designated for C-1, C-2, C-3, or I-1 uses in conjunction with an Alcoholic Beverage Business Establishment or other zoning districts or properties where the Board of County Commissioners has specifically allowed the sale of alcoholic beverages. Administrative Use Permits for the Sale of Alcoholic Beverages may be initiated by the property owner or authorized agent.

#### 5. Submittal Requirements

An applicant shall submit required information in the form as specified by the County Administrator or designee.

##### a. Applicant Information:

- (1) Proof of ownership; i.e., copy of deed.
- (2) Agent of Record letter, if applicable
- (3) Application fee

##### b. The signed and sealed boundary legal descriptions and sketches.

##### c. Site Plan showing exact location of the Alcoholic Beverage Business Establishment within the parcel.

- (1) Identification of site as a freestanding structure or a portion of structure. If in a retail center, the site plan must show the entire center and include the address, unit dimensions, and unit numbers.
- (2) Square footage of building including outdoor patio seating areas where alcoholic beverages will be served, if applicable and/or site acreage.

- d. For Alcoholic Beverage Business Establishments proposing on-premises consumption identification of whether the site is located within 1,000 feet of a pre-k through 12th grade public or private school, place of religious worship, or County park as measured from the structure used as the proposed Alcoholic Beverage Business Establishment to the nearest property line of the pre-k through 12th grade public or private school, place of religious worship, or County park.
- e. Copy of State of Florida Department of Business Regulation, Division of Alcoholic Beverages and Tobacco, Application for Alcoholic Beverage License (DBPR ABT-6001) and License Series.

## 6. Review and Decision Process

### a. Decision Making Authority

The County Administrator or designee shall determine whether the application meets the requirements of this Code. Approval or denial of an Administrative Use Permit for the Sale of Alcoholic Beverages shall be in writing. The written approval may include conditions as necessary to ensure compliance with this Code.

Proposed on-premises consumption of alcoholic beverages in Alcoholic Beverage Business Establishments located within 1,000 feet of a pre-k through 12th grade public or private school, place of religious worship, or County park shall apply for and obtain a Waiver of Specific Distance, in accordance with Section 402.5.D.6.b, prior to issuance of an Administrative Use Permit for the Sale of Alcoholic Beverages.

### b. Public Hearings Required for Waiver of Specific Distance for proposed on-premises consumption of alcoholic beverages in Alcoholic Beverage Business Establishments located within 1,000 feet of a pre-k through 12th grade public or private school, place of religious worship, or County park.

(1) The Planning Commission (PC) shall have the authority to hear and decide applications for Waivers of Specific Distance for proposed on-premises consumption Alcoholic Beverage Business Establishments located within 1,000 feet of a pre-k through 12th grade public or private school, place of religious worship, or County park.

(2) Specific distance may be waived by motion of the PC upon an affirmative demonstration that due to unique physical barriers or other factors, the specific separation requirements would not be necessary in order to protect other land uses in the area.

## 7. Notice

Notice for Waiver of Specific Distance shall be in accordance with Table 304-1 and Section 304.2.

Notice for Administrative Use Permit for the Sale of Alcoholic Beverages shall be conducted in accordance with Section 304.1, Table 304-1.

**8. Expansion**

Prior Conditional Use Permit approvals for the on and off-premises consumption of alcoholic beverages may be expanded to increase the variety of alcoholic beverages to be sold or to increase the square footage of the sales and/or service area, subject to an Administrative Use Permit for the Sale of Alcoholic Beverages in accordance with this Code. Requests for modifications to any other conditions of approval of a previously approved Conditional Use Permit for the on and off-premises consumption of alcoholic beverages, including, but not limited to hours of operation, shall be processed as a modification to the Conditional Use Permit, in accordance with this Code, Section 402.3.

For the purposes of this Section, the sale of specific varieties of alcoholic beverages in an existing building, under the authority of any prior approval issued by the Clerk and Comptroller or deputy, shall be deemed to constitute a Conditional Use and/or Administrative Use Permit for the Sale of Alcoholic Beverages which may be expanded in accordance with this without regard to the proximity of the existing building to a pre-k through 12th grade public or private school, place of religious worship, or County park. Such uses may be revoked pursuant to Section 402.4.J.

**9. Prohibitions**

- a. The premises or building in which the alcoholic beverage sales or consumption are to be conducted or occur shall not be used as an adult entertainment establishment.
- b. Bottle Clubs that hold licenses under Rule 61A-3.049 FAC or the Division of Alcoholic Beverages and Tobacco are prohibited.

**10. Enforcement**

Violations of conditions of approval may be addressed by any of the methods available in Section 108 or through revocation of the Administrative Use Permit for the Sale of Alcoholic Beverages pursuant to the provisions of this Code, Section 402.4.J, or both.

SECTION 406. MISCELLANEOUS PERMITS

406.5. **Right-of-Way Use Permit**

- I. Bond Requirement

The holder shall post cash, or a Surety Performance Guarantee and Maintenance Guarantee, with the County Clerk and Comptroller. The required amounts for each shall be based on cost estimates for each prepared by the permittee's engineer and approved by the County Administrator or designee. The sums approved by the County Administrator or designee shall ensure the proper and necessary restoration and maintenance of any property affected by activities under the permit to guarantee performance of the terms and conditions of the permittee's obligations, and to guarantee maintenance of property affected by activity performed under the permit for a period of ~~one (1) year~~ **thirty-six months** following completion of the activity authorized and required by the permit, ~~unless a longer maintenance period is prescribed by this Code, a development approval or agreement, contract, or other permit.~~ In the event a Surety Bond is posted, the said Surety Bond shall be made payable to the County and shall obligate the surety to hold the County harmless and pay the County any costs expended by the County in the event the holder of the permit should fail to meet any of its obligations. The Surety Bond shall also indemnify the County for all court costs and reasonable attorney fees in the event legal action is required to collect on the said Surety Bond. Security posted shall not be refunded, terminated, or released until the expiration of the full required maintenance period and completion of all work authorized or required by the permit.

## **CHAPTER 500. ZONING STANDARDS**

### **SECTION 503. A-C AGRICULTURAL DISTRICT**

#### **503.3. Conditional Uses**

- R. The sale or consumption of alcoholic beverages in conjunction with the operation of an amusement park and as permitted under County, State, and Federal regulations provided:
1. **Unless a Specific Distance Waiver is granted by the Planning Commission in accordance with Section 402.5.D.6,** no such sale or consumption of alcoholic beverages may occur or be conducted within 1,000 feet of any **pre-k through 12th grade public or private** school, ~~church,~~ place of **religious** worship, or **County** park as measured from the structure uses used as a proprietor's place of business to the nearest property line of the **pre-k through 12th grade public or private** school, ~~church,~~ place of **religious** worship, or **County** park.

