



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

August 29, 2022

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 Popplewell

Dear Nikki 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. 22-45, which was filed in this office on August 26, 2022.

Sincerely,

Anya Owens  
Program Administrator

ACO/wlh

BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 22-45

**AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE; CHAPTER 1100 SPECIAL DEVELOPMENT STANDARDS; SECTION 1101 VEHICLE DEALERSHIPS; 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, 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 County Commissioners of Pasco County, Florida adopted the restated Pasco County Land Development Code (LDC) on October 18, 2011, by Ordinance No. 11-15; and

**WHEREAS**, The Board of County Commissioners, during the March 8, 2022 adoption hearing of Ord. No. 22-11, imposing a temporary moratorium on the establishment or opening of any new or used car, truck, or van sales business, directed the Planning and Development Department to work with stakeholders to develop design standards to address employee and customer parking and vehicle inventory display and vehicle storage; and

**WHEREAS**, under the directive of the Board of County Commissioners, on April 13, 2022 and June 8, 2022, the Planning and Development Department held meetings with stakeholders; and

**WHEREAS**, on June 15, 2022, the subject proposed amendments were presented to and discussed with the LDC Interested Parties and the Horizontal Roundtable group; and

**WHEREAS**, the Local Planning Agency conducted a public hearing on July 21, 2022 and found the proposed amendments consistent with the Pasco County Comprehensive Plan; and

**WHEREAS**, the Board of County Commissioners has conducted duly noticed public hearings on August 9, 2022, and August 24, 2022 as required by law, at which hearings all parties-in-interest and citizens were afforded notice and the opportunity to be heard; 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.

**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 within ten (10) days after adoption and shall take effect upon such filing.

ADOPTED with a quorum present and voting this 24<sup>th</sup> day of August 2022.



NIKKI ALVAREZ-SOWLES, ESQ  
PASCO COUNTY CLERK & COMPTROLLER

APPROVED  
IN SESSION

AUG 24 2022

PASCO COUNTY  
BCC

BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

KATHRYN STARKEY, CHAIRMAN

# Attachment A

## CHAPTER 1100. SPECIAL DEVELOPMENT STANDARDS

### SECTION 1101. VEHICLE DEALERSHIPS

#### 1101.1. Intent and Purpose

The intent and purpose of this section is to protect residential land uses from intensive commercial uses that create noise, odors, glare, and blighting effects.

#### 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 display or storage of vehicles occurs outside of the building structure.

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

- A. No test drives shall occur on local residential roadways.
- B. To prevent glare visible from off-site locations, all lighting fixtures shall be a cut-off type fixture. The use of upward tilt and similar glare producing effects are prohibited. Floodlights are prohibited.

To limit overspill of lighting onto adjacent properties, lighting must be specifically designed such that the maximum average illumination measured at the property line does not exceed 0.5 foot candle on adjacent residential sites and one (1) foot candle on adjacent commercial sites and public rights-of-way measured on a horizontal plane on grade at the property line.

A detailed photometric plan depicting the light levels shall be submitted with the preliminary site plan application package. The submitted photometric plan shall show the location, type, and height of all fixtures and poles in foot candle output with points of calculations on a ten (10) foot by ten (10) foot grid, a maximum of thirty (30) feet beyond all property lines. The photometric plan shall provide a breakdown indicating the maximum foot candle, minimum foot candle, average maintained foot candles, and maximum to minimum ratios. Average light levels on a site shall not exceed the following standards:

Location on Site	Foot Candles
Front Row/Display Standards	40
General Auto Merchandising Area	25
Parking and Entrances	7

Prior to the Certificate of Occupancy on new sites, an inspection shall be conducted by the licensed electrical Engineer of Record for the project. A signed and sealed letter shall be submitted to the County by the electrical Engineer of Record confirming that all outdoor lighting has been installed according to the photometric plans approved by the County. This section shall supersede the lighting provisions of this Code, Section 1102.

