

AN ACT TO BE ENTITLED

AN ORDINANCE AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE, SECTIONS 201, 306 AND 610, REPEALING ARTICLE 607, AND CREATING A NEW ARTICLE 319 FOR TRANSPORTATION CORRIDOR MANAGEMENT; PROVIDING PROCEDURES AND REQUIREMENTS FOR DENSITY TRANSFERS AND INTERIM USES IN TRANSPORTATION CORRIDORS; PROVIDING REQUIREMENTS FOR RIGHT-OF-WAY DEDICATION; PROVIDING PROCEDURES, REQUIREMENTS, AND DEADLINES TO REQUEST WAIVER OF, OR COMPENSATION FOR, RIGHT-OF-WAY DEDICATION AND OTHER TRANSPORTATION REQUIREMENTS; PROVIDING SPACING, RIGHT-OF-WAY, AND DESIGN STANDARDS FOR NEW COLLECTOR AND ARTERIAL ROADWAYS; AMENDING SUBMITTAL REQUIREMENTS AND TECHNICAL REVIEW AND PUBLIC HEARING PROCEDURES FOR SECTION 306 DEVELOPMENT APPROVALS; PROVIDING FOR NEW AND AMENDED DEFINITIONS; PROVIDING FOR REPEALER, MODIFICATION, SEVERABILITY, INCLUSION IN CODE, APPLICABILITY, EFFECTIVE DATE AND RELATIONSHIP TO COMPREHENSIVE PLAN.

WHEREAS, Pasco County has studied the transportation needs of the County; and

WHEREAS, Pasco County has adopted a 2025 Long Range Transportation Plan, and a Transportation Corridor Preservation Map and Table in the Comprehensive Plan Transportation Element pursuant to Section 337.273, Florida Statutes to assure county-wide continuity of the transportation system;

WHEREAS, it is in the best interests of the public and citizens of the County to anticipate future needs in areas where right of way does not exist, where roads have not yet been constructed or where roads have not been developed to the full proposed extent as shown in the Transportation Corridor Preservation Map and Table in order to establish harmonious, orderly, efficient development of the County and ensure a safe and efficient transportation system;

WHEREAS, the preservation, protection, or acquisition of right-of-way and transportation corridors, and the establishment of right-of-way, design and spacing standards for new collector and arterial roadways, are necessary to implement coordinated land use and transportation planning, to provide for future planned growth, to ensure that the County transportation system is adequate to meet future needs, and to ensure that concurrency requirements of the County for transportation are satisfied;

WHEREAS, the interim use of land in future right-of-way provides means for economic use of land until that land is needed for transportation purposes;

WHEREAS, future corridors and right-of-way must be protected from permanent encroachment to ensure availability consistent with long-range plans for the development of the County;

WHEREAS, owners of land which is located in or adjacent to right-of-way or future rights of way are entitled to certainty in the process of land development;

WHEREAS, right-of-way dedicated as a condition of development approval serves to ensure an adequate transportation system for proposed development and satisfy concurrency requirements;

WHEREAS, Pasco County desires to establish procedures for developers to request waivers of, or compensation for, right-of-way dedications and other transportation requirements where such requirements are not roughly proportional to the transportation impacts of the proposed development;

WHEREAS, it is necessary to modify submittal requirements and technical review and public hearing procedures for Section 306 development approvals to accommodate dedication waiver/compensation requests and adequately review the transportation impacts and transportation system of proposed development;

WHEREAS, adoption of this Ordinance implements the goals, objectives and policies of the Pasco County Comprehensive Plan, including Policies 2.1.3.e., 2.3.1, 2.3.2, 2.3.3 and 2.3.4 and Objectives 2.1 and 2.3 of the Transportation Element and Policies 1.2.19 and 3.2.3 and Objectives 1.2 and 3.2 of the Future Land Use Element;

WHEREAS, the management of the County's transportation corridors ensures that land use development in the County is planned and coordinated in consideration of the needs of the County for the development of future roads.

NOW, THEREFORE, the Board of County Commissioners hereby adopts the following amendments to the Pasco County Land Development Code which shall be collectively referred to as the "Pasco County Right-of-Way Preservation Ordinance".

SECTION 1. AMENDMENTS TO SECTION 201 OF THE LAND DEVELOPMENT CODE.

1.1 The definition of "Density, Gross" in Section 201 shall be amended to read as follows:

Density, Gross

As a general rule, the total number of dwelling units divided by the total number of acres on the site equals gross density. This calculation includes within it all internal roadways, parks, right-of-way, transportation corridors, substations, drainage easements, and environmental areas, etc. Consult the text for policies applicable to the computation of gross density.

1.3 A new definition, "Transportation Corridors", shall be added to Section 201, Definitions, to read as follows:

Transportation Corridors

All land occupied or used or intended to be occupied or used as a street or roadway and shown on the Pasco County Comprehensive Plan Transportation Element Transportation Corridor Preservation Map and Table, as amended, which may include areas for medians, shoulders, frontage roads, drainage, buffers, landscaping, sidewalks, bike paths, utilities and other roadway related improvements.

SECTION 2. AMENDMENTS TO SECTION 306 OF THE LAND DEVELOPMENT CODE.

2.1 Section 306.3.C., Preliminary Site Plan (Class I and II Developments), shall be amended to add the following sections:

27. All land within the proposed development which is located in a Transportation Corridor.

28. All existing and planned arterials and collectors within the proposed development and within one (1) mile of the proposed development.

29. Traffic Impact Study (TIS)

- a. Application.
- b. TIS Review Fee, if applicable.
- c. Approved TIS if approved after June 8, 1999, including list of mitigation requirements.
- d. Comparison of land use assumptions and build-out date in the TIS with the land uses and build-out date in the project submitted.

30. Substandard Roads (as defined in the TIS Guidelines)

- a. Application.
- b. Review Fee, if applicable.
- c. Approved substandard road study, if completed, including list of mitigation requirements.
- d. Comparison of land use assumptions in the substandard road study with the land uses in the project submitted.

31. Access-Management Application.

32. U.S. 19 Concurrency study, if applicable.

2.2 Section 306.3.D.1. Class III E, shall be amended to add the following sections:

- e. The plan or survey shall identify all land within the proposed development which is located in a Transportation Corridor.

f. The plan or survey shall identify all existing and planned arterials and collectors within the proposed development and within one (1) mile of the proposed development.

g. Access Management Application.

2.3 Section 306.3.D.2. Class IIIR shall be amended to add the following sections:

(12) All land within the proposed development which is located in a Transportation Corridor.

(13) All existing and planned arterials and collectors within the proposed development and within one (1) mile of the proposed development.

(14) Traffic Impact Study (TIS)

a. Application.

b. TIS Review Fee, if applicable.

c. Approved TIS if approved after June 8, 1999, including list of mitigation requirements.

d. Comparison of land use assumptions and build-out date in the TIS with the land uses and build-out date in the project submitted.

(15) Substandard Roads (as defined in the TIS Guidelines)

a. Application.

b. Review Fee, if applicable.

c. Approved substandard road study, if completed, including list of mitigation requirements.

d. Comparison of land use assumptions in the substandard road study with the land uses in the projected submitted.

(16) Access-Management Application.

(17) U.S. 19 Concurrency study, if applicable.

2.4 Section 306.3.D.3. Class IIIU, shall be amended to add the following sections:

aa. All land within the proposed development which is located in a Transportation Corridor.

bb. All existing and planned arterials and collectors within the proposed development and within one (1) mile of the proposed development.

cc. Traffic Impact Study (TIS)

(i) Application.

(ii) TIS Review Fee, if applicable.

(iii) Approved TIS if approved after June 8, 1999, including list of mitigation requirements.

(iv) Comparison of land use assumptions and build-out date in the TIS with the land uses and build-out date in the project submitted.

dd. Substandard Roads (as defined in the TIS Guidelines)

(i) Application.

(ii) Review Fee, if applicable.

(iii) Approved substandard road study, if completed, including list of mitigation requirements.

(iv) Comparison of land use assumptions in the substandard road study with the land uses in the project submitted.

ee. Access-Management Application.

ff. U.S. 19 Concurrency study, if applicable.

2.5 Section 306.3.E.2. Technical Review, is amended to read as follows:

2. Technical Review

a. Prior to any final determination regarding any preliminary Class II and Class IIIU developments, the Development Review Committee shall hold a separate public meeting on the proposed development **no later than fifty (50) days following completion of the**~~no later than forty-five (45) days after an application for a Class II development has been accepted for technical review and no later than sixty (60) days after an application for a Class IIIU development has been accepted for~~ technical review **set forth below**. Public notice shall be given prior to the said hearings.

The public notice shall consist of publication in a newspaper of general circulation in the County: the project name; developer; scope; location; and notice of the date, time, and location of the Development Review Committee meeting at which the proposed development will be considered. The said notice shall be published at least fourteen (14) days prior to the Development Review Committee meeting at which the proposed development will be considered and shall include notice of the provisions of appeal of the development approval/disapproval established in this code. All determinations for Class II and Class IIIU developments shall then, upon proof of appropriate public notice, be referred to the Development Review Committee for final action at the date, time, and location established by the public notice.

In addition to the above-noticed requirements, a sign shall be posted on the land which is the subject of the hearing, at least fourteen (14) days prior to that

date of the Development Review Committee meeting at which the proposed development plan will be considered. The sign shall be erected on the property in such a manner as to allow the public to view the same from one or more streets. In the case of property not readily accessible, the sign shall be erected on the nearest street right-of-way, with an attached notation indicating the general distance and direction to the property for which development approval is sought. In all cases, the number of signs to be used shall be left to the discretion of the County Administrator, or his designee; provided that the numbers shall be reasonably calculated to adequately inform the public of the consideration of the proposed development plan.

Notice of the time, place, and purpose of the Development Review Committee meeting shall also be mailed to owners of property directly affected by the proposed development. For the purposes of this code, persons or property owners directly affected by the proposed development shall be presumed to be those who own property immediately abutting the property lines of the land for which the development approval is sought, or who own property immediately across a street or other easement from such land. For the purposes of this code, names and addresses of property owners shall be deemed those appearing on the latest ad valorem tax rolls of Pasco County.

Proof of publication, mailing, and posting of the notice required above shall be presented, by affidavit, at the Development Review Committee meeting.

The applicant shall be entitled to one (1) continuance of the scheduled public meeting at their request. Other continuances of the scheduled public meeting may be granted at the discretion of the Development Review Committee.

b. Once accepted for technical review, the County Administrator, or his designee, shall have ~~twenty-one~~ ~~fourteen~~ (2114) days for all Class IIIE developments, ~~thirty-five~~ ~~twenty-eight~~ (3528) days for all Class I and IIIR developments, ~~forty-five~~ ~~thirty~~ (4530) days for all Class II developments, and ~~forty-five~~ ~~forty~~ (4540) days for all Class IIIU developments to formulate technical review comments on the development application. The developer shall be notified immediately thereafter of the technical review comments.

c. The developer shall have 180 days ~~for Class I, IIIE, and IIIR developments~~ to respond to the technical review comments, submit the requested additional or revised information, and, where applicable, complete (including all appeals) Traffic Impact Studies required by Section 402.10, Section 618.3 or Resolution No. 04-203, as amended, and Dedication Waiver requests pursuant to Section 319.9. ~~Response to the technical review comments and resubmittal of revised plans for Class II and IIIU developments shall be submitted a minimum of ten (10) days prior to the scheduled public meeting of the Development~~

~~Review Committee.~~ Upon request by the developer, an extension of time may be granted by the County Administrator, or his designee, upon a showing by the developer that a good faith effort is being made to provide the additional or revised information, or complete the Traffic Impact Studies or Dedication Waiver request, and that additional time is required. In the event a response is not received or an extension obtained, the application shall be considered withdrawn.

d. Upon receipt of the additional or revised information, the County Administrator, or his designee, shall have ~~seven (7)~~ fifteen (15) days for all Class IIIE developments and ~~fourteen (14)~~ fifteen (15) days for all Class I, II, IIIU and IIIR developments to review the additional or revised information. At the end of the time frame, the County Administrator, or his designee, shall either finalize their determination or request additional information concerning the response to the technical review comments. If additional information is requested, the developer shall have thirty (30) days to respond to the request for additional information. Upon request by the developer, an extension of time may be granted by the County Administrator, or his designee, upon a showing by the developer that a good faith effort is being made to provide the additional or revised information. In the event a response is not received or an extension obtained, the application shall be considered withdrawn. Each submission of additional information shall be reviewed by the County in accordance with this paragraph; provided, however, the developer may, at its option, declare technical review to be complete when the developer has responded to the initial technical review comments or anytime thereafter when responding to additional technical review comments. If the developer makes such a declaration in writing, the County Administrator, or his designee, shall finalize his determination no later than thirty-five (35) days after receipt of the written declaration for Class I, IIIE, and IIIR developments, and no later than forty (40) days after receipt of the written declaration for Class II and Class IIIU developments. For Class II and Class IIIU developments, the Development Review Committee shall hold the public meeting on the proposed development no later than fifty (50) days following receipt of the written declaration.

e. Upon finalization of determinations for Class I, IIIE, and IIIR developments, notification of the development approval or disapproval action shall be provided by publication of the project name, developer, scope, location, and date of approval or disapproval in a newspaper of general circulation in the County. The said notice shall be published within fourteen (14) days of the final determination and shall include notice of the provisions for appeal of the development approval or disapproval established in this code. If a determination has not been made within the required time by the County Administrator, or his

designee, the plans shall be automatically submitted to the next available meeting of the Development Review Committee for action.