### **SECTION 511. R MH MOBILE HOME DISTRICT**

#### **511.3. Permitted Uses**

##### **A. Principal Uses**

- 1.** Dwellings: ~~single-family detached dwellings on individual lots,~~
  - a.** Mobile homes, single-family detached modular, or factory built dwellings.
  - 1.b.** **Single-family detached dwellings on individual lots on parcels zoned R-MH prior to December 8, 2020.**

SECTION 517. R 4 HIGH DENSITY RESIDENTIAL DISTRICT

517.7. Yard Regulations

- C. For subdivisions developed after December 8, 2020, side setbacks may be reduced to no less than five (5) feet subject to compliance with Section 902.2.K.2.b. Side entry walkways or sidewalks which project into the five (5) foot side setback and/or five (5) foot drainage easement shall be prohibited.**

SECTION 522. MPUD MASTER PLANNED UNIT DEVELOPMENT DISTRICT

522.9. Connected City Master Planned Unit Development District

**D. Greenlight Process Procedures**

**Applicants that have opted in to Connected City by being part of a CC-MPUD or through other approved means within this Code, may elect to use the Standard Review process, Expedited Review process, or other applicable review processes available within the Pasco County Land Development Code, Connected City Land Development Code or the Development Manual, including the Greenlight Process specified below.**

**4. Application Processing**

For projects that have rezoned to CC-MPUD, a process that consists of incremental plan submissions that progress in a logical sequence and gain approval in that same sequence is mandated **available**. Hereinafter, this process is referred to as the “Greenlight Process.” This process shall be conducted in accordance with the procedures outlined in this Code, Subsection 522.9.D.4.b.

~~The Greenlight Process is only available to those properties that have been rezoned to CC-MPUD, and for those properties, it is the only process that shall be used.~~

C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

525.2. Permitted Uses

**A. Principal Uses**

**4. Fitness Centers**

**16. The sale or consumption of alcoholic beverages within Alcoholic Beverage Business Establishments as defined in this Code and as permitted under County, State, and Federal regulations provided:**

**a. An Administrative Use Permit for the Sale of Alcoholic Beverages is issued in accordance with Section 402.5.D.**

**b. Unless a Specific Distance Waiver is granted by the Planning Commission in accordance with Section 402.5.D.6, no such sale or consumption of**



alcoholic beverages may occur or be conducted within 1,000 feet of any pre-k through 12th grade public or private school, place of religious worship, or County park as measured from the structure used as the proposed Alcoholic Beverage Business Establishment to the nearest property line of the pre-k through 12th grade public or private school, place of religious worship, or County park.

- c. The premises or building in which the alcoholic beverage sales or consumption are to be conducted or occur shall not be used as an adult entertainment establishment.
- d. Bottle Clubs that hold licenses under Rule 61A-3.049 FAC or the Division of Alcoholic Beverages and Tobacco are prohibited.

### 525.3. Conditional Uses

- A. ~~The sale or consumption of alcoholic beverages within alcoholic beverage business establishments as defined in this Code and as permitted under County, State, and Federal regulations provided:~~
  - 1. ~~No such sale or consumption of alcoholic beverages may occur or be conducted within 1,000 feet of any school, church, place of worship, or park as measured from the structure used as a proprietor's place of business to the nearest property line of the school, church, place of worship, or park.~~
  - 2. ~~The sale or consumption of alcoholic beverages complies with conditional use standards set forth in this Code and has been approved by the Board of County Commissioners in accordance with this section.~~
  - 3. ~~The premises or building in which the alcoholic beverage sales or consumption are to be conducted or occur shall not be used as an adult entertainment establishment.~~
  - 4. ~~Bottle Clubs that hold licenses under Rule 61A-3.049 FAC or the Division of Alcoholic Beverages and Tobacco are prohibited.~~

## SECTION 526. C 2 GENERAL COMMERCIAL

### 526.2. Permitted Uses

#### A. Principal Uses

- 11. Contractor's Office **and Storage**. All storage shall be inside the building or in an enclosed area not visible from the right-of-way.
- 45. The sale or consumption of alcoholic beverages within Alcoholic Beverage Business Establishments as defined in this Code and as permitted under County, State, and Federal regulations provided:



- a. An Administrative Use Permit for the Sale of Alcoholic Beverages is issued in accordance with Section 402.5.D.
- b. Unless a Specific Distance Waiver is granted by the Planning Commission in accordance with Section 402.5.D.6, no such sale or consumption of alcoholic beverages may occur or be conducted within 1,000 feet of any pre-k through 12th grade public or private school, place of religious worship, or County park as measured from the structure used as the proposed Alcoholic Beverage Business Establishment to the nearest property line of the pre-k through 12th grade public or private school, place of religious worship, or County park.
- c. The premises or building in which the alcoholic beverage sales or consumption are to be conducted or occur shall not be used as an adult entertainment establishment.
- d. Bottle Clubs that hold licenses under Rule 61A-3.049 FAC or the Division of Alcoholic Beverages and Tobacco are prohibited.

### 526.3. Conditional Uses

- A. ~~The sale or consumption of alcoholic beverages within alcoholic beverage business establishments as defined in this Code and as permitted under County, State, and Federal regulations provided:~~
  - 1. ~~No such sale or consumption of alcoholic beverages may occur or be conducted within 1,000 feet of any school, church, place of worship, or park as measured from the structure used as a proprietor's place of business to the nearest property line of the school, church, place of worship, or park.~~
  - 2. ~~The sale or consumption of alcoholic beverages complies with conditional use standards set forth in this Code and has been approved by the Board of County Commissioners in accordance with this section.~~
  - 3. ~~The premises or building in which the alcoholic beverage sales or consumption are to be conducted or occur shall not be used as an adult entertainment establishment.~~
  - 4. ~~Bottle Clubs that hold licenses under Rule 61A-3.049 FAC or the Division of Alcoholic Beverages and Tobacco are prohibited.~~

## SECTION 527. C 3 COMMERCIAL/LIGHT MANUFACTURING DISTRICT

### 527.3. Permitted Uses

#### A. Principal Uses

- 31. The sale or consumption of alcoholic beverages within Alcoholic Beverage Business Establishments as defined in this Code and as permitted under County, State, and Federal regulations provided:

- a. An Administrative Use Permit for the Sale of Alcoholic Beverages is issued in accordance with Section 402.5.D.
- b. Unless a Specific Distance Waiver is granted by the Planning Commission in accordance with Section 402.5.D.6, no such sale or consumption of alcoholic beverages may occur or be conducted within 1,000 feet of any pre-k through 12th grade public or private school, place of religious worship, or County park as measured from the structure used as the proposed Alcoholic Beverage Business Establishment to the nearest property line of the pre-k through 12th grade public or private school, place of religious worship, or County park.
- c. The premises or building in which the alcoholic beverage sales or consumption are to be conducted or occur shall not be used as an adult entertainment establishment.
- d. Bottle Clubs that hold licenses under Rule 61A-3.049 FAC or the Division of Alcoholic Beverages and Tobacco are prohibited.

