

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Honorable Chairman and
Members of the Board of
County Commissioners

DATE: 1/28/08 FILE: ZN08-404

THRU: Bipin Parikh, P.E.
Assistant County Administrator
(Development Services)

SUBJECT: Proposed Ordinance Amending
Various Provisions in Article 500;
Amending Section 522, MPUD Master
Planned Unit Development; and
Creating Additional Subsections for
EC-MPUD and CS-MPUD
BCC: 2/12/08, 1:30 p.m., DC

FROM: Debra M. Zampetti
Zoning/Code Compliance
Administrator

REFERENCES: All Comm. Dists.

It is recommended that the data herein presented be given formal consideration by the Board of County Commissioners (BCC).

DESCRIPTION AND CONDITIONS:

The revised MPUD Master Planned Unit Development Zoning District has been updated to reflect changes in the Land Development Code (LDC) since 1993, as well as changes to the Comprehensive Plan as adopted on January 26, 2007. Two new sections were added to incorporate requirements implementing the EC-MPUD Employment Center Master Planned Unit Development and the CS-MPUD Conservation Subdivision Master Planned Unit Development. In addition, procedural provisions were added to implement the Planned Development Master Planned Unit Development, which involves a concurrent Large-Scale Land Use Amendment to the PD (Planned Development) Future Land Use Classification.

This ordinance is the first of a series of ordinances necessary to implement the Future Land Use Element of the Comprehensive Plan. Since employment centers, conservation subdivisions, and planned developments must be in the form of an MPUD Master Planned Unit Development, all zonings were consolidated into one ordinance under separate subheadings.

The MPUD Master Planned Unit Development draft ordinance was introduced to the BCC on January 22, 2008. Major changes to the existing MPUD Master Planned Unit Development standards and criteria included:

A required content meeting, which will begin the process by providing the applicant with tentative hearing dates upon an application being deemed complete. Structured, procedural timelines have been introduced to promote efficiency and accountability in the tracking of projects.

An administrative procedure has been added for limited situations where a change to an MPUD Master Planned Unit Development is considered nonsubstantial. This administrative process will save a considerable amount of staff time and eliminate the protracted review processes, but also provides for procedural safeguards, which are absent in the current LDC, in the form of submittal requirements, a memorandum, and a hearing before the Development Review Committee as may be needed due to the facts and circumstances involved in the particular request for a minor modification.

The time limit on approval for the MPUD Master Planned Unit Development has been modified from five years to six years to track similar time expiration dates as the preliminary plan or preliminary site plan in the LDC, Section 306. The applicant, however, will be allowed additional time beyond the six-year period, if initially requested, contingent upon the build-out date requested in the traffic study, not to exceed ten years.

Other changes include:

- Definitions to Section 200, incorporating new terms.
- Definitions incorporating the open space definitions and criteria in the adopted Comprehensive Plan (these definitions were given to the CORC/RORC during the December 12, 2007, meeting, but were not commented on due to time constraints).
- Revisions to permitted uses in the A-C Agricultural District, Section 503.2.
- Revisions to yard regulations in rural zoning districts to allow for a conservation subdivision, without a zoning change, as long as no density incentive is requested.
- Elimination of duplexes in rural, Euclidean zoning districts.
- The allowance for the blending of Future Land Use densities for rural land use categories.
- The allowance for the blending of Future Land Use densities for urban land use categories.
- Additional submittal requirements.
- TND (Traditional Neighborhood Design) standards shall be governed by the TND Ordinance, Section 801.
- Elimination of the A-C Agricultural MPUD Master Planned Unit Development with density incentives (replaced by Subsection 522.10, Conservation Subdivision).
- Added a conditional use for resort condominiums.

EC-MPUD Employment Centers

The EC (Employment Center) provisions of the MPUD Master Planned Unit Development are incorporated into a new Subsection 522.8 and list the standards, mix of uses, types of uses, and procedural requirements that are necessary when an applicant applies for an EC-MPUD in the EC (Employment Center) Land Use Classification. Properties developed under the EC-MPUD that are within the EC (Employment Center) Land Use Classification are required to comply with mix-of-use requirements. There are three categories of uses that make up an EC (Employment Center): industry, housing, and support uses.

Industry (Required Mix: 55-75 Percent)

Development within the EC (Employment Center) Land Use Classification is required to contain a minimum of 55 percent of one of the following uses:

1. Target Industry.
2. Corporate Business Park.
3. Industrial Uses.

Target Industry is defined as businesses identified by Enterprise Florida as a Qualified Target Industry (QTI) or those businesses that are identified by the Pasco Economic Development Council in their Economic Development Industry List.

Corporate Business Park may include target industry or some industrial uses, but was identified as a separate preferred use to encourage a collection of office buildings in a campus-like setting that permits uses and activities focusing on business, government, professional, medical, or financial services. To qualify as a corporate business park for the purposes of meeting the required mix of use for an EC (Employment Center), the park must include either:

1. A minimum of three multistory office buildings, where the minimum height is two stories and the minimum total stories shall be nine stories.
2. Two or more buildings with a minimum building footprint of 50,000 square feet.
3. Buildings of such size and character as otherwise approved by the BCC, which would create a desired corporate business park setting.

Industrial Uses as specifically listed in the proposed ordinance and which are also listed in the I-1 Light Industrial Park Zoning District would also be allowed to count toward the mix of land uses as required by the EC (Employment Center) Land Use Classification. These uses basically include manufacturing, wholesale distribution, publishing, contractors' offices, and flex space. These uses are not required to be a QTI. Some uses in the I-1 Light Industrial Park Zoning District are not permitted in the EC (Employment Center) MPUD Master Planned Unit Development or will not count toward the required mix of uses for industrial uses, due to the nature of the use. In addition, flexspace has been added to the list of permitted uses. Flexspace allows for a variety of the enumerated light-industrial uses and allows for accessory warehousing, wholesale, retail, and office uses that will not count against the required allocation of support commercial/office uses.

Housing (Required Mix: 20-40 Percent)

Multifamily residential uses are allowed in an EC (Employment Center) MPUD Master Planned Unit Development consistent with the percentage requirements and density limitations in the EC (Employment Center) Land Use Classification. Due to the density potential of up to 32 units per acre, affordable housing in the form of multilevel condominiums or apartments in a relatively small area is encouraged. Accordingly, single-family detached housing and duplexes are not a permitted use in the EC (Employment Center) MPUD Master Planned Unit Development.

Support Uses (Required Mix: 5-20 Percent)

Support commercial/office uses within an EC (Employment Center) are limited to those uses that support the primary businesses and residences located within the employment center. The proposed ordinance provides that support uses shall be permitted consistent with C-1 Neighborhood Commercial uses unless the BCC specifically approves specific C-2 General Commercial uses. Professional and medical-type offices that are not integrated into a corporate business park shall be counted against the support commercial/office use category. In addition, ancillary support uses, such as hotels and technical schools, would also be included in this category.

CORC/RORC Recommendations

The EC (Employment Center) MPUD Master Planned Unit Development was reviewed by the CORC/RORC on November 5, 2007, and November 28, 2007. The County's consultant from Glattig Jackson Kercher Anglin Lopez Rinehart, Inc. (Glattig Jackson), Ms. Frances Chandler-Marino, was present and took part in the presentation. Numerous issues were discussed. Major issues involved the definition of a corporate business park. Originally, the ordinance draft provided for a minimum of two or more buildings with a minimum building footprint of 100,000 square feet.

The CORC/RORC recommended a minimum building footprint of 25,000 square feet. Staff disagrees with this size as it would encourage medical buildings or facilities that would not take the form of a campus-like setting. Glattig Jackson had researched the matter and did find that some corporate business parks had facilities consisting of a building footprint of 50,000 square feet. Accordingly, staff is recommending that the minimum square footage be set at 50,000 square feet.

The proposed ordinance provides for some limited architectural-design requirements. The proposed ordinance provides that building design standards require the back of a building that is facing or backing up to any residential development or residentially zoned property to be treated with the same architectural design standards as the front of the building.

The CORC/RORC moved to eliminate this provision and directed staff to provide buffering instead. Staff disagrees due to the allowable height of the structures and/or the nature of the uses. This issue would most frequently occur where there is flex space and industrial-type uses abutting adjacent residential development.

CS-MPUD Conservation Subdivision

The final portion of the proposed ordinance implements the Conservation Subdivision provisions of the adopted Comprehensive Plan and is incorporated as Section 522.10.

The CS-MPUD creates a method of reviewing and approving requests for density bonuses that are permitted under three Future Land Use Classifications, including AG (Agricultural), AG/R (Agricultural/Rural), and RES-1 (Residential - 1 du/ga), for applicants who develop their rural property as a conservation subdivision by setting aside a minimum of 50 percent of the land.

The proposed ordinance provides for Open Space Permitted Uses. These uses include equestrian uses and trails; wildlife-management areas; active recreation areas subject to a 10 percent limitation or five acres, whichever is less; private hunting and fishing; one-caretaker dwelling unit; utilities; and buffers. In addition, golf courses would also be allowed, in part, as a passive recreational use in the conservation subdivision, upland, and open space, provided that certain criteria are met. Only that portion of the golf course that consists of upland previous area could count for up to one-third of the Conservation Upland Open Space. Areas such as fairways, ponds, greens, tee boxes, clubhouses, or equipment sheds or areas would not count against the Conservation Subdivision Open Space.

The ordinance also provides that a minimum of 50 percent of the open space consist of uplands. The other 50 percent may consist of wetlands, natural water bodies, man-made lakes that are designed for recreational use, and stormwater-management systems. Residential lots are expressly prohibited.

The development plan for the CS-MPUD Conservation Subdivision Master Planned Unit Development has two components: residential development and open space.

Residential Development

The ordinance requires that residential lots be arranged in contiguous patterns to preserve the function and purpose of the on-site natural resources and environmental systems to the maximum extent possible. The goal of the CS-MPUD Conservation Subdivision Master Planned Unit Development is to provide for contiguous open-space areas and clustered development. There is no minimum lot size, but the same will be governed by the availability of utilities and other constraints, such as soils, unique to the subject site. The proposed ordinance requires that residential development be set back a minimum of 100 feet from property boundaries (unless contiguous to urban development) and external roads. For purposes of flexibility, there may be instances, where upon the applicant's demonstration, a setback may not be warranted in certain areas to protect the rural landscape. Even in these instances, the BCC must specifically approve such a request.

Open Space

The ordinance provides that open space shall be preserved in perpetuity through the use of an irrevocable open-space or conservation easement or other mechanism that transfers all development rights to the residential portion of the conservation subdivision and extinguishes all development rights on the open space portion.

An Open Space Management Plan shall be submitted and approved as part of the MPUD Master Planned Unit Development process, and compliance with the plan will become a condition of the rezoning. Any amendments to the Open Space Management Plan must be reviewed and approved by County staff and County Biologist. Bona fide agricultural uses are exempt from requirements of the Open Space Management Plan. The ordinance provides for a detailed action plan for the open space, which would address compliance with Conservation Element of the Comprehensive Plan, the County's study entitled "Assessment of Measures to Protect Wildlife in Pasco County"; specific responsibilities for the operation and maintenance of open spaces by private entities; location, purpose and necessity of any proposed caretaker residence; and any proposed restoration of native habitats. Annual monitoring reports will be a required condition in the CS-MPUD Conservation Subdivision Master Planned Unit Development rezoning and any other such requirements that the BCC may add at the time of approval.

The final provisions in the conservation subdivision provide guidance for rural street design. Such guidelines provide for roadway widths, plantings, and multiuse trails. These design standards would be required unless otherwise approved by the BCC.

Outstanding Issues

1. Whether the maximum-allowable density must be allowed and considered an entitlement. Staff will not recommend that the BCC limit their authority; however, this is a policy decision that is solely within the discretion of the BCC.
2. Other issues that may be brought forth as a result of the public hearing.

ALTERNATIVES AND ANALYSIS:

1. Accept the attached proposed MPUD Master Planned Unit Development Ordinance, listen to public comment, and continue the matter for a final public hearing time certain to February 27, 2008, 1:30 p.m., in New Port Richey.
2. Direct revisions to the proposed MPUD Master Planned Unit Development Ordinance and continue for final public hearing on February 27, 2008, 1:30 p.m., in New Port Richey.

RECOMMENDATION AND FUNDING:

The Zoning/Code Compliance Department recommends that the BCC approve Alternative No. 1 and direct staff to make changes desired by the BCC; waive the evening hearing by 4/5 roll call vote; and direct staff to advertise for final public hearing on February 27, 2008, 1:30 p.m., at the West Pasco Government Center, Board Room, 7530 Little Road, New Port Richey, Florida.

No funding is required for this item. There will likely be a positive impact on the cost of housing located in an EC (Employment Center) Land Use Classification. The exact impact will be contingent upon the cost of construction and the type of multifamily product utilized.

ATTACHMENTS:

1. Proposed Ordinance (Online Under Draft Ordinances and to be Distributed)
2. Minutes from the October 15, 2007, CORC/RORC Hearing
3. Minutes from the October 24, 2007, CORC/RORC Hearing
4. Minutes from the November 5, 2007, CORC/RORC Hearing

DMZ/public/zn/ai/czn08404

cc: Bipin Parikh, P.E., Assistant County Administrator (Development Services)
Cynthia M. Jolly, P.E., CFM, Development Director
Samuel P. Steffey II, Growth Management Administrator
David A. Goldstein, Senior Assistant County Attorney