- C. Amplified speaker/public address systems are prohibited except within fully enclosed buildings. Fully enclosed buildings do not include buildings with service bays and/or exterior walls that may be opened.
- D. Parking and display areas shall be designed so that each increment of no more than twenty (20) spaces are part of the clearly defined grouping of spaces. Such groups shall be broken into individual areas and/or clearly separated by landscaped or geographic features and/or by design components of the proposed building(s).
- E. The outdoor display and sales buffering provisions of this Code, Section 1102, shall not apply to vehicle use and display areas. However, vehicle sales, leasing, displays, storage, and service departments abutting right(s)-of-way shall be buffered pursuant to this Code, Section 905.2.
- F. Exterior display areas not within a parking deck (parking garage) shall not be elevated unless the said area is a permanent structure attached to the principal building and exceeds no more than 600 square feet in size and four (4) feet in height. Displays on roofs are prohibited. Elevation shall be measured from the finished grade of the interior parking area.
- G. The interior parking lot landscaping requirements of this Code shall apply, unless otherwise approved pursuant to Section 1101.5.
- H. Landscape buffers to adjacent properties shall be per LDC Section 905.2. The buffer to abutting residential properties shall be a Type H buffer. Vehicles shall not be stored or displayed within landscaped, on-site greenspace, buffer areas, or within the rights-of-way.
- I. All storage areas (those areas not readily available to the public), including vehicles to be serviced shall be located within the rear yard of the principal building and/or its accessory buildings, whichever is furthest from the right(s)-of-way.
- J. There shall be no outside display or sale of parts or tires.
- K. Service bay doors shall not face residential districts and must be oriented away from residential districts a minimum of ninety (90) degrees.
- L. Whenever reasonably possible, buildings shall be oriented to the highest classified street and areas of intensity or noxious activity should be located away from abutting residential properties. Buildings shall maintain minimum setbacks for the zoning district as noted in this Code Section 500.

1101.4. **Additional Design Standards for Sites Approved After August 25, 2022**

- A. Employee and Customer Parking. The applicant may choose one of the following methods to identify the Employee and Customer required parking.
1. Method 1: Employee and Customer parking shall be per this Code, Section 907.1 On-Site Parking unless otherwise approved through an Alternative Standard.
  2. Method 2: Detailed Parking Study/Narrative. This Study/Narrative may be used if an applicant is bound by minimum requirements by an OEM (Original Equipment Manufacturer) that differentiates customer parking requirements from overall desired parking levels (that may include inventory display, service vehicle storage, etc.). This Study/Narrative must contain the following:
    - a. Methodology for how the OEM calculates the required parking numbers.
    - b. The minimum number of parking spaces required by the OEM for:
      - (1) New/pre-owned/used sales customers
      - (2) service customers (if greater than the County's standard in LDC 907.1). The service related parking may be delineated within incoming and outgoing dedicated stacking lanes but must meet the minimum standard set forth in LDC 907.1.
  3. Method 3: For dealerships that sell new or used vehicles from multiple OEMs that are not obligated to the manufacturer's requirements may calculate the employee and customer parking as follows:
    - a. One parking space for each employee on the busiest shift plus one parking space for each 2,000 square feet combined building square footage and outdoor vehicle display area. If vehicle servicing is provided at the site, an additional 4 spaces per service bay is added. The service related parking may be delineated within incoming and outgoing dedicated stacking lanes.
  4. Use an alternate method approved by the County Administrator or designee. This method must include a reasonable estimate of daily customers and employees. This shall be reviewed through the formal Alternative Standard process.
- B. Vehicle Inventory Display and Vehicle Storage. Vehicle inventory display and storage must meet the following requirements.

1. Surface level vehicle inventory display and vehicle storage area (in square feet), combined with the ground floor area of building structures (in square feet), cannot exceed 50% of the developable acreage (in square feet). Building structures are still subject to the Floor Area Ratio limits of the Future Land Use (FLU) designation and maximum lot coverage limitations of the Zoning District.
    - a. For dealerships using vertical display or storage in a parking deck or similar style design, only the ground floor square footage is included in the above calculation. In such a parking deck style design, square footage of parking areas within the ground floor of the parking deck that are dedicated to service customers, sales customers or employees, may also be excluded from this calculation.
  2. Vehicle inventory display and vehicle storage cannot occupy parking spaces required by the LDC for employee and customer parking.
  3. Vehicle inventory display and vehicle storage cannot encroach into any right of way, landscape buffer, wetland, wetland upland buffer, or drainage pond and its related top of bank area as required by Code.
  4. Parking spaces for vehicle inventory display or storage shall be clearly delineated on site plans. The minimum size of these parking spaces for inventory display and/or vehicle storage shall be as specified in Code, Section 901.7.1.D(2). Where deemed appropriate by the County Administrator or designee, the parking space size requirement may be modified for consistency with current industry standards for the types of vehicles being displayed or stored at the dealership.
  5. Vehicle inventory storage areas may be parked in triple tandem (triple rows) in areas where primary access is limited to employees. The groups of triple tandem rows shall be separated by a minimum ten (10) foot wide path or a standard drive aisle as defined in LDC 901.7). Where deemed appropriate by the County Administrator or designee, quadruple tandem parking may be considered as part of the review process and will not require a formal Alternative Standard.
  6. Vehicle inventory display areas, that can be accessed by the customer/public, shall be parked in single or tandem (double) rows, separated by a minimum ten (10) foot wide path or a standard drive aisle as defined in LDC 901.7).
- C. Pedestrian Connectivity. While it is understood that vehicle inventory may need to be secured, dealership sites should be designed in a manner to limit obstructions to existing pedestrian connectivity between abutting residential neighborhoods or districts and pedestrian trails, paths, or sidewalks. If, at the County Administrator or designee's determination, pedestrian flow is deemed to be obstructed, the dealership may be required to install a form of pedestrian



connection to mitigate for the obstruction, as deemed sufficient by the County Administrator or designee.

1101.5. **All Site Plans Whether Approved Prior to August 25, 2022 or After may avail themselves of the following standards in lieu of following Section 905.2**

- A. The outdoor display and sales buffering provisions of this Code, Section 1102, shall not apply to vehicle use and display areas. Vehicle sales, leasing, displays, storage, and service departments abutting right(s)-of-way shall be buffered pursuant to this Code, Section 905.2. However, as certain species of shade trees may create hardships for vehicle display areas, understory trees (other than Crepe Myrtles) may be substituted for up to 50% of the required shade trees, at a 2:1 ratio (two understory trees for one shade tree), where vehicle display areas abut rights-of-way. Understory trees used in this manner must have a minimum mature height of at least ten (10) feet. Where Palm trees are substituted, the ratio is 3:1. Palm trees used in this manner must have a minimum mature height of at least ten (10) feet. Linear spacing standards from this Code section 905.2 apply. For example, if a 300 foot right-of-way frontage requires ten shade trees, this substitution allows for five shade trees and ten understory trees within that 300 feet, with spacing of trees not more than 20 feet between trees. Existing sites modifying only landscaping shall be processed as a Landscape Plan in accordance with this Code, Section 403.10.
- B. Parking island landscaping. The interior parking lot landscaping requirements of this Code shall apply. However, as certain species of shade trees may create hardships for vehicle display areas, understory trees (other than Crepe Myrtles) may be substituted for shade trees at a 2:1 ratio (two understory trees for one shade tree) internal to the vehicle display area. Understory trees used in this manner must have a minimum mature height of at least ten (10) feet. Where Palm trees are substituted, the ratio is 3:1. Palm trees used in this manner must have a minimum mature height of at least ten (10) feet. This substitution allowance does not apply to employee/customer parking areas without approval through the Alternative Standard process.

1101.6. **Use Standards for Sites Approved Prior to January 25, 2005**

For site plan approval prior to January 25, 2005, and the said approval has not expired:

- A. No test drives shall occur on local residential roadways.
- B. Amplified speaker/public address systems are prohibited except within fully enclosed buildings. Fully enclosed buildings do not include buildings with service bays and/or exterior walls that can be opened.