527.4. Conditional Uses

- A. ~~The sale or consumption of alcoholic beverages within alcoholic beverage business establishments as defined in this Code and as permitted under County, State, and Federal regulations provided:~~
  - 1. ~~No such sale or consumption of alcoholic beverages may occur or be conducted within 1,000 feet of any school, church, place of worship, or park as measured from the structure used as a proprietor's place of business to the nearest property line of the school, church, place of worship, or park.~~
  - 2. ~~The sale or consumption of alcoholic beverages complies with conditional use standards set forth in this Code and has been approved by the Board of County Commissioners in accordance with this section.~~
  - 3. ~~The premises or building in which the alcoholic beverage sales or consumption are to be conducted or occur shall not be used as an adult entertainment establishment.~~
  - 4. ~~Bottle Clubs that hold licenses under Rule 61A-3.049 FAC or the Division of Alcoholic Beverages and Tobacco are prohibited.~~

SECTION 528. I 1 LIGHT INDUSTRIAL PARK DISTRICT

528.2. Permitted Uses

A. Principal Uses

- 42. The sale or consumption of alcoholic beverages within Alcoholic Beverage Business Establishments as defined in this Code and as permitted under County, State, and Federal regulations provided:

- a. An Administrative Use Permit for the Sale of Alcoholic Beverages is issued in accordance with Section 402.5.D.
- b. Unless a Specific Distance Waiver is granted by the Planning Commission in accordance with Section 402.5.D.6, no such sale or consumption of alcoholic beverages may occur or be conducted within 1,000 feet of any pre-k through 12th grade public or private school, place of religious worship, or County park as measured from the structure used as the proposed Alcoholic Beverage Business Establishment to the nearest property line of the pre-k through 12th grade public or private school, place of religious worship, or County park.
- c. The premises or building in which the alcoholic beverage sales or consumption are to be conducted or occur shall not be used as an adult entertainment establishment.
- d. Bottle Clubs that hold licenses under Rule 61A-3.049 FAC or the Division of Alcoholic Beverages and Tobacco are prohibited.

SECTION 529. I 2 GENERAL INDUSTRIAL PARK DISTRICT

529.2. Permitted Uses

- A. Unless otherwise provided in this chapter, all permitted and special exception uses in the I-1 Light Industrial Park District.

SECTION 530. SUPPLEMENTAL REGULATIONS

530.14. Applicability of this Code to the Sale of Alcoholic Beverages Reserved

- A. ~~Off-premises sales of beer, as defined in Section 563, Florida Statutes, shall be exempt from the provisions of this Code. The sale of wine for off-premises consumption shall be required to obtain administrative approval. Additionally, the sale of beer, wine, and other liquor in supermarkets for off-premises consumption shall be exempt from the provisions of this Code. For the purposes of this section, the term "supermarket" shall mean a retail store employing at the location of sale a minimum of eight (8) full-time employees on the longest working shift and whose primary business is the retail sale of food products, apart from alcoholic beverages, where such business is located in a building, or portion thereof, of greater than 20,000 square feet in size. Nothing in this subsection shall be construed as exempting any operation, whether a supermarket or any other operation, which permits the sale of beer, wine, or other liquor for on-premises consumption. It is expressly declared that it is the intent of the Board of County Commissioners to include such on-premises operations within the scope of the provisions of this Code.~~

~~The package sales of beer and wine for off-premises consumption and the sale of beer, wine, and other liquor in supermarkets, shall be exempt from the 1,000 foot distance requirement from places of worship, schools, and public parks as stated in this Code.~~

- ~~B. Except as provided for in Section 530.14.A, Section 402.3 is applicable to all unincorporated areas in the County where alcoholic beverages are to be sold or consumed.~~
- ~~C. Nothing herein contained shall be construed to permit the sale or consumption of alcoholic beverages at any site in the unincorporated area of the County where there was no building in existence on the original date of adoption of this Code without compliance with the provisions of Section 402.3.~~
- ~~D. Except as specifically approved in an MPUD, a conditional use application must be filed for properties in PUD Planned Unit Developments and MPUD Master Planned Unit Developments before a conditional use will be permitted in an area which is designated for uses comparable to those allowed in a zoning district in which conditional uses are identified as a possible use of property.~~
- ~~E. Bottle Clubs that hold licenses under Rule 61A-3.049 FAC or the Division of Alcoholic Beverages and Tobacco are prohibited.~~

530.15. **Fraternal Lodges and Social and Recreational Clubs**

- A. Fraternal lodges and social and recreational clubs shall be conditional uses in all districts, except I 1 Light Industrial Park and I 2 General Industrial Park Districts, which must be reviewed and approved in accordance with this Code.
- B. Fraternal lodges and social and recreational clubs proposed in PO-2 Professional Office, C-1 Neighborhood Commercial, C-2 General Commercial, C-3 Commercial/Light Manufacturing Districts and areas in MPUD Master Planned Unit Development Districts designated for PO-2, C-1, C-2, or C-3 uses shall meet the minimum lot area, lot width, and yard regulations for the districts. Proposed fraternal lodges and social and recreational clubs in the PO-2 Professional Office, C-1 Neighborhood Commercial, C-2 General Commercial, C-3 Commercial/Light Manufacturing Districts and areas in MPUD Master Planned Unit Development Districts designated for PO-2, C-1, C-2, or C-3 uses shall not be required to comply with Section 530.15.C. Buffering shall be as required in this Code Section 905.2.**
- B.C.** In addition to the criteria set forth in this Code, **except as noted in 530.15.B above,** the following site limitations shall be observed for such uses **fraternal lodges and social and recreational clubs located in all zoning districts:**
1. Minimum lot area: 20,000 square feet.
  2. Minimum lot width: 150 feet.
  3. The height of any building constructed shall not exceed the maximum height restrictions of the applicable zoning district within which it is located.
  4. Fifty (50) feet minimum building setback from all property lines.

5. ~~A buffer consisting of either walls, landscaping, or fences shall be provided when adjacent to residential districts in accordance with this Code.~~  
**Landscaping and buffering shall be in accordance with this Code, Section 905.2 with the fraternal lodge and social and recreational club parcel treated as a commercial use.**

~~G.D.~~ On site consumption of alcoholic beverages by members and guests shall be permitted in any fraternal, social, or recreational club or lodge which is approved as a conditional use, provided such use is located more than 1,000 feet from a school, church, place of worship, or public park, as measured from the structure in which alcoholic beverages are being served to the nearest property line of the school, church, place of worship, or public park.

~~D.E.~~ Development Plan

A development plan shall be submitted in accordance with this Code, Chapter 400.

## **CHAPTER 700. SUBDIVISION AND PLATTING STANDARDS**

### **700.2. General**

A subdivision shall not be approved unless the County finds after full consideration of all pertinent data, that the proposed subdivision conforms to all the provisions of this Code and the County Comprehensive Plan. These requirements apply to the three **four** (34) types of subdivision plat approvals which are:

## **CHAPTER 900. DEVELOPMENT STANDARDS**

### **SECTION 901. TRANSPORTATION**

#### **901.1. Transportation Corridor Spacing**

##### **I. Relief Procedures**

Relief from the requirements of this section shall be as provided for in Sections 407.4, 407.5, as heard by the Planning Commission, ~~or 901.2.I.~~ Mobility fee credit for the requirements of this section shall be in accordance with Section 1302.2.

#### **901.2. Transportation Corridor Management**

##### **F. Interim Uses**

1. The uses of land within a transportation corridor shall be only those uses listed in Sections 901.2.F.2 or 901.2.F.3, below, provided that such use would be permitted on the development site by the underlying zoning district or the Comprehensive Plan, whichever is more restrictive. The purpose of this section is to allow certain uses for a limited period of time within portions of a development site that are located within a transportation corridor in order to permit the property owner to make economic use of the property until such time as the land within the transportation corridor is to be dedicated to or acquired by the County. ~~Interim uses shall be permitted in any zoning district upon obtaining approval from the PC as part of the Section 901.2.B development approval.~~

2. The uses designated in this Section 901.2.F.2 ~~which are directly related to the primary use of the development~~ may be allowed on an interim basis.
  - a. Permitted interim uses.
    - (5) Landscaping in residential zones, if permitted as an alternative standard, provided that a minimum of ten (10) feet of required landscape buffers shall be located outside the transportation corridor.
    - (6) Recreational facilities such as playgrounds, ball fields, outdoor courts, exercise trails, walking paths, bridal paths, and similar outdoor recreational uses, but shall not include any required parks, buffers, or other required open space.**
    - (7) Produce stands, produce markets, farmers' markets, and the like.**
    - (8) Agricultural uses, such as pasture, crop lands, tree farms, orchards, and the like, but not including stables, dairy barns, poultry houses, and the like.**
    - (9) Uses such as boat shows, automobile shows, recreational vehicle shows, "tent" sales, and the like.**
    - (10) Periodic events such as festivals, carnivals, community fairs, and the like.**
    - (11) Plant nurseries and landscape materials yards, excluding permanent structures.**
    - (12) Storage yards for equipment, machinery, and supplies for building and trade contractors, and similar outdoor storage.**
    - (13) Golf driving ranges.**
    - (14) Recreational Vehicle or boat storage yards.**
  - b. The following conditions shall apply to the approval of interim uses specified in Section 901.2.F.2:
    - (1) The applicant agrees to discontinue and remove or relocate, at the applicant's sole expense, the interim uses no later than the beginning of the first fiscal year in which monies for acquisition of right-of-way **or construction** within the affected transportation corridor are first programmed by either the County, in **Year One of** the County's Five-Year Capital Improvement Plan (CIP) or Capital Improvement Element (CIE), or the Florida Department of Transportation (FDOT) in **Year One of** the FDOT's Five-Year Transportation Improvement Program (the termination date). This agreement shall be evidenced by an affidavit which shall state that

the interim uses shall be discontinued no later than the termination date. Such affidavit shall be recorded against the development site in the public records office of the Clerk of the Circuit Court of the County, and a copy of the recorded affidavit shall be provided to the County prior to the issuance of the first Building Permit within the development site. The termination date may be extended by written correspondence from the County or FDOT, as applicable, for a time period not to exceed one (1) year for each extension.

**(4) Buffer yards may be required in order to ensure compatibility of interim uses with other uses adjacent or nearby.**

**(5) Interim uses shall meet site design requirements for setbacks for the district.**

**(6) Interim uses shall comply with all other applicable provisions of this Code as may be required at the time of approval.**

3. ~~The following interim uses, not necessarily directly related to the principal use of the site, may be allowed within the transportation corridor on an interim basis prior to the dedication or acquisition of land.~~

a. ~~Other permitted interim uses.~~

(1) ~~In residential zones:~~

(a) ~~Recreational facilities such as playgrounds, ball fields, outdoor courts, exercise trails, walking paths, bridal paths, and similar outdoor recreational uses, but shall not include any required parks, buffers, or other required open space.~~

(b) ~~Produce stands, produce markets, farmers' markets, and the like.~~

(c) ~~Agricultural uses, such as pasture, crop lands, tree farms, orchards, and the like, but not including stables, dairy barns, poultry houses, and the like.~~

(2) ~~In commercial zones:~~

(a) ~~Uses such as boat shows, automobile shows, recreational vehicle shows, "tent" sales, and the like.~~

(b) ~~Periodic events such as festivals, carnivals, community fairs, and the like.~~

(c) ~~Plant nurseries and landscape materials yards, excluding permanent structures.~~



- ~~(d) Storage yards for equipment, machinery, and supplies for building and trade contractors, and similar outdoor storage.~~
- ~~(e) Golf driving ranges.~~
- ~~(f) Recreational Vehicle or boat storage yards.~~
- ~~b. The following conditions shall apply to interim uses specified in this subsection.~~
  - ~~(1) The applicant agrees to discontinue and remove, at the applicant's sole expense, the interim uses no later than the beginning of the first fiscal year in which monies for acquisition of right-of-way within the affected transportation corridor are first programmed by either the County, in the County's Five-Year CIP or CIE, or the FDOT in the FDOT's Five-year Transportation Improvement Program (the termination date). This agreement shall be evidenced by an affidavit which shall state that the interim uses shall be discontinued no later than the termination date. Such affidavit shall be recorded against the development site in the public records of the Clerk of the Circuit Court of the County, and a copy of the recorded affidavit shall be provided to the County prior to the issuance of the first Building Permit within the development site. The termination date may be extended by written correspondence from the County or the FDOT, as applicable, for a time period not to exceed one (1) year for each extension.~~
  - ~~(2) Buffer yards may be required in order to ensure compatibility of interim uses with other uses adjacent or nearby.~~
  - ~~(3) Interim uses shall meet site design requirements for setbacks for the district.~~
  - ~~(4) Interim uses shall comply with all other applicable provisions of this Code as may be required at the time of approval.~~

**4.3.** If the termination date set forth above has already occurred at the time of the Section 901.2.B development approval or Development Permit/Order and the County or the FDOT has not extended the termination date, the property owner shall not be entitled to the interim uses set forth in this section, unless the PC, BCC, or FDOT for State roadways determine that the interim use(s) can coexist with the County's or FDOT's planned improvements in the transportation corridor. If the termination date has already occurred, and not been extended by the County or the FDOT, the provisions of Sections 901.2.E, 901.2.H, or 901.2.J and 901.2.I shall continue to apply.



## H. Right-of-Way Dedication

1. As a condition of approval of a Section 901.2.B development approval or development permit/order, in order to ensure adequate roads for the proposed development so as to meet adopted LOS requirements, and to protect the County's transportation system, all applicants for a Section 901.2.B development approval or development permit/order, where any portion of the development site or expanded development site is located within a transportation corridor, shall enter into an agreement with the County, either in the form of a development agreement or as a condition of the development approval or development permit/order, which shall provide for the dedication to the County of lands within the development site or expanded development site which are within the transportation corridor, subject to the provision of Section 901.2.I. Dedication shall be by recordation on the face of the plat, deed, grant of easement, or other method acceptable to the County. All dedications shall occur at record plat, construction plan approval where a record plat is not required, or within ninety (90) days of the County's request, whichever occurs first. All conveyances shall be in accordance with the County Real Estate Division requirements and free and clear of all liens and encumbrances. Land to be dedicated shall be limited to the amount of land needed for the planned transportation improvements (as determined by the Metropolitan Planning Organization and Comprehensive Plan transportation element plans in effect at the time of dedication, or by the County-approved traffic study and collector/arterial spacing and design standards for the development approval or development permit/order if no such plans exist) including, where applicable, land for drainage/retention, wetland and floodplain mitigation, shoulders, frontage roads, sidewalks, bike paths, medians, and other roadway-related improvements. If the drainage, wetland, or floodplain mitigation facilities for the roadway or appurtenances will be commingled or combined with drainage, wetland, or floodplain facilities of the developer's project, the developer or another maintenance entity acceptable to the County shall be responsible for operation and maintenance of such facilities; provided, however, the developer or maintenance entity shall convey an easement giving the County and FDOT the right, but not the obligation, to enter onto the developer's property and maintain the facilities. If the drainage, wetland, or floodplain mitigation facilities for the roadway will not be commingled or combined with drainage, wetland, or floodplain facilities of the developer's project, the

developer shall convey such facilities and access easements to the County or FDOT, as applicable, and the County or FDOT, as applicable, shall own operate and maintain such facilities subsequent to the expiration of any applicable maintenance guarantee period. Where the property owner believes that the amount of land required to be dedicated exceeds the amount of land that is roughly proportional to the transportation impacts to be generated by the proposed development site or expanded development site, including all development resulting from any density transfers, the landowner shall be entitled to apply for a dedication waiver in accordance with the provisions of Section 901.2.I.

~~I. Dedication Waiver~~

~~1. Where the property owner believes that the amount of land required to be dedicated to the County under the provisions of Section 901.2 exceeds the amount of land that is roughly proportional to the transportation impacts of the proposed development site and expanded development site, or believes that any other County transportation-related exaction, dedication, condition, or requirement (transportation requirement) is not roughly proportional to the transportation impacts of the proposed development site and expanded development site, the property owner may apply to the development review committee for a dedication waiver in accordance with the provisions of this Section 901.2.I.~~

~~2. Application for Dedication Waiver~~

~~a. Dedication waivers shall be determined by the PC. The procedure for dedication waivers shall be the same as the notice, public hearing, and procedural requirements set forth in Section 407.2 in connection with a variance, except as provided in this section. PC decisions on dedication waivers may be appealed to the BCC in accordance with this Code, Section 407.1. In the event of such an appeal, the BCC shall have, in addition to the powers set forth in Section 407.1, the same options as the PC set forth in Sections 901.2.I.4-6, below. The application for a dedication waiver shall include the following information:~~

~~(1) Appraised value of the development site and expanded development site before the Section 901.2.B development approval or~~

~~other Development Permit/Order, with and without the land to be dedicated pursuant to Section 901.2.H, taking into account any interim uses and density transfers.~~

~~(2) Appraised value of the development site and expanded development site after the Section 901.2.B development approval or other Development Permit/Order, with and without the land to be dedicated pursuant to Section 901.2.H, taking into account any interim uses and density transfers.~~

~~(3) Traffic impact study (TIS) showing the transportation impacts of the proposed development.~~

~~(4) List of transportation mitigation provided or required to be provided by the development, including:~~

~~(a) The appraised value of any land dedicated or to be dedicated in accordance with (1) and (2) above;~~

~~(b) Certified cost estimates for all transportation improvements provided or required to be provided by the development;~~

~~(c) Estimated transportation impact/mobility fees paid or due for the development pursuant to Chapter 1300; and~~

~~(d) Any transportation mitigation or proportionate share payments required pursuant to this Code, Section 1301.~~

~~3. All appraisals shall be at the applicant's sole expense, prepared by an appraiser licensed in the State and in accordance with all applicable standards, and include the value of the land required to be dedicated as determined by the County Property Appraiser in the most recent appraisal prior to any Section 901.2.B development approval or Development Permit/Order for the property. The TIS shall be undertaken by a professional engineer with experience in transportation impact analysis and in accordance with the County's guidelines and review fees for TIS and~~

~~substandard roads set forth in Resolution No. 04-203 as amended and as codified in Sections 901.4 and 901.5 (the TIS resolution); provided, however, the following modifications to the TIS resolution shall be required for a TIS prepared to support a dedication-waiver application:~~

- ~~a. A TIS and substandard road analysis will be required for the dedication-waiver application notwithstanding the applicability and exemption provisions of the TIS resolution or this Code, Section 1301.~~
- ~~b. All analysis and impacted roadways shall be based on the existing network only, without taking into account capacity created by the committed network or committed improvements.~~
- ~~c. Impacted roadway facilities shall be based on where the project traffic consumes more than zero (0) percent of the two (2) way peak hour service flow rate of the roadway segments within the roadway facility using the latest version of the FDOT generalized service flow rate tables.~~
- ~~d. All intersections are impacted along the impacted roadway facilities (as defined above) that provide access to the site from a local/major road where project traffic is more than zero (0) trips.~~
- ~~e. All major signalized or major unsignalized intersections along the impact roadways (as defined above) are impacted.~~
- ~~f. Mainline, ramps, and facilities of toll roads are all impacted where the project traffic is more than zero (0) trips.~~
- ~~g. No percentage of project traffic or trips shall be allowed to travel on substandard roads without mitigating impacts.~~
- ~~h. A proportionate share calculation shall be required, including a proportionate share-share calculation for all improvements needed to achieve minimum roadway and maintenance standards for impacted substandard roads.~~
- ~~i. All impacts, mitigation, and proportionate-share calculations shall be based on traffic generation of the cumulative development, including traffic from previous development or approved phases. In~~

addition, for redevelopment, all impacts, mitigation, and proportionate share calculations shall be based on traffic generation of the new use, without considering traffic generation of the prior use.

j. Turn lane length analysis shall be required for all impacted intersections where project traffic is more than zero (0) trips.

4. PC action on dedication waiver request. If the PC determines that any portion of the land required to be dedicated for construction of the County transportation improvements exceeds the amount of land that is roughly proportional to the transportation impacts of the proposed development site or expanded development site, or determines that the transportation requirement is not roughly proportional to the transportation impacts of the proposed development site or expanded development site (the excess dedication amount), the PC shall either (1) authorize compensation for the excess dedication amount in accordance with Section 901.2.I.5, or (2) decline to authorize compensation for the excess dedication amount, in which case the provisions of Section 901.2.I.6 shall apply. In either event, if the dedication waiver applicant has proven an excess dedication amount, the PC, subject to BCC approval where required, may authorize reimbursement of some or all of the dedication waiver applicant's required costs of preparing the dedication waiver application. In considering whether any portion of the land required to be dedicated exceeds the amount of land that is roughly proportional to the proposed impacts of the project, the PC may consider any density transfers. Any Section 901.2.B development approval or other Development Permit/Order for the development site shall not be considered in determining the value of the land for purposes of determining the excess dedication amount or compensation amount.

5. Compensation. If the PC authorizes compensation for the excess dedication amount, the County, subject to BCC approval where required, shall compensate the landowner or development site for any excess dedication amount by:

a. Paying for the excess dedication amount, which in the case of an excess land dedication shall be an amount equal to 115 percent of the value of the excess land required to be dedicated as determined

by the County Property Appraiser in the most recent appraisal prior to any Section 901.2.B development approval or Development Permit/Order for the property which is being dedicated to the County, and less the value of any density which has been transferred to any other portion of the development site or expanded development site, unless the County and property owner agree to another valuation;

- b. ~~Providing transportation impact/mobility fee credits for the excess dedication amount, subject to the eligibility, timing, and other requirements of Chapter 1300 or the County Transportation Impact Fee Ordinance (Ordinance No. 04-05), as amended;~~
  - c. ~~Designing and/or constructing any of the property owner's or development site's required transportation improvements that have a value equivalent to or greater than the excess dedication amount;~~
  - d. ~~Providing credit for any transportation mitigation or proportionate share payments required pursuant to this Code, Section 1301; or~~
  - e. ~~Some combination of a, b, c, or d that compensates the property owner or development site for the excess dedication amount.~~
6. ~~No compensation. If the PC elects to not authorize compensation to the property owner for the excess dedication amount, the property owner shall not be required to dedicate such excess land to the County, or comply with any excess transportation requirement, and may utilize any excess land subject to applicable provisions of this Code and Comprehensive Plan.~~
7. ~~Dedication Waiver Deadlines~~
- ~~If a property owner chooses to file a dedication waiver application, final action on the dedication waiver application, including any applicable appeals, shall be complete prior to the first deadline for the applicant to resubmit and respond to technical review comments for a Section 901.2.B development approval or thirty (30) days prior to the first Planning Commission or BCC public hearing for other Development Permits/Orders. A dedication~~

~~waiver request filed or completed after the foregoing deadlines shall automatically recommence all County review, comment, and public hearing deadlines for the Section 901.2.B development approval, Development Permit/Order, and/or TIS set forth in this Code and TIS resolution, unless the application for such approval(s) has been withdrawn or denied.~~

- a. ~~If a dedication waiver application is filed after the County has taken final action on the Section 901.2.B development approval or Development Permit/Order containing the requirement or condition which is the subject of the dedication waiver request, all Section 901.2.B development approval(s) or Development Permit(s)/Order(s) containing the requirement or condition which is the subject of the dedication waiver request shall be referred to the final County decision-making body, and all advisory bodies, for a new Land Development Code and Comprehensive Plan consistency determination. In such event, the referred Section 901.2.B development approval(s) and/or Development Permit(s)/Order(s) will be subject to all review, comment, and public hearing deadlines of this Code and TIS resolution applicable to a new Section 901.2.B development approval or Development Permit/Order, including the deadlines set forth in Subsection F.1, above. In addition, the referred Section 901.2.B development approval(s) and/or Development Permit(s)/Order(s) may not be used as a basis for further development or development approvals unless and until the final County decision-making body has found the referred approvals consistent with this Code and Comprehensive Plan. In any event, no dedication waiver application may be filed more than four (4) years after the final approval date of the first Development Permit/Order containing the dedication required by Section 901.2.H or transportation requirement unless the Florida Legislature or a court of competent jurisdiction determine that a civil claim, action, or request challenging or seeking compensation for the same dedication required by this section or transportation requirement can be filed after that date. The procedures set forth in Section 901.2.I must be exhausted prior to filing any civil claim, action, or~~



~~request challenging or seeking compensation for a dedication required by this section or other transportation requirement.~~

~~J.I.~~ Dedication - Rough Proportionality

~~K.J.~~ Waivers/Administrative Variances

4. Any property owner whose land is located within a transportation corridor may obtain a waiver of the minimum lot size, buffers, yards, or setback required by the underlying zoning district, provided that such waiver does not exceed ten (10) percent of the minimum lot size or setback requirement. Such waiver may be approved by the County Administrator or designee utilizing the administrative variance procedures set forth in this Code, Sections 407.3.
- ~~2. Where the provisions of this section cause a hardship, a property owner shall be entitled to apply for a variance in accordance with the provisions of this Code, Section 901.2.K.3.~~
- ~~3. In addition to the relief allowed pursuant to Sections 901.2.I, the PC shall have the authority to hear and decide variances from the strict requirements of Section 901.2. The PC shall grant a variance from the terms or requirements of this Code, Section 901.2, when the PC finds, based on the application submitted, and the substantial competent evidence presented at the public hearing, that the variance requested is the minimum necessary to alleviate or address one or more of the following:~~
  - ~~a. The strict application of the land development regulation creates an unreasonable or unfair noneconomic hardship, or an inordinate burden, that was not created by the variance applicant;~~
  - ~~b. The specific application of the land development regulation conflicts with an important Goal, Objective, or Policy of the Comprehensive Plan, or with the intent and purpose of another recently adopted land development regulation, that serves a greater public purpose;~~
  - ~~c. The granting of the variance will provide a net economic benefit to the taxpayers of Pasco County, and is not in conflict with important Goals, Objectives, and Policies of the Comprehensive Plan;~~



- d. ~~The granting of the variance is necessary to achieve an innovative site or building design that furthers the goals, objectives and policies of the Comprehensive Plan;~~
  - e. ~~The intent and purpose of the land development regulation, and related land development regulations and Comprehensive Plan provisions, is met or exceeded through an improved or alternate technology or design;~~
  - f. ~~The granting of the variance is necessary to protect the public health, safety or welfare; or~~
  - g. ~~The variance is necessary to comply with State or Federal law.~~
4. ~~If the PC determines that there is a lack of substantial competent evidence demonstrating compliance with at least one (1) of the foregoing criteria, the PC shall deny the variance request.~~
5. ~~The application for variance shall include all written justification, conceptual plans, site plans, citations to applicable authority, and other evidence that is necessary for the PC to determine compliance with the foregoing criteria. The PC shall disregard conclusory statements relating to the foregoing criteria that are unsupported by justification or evidence for the conclusion, and such statements shall not be considered substantial competent evidence to support the granting or denial of a variance. References to the Comprehensive Plan, land development regulations or other legal authority shall include citations to the specific provision(s) or authority supporting the conclusion. Evidence supporting a variance from technical provisions of the land development regulations shall be based on generally accepted professional standards and practices.~~
6. ~~The PC shall consider the request for variance at a meeting after giving appropriate notice to the applicant and abutting property owners.~~
7. ~~The procedure requirements of Section 407.2 shall be applicable to applications for variances under this section.~~
8. ~~Except where the Land Development Code provides otherwise, where a variance is necessary for approval of a preliminary site plan or preliminary plan, the variance request shall be approved prior to or simultaneously with~~

~~approval of the preliminary site plan or preliminary plan approval, or an amendment thereto.~~

9. ~~In granting any variance, the PC may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Code.~~

## SECTION 905. GREENSPACE REQUIREMENTS AND STANDARDS

### 905.2. Landscaping and Buffering

#### D. Specific Planting Requirements

##### 2. Specific Standards for Single and Two (2) Family Residential

- a. Minimum tree planting requirement. A minimum number of trees shall be planted or retained on all property upon which either a single-family dwelling, a two (2) family dwelling, or a mobile home on an individual lot is located or to be located in accordance with the following table:

Size of Lot (Square Feet)	Minimum Number of Trees
<u>Less than 6,000 or less</u>	1
6,001-8,999	2
9,000-11,999	3
12,000-14,999	4
15,000-17,999	5
18,000-43,559	6
1 Acre to Under 2.5 Acres	8
2.5 Acres to Under 5 Acres	6 per Developable Acre
5 Acres and Larger	4 per Developable Acre

- b. This requirement does not apply to lots of record existing before February 26, 2002. Trees planted in rights-of-ways pursuant to Section 905.3 shall not be counted toward the minimum number of trees required in this chart, but can be counted toward minimum number of replacement trees.
- c. The minimum number of trees per lot can be counted toward minimum number of replacement inches if the landscape plans show a variety of tree species to select from to ensure diversity. Tree species shall be non-invasive as noted in the Electronic Data Information Source (EDIS) of University of Florida/Institute of Food and Agricultural Sciences (US/IFAS).
- d. Lot trees counted toward replacement inches shall be two (2) inch caliber and six (6) feet in height.

- e. Trees planted in rights-of-ways pursuant to Section 905.3 shall not be counted toward the minimum number of trees required in this chart but can be counted toward minimum number of replacement trees inches.

4. Building Perimeters

- a. All shopping center, retail, office, apartment, ~~condominium~~ **multifamily**, ~~townhouse~~, clubhouse, and similar uses shall provide perimeter building landscaped beds in a minimum amount equal to ten (10) percent of the proposed building ground-level floor area.

**CHAPTER 1000. MISCELLANEOUS STRUCTURE REGULATIONS**

**SECTION 1003. GATES, FENCES, AND WALLS**

**1003.2. Exemptions**

- A. Gates, fences, and walls which are owned or erected by utility companies or owned, or erected, ~~or required by~~ **Pasco County or any state or federal governmental agencies** **agency**.

**CHAPTER 1100. SPECIAL DEVELOPMENT STANDARDS**

**1101.2. Applicability**

This section shall apply to sales, leasing, incidental display, storage, and service departments for land uses established on new or existing sites after January 25, 2005, new and preowned passenger and commercial vehicles, trucks, trailers, motorcycles, boats, and recreational vehicles (including golf carts, ATV, and similar vehicles), hereinafter referred to as vehicles. **This section shall not apply to the sales and leasing of vehicles that takes place from an indoor showroom, where no vehicles are stored or parked outside.**

**1101.3. Design and Use Standards for Sites Approved After January 25, 2005, or Establishment of a Vehicle Dealership Occurring After January 25, 2005**

- G. A greenspace buffer area no less than seventy-five (75) feet wide shall be provided along each vehicle dealership boundary abutting a residential district. The buffer shall be a Type H buffer. ~~Existing sites previously developed for another use that cannot be buffered to meet this standard may not be used.~~ Vehicles shall not be stored or displayed within landscaped, on-site greenspace, buffer areas, or within the rights-of-way.

**SECTION 1102. LARGE SCALE COMMERCIAL RETAIL DESIGN STANDARDS**

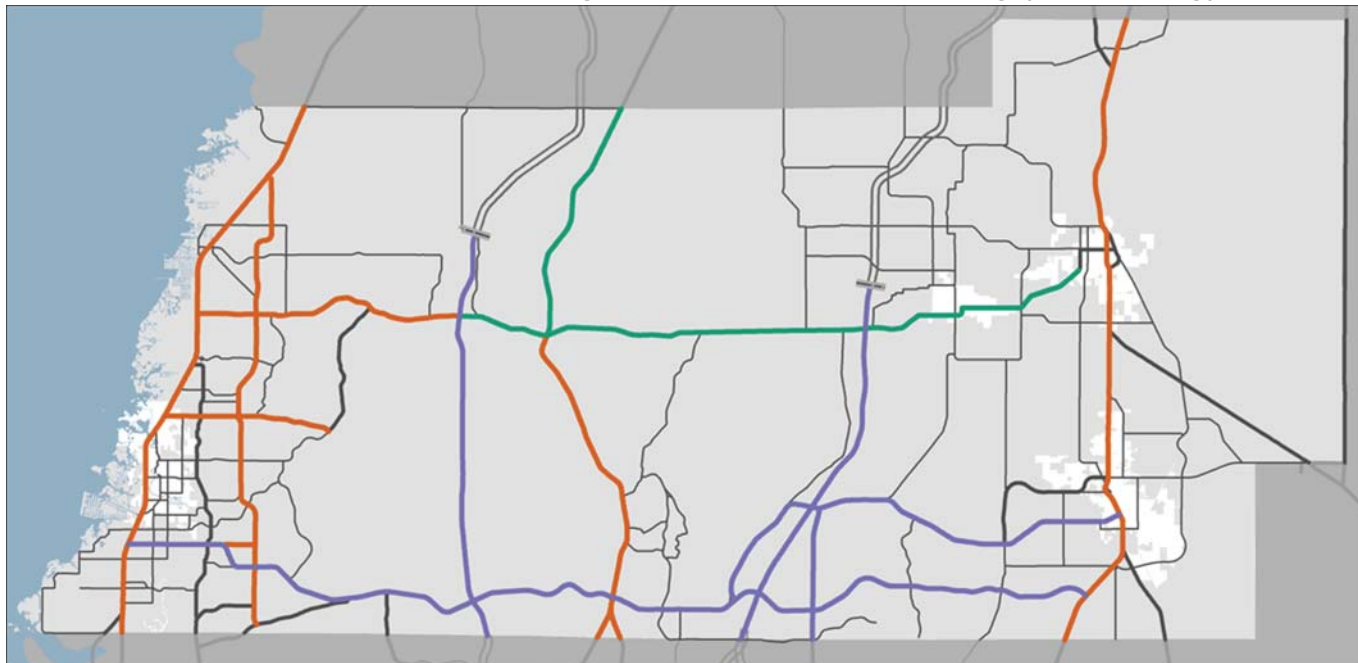
**1102.1. Intent and Purpose**

The intent and purpose of this section is to ~~implement those policies of the Pasco County Comprehensive Plan that regulate commercial development, specifically, Future Land Use Policies 1.1.8 and 3.1.3, and to provide developers the design standards necessary to address the unique characteristics of large scale commercial retail buildings and large scale commercial retail development projects because such uses attract a large number~~

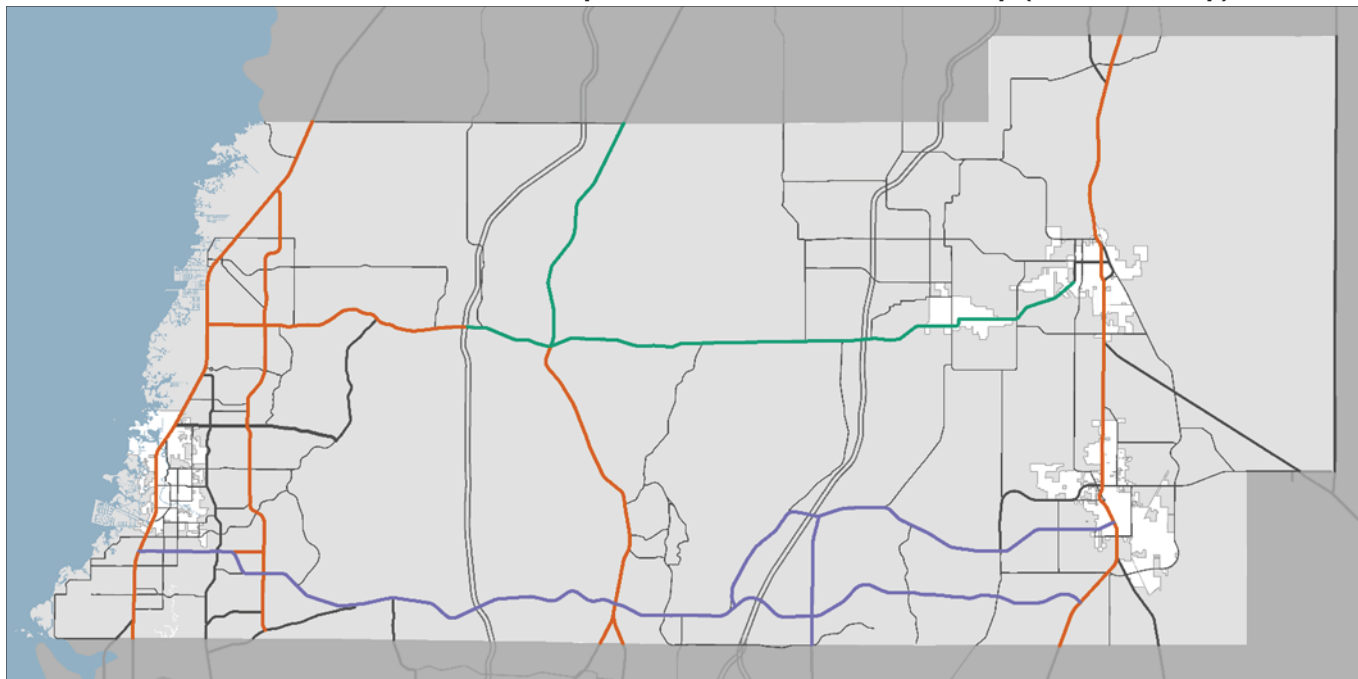
of people consistently and continually, requiring safe and effective pedestrian and motor vehicle circulations; demand large impervious areas, requiring enhanced landscaping to reduce glare, provide shade, and decrease stormwater runoff; and typically require large, one (1) story building structures with minimal windows that do not blend well with their surroundings.

SECTION 1105. SELF-STORAGE FACILITIES DESIGN STANDARDS

**FIGURE 1105.2-1: North 41/ East 52, Redevelopment, and Transit Corridors Map (Incorrect Map)**



**FIGURE 1105.2-1: North 41/ East 52, Redevelopment, and Transit Corridors Map (Corrected Map)**



**CHAPTER 1200. NONCONFORMITIES**

**SECTION 1204. NONCONFORMING LOTS**

1. In cases where a small lot of record does not conform to any single-family district, a minimum setback of fifteen (15) feet or other setback as determined by the County Administrator or designee, to be equitable, from any front, or rear lot line, or five (5) feet from any side lot line shall apply,

depending upon which dimension is substandard. **In determining an equitable front or rear setback, the County Administrator or designee shall use the approximate average depth of the front or rear yards of the nearest structures on the same side of the street within 200 feet.** If the lot width is sixty (60) feet or greater, then the minimum side setback shall be 7.5 feet.

## APPENDIX A

### DEFINITIONS

**Airport facility.** Any area of land or water improved, maintained, or operated by a governmental agency for the landing and takeoff of aircraft or privately owned, paved runways of 4,000 or more feet in length and any appurtenant area that is used for airport buildings, other airport facilities, or on-site rights-of-way airport obstruction. ~~Any structure, object of natural growth, existing condition, or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or which otherwise increase the risk of danger to aircraft operations.~~

**Alcoholic beverage business establishment.** Subject to the exemptions set forth in this Code, ~~Article 500~~ **Section 402.5.D**, any commercial premises including, but not limited to, a golf course clubhouse, grocery store, drugstore, nightclub, hotel, motel, lounge, cafe, bar, restaurant, grill, or filling station:

1. Where, in the ordinary course of business, the proprietor of the premises or his employees sell, or otherwise provide in exchange for consideration, an alcoholic beverage for consumption on or off said premises.
3. Where, in the ordinary course of business, the proprietor of the premises or his employees charge an admission fee of any sort for the purpose, in whole or in part, of allowing persons to consume an alcoholic beverage on the said premises.

Provided, however, that this definition shall not apply to nonprofit establishments, including fraternal lodges, social, and recreational clubs subject to this Code, ~~Article~~ **Chapter** 500, charitable organizations and civic clubs.