Notice of the development plan determination shall also be mailed to owners of property directly affected by the determination. For the purposes of this code, persons or property owners directly affected by the determination shall be presumed to be those who own property immediately abutting the property lines of the land for which the determination was made, or who owns property immediately across a street or other easement from such land. For the purposes of this code, names and addresses of property owners shall be deemed those appearing on the latest ad valorem tax rolls of Pasco County.

Proof of publication, ~~and mailing, and posting~~ of the notice required above shall be placed in the project file.

The County Administrator, or his designee, shall be responsible for approving or disapproving all Class I, IIIE, and IIIR developments. The Development Review Committee shall be responsible for approving or disapproving all Class II and Class IIIU developments. Neither the Development Review Committee nor the County Administrator, or his designee, shall approve or recommend approval of any preliminary site plan or preliminary plan until the said plans satisfactorily comply with this code and the Comprehensive Plan.

2.6 Section 306.4.B.2. Technical Review, is amended to read as follows:

2. Technical Review

a. Once accepted for technical review, the County Administrator, or his designee, shall have ~~twenty-eight (28)~~ ~~thirty-five (35)~~ days for all Class I and IIIR developments, ~~thirty-five (35)~~ ~~forty-five (45)~~ days for all Class II developments, and ~~thirty-five (35)~~ ~~forty-five (45)~~ days for all Class IIIU developments to formulate technical review comments on the development application. The developer shall be notified immediately thereafter of the technical review comments.

~~e.b.~~ The developer shall have 180 days to respond to the technical review comments, submit the requested additional or revised information, ~~and, where applicable, complete (including all appeals) Dedication Waiver requests pursuant to Section 319.9.~~ Upon request by the developer, an extension of time may be granted by the County Administrator, or his designee, upon a showing by the developer that a good faith effort is being made to provide the additional or revised information, ~~or complete the Dedication Waiver request,~~ and that additional time is required. In the event a response is not received or an extension obtained, the application shall be considered withdrawn.

c. Upon receipt of the additional or revised information, the County Administrator, or his designee, shall have ~~thirty (30)~~ ~~twenty-one (21)~~ ~~days for all Class I and IIIR developments, twenty-eight (28) days for all Class II developments, and twenty-eight (28) days for all Class IIIU developments~~ to review the additional or revised information. At the end of the time frame, the County Administrator, or his designee, shall either finalize their determination or request additional information concerning the response to the technical review comments. If additional information is requested, the developer shall have thirty (30) days to respond to the request for additional information. Upon request by the developer, an extension of time may be granted by the County Administrator, or his designee, upon a showing by the developer that good faith effort is being made to provide the additional or revised information. In the event a response is not received or an extension obtained, the application shall be considered withdrawn. Each new submission of additional information shall be reviewed by the County in accordance with this paragraph; provided, however, the developer may, at its option, declare technical review to be complete when the developer has responded to the initial technical review comments or anytime thereafter when responding to additional technical review comments. If the developer makes such a declaration in writing, the County Administrator, or his designee shall finalize his determination no later than thirty-five (35) days after receipt of the written declaration for Class I and IIIR developments, and no later than forty (40) days after receipt of the written declaration for Class II and Class IIIU developments. For Class II and Class IIIU developments, the Development Review Committee shall hold the public meeting on the proposed development no later than fifty (50) days following receipt of the written declaration.

3. The County Administrator, or his designee, shall be responsible for approving or disapproving all stormwater management plans and reports involving Class I, II, IIIR, and IIIU developments. The County Administrator, or his designee, shall not approve or recommend approval of any stormwater management plans and reports until the said plans and reports satisfactorily comply with this code and the Comprehensive Plan.

2.7 Section 306.6.B.2. Technical Review is amended to read as follows:

2. Technical Review

a. Once accepted for technical review, the County Administrator, or his designee, shall have ~~twenty-eight (28)~~ ~~thirty-five (35)~~ days for all Class I and IIIR developments, ~~forty-five~~ ~~twenty-eight (4528)~~ days for all Class II developments, and ~~thirty-five (35)~~ ~~forty-five (45)~~ days for all Class IIIU developments to formulate technical review comments

on the development application. The developer shall be notified immediately thereafter of the technical review comments.

b. The developer shall have 180 days to respond to the technical review comments, ~~and~~ submit the requested additional or revised information, ~~and, where applicable, complete (including all appeals) Traffic Impact Studies required by Section 402.10, Section 618.3 or Resolution No. 04-203, as amended, and Dedication Waiver requests pursuant to 319.9.~~ Upon request by the developer, an extension of time may be granted by the County Administrator, or his designee, upon a showing by the developer that a good faith effort is being made to provide the additional or revised information, ~~or complete the Traffic Impact Studies or Dedication Waiver request,~~ and that additional time is required. In the event a response is not received or an extension obtained, the application shall be considered withdrawn.

c. Upon receipt of the additional or revised information, the County Administrator, or his designee, shall have twenty-one (21) days ~~for all Class I and III R developments, twenty-one (21) days for all Class II developments, and twenty-eight (28) days for all Class III U developments~~ to review the additional or revised information. At the end of the time frame, the County Administrator, or his designee, shall either finalize their determination or request additional information concerning the response to the technical review comments. ~~If additional information is requested, the developer shall have thirty (30) days to respond to the request for additional information. Upon request by the developer, an extension of time may be granted by the County Administrator, or his designee, upon a showing by the developer that good faith effort is being made to provide the additional or revised information. In the event a response is not received or an extension obtained, the application shall be considered withdrawn. Each new submission of additional information shall be reviewed by the County in accordance with this paragraph; provided, however, the developer may, at its option, declare technical review to be complete when the developer has responded to the initial technical review comments or anytime thereafter when responding to additional technical review comments. If the developer makes such a declaration in writing, the County Administrator, or his designee shall finalize his determination no later than thirty-five (35) days after receipt of the written declaration.~~

4. The County Administrator, or his designee, shall be responsible for approving or disapproving all Class I, II, III R, and III U developments. The County Administrator, or his designee, shall not approve or recommend approval of any construction plans until the said plans and specifications satisfactorily comply with this code and the Comprehensive Plan.

2.8 Section 306.8.B.2 Technical Review is amended to read as follows:

2. Technical Review

a. Prior to any final determination regarding any simultaneous submittal of any Class II and Class IIIU developments, the Development Review Committee shall hold a separate public meeting on the proposed development **no later than fifty (50) days following completion** of the technical review **set forth below**. Public notice shall be given prior to the said hearings.

The public notice shall consist of publication in a newspaper of general circulation in the County: of the project name; developer; scope; location; and notice of the date, time, and location of the Development Review Committee meeting at which the proposed development will be considered. The said notice shall be published at least fourteen (14) days prior to the Development Review Committee meeting at which the proposed development will be considered and shall include notice of the provisions of appeal of the development approval/disapproval established in this code. All determinations for Class II and Class IIIU developments shall then, upon proof of appropriate public notice, be referred to the Development Review Committee for final action at the date, time, and location established by the public notice.

In addition to the above-noticed requirements, a sign shall be posted on the land which is the subject of the hearing, at least fourteen (14) days prior to that date of the Development Review Committee meeting at which the proposed development plan will be considered. The sign shall be erected on the property in such a manner as to allow the public to view the same from one or more streets. In the case of property not readily accessible, the sign shall be erected on the nearest street right-of-way, with an attached notation indicating the general distance and direction to the property for which development approval is sought. In all cases, the number of signs to be used shall be left to the discretion of the County Administrator, or his designee; provided that the numbers shall be reasonably calculated to adequately inform the public of the consideration of the proposed development plan.

Notice of the time, place, and purpose of the Development Review Committee meeting shall also be mailed to owners of property directly affected by the proposed development. For the purposes of this code, persons or property owners directly affected by the proposed development shall be presumed to be those who own property immediately abutting the property lines of the land for which the development approval is sought, or who own property immediately across a street or other easement from such land. For the purposes of this code, names and addresses of property owners shall be deemed those appearing on the latest ad valorem tax rolls of Pasco County.

Proof of publication, mailing, and posting of the notice required above shall be presented, by affidavit, at the Development Review Committee meeting.

The applicant shall be entitled to one (1) continuance of the scheduled public meeting at their request. Other continuances of the scheduled public meeting may be granted at the discretion of the Development Review Committee.

b. Once accepted for technical review, the County Administrator, or his designee, shall have ~~thirty-five (35)~~ **forty-five (45)** days for all Class I and IIIR developments, ~~forty-five (45)~~ **forty (40)** days for all Class II developments, and ~~forty-five (45)~~ **forty-five (45)** days for all Class IIIU developments to formulate technical review comments on the development application. The developer shall be notified immediately thereafter of the technical review comments.

c. The developer shall have 180 days ~~for Class I and IIIR developments~~ to respond to the technical review comments, ~~and~~ submit the requested additional or revised information, ~~and, where applicable, complete (including all appeals) Traffic Impact Studies required by Section 402.10, Section 618.3 or Resolution No. 04-203, as amended, and Dedication Waiver requests pursuant to Section 319.9.~~ ~~Response to the technical review comments and resubmittal of revised plans for Class II and IIIU developments shall be submitted a minimum of ten (10) days prior to the scheduled public meeting of the Development Review Committee.~~ Upon request by the developer, an extension of time may be granted by the County Administrator, or his designee, upon a showing by the developer that a good faith effort is being made to provide the additional or revised information, ~~or complete the Traffic Impact Studies or Dedication Waiver request~~, and that additional time is required. In the event a response is not received or an extension obtained, the application shall be considered withdrawn.

d. Upon receipt of the additional or revised information, the County Administrator, or his designee, shall have ~~fourteen (14)~~ **twenty-one (21)** days ~~for all Class I and IIIR developments~~ to review the additional or revised information. At the end of the time frame, the County Administrator, or his designee, shall either finalize their determination or request additional information concerning the response to the technical review comments. ~~If additional information is requested, the developer shall have thirty (30) days to respond to the request for additional information. Upon request by the developer, an extension of time may be granted by the County Administrator, or his designee, upon a showing by the developer that good faith effort is being made to provide the additional or revised information. In the event a response is not received or an extension obtained, the application shall be considered~~

withdrawn. Each new submission of additional information shall be reviewed by the County in accordance with this paragraph; provided, however, the developer may, at its option, declare technical review to be complete when the developer has responded to the initial technical review comments or anytime thereafter when responding to additional technical review comments. If the developer makes such a declaration in writing, the County Administrator, or his designee shall finalize his determination no later than thirty-five (35) days after receipt of the written declaration for Class I and IIIR developments, and no later than forty (40) days after receipt of the written declaration for Class II and Class IIIU developments. For Class II and Class IIIU developments, the Development Review Committee shall hold the public meeting on the proposed development no later than fifty (50) days following receipt of the written declaration.

e. Upon finalization of determinations for Class I and IIIR developments, notification of the development approval or disapproval action shall be provided by publication of the project name, developer, scope, location, and date of approval in a newspaper of general circulation in the County. The said notice shall be published within fourteen (14) days of the final determination and shall include notice of the provisions for appeal of the development approval established in this code. If a determination has not been made within the required time by the County Administrator, or his designee, the plan shall be automatically submitted to the next available meeting of the Development Review Committee for action.

Notice of the development plan determination shall also be mailed to owners of property directly affected by the determination. For the purposes of this code, persons or property owners directly affected by the determination shall be presumed to be those who own property immediately abutting the property lines of the land for which the determination was made, or who owns property immediately across a street or other easement from such land. For the purposes of this code, names and addresses of property owners shall be deemed those appearing on the latest ad valorem tax rolls of Pasco County.

Proof of publication, ~~and mailing, and posting~~ and mailing of the notice required above shall be placed in the project file.

No consideration in the review shall be given to the costs or difficulties in amending either the preliminary or stormwater management, or construction plans. Construction plans will be approved only after the preliminary plans and stormwater management plans have been formally approved.

The County Administrator, or his designee, shall be responsible for approving or disapproving all Class I and Class III R developments. The Development Review Committee shall be responsible for approving or disapproving all Class II and Class III U developments. Neither the Development Review Committee nor the County Administrator, nor his designee, shall approve or recommend approval of any simultaneous submittal unless the said plans satisfactorily comply with this code and the Comprehensive Plan.

2.9 Section 306.10.C. is amended to read as follows:

C. Within fourteen (14) working days following receipt of the check prints above, the County Administrator, or his designee, will then notify the developer and/or his surveyor in writing of all deficiencies in the final record plat, if any. All field reinspections shall be charged a fee pursuant to the current fee schedule, and the said fees shall become payable prior to record platting. The developer shall cause the correction of all deficiencies, **and, where applicable, complete (including all appeals) Traffic Impact Studies required by Section 402.10, Section 618.3 or Resolution No. 04-203, as amended and Dedication Waiver requests pursuant to Section 319.9,** and submit a correct original plat together with nine (9) paper prints, one (1) white opaque canvas, and four (4) reproducible mylar copies within ninety (90) days. Upon request by the developer, an extension of time may be granted by the County Administrator, or his designee, upon a showing by the developer that a good faith effort is being made to provide the additional or revised information, **or complete the Traffic Impact Studies or Dedication Waiver request,** and that additional time is required. In the event a response is not received or an extension obtained, the application shall be considered withdrawn. Once properly corrected, the plat shall be submitted to the County Administrator or his designee, within ten (10) working days, to the Board together with his recommendations for its consideration.

SECTION 3. ADOPTION OF ARTICLE 319 OF THE LAND DEVELOPMENT CODE.

A new Article 319, entitled Transportation Corridor Management, shall be adopted to read as follows:

319. TRANSPORTATION CORRIDOR MANAGEMENT

319.1 Intent and Purpose

A. The intent of this Section is to coordinate the full development of roads within transportation corridors and the planning of future transportation corridors and roads with land use planning within and adjacent to the corridors to promote orderly growth to meet concurrency requirements and to maintain the integrity of the corridor for transportation purposes.

B. The adoption of this Article is necessary in order to preserve, protect, and provide for the dedication and/or acquisition of right-of-way and transportation corridors that are necessary to provide future transportation facilities and facility improvements to meet the needs of growth projected in the County comprehensive plan and to coordinate land use and transportation planning. These corridors are part of a network of transportation facilities and systems which provide mobility between and access to businesses, homes, and other land uses throughout the jurisdiction, the region, and the state. The Board of County Commissioners recognizes that the provision of an adequate transportation network is an essential public service. The plan for that transportation network is described in the County Comprehensive Plan, and the Transportation Corridor Preservation Map and Table, and implemented through a capital improvements program, other policies and procedures, and through regulations on land use and development as well as regulations to preserve and protect the corridors and right-of-way for the transportation network. The purpose of this Article is to foster and preserve public health, safety, comfort, and welfare and to aid in the harmonious, orderly, and beneficial development of the County in accordance with the Comprehensive Plan.

C. Ensuring that arterial, collector and other roads and related facilities are safe and efficient, in coordination with a plan for the control of traffic, is the recognized responsibility of the County, in accordance with Sections 125.01(1)(m) and (w), Florida Statutes, and is in the best interest of the public health, safety, welfare, and convenience.

D. Implementing methods of ensuring adequate transportation facilities to accommodate the citizenry of Pasco County now and in the future is the responsibility of the County in order to carry out the Transportation Element of its Comprehensive Plan, under Section 163.3161, Florida Statutes, and is in the best interest of public health, safety, welfare, and convenience.

E. This Section imposes special development regulations and procedures on all land located within Transportation Corridors in order to ensure the availability of land within the Transportation Corridors to meet the transportation needs of the County as shown in the Comprehensive Plan and the Transportation Corridor Preservation Map and Table, and to promote the public health, safety, welfare and convenience of the County and its citizens.

F. This Section is intended to protect Transportation Corridors from encroachment by structures or other development except under special conditions.

319.2 Applicability

For purposes of jurisdictional applicability, this Article 319 shall apply to all development on land where any portion of the development site is within the jurisdiction of the County and

shown on the County Transportation Corridor Preservation Map and Table. This Article shall apply in a municipality within Pasco County only upon Pasco County and the municipality entering into an interlocal agreement providing for the application of this Article, or portions thereof, within the municipality.

For purposes of geographic applicability, if all or any portion of a proposed development site or expanded development site for which a Section 306 development approval or development permit/order is required, is located within a Transportation Corridor, the provisions of this Article 319 shall apply. In addition, the County may apply Article 319 to other development permits/orders if all or any portion of the proposed development site or expanded development site is located within a Transportation Corridor.

For purposes of timing applicability, Article 319 shall apply to Section 306 development approvals, or substantial modification thereof, for which a complete application has been filed or for which a Section 306 development approval has expired or been denied, after the effective date of this Article, unless the County and the applicant agree to an earlier application date. In addition, the County may apply Section 319 to other development permits/orders, or substantial modification thereof, for which a complete application has been filed, or for which the development permit or order has expired or been denied, after the effective date of this Article, unless the County and applicant agree to an earlier application date. For Section 306 development approvals, this Article shall govern in the event of a conflict between this Article and prior development permits/orders.

319.3 Procedures

A. As part of the development review process described in Section 306, all applications for development approvals shall show the location of any Transportation Corridor which is located on any portion of the development site or expanded development site or on any portion of the land which is the subject of the application. All such applications shall be reviewed by the County Administrator or his designee to determine whether any portion of the proposed project is within a Transportation Corridor.

B. All Section 306 development approvals shall include findings or conditions addressing the consistency of the proposed project with the Transportation Corridor.

319.4 Definitions

A. The words or phrases used herein shall have the meaning prescribed in Section 200 except as otherwise specifically set forth herein.

B. Development site shall mean the total area of the lot, tract or parcel which is the subject of an application for a development permit.

C. Expanded development site shall mean all development, parcels of land, lots and tracts, including development, parcels of land, lots and tracts contiguous to, or nearby, the development site that are (1) developed by the same or a related developer or landowner, or (2) developed as part of the same zoning plan, preliminary plan, preliminary site plan, plat or other unified or common plan or development, as determined by the County Administrator or his designee consistent with the purposes of this Article. For the purposes of this definition, a related developer or landowner shall include a partnership in which any of the same persons or entities are partners; and a corporation in which any of the same persons are officers or directors.

D. Interim use shall mean a use of the land in the Transportation Corridor prior to the date of conveyance of such land to the County for right of way, whether such conveyance is by dedication, acquisition or other means.

319.5 Density and Intensity of Development

A. The gross density and intensity of development of a development site, any portion of which is within a Transportation Corridor, shall be the gross density permitted in accordance with the underlying zoning district or Comprehensive Plan future land use classification, whichever is more restrictive. However, such density and intensity may be transferred from the portion of the development site or expanded development site within a Transportation Corridor to portions of the development site or expanded development site that are located outside of the Transportation Corridor, either through clustering, density transfer, or through credit for the portion of the site in the Transportation Corridor in maximum permitted density or intensity calculations (collectively referred to herein as "Density Transfer"). Subject to limitations in the Comprehensive Plan, Density Transfers may result in a greater net density on the portion of the development site or expanded development site that is not located within the Transportation Corridor than would be permitted by the underlying zoning district, but the total gross density of the project site shall in no event exceed the density that would be allowed on the development site or expanded development site had no portion of the development site been located within a Transportation Corridor. This section is not intended to grant approval to the location of development in environmentally sensitive or otherwise protected lands within the development site or expanded development site. It is intended to allow the density to be used within the development site or expanded development site, without additional review procedures beyond the development review that would be required for a development not located in a

Transportation Corridor. All Density Transfers to an expanded development site that is not part of the Section 306 development permit/order under review shall be evidenced by a recorded document acceptable to the Pasco County Attorney's office that is binding upon the transferor property and transferee property.

B. Density Transfers, unless permitted by another provision of this Code, shall be limited to the amount of density which would otherwise be permitted to be developed in the Transportation Corridor. In reviewing an application for development in which Density Transfers are shown, the Development Review Committee, as part of its review of the Section 306 development approval, may require that the configuration of the proposed Density Transfer be amended if it would further the public interest, protect the environment or provide a better design.

C. If the Density Transfer would require modification of any other provision of this Land Development Code, including buffers, parking, landscaping, yards and setbacks between buildings, then, except as set forth in Section 319.10.A, a variance from the Development Review Committee shall be required in accordance with the provisions of Section 316, except that in the case of a variance necessitated by the requirements of Article 319, the conditions of Section 316.1.A.1.a shall be deemed to exist.

319.6 Uses

A. The uses of land within a Transportation Corridor shall be only those uses listed in sections B or C, 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 Development Review Committee as part of the Section 306 development approval.

B. The uses designated in this Section 319.6.B, which are directly related to the primary use of the development, may be allowed on an interim basis.

1. Permitted Interim Uses:

(a) Stormwater retention or detention facilities, to serve the development.

(b) Parking areas to serve the development that cannot be reasonably located elsewhere on the development site.

(c) Entry features for the development such as signage, architectural features, fountains, walls, and the like.

(d) Temporary sales or lease offices for the development.

(e) Landscaping in residential zones, if permitted by the Development Review Committee as an alternative standard, provided that a minimum of ten (10) feet of required landscape buffers shall be located outside the transportation corridor.

2. The following conditions shall apply to the approval of interim uses specified in Section 319.6.B:

(a) The applicant agrees to discontinue and remove or relocate, at 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 5-year Capital Improvement Plan or Capital Improvement Element, or FDOT in FDOT's 5-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 Pasco County, and a copy of the recorded affidavit shall be provided to Pasco County prior to 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.

(b) Areas for relocation shall be identified on the development plans submitted with the application for development approval under Section 306 and shall be reserved for that purpose. If the relocation would require modification of any other provision of this Land Development Code, including buffers, parking, landscaping, yards and setbacks, then, except as set forth in Section 319.10.A, a variance from the Development Review Committee shall be required in accordance with the provisions of Section 316, except that in the case of a variance necessitated by the requirements of Article 319, the conditions of Section 316.1.A.1.a shall be deemed to exist.

(c) The stormwater retention/detention facility and/or landscaping may, at the discretion of the County or FDOT, be incorporated into the design of the future transportation facility. Should this option be agreed to by the County or FDOT, the developer need not relocate the stormwater retention/detention facility and/or landscaping, as applicable.

C. 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.

1. Other Permitted Interim Uses.

(a) In residential zones:

1. 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;

2. Produce stands, produce markets, farmers markets, and the like;

3. Agricultural uses, such as pasture, crop lands, tree farms, orchards, and the like, but not including stables, dairy barns, poultry houses, and the like; and

(b) In commercial zones:

1. Uses such as boat shows, automobile shows, RV shows, "tent" sales, and the like;

2. Periodic events such as festivals, carnivals, community fairs, and the like;

3. Plant nurseries and landscape materials yards, excluding permanent structures;

4. Storage yards for equipment, machinery, and supplies for building and trade contractors, and similar outdoor storage;

5. Golf driving ranges;

6. RV or boat storage yards; and

(c) Interim uses permitted under this subsection C. 1 shall only be permitted in a specified district if such use is permitted by the underlying zoning

district or Comprehensive Plan future land use classification, whichever is more restrictive.

2. The following conditions shall apply to interim uses specified in Section 319.6.C.

(a) The applicant agrees to discontinue and remove, at 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 5-year Capital Improvement Plan or Capital Improvement Element, or FDOT in FDOT's 5-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 Pasco County, and a copy of the recorded affidavit shall be provided to Pasco County prior to 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.

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

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

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

D. If the Termination Date set forth above has already occurred at the time of the Section 306 development approval or development permit/order, and the County or FDOT has not extended the Termination Date, the property owner shall not be entitled to the interim uses set forth in Section 319.6., unless the Development Review Committee or Board of County Commissioners, 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 FDOT, the provisions of 319.5, 319.8 and 319.9 shall continue to apply.

E. Interim uses set forth in this Section 319.6 shall not be assessed transportation impact fees pursuant to the Pasco County Transportation Impact Fee Ordinance (Ordinance No. 04-05, as amended).

F. Interim uses set forth in this section 319.6 shall, where applicable, be required to obtain Right-of-way Use Permits in accordance with Article 311 and enter into a license and maintenance agreement with the County for such uses.

319.7 Site Design Requirements

To protect the full width of the future right of way, setbacks on property which abuts or is located adjacent to a Transportation Corridor shall be calculated from the edge of the Transportation Corridor. The size of the setback shall be the setback required by the underlying zoning district.

319.8 Right of Way Dedication

A. As a condition of approval of a Section 306 development approval or development permit/order, and in order to ensure adequate roads for the proposed development so as to meet concurrency requirements, and to protect the County's transportation system, all applicants for a Section 306 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 Section 306 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 319.9.B. Dedication shall be by recordation on the face of the plat, deed, grant of easement or other method acceptable to Pasco County. All dedications shall occur at record plat, construction plan approval where a record plat is not required, or within 90 days of the County's request, whichever occurs first. All conveyances shall be in accordance with Pasco 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 MPO 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 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 319.9.

B. Where development of the Transportation Corridor which is the subject of the development application is not shown in the County's 5-year Capital Improvement Plan or Capital Improvement Element or FDOT's 5-year Transportation Improvement Program, and development of the road in all or any portion of such Transportation Corridor is not necessary to mitigate the transportation impacts of the proposed development, the property owner shall be entitled to use the portion of the development site in the Transportation Corridor in accordance with the provisions of Section 319.6.

319.9 Dedication Waiver

A. Where the property owner believes that the amount of land required to be dedicated to the County under the provisions of Section 319.8 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 Pasco 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 319.9.

B. Application for Dedication Waiver

1. Dedication Waivers shall be determined by the Development Review Committee. The procedure for Dedication Waivers shall be the same as the notice, public hearing and procedural requirements set forth in Section 316 in connection with a variance, except as provided in this section. Development Review Committee decisions on Dedication Waivers may be appealed to the Board of County Commissioners in accordance with Section 317 of the Land Development Code. In the event of such an appeal, the Board of County Commissioners shall have, in addition to the powers set forth in Section 317, the same options as the Development Review Committee set forth in Section 319.9.C., 319.9.D, and 319.9.E. below.

2. The application for Dedication Waiver shall include the following information:

(a) Appraised value of the development site and expanded development site before the Section 306 development approval or other development permit/order, with and without the land to be dedicated pursuant to Section 318.8, taking into account any interim uses and Density Transfers.

(b) Appraised value of the development site and expanded development site after the Section 306 development approval or other development permit/order, with and without the land to be dedicated pursuant to Section 318.8, taking into account any interim uses and Density Transfers.

(c) Traffic impact study showing the transportation impacts of the proposed development.

(d) List of transportation mitigation provided or required to be provided by the development, including: (1) the appraised value of any land dedicated or to be dedicated in accordance with (a) and (b) above, (2) certified cost estimates for all transportation improvements provided or required to be provided by the development, and (3) estimated transportation impact fees paid or due for the development pursuant to Ordinance No. 04-05, as amended.

3. All appraisals shall be at the applicant's sole expense, prepared by an appraiser licensed in the State of Florida and in accordance with all applicable standards, and include the value of the land required to be dedicated as determined by the Pasco County Property Appraiser in the most recent appraisal prior to any Section 306 development approval or development permit/order for the property. The traffic impact study shall be undertaken by a professional engineer with experience in transportation impact analysis and in accordance with Pasco County's Guidelines and Review Fees for Traffic Impact Studies ("TIS") and Substandard Roads set forth in Resolution No. 04-203, as amended (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 traffic impact study and substandard road analysis will be required for the Dedication Waiver application notwithstanding the applicability and exemption provisions of the TIS Resolution.

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. In Section 2.a. of the TIS Resolution, the phrase "equal to or greater than five percent" shall be replaced with "greater than zero percent".

d. In Section 4.a. of the TIS Resolution, the phrase "the first major impacted intersection from the site-access driveways not exceeding one mile" shall be replaced with "all impacted intersections".

e. In Section 13 of the TIS Resolution, all impacts, mitigation, and proportionate-share calculations shall be based on traffic generation of the cumulative development (including traffic from previously developed 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.

f. In Section 14 of the TIS Resolution, an analysis of traffic impacts on interstates/freeways shall be required.

g. In Section 15 of the TIS Resolution, no percentage of project traffic or trips shall be allowed to travel on substandard roads without mitigating impacts.

h. A proportionate share calculation in accordance with Section 17 shall be required, including a proportionate share calculation for all improvements needed to achieve minimum roadway and maintenance standards for impacted substandard roads.

C. Development Review Committee Action on Dedication Waiver Request

If the Development Review Committee 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 Development Review Committee shall either: (1) authorize compensation for the Excess Dedication Amount in accordance with 319.9.D. or (2) decline to authorize compensation for the Excess Dedication Amount, in which case the provisions of 319.9.E. shall apply. In either event, if the dedication waiver applicant has proven an Excess Dedication Amount, the Development Review Committee, subject to Board of County Commissioner 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 Development Review Committee may consider any Density Transfers. Any Section 306 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.

D. Compensation

If the Development Review Committee authorizes compensation for the Excess Dedication Amount, the County, subject to Board of County Commissioner approval where required, shall compensate the land owner or development site for any Excess Dedication Amount by: (1) paying for the Excess Dedication Amount, which in the case of an excess land dedication shall be an amount equal to 115% of the value of the excess land required to be dedicated as determined by the Pasco County property appraiser in the most recent appraisal prior to any Section 306 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, (2) providing transportation impact fee credits for the Excess Dedication Amount, subject to the eligibility, timing and other requirements of the Pasco County Transportation Impact Fee Ordinance (Ordinance No. 04-05), as amended, (3) 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, or (4) some combination of (1), (2) or (3) that compensates the property owner or development site for the Excess Dedication Amount.

E. No Compensation

If the Development Review Committee 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 the Land Development Code and Comprehensive Plan.

F. Dedication Waiver Deadlines

1. 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 306 development approval, or thirty (30) days prior to the first Development Review Committee, Planning Commission or Board of County Commissioner 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 306 development approval, development permit/order and/or TIS set forth in the Land Development Code and TIS Resolution, unless the application for such approval(s) have been withdrawn or denied.

2. If a Dedication Waiver application is filed after the County has taken final action on the Section 306 development approval or development permit/order containing the requirement or condition which is the subject of the Dedication Waiver request, all Section 306 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 306 development approval(s) and/or development permit(s)/order(s) will be subject to all review, comment, and public hearing deadlines of the Land Development Code and TIS Resolution applicable to a new Section 306 development approval or development permit/order, including the deadlines set forth in subsection F.1. above. In addition, the referred Section 306 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 the Land Development 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 319.8 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 319.8 or Transportation Requirement can be filed after that date. The procedures set forth in Section 319.9 must be exhausted prior to filing any civil claim, action or request challenging, or seeking compensation for, a dedication required by 319.8 or other Transportation Requirement.

319.10 Waivers/Variances

A. 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 10% of the minimum lot size or setback requirement. Such waiver may be approved by the County Administrator or his designee utilizing the administrative variance procedures set forth in Section 316.4.B., 316.4.C., and 316.4.D. of the Land Development Code.

B. Where the provisions of this Article 319 cause a hardship, a property owner shall be entitled to apply for a variance in accordance with the provisions of Article 316 of this Code. Notwithstanding the foregoing, the procedures set forth in 319.9 shall be the County's exclusive administrative remedy for challenging a dedication required by 319.8 or other Transportation Requirement as not being roughly proportional to the transportation impacts of a development. Provided, however, the procedures and appeal provisions set forth in the TIS Resolution shall continue to apply to disputes or challenges relating to traffic impact study or mitigation requirements of the TIS Resolution, including the modifications to the TIS Resolution for Dedication Waivers set forth in this Ordinance, unless the Development Review Committee or Board of County

Commissioners determine that the procedures set forth in Section 319.9 are a more appropriate remedy. In addition, all remedies, rights and obligations set forth in Chapters 163 and 380, Florida Statutes, Rules 9J-2 and 9J-5, F.A.C., Articles 402 and 618 of the Land Development Code, and the Pasco County Transportation Impact Fee Ordinance (Ordinance No. 04-05, as amended) shall continue to apply, unless the Development Review Committee or Board of County Commissioners determine that the procedures set forth in Section 319.9 are a more appropriate remedy.

SECTION 4. REPEAL OF ARTICLE 607 OF THE LAND DEVELOPMENT CODE.

Article 607 of the Land Development Code is hereby repealed in its entirety.

SECTION 5. AMENDMENTS TO ARTICLE 610 OF THE LAND DEVELOPMENT CODE.

5.1 Subsection 610.1A shall be amended to read as follows:

A. Conformance with County Policy.

The subdivision and development of any area subject to this Code shall conform to the adopted goals, objectives, and policies of the Board including:

1. The Pasco County Comprehensive Plan.
2. Water supply, waste disposal, street lighting, and other essential utilities plans.
3. Pasco County Transportation Corridor Preservation Map and Table.
4. Development policies, regulations and ordinances.

5.2 Section 610.3 shall be amended to read as follows:

610.3 Streets – General

Streets in the County shall be classified and mapped according to function served in order to allow for regulation of access, street and right-of-way widths, circulations patterns, design speed, and construction standards.

All streets functionally classified as arterial and collector are shown in the Pasco County Comprehensive Plan Future Roadway Network, County Vision Plan Map or the County Transportation Corridor Preservation Map and Table. All other streets are classified as local streets.

Local streets, both private and those to be dedicated to the County, are classified in a street hierarchy system with design tailored to function. Streets within the subdivision shall be classified at the time of rezoning or preliminary plan approval if said streets have not been previously classified by the County.

All new and expanded streets functionally classified as collectors and arterials shall conform to County requirements but in no event shall have greater spacing than the following:

<u>Functional Classification</u>	<u>Maximum Distance From/ Spacing Between Roads</u>
Arterial	As shown in the
	<u>County Vision Plan Map</u>
Collector	.5 mile

The foregoing collector spacing standards shall apply to developments which have a Comprehensive Plan Future Land Use or zoning density of 1 dwelling unit per acre or more.

When a street continues an existing street that previously terminated outside the subdivision, or is a street that will be continued beyond the subdivision or development at some future time, the classification of the street will be based on the street in its entirety, both within and outside of the subdivision or development. Any of such streets classified as collector or arterial shall comply with the above spacing standards. The developer shall be required to dedicate the right-of-way for the ultimate classification of the street and shall be required to construct the appropriate number of lanes required by their subdivision or development, including all drainage/retention, wetland and floodplain mitigation, shoulders, frontage roads, sidewalks, bike paths, medians and other roadway related improvements necessary for the ultimate classification of the roadway. The ultimate classification of the street or roadway shall be as determined by the MPO and Comprehensive Plan Transportation Element plans in effect at the time of dedication/construction, or by the County approved traffic study and collector/arterial spacing and design standards for the subdivision/development if no such plans exist.

If a proposed subdivision contains or abuts the alignment of a roadway functionally classified as a collector or arterial in the Pasco County Comprehensive Plan Future Roadway Network, County Vision Plan Map or the County Transportation Corridor Preservation Map and Table, then the subdivision shall accommodate the alignment. ~~and~~ The developer shall dedicate the right-of-way for the ultimate classification of the roadway and construct at least two (2) lanes of the future network facility, including all drainage/retention, wetland and floodplain mitigation, shoulders, frontage roads, sidewalks, bike paths, median and other roadway related improvements necessary for the ultimate classification of the roadway, unless specifically approved otherwise at the time of preliminary plan approval. The ultimate or future classification of

the street or roadway shall be as determined by MPO and Comprehensive Plan Transportation Element plans in effect at the time of dedication/construction, or by the County approved traffic study and collector/arterial spacing and design standards for the subdivision/development if no such plans exist. All new and expanded arterials and collectors shall comply with the Standard Roadway Typical Sections for Collector and Arterial Roadways adopted by the County as Resolution No. 04-212. Resolution No. 04-212, as it may be amended from time to time by the Board of County Commissioners, is incorporated herein by reference as part of the Land Development Code.

All subdivision proposals containing new streets or utilizing access from existing streets shall conform to the standards and criteria contained in this Code.

SECTION 6. REPEALER.

All provisions of the Land Development Code of Pasco County, as amended, and ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict. Specifically, this Ordinance repeals article 607 of the Pasco County Land Development Code. This Ordinance does not invalidate any condition or requirement based on Article 607; however, this Ordinance shall govern in the event of a conflict between this Ordinance and conditions or requirements based on Article 607.

SECTION 7. MODIFICATION.

It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board pursuant to Section 11.

SECTION 8. 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 9. INCLUSION IN CODE.

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pasco County Land Development Code, and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 10. APPLICABILITY.

For purposes of jurisdictional applicability, this Ordinance shall apply to all development on land where any portion of the development is within the jurisdiction of the County and shown on the County Transportation Corridor Preservation Map and Table or within an area subject to the arterial and collector spacing standards of Section 610.3. This Ordinance shall apply in a municipality within Pasco County only upon Pasco County and the municipality entering into an interlocal agreement providing for the application of this Ordinance, or portions thereof, within the municipality.

For purposes of geographic applicability, if all or any portion of a proposed development site or expanded development site for which a Section 306 development approval or development permit/order is required, is located within a Transportation Corridor or within an area subject to arterial and collector spacing standards of Section 610.3, the provisions of this Ordinance shall apply. In addition, the County may apply this Ordinance to other development permits/orders if all or any portion of the proposed development site or expanded development site is located within a Transportation Corridor or within an area subject to the collector and arterial spacing standards of Section 610.3.

For purposes of timing applicability, this Ordinance shall apply to Section 306 development approvals, or substantial modification thereof, for which a complete application has been filed or for which a Section 306 development approval has expired or been denied, after the effective date of this Ordinance, unless the County and the applicant agree to an earlier application date. In addition, the County may apply this Ordinance to other development permits/orders, or substantial modification thereof, for which a complete application has been filed, or for which the development permit or order has expired or been denied, after the effective date of this Ordinance, unless the County and applicant agree to an earlier application date. For Section 306 development approvals, this ordinance shall govern in the event of a conflict between this Ordinance and prior development permits/orders.

SECTION 11. EFFECTIVE DATE.

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

SECTION 12. RELATIONSHIP TO COMPREHENSIVE PLAN.

Pursuant to Section 163.3194(1), Florida Statutes, to the extent any portion of this Ordinance is deemed by the Board of County Commissioners or a court of competent jurisdiction to be inconsistent with the most recently adopted Comprehensive Plan, the provisions of the most recently adopted Comprehensive Plan shall govern any action taken in regard to an application for a development permit/order until such time that the Comprehensive Plan and the inconsistent portion(s) of this Ordinance are brought into conformity.

ADOPTED this ____ day of _____, 2005.

(S E A L)

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

BY: _____
JED PITTMAN, CLERK

BY: _____
PAT MULIERI, Ed.D., CHAIRMAN

APPROVED AS TO LEGAL FORM AND SUFFICIENCY
OFFICE OF THE COUNTY ATTORNEY

BY: _____
COUNTY ATTORNEY