

AN ACT TO BE ENTITLED

AN ORDINANCE AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE, RELATING TO ZONING AND LAND USE DEVELOPMENT; AMENDING SECTION 200, DEFINITIONS; MODIFYING SECTION 502.1, TO ADD AND DELETE ZONING DISTRICTS; MODIFYING SECTIONS 503.2 AND 504.2, AGRICULTURAL ZONING DISTRICTS, TO ENSURE CONSISTENCY WITH THE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN; MODIFYING SECTIONS 503, A-C AGRICULTURAL DISTRICT; 504, A-R AGRICULTURAL-RESIDENTIAL DISTRICT; 505, AC-1 AGRICULTURAL DISTRICT; 506, AR-1 AGRICULTURAL-RESIDENTIAL DISTRICT; 507, AR-5 AGRICULTURAL-RESIDENTIAL DISTRICT; 509, E-R ESTATE-RESIDENTIAL DISTRICT; AND 510, ER-2 ESTATE-RESIDENTIAL DISTRICT, TO ALLOW A CONSERVATION SUBDIVISION WITHOUT REZONING FOR CERTAIN ZONING DISTRICTS THAT HAVE A MINIMUM LOT AREA OF ONE ACRE AND GREATER, AND PROVIDING FOR THE ELIMINATION OF THE DUPLEX PRODUCT FROM THE SAID ZONING DISTRICTS; PROVIDING FOR THE MODIFICATION TO SECTION 522, MASTER PLANNED UNIT DEVELOPMENT DISTRICT, TO ENSURE CONSISTENCY WITH THE FUTURE LAND USE ELEMENT AND ORDINANCES SUBSEQUENTLY ENACTED; PROVIDING FOR A NEW SUBSECTION PERTAINING TO CONSERVATION SUBDIVISION MASTER PLANNED UNIT DEVELOPMENTS; PROVIDING FOR A NEW SUBSECTION PERTAINING TO EMPLOYMENT CENTER MASTER PLANNED UNIT DEVELOPMENTS; AND PROVIDING FOR REPEALER, MODIFICATION, SEVERABILITY, INCLUSION IN CODE, RELATIONSHIP TO COMPREHENSIVE PLAN, AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, as follows:

SECTION 1. LEGISLATIVE FINDINGS.

The following findings are hereby adopted as legislative findings by the Board of County Commissioners:

A. The Pasco County Comprehensive Plan was amended during the Evaluation and Appraisal Report based amendment cycle to include additional objectives, policies, and tools to further and support the County's Future Land Use Plan and the goals of the Future Land Use Element including provisions that further and support the protection of various rural and agricultural communities in Pasco County; that further and support the creation and development of employment centers; and that establish additional opportunities for planned, mixed-use developments.

B. One (1) of the tools identified in the Comprehensive Plan to further the protection of rural areas is to provide an opportunity and incentive for the creation of Conservation Subdivision Master Planned Unit Development (CS-MPUD). The intent of the CS-MPUD is to create an interconnected network of protected, open spaces which extend beyond the subdivision boundaries and to protect connected open space within a subdivision.

C. One (1) of the tools identified in the Comprehensive Plan to further and support the development of employment centers is the creation of the EC (Employment Center) Future Land Use Classification that is designed to provide adequate and convenient locations for Corporate Business Parks, "Target Primary Businesses," higher density residential, and industrial uses. Retail

uses are limited to only those uses that support the primary businesses and residences located within the employment center. Commercial and/or retail uses that are designed to serve a regional purpose are expressly prohibited within employment centers. The EC (Employment Center) Future Land Use Classification must be implemented through an Employment Center Master Planned Unit Development (EC-MPUD) Zoning District. All land use changes to the EC (Employment Center) Future Land Use Classification must be accompanied by an MPUD Master Planned Unit Development unless it is County administered.

D. One (1) of the tools identified in the Comprehensive Plan to support opportunities for planned, mixed-use development is the creation of the PD (Planned Development) Future Land Use Classification that is designed to provide for a variety of land uses and intensities within a development site to preserve conservation areas above and beyond Land Development Code requirements; reduce public investment in the provision of services; encourage flexible and creative site design; and provide sites for schools, recreation, and other public facilities which provide an area-wide benefit to the community.

E. The PD (Planned Development) Future Land Use Classification must be accompanied by a rezoning request to either MPUD Master Planned Unit Development that consists of a mix of uses or an MPUD Master Planned Unit Development that consists of commercial uses. All rezoning requests must be accompanied by a master plan as set forth in the Land Development Code. Such plans shall address, at a minimum, buffering, setbacks, lighting, and building heights to ensure compatibility with adjacent uses.

F. The Board of County Commissioners have held public hearings in accordance with Section 125.66, Florida Statutes, and has received and considered input from those hearings.

SECTION 2. APPLICABILITY.

The revisions to Sections 200, 503, 504, 505, 506, 507, 509, and 510 of this ordinance shall apply to all existing and future zoning categories to the extent the application of such sections does not impair vested rights. All other sections of this ordinance shall apply to all new rezoning applications as well as substantial modifications that have not been deemed complete as of the effective date unless the applicant agrees to an earlier date.

SECTION 3. AMENDMENT OF SECTION 200 OF THE LAND DEVELOPMENT CODE.

Section 200 of the Pasco County Land Development Code is hereby revised to include the following new definitions:

Accessory Use

A use on the same lot or within the same building and of a nature customarily **or reasonably** incidental and subordinate to the principal use. **The principle use shall be established (or**

obtain a Certificate of Occupancy, if applicable) prior to or concurrent with any incidental accessory use. The Board of County Commissioners may adopt, by resolution pursuant to Section 125.66, Florida Statutes, specific maximum percentages or square-footage requirements for accessory uses.

Bed and Breakfast

A dwelling unit occupied by its owner or the owner's agent which is made available for lodging of the public and which customarily offers lodging and a meal for one (1) price. A dwelling unit shall not be considered a bed and breakfast if its owner or the owner's agent does not live on the premises during a majority of the time guests are occupying the unit.

Community Residential Home, Large

A dwelling unit licensed to serve clients of the Florida Department of Children and Families, which provides a living environment for 7-14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Community Residential Home, Small

A dwelling unit licensed to serve clients of the Florida Department of Children and Families, which provides a living environment for six (6) or fewer unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Community Services

Governmental or private uses that provide a function for the community, including nonprofit or voluntary organizations and clubs engaged in civic, charitable, and related activities.

Day-Care Center

A residence or building in which one (1) or more children under 17 years of age are received for full- or part-time care or training and for whom board may or may not be provided, and that for such care or custody, remuneration shall be paid by the parents or legal guardians of the children and shall include the terms "kindergartens," "nursery schools," and "schools for child care."
A day-care center shall be subject to the provisions regulating private schools.

Family, Child-Care Home

A residence licensed by the applicable State and local agencies in which child care is regularly provided for children from at least two (2) unrelated families.

Gross Acreage - CS-MPUD

The total number of acres on a site including, but not limited to, all internal streets, easements, rights-of-way, water and wetlands, environmental and conservation areas, open space, and stormwater facilities.

Incubator

An organization designed to accelerate the growth and success of entrepreneurial, start-up companies through various business-support services.

Industrial Flex Space

Flex-type or incubator tenant space that lends itself to a variety of uses.

The single-story building is designed for multiple tenants and divided into spaces running from front to rear. The proportion of office versus light industrial/warehouse space in each tenant space is not determined until the user occupies the space. The space may subsequently be proportioned to accommodate the current occupant or a new occupant's changing needs. The space may include manufacturing, light industrial, or scientific research functions, as well as accessory-type uses, such as office, wholesale stores, and warehousing.

Material Alteration or Change

When determining whether a change is substantial or nonsubstantial pursuant to Section 522.5, a change shall be considered substantial or material when such change is cumulatively greater than five (5) percent or the size of residential lots on the periphery of the site or adjacent to platted lots under individual ownership are reduced from the size approved by the Board of County Commissioners.

Open-Space, CS-MPUD

The open space that is created as a part of a rural-residential development where fifty (50) percent or more of the land is designated as undivided, permanent, open space and the remaining developable land is subdivided into buildable lots. Permitted uses may include the following: active recreation areas, which do not exceed ten (10) percent of the required minimum open space or five (5) acres, whichever is less; equestrian facilities utilizing Best Management Practices; bike paths and trails; equestrian trails; agricultural uses (including accessory uses); stormwater-management systems serving the CS-MPUD, provided the stormwater systems are unfenced and are surrounded by or adjoin areas that are improved for use as a recreation area for use by the CS-MPUD residents; and any required landscape buffers.

Open-Space, PD (Planned Development) Land Use

Undeveloped land within an MPUD Master Planned Unit Development developed as a requirement of the PD (Planned Development) land use that consists of common area under common ownership designated, dedicated, reserved, or restricted in perpetuity from further development. Open space associated with the PD (Planned Development) land use may not include water bodies or Category I wetlands or wetland buffers. When residential is used as part of the mixed-use component, the open space shall be contiguous where practical. This definition shall not apply to Commercial MPUD Master Planned Unit Developments that do not have a residential component.

Open-Space, Rural Land Use Classifications (Includes Land Designated

AG/R [Agricultural/Rural] and RES-1 [Residential - 1 du/ga] with Less than 300 Acres)

Consists of undeveloped land, wetlands, or water body which is free of structures and equipment, except that incidental to the land's open-space uses. Open space can be of any size, treed, open, grassland, or water bodies. Functions include the providing of flood protection; creating a sense of spatial separation for incompatible land uses; the provision of passive recreation, active recreation, or conservations uses; historical site preservation; and areas for agricultural operations. Such open space may be part of an individual residential lot and is not required to be under common ownership. Open-space easements and/or buffers will be required and count toward the open-space requirement. These easements shall restrict and reserve, in perpetuity, the open space from further development.

Open-Space, Urban Land Use Classifications (Includes Lands Designated

RES-3 [Residential - 3 du/ga] and Higher, TC [Town Center], Nonresidential Land Use Classifications, MU [Mixed Use] Land Use Classification, and RES-1 [Residential - 1 du/ga] Land Use Classification; and Where Acreage is Greater Than 300 and is Developed as a Cluster Residential Subdivision MPUD Master Planned Unit Development)

Undeveloped land or water body which is free of structures and equipment, except that incidental to the land's open-space uses. Open space must be common area under common ownership that may include flood protection; creating a sense of spatial separation for incompatible land uses; the provision of passive recreation, active recreation, or conservation uses; historical-site preservation; archaeological sites; and areas for agricultural operations (also see "Open-Space, PD (Planned Development) Land Use" for projects utilizing the PD (Planned Development) provisions of the Comprehensive Plan and this code.)

Resort Condominiums

A dwelling group of units that may consist of multifamily or attached dwelling units where each unit is owned individually in fee simple or as a condominium and may be rented out for less than six (6) days at a time. This definition does not prohibit rental periods of a longer duration.

Support Commercial/Office Uses

Retail and professional office uses that are designed to support the primary businesses and residential that are located within an EC (Employment Center). Commercial and retail uses that serve as regional scale uses, such as department stores, theaters, home improvement centers, and automobile sales, are expressly prohibited in an EC (Employment Center); shall not be permitted as support office/commercial uses; and are subject to the restrictions in Section 522.D.1.

Utilities, Major

Facilities such as electric generation plants, high-power transmission lines and substations, major gas-distribution lines, water-purification plants, water-treatment plants, and sewage-treatment and disposal plants that service multiple developments.

Utilities, Minor

Facilities, such as pumping and switching stations.

SECTION 4. AMENDMENT OF SECTION 502.1 OF THE LAND DEVELOPMENT CODE.

Section 502.1 of the Pasco County Land Development Code is hereby revised as follows:

503.1 General Districts

For the purposes of this section, the County of Pasco, State of Florida, is hereby divided into districts which shall be designated as follows:

- A-C Agricultural District
- AC-1 Agricultural District
- A-R Agricultural-Residential District
- AR-1 Agricultural-Residential District
- AR-5 Agricultural-Residential District
- AR-5MH Agricultural-Mobile Home District
- E-R Estate-Residential District
- ER-2 Estate-Residential District
- R-MH Mobile Home District
- R-1MH Single-Family and Mobile Home District
- ~~R-2MH Rural Density Mobile Home District~~
- R-1 Rural Density Residential District
- R-2 Low Density Residential District
- R-3 Medium Density Residential District
- R-4 High Density Residential District
- MF-1 Multiple Family Medium Density District
- MF-2 Multiple Family High Density District
- MF-3 Multiple Family High Density District
- ~~PUD Planned Unit Development District~~
- MPUD Master Planned Unit Development District
 - EC-MPUD Employment Center
 - CS-MPUD Conservation Subdivision
- PO-1 Professional Office District

- PO-2 Professional Office District
- C-1 Neighborhood Commercial District
- C-2 General Commercial District
- C-3 Commercial/Light Manufacturing District
- I-1 Light Industrial Park District
- I-2 General Industrial District

SECTION 5. AMENDMENT OF SECTION 503.2.A OF THE LAND DEVELOPMENT CODE.

Section 503.2.A of the Pasco County Land Development Code is hereby revised as follows:

503.2 Permitted Uses

A. Principal Uses

2. Dwellings: Single-family detached dwellings on individual lots, and single-family mobile homes on individual lots where they are securely anchored as required by the Pasco County Building Code. ~~Additional structures to house the owner or operator of the property, his family, hired workers, and guests which may include the following: home dwelling, guest house (for non-paying visitors), and workers' quarters (mobile or fixed foundation type).~~

SECTION 6. AMENDMENT OF SECTION 503.6.A OF THE LAND DEVELOPMENT CODE.

Section 503.6.A of the Pasco County Land Development Code is hereby revised as follows:

503.6 Area, Density, and Lot Width Requirements

A. Single-Family Detached Dwellings, and Mobile Homes ~~and Duplexes~~

- 1. Minimum lot area ten (10) acres.
- 2. Maximum possible gross density 0.10 (nonfarm) dwelling units per acre, subject to compliance with the Comprehensive Land Use Map Classification.
- 3. Minimum lot width 250 feet.
- 4. **Single-family detached dwellings and mobile homes in the A-C Agricultural District are required to meet all of the standards above, except when such units are developed in a CS-MPUD in accordance with Section 522.10, the minimum lot area requirements and lot width requirements shall not apply.**

SECTION 7. AMENDMENT OF SECTION 503.8.A OF THE LAND DEVELOPMENT CODE.

Section 503.8.A of the Pasco County Land Development Code is hereby revised as follows:

503.8 Yard Regulations

A. The following minimum building line setbacks measured from the right-of-way or edge of ingress/egress easement (where there is no right-of-way) property lines are required in front-yard areas. All other yard areas shall be measured from the property line, listed below unless otherwise specified:

1. Front - Fifty (50) feet.
2. Side - Twenty-five (25) feet.
3. Rear - Fifty (50) feet.
4. Single-family detached dwellings and mobile homes in

the A-C Agricultural District are required to meet all of the standards above, except when such units are developed in a CS-MPUD in accordance with Section 522.10, the minimum lot area requirements and lot width requirements shall not apply.

SECTION 8. AMENDMENT OF SECTION 504.2.A OF THE LAND DEVELOPMENT CODE.

Section 504.2.A of the Pasco County Land Development Code is hereby revised as follows:

504.2 Permitted Uses

A. Principal Uses

1. Dwellings: Single-family detached dwellings on individual lots. ~~Additional structures to house the owner or operator of the property, his family, hired workers, and guests which may include the following: home dwelling, guest house (for non-paying visitors), and workers' quarters (fixed foundation type only):~~

SECTION 9. AMENDMENT OF SECTION 504.6.A OF THE LAND DEVELOPMENT CODE.

Section 504.6.A of the Pasco County Land Development Code is hereby revised as follows:

504.6 Area, Density, and Lot Width Requirements

A. Single-Family Detached Dwellings and Duplexes

1. Minimum lot area ten (10) acres.
2. Maximum possible gross density 0.10 (nonfarm) dwelling units per acre subject to compliance with the Comprehensive Future Land Use Map Classification.
3. Minimum lot width 250 feet.

4. Single-family detached dwellings in the AC-1 Agricultural District are required to meet all of the standards above, except when such units are developed in a CS-MPUD in accordance with Section 522.10, the minimum lot area requirements and lot width requirements shall not apply.

SECTION 10. AMENDMENT OF SECTION 504.8.A OF THE LAND DEVELOPMENT CODE.

Section 504.8.A of the Pasco County Land Development Code is hereby revised as follows:

A. The following minimum building line setbacks measured from the **right-of-way or edge of ingress/egress easement (where there is no right-of-way)** property lines are required in **front-yard areas. All other yard areas shall be measured from the property line.** ~~listed below unless otherwise specified:~~

1. Front - Fifty (50) feet.
2. Side - Twenty-five (25) feet.
3. Rear - Fifty (50) feet.
4. **Single-family detached dwellings in the AC-1 Agricultural**

District are required to meet all of the standards above, except when such units are developed in a CS-MPUD in accordance with Section 522.10, the minimum lot area requirements and lot width requirements shall not apply.

SECTION 11. AMENDMENT OF SECTION 505.6.A OF THE LAND DEVELOPMENT CODE.

Section 505.6.A of the Pasco County Land Development Code is hereby revised as follows:

505.6 Area, Density, and Lot Width Requirements

A. Single-Family Detached Dwellings, **and** Mobile Homes ~~and Duplexes~~

1. Minimum lot area one (1) acre.
2. Maximum possible gross density one (1) dwelling unit per acre, ~~except duplexes, two (2) dwelling units per acre subject to compliance with the Comprehensive Land Use Map designation.~~

3. Minimum lot width 125 feet.
4. **Single-family detached dwellings in the**

A-R Agricultural-Residential District are required to meet all of the standards above, except when such units are developed in a CS-MPUD in accordance with Section 522.10, the minimum lot area requirements and lot width requirements shall not apply.

SECTION 12. AMENDMENT OF SECTION 505.8.A OF THE LAND DEVELOPMENT CODE.

Section 505.8.A of the Pasco County Land Development Code is hereby revised as follows:

505.8 Yard Regulations

A. The following minimum building line setbacks measured from the **right-of-way or edge of ingress/egress easement (where there is no right-of-way)** property lines are

required in front-yard areas. All other yard areas shall be measured from the property line.~~listed below unless otherwise specified:~~

1. Front - Fifty (50) feet.
2. Side - Twenty-five (25) feet.
3. Rear - Fifty (50) feet.
4. Single-family detached dwellings in the A-R Agricultural-Residential District are required to meet all of the standards above, except when such units are developed in a CS-MPUD in accordance with Section 522.10, the minimum lot area requirements and lot width requirements shall not apply.

SECTION 13. AMENDMENT OF SECTION 506.6.A OF THE LAND DEVELOPMENT CODE.

Section 506.6.A of the Pasco County Land Development Code is hereby revised as follows:

506.6 Area, Density, and Lot Width Requirements

A. Single-Family Detached Dwellings and Duplexes

1. Minimum lot area one (1) acre.
2. Maximum possible gross density one (1) dwelling unit per acre, ~~except duplexes for which the maximum gross density shall be two (2) dwelling units per 2.5 acres;~~ subject to compliance with the Comprehensive Future Land Use Map designation.
3. Minimum lot width 125 feet.
4. Single-family detached dwellings in the AR-1 Agricultural-Residential District are required to meet all of the standards above, except when such units are developed in a CS-MPUD in accordance with Section 522.10, the minimum lot area requirements and lot width requirements shall not apply.

SECTION 14. AMENDMENT OF SECTION 506.8.A OF THE LAND DEVELOPMENT CODE.

Section 506.8.A of the Pasco County Land Development Code is hereby revised as follows:

506.8 Yard Regulations

- A. The following minimum building line setbacks measured from the right-of-way or edge of ingress/egress easement (where there is no right-of-way)~~property lines~~ are required in front-yard areas. All other yard areas shall be measured from the property line.~~listed below unless otherwise specified:~~

1. Front - Fifty (50) feet.
2. Side - Twenty-five (25) feet.
3. Rear - Fifty (50) feet.

4. **Single-family detached dwellings in the AR-1 Agricultural-Residential District are required to meet all of the standards above, except when such units are developed in a CS-MPUD in accordance with Section 522.10, the minimum lot area requirements and lot width requirements shall not apply.**

SECTION 15. AMENDMENT OF SECTION 507.6.A OF THE LAND DEVELOPMENT CODE.

Section 507.6.A of the Pasco County Land Development Code is hereby revised as follows:

507.6 Area, Density, and Lot Width Requirements

A. Single-Family Detached Dwelling and Duplexes

1. Minimum lot area, five (5) acres.
2. Maximum possible gross density one (1) dwelling unit per five (5) acres, ~~except duplexes, the maximum gross density for which shall be two (2) dwelling units per five (5) acres subject to compliance with the Comprehensive Future Land Use Map designation.~~
3. Minimum lot frontage width, 200 feet.
4. **Single-family detached dwellings in the AR-5 Agricultural-Residential District are required to meet all of the standards above, except when such units are developed in a CS-MPUD in accordance with Section 522.10, the minimum lot area requirements and lot width requirements shall not apply.**

SECTION 16. AMENDMENT OF SECTION 507.8.A OF THE LAND DEVELOPMENT CODE.

Section 507.8.A of the Pasco County Land Development Code is hereby revised as follows:

507.8 Yard Regulations

A. The following minimum building line setbacks measured from the **right-of-way or edge of ingress/egress easement (where there is no right-of-way)** ~~property lines~~ are required in **front-yard areas. All other yard areas shall be measured from the property line.** ~~listed below unless otherwise specified:~~

1. Front - Fifty (50) feet.
2. Side - Twenty-five (25) feet.
3. Rear - Fifty (50) feet.

4. **Single-family detached dwellings in the AR-5 Agricultural-Residential District are required to meet all of the standards above, except when such units are developed in a CS-MPUD in accordance with Section 522.10, the minimum lot area requirements and lot width requirements shall not apply.**

SECTION 17. AMENDMENT OF SECTION 509.6.A OF THE LAND DEVELOPMENT CODE.

Section 509.6.A of the Pasco County Land Development Code is hereby revised as follows:

509.6 Area, Density, and Lot Width Requirements

A. ~~Single-Family Detached Dwellings and Duplexes~~

1. Minimum lot area one (1) acre.
2. Maximum possible gross density one (1) dwelling unit per

~~acre, except duplexes, two (2) dwelling units per acre; subject to compliance with the Comprehensive Future Land Use Map designation.~~

3. Minimum lot width 125 feet.

4. Single-family detached dwellings in the E-R Estate-

Residential District are required to meet all of the standards above, except when such units are developed in a CS-MPUD in accordance with Section 522.10, the minimum lot area requirements and lot width requirements shall not apply.

SECTION 18. AMENDMENT OF SECTION 509.8.A OF THE LAND DEVELOPMENT CODE.

Section 509.8.A of the Pasco County Land Development Code is hereby revised as follows:

509.8 Yard Regulations

A. The following minimum building line setbacks measured from the right-of-way or edge of ingress/egress easement (where there is no right-of-way) ~~property lines~~ are required in front-yard areas. All other yard areas shall be measured from the property line. ~~listed below unless otherwise specified:~~

1. Front - Fifty (50) feet.
2. Side - Twenty-five (25) feet.
3. Rear - Fifty (50) feet.

4. Single-family detached dwellings in the E-R Estate-

Residential District are required to meet all of the standards above, except when such units are developed in a CS-MPUD in accordance with Section 522.10, the minimum lot area requirements and lot width requirements shall not apply.

SECTION 19. AMENDMENT OF SECTION 510.6.A OF THE LAND DEVELOPMENT CODE.

Section 510.6.A of the Pasco County Land Development Code is hereby revised as follows:

510.6 Area, Density, and Lot Width Requirements

A. ~~Single-Family Detached Dwellings and Duplexes~~

1. Minimum lot area 2.5 acres.

2. Maximum gross density one (1) dwelling unit per 2.5 acres, ~~except duplexes for which the maximum gross density shall be two (2) dwelling units per 2.5 acres; subject to compliance with the Comprehensive Future Land Use Map designation.~~

3. Minimum lot frontage width 200 feet, measured along the front property line or lines contiguous to any street, road, highway, or easement for ingress and egress, however stated.

4. **Single-family detached dwellings in the ER-2 Estate-Residential District are required to meet all of the standards above, except when such units are developed in a CS-MPUD in accordance with Section 522.10, the minimum lot area requirements and lot width requirements shall not apply.**

SECTION 20. AMENDMENT OF SECTION 510.8.A OF THE LAND DEVELOPMENT CODE.

Section 510.8.A of the Pasco County Land Development Code is hereby revised as follows:

510.8 Yard Regulations

A. The following minimum building line setbacks measured from the **right-of-way or edge of ingress/egress easement (where there is no right-of-way)** ~~property lines~~ are required in **front-yard areas. All other yard areas shall be measured from the property line.** ~~listed below unless otherwise specified:~~

1. Front - Fifty (50) feet.
2. Side - Twenty-five (25) feet.
3. Rear - Fifty (50) feet.

4. **Single-family detached dwellings in the ER-2 Estate-Residential District are required to meet all of the standards above, except when such units are developed in a CS-MPUD in accordance with Section 522.10, the minimum lot area requirements and lot width requirements shall not apply.**

SECTION 21. AMENDMENT OF SECTION 522 OF THE LAND DEVELOPMENT CODE.

Section 522 of the Pasco County Land Development Code is hereby revised as follows:

522. **MASTER PLANNED UNIT DEVELOPMENT DISTRICT**

522.1 Purpose

The purposes of the **MPUD** Master Planned Unit Development Districts are:

A. To encourage innovations in residential ~~development~~ **nonresidential development and redevelopment** ~~renewal~~ so that the growing demand for housing in **Pasco** County may be met by greater variety in type, design, and layout of dwellings, ~~and by the conversion~~

to encourage the thoughtful consideration and ~~more efficient~~ inclusion of supporting nonresidential uses where appropriate, and to encourage the effective use of open space and recreational areas.

B. To provide greater opportunities for better housing and recreation for all who are or will be residents of the County. ~~To encourage,~~ by encouraging a more efficient use of land and public services and to reflect changes in the technology of land development so that the economies so secured may inure to the benefit of those who need homes.

C. To provide for residential cluster options and incentives that are designed to protect the rural character of the County's rural areas.

D. To encourage more flexible land development which will respect and conserve natural resources such as streams, lakes, flood plains, groundwater, wooded areas, steeply sloped areas, and areas of unusual beauty or importance to the natural ecosystem.

~~E. And, in aid of these purposes, to provide a procedure which can relate the type, design, and layout of residential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential areas, and to assure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious, and fair administrative standards and procedures.~~

F. To encourage more efficient, flexible, and controlled employment centers, industrial, commercial, and other development under the MPUD Master Planned Unit Development concept.

522.2 Eligibility General Requirements for Master Planned Unit Development

~~An application for a Master Planned Unit Development rezoning shall not be approved unless the following conditions are met:~~

A. Calculation of density or intensity.

1. The general allowable gross density or intensity for an MPUD Master Planned Unit Development, ~~rezoning shall not be approved unless the following conditions are met:~~ ~~A. The tract proposed for said development can be served adequately and economically by the County~~ CS-MPUD, an EC-MPUD, or ~~developer with public facilities and services as are necessary for the health, safety, and welfare of the residents, except as provided for under Section 522 of this Code.~~ ~~B. The proposed development is found by the~~ Commercial Master Planned Unit Development cannot exceed that determined by the land use designation of the Pasco County Board of County Commissioners to be consistent with the County Comprehensive Plan.

a. For an MPUD Master Planned Unit Development or an EC-MPUD, the computation of maximum gross density shall be the maximum density allowed by the land use classification applicable to the subject property, multiplied by the proposed developable

residential acreage of the project, plus any density incentives as provided in the adopted Comprehensive Plan. Proposed developable residential acreage means that portion of the total site area which will be developed for residential use inclusive of street rights-of-way, utility rights-of-way, public and private parks, community facilities, etc. Proposed developable residential acreage does not include any lands within the project which are classified as wetlands, CON (Conservation Lands), or water bodies. The computation for the CS-MPUD is addressed in Section 522.10.

b. The computation for nonresidential projects, or portions thereof, the maximum gross building square footage shall be the sum of the developable nonresidential project acreage multiplied by the maximum Floor Area Ratio permitted in the applicable land use classification. Proposed nonresidential acreage means the upland portion of the site exclusive of nonmitigated wetlands and natural water bodies. No nonresidential intensity may be transferred from one (1) parcel of land to another when the parcels are physically separated from each other, except by roadways, streams, rivers, or lakes. Along coastal areas, only land above mean high tide may be used in determining acreage size.

2. Blending of densities.

a. For proposals in which project boundaries encompass more than one (1) residential land use classification (RES-1 [Residential - 1 du/ga], RES-3 [Residential - 3 du/ga], RES-6 [Residential - 6 du/ga], RES-9 [Residential - 9 du/ga], RES-12 [Residential - 12 du/ga], RES-24 [Residential - 24 du/ga]), the County shall consider the blending of densities where an applicant can demonstrate by site plan within residential land use classifications, an equivalency of development rights, improvement in the overall master plan, and consistency with the Goals, Objectives, and Policies in the Comprehensive Plan.

b. For proposals in which project boundaries encompass more than one (1) rural land use classification (AG [Agricultural], AG/R [Agricultural/Rural], RES-1 [Residential - 1 du/ga] for lots one (1) acre or greater) the County may consider the blending of densities where an applicant can demonstrate by site plan, an equivalency of development rights, improvement in the overall master plan, and consistency with the Goals, Objectives, and Policies in the Comprehensive Plan. In addition, the location of residential development lots shall be arranged in a context-sensitive manner such that they preserve the integrity of the rural community by buffering or setbacks or a combination thereof to protect and preserve the rural appearance of land when viewed from public roads and from abutting properties.

c. Size requirements: Master Planned Unit Developments that contain only residential uses must be a minimum of five (5) acres, except where located in the Coastal High Hazard Area where there is no minimum size.

522.2 Permitted Uses

When identified and approved on the master plan, the following uses shall be permitted individually or in combination in an MPUD Master Planned Unit Development District:

- A. All residential uses.
- B. Recreational vehicles and/or travel trailers.
- C. Parks, playgrounds, schools, day-care centers, churches, government uses, and other related community facilities.
- D. Professional offices, local convenience, neighborhood, community, and regional shopping facilities in planned centers **that are permitted in accordance with the master plan, are subject to the following standards:**

1. The area, siting, intensity, and nature of such uses shall be governed by the following criteria:

a. **The MPUD Master Planned Unit Development shall include at least ten (10) acres if both residential and nonresidential uses are to be located in the MPUD Master Planned Unit Development.**

b. **Size/Use Limitations Table:**

<u>Floor Area</u>	<u>Convenience</u>	<u>Local Neighborhood</u>	<u>Community</u>	<u>Regional</u>
(sq. ft.)	2,500-30,000	30,001-100,000	100,001-399,999	400,000 or greater
Acres in site (min.)	0.5	3	10	40
Typical uses (Not limited to examples)	Sale of convenience goods, personal services, and day-care centers	Sale of shoppers goods, banking facilities, business services, offices, all uses in Convenience Commercial, and professional service	Junior and discount department stores, amusement facilities, automotive sales and service, automobile service stations and car wash, hotels/motels, and all uses in Neighborhood Commercial	Major department stores, sale of general merchandise, and all uses in Community Commercial

2. Setback, height, and buffering requirements for convenience and neighborhood commercial shall be set forth in the C-1 Neighborhood Commercial Zoning District, unless otherwise approved.

3. Setback, height, and buffering requirements for neighborhood community, and regional commercial shall be equivalent to the requirements in the C-2 General Commercial Zoning District unless otherwise approved ~~at the time of rezoning.~~

4. Commercial uses

a. Commercial uses allowed within local convenience and neighborhood centers shall be equivalent to specific C-1 Neighborhood Commercial Zoning District

permitted uses, conditional uses, and special exception uses approved at the time of rezoning. Changes in local convenience and neighborhood center uses after rezoning approval shall be approved by the Board of County Commissioners upon recommendation by the Development Review Committee.

b. Commercial uses allowed in community and regional centers shall be equivalent to C-1 Neighborhood Commercial and C-2 General Commercial Zoning District permitted uses, conditional uses, and special exception uses approved at the time of rezoning. Changes in community and regional center conditional or special exception uses after rezoning approval shall be approved by the Board of County Commissioners upon recommendation by the Development Review Committee.

E. **Bed and breakfast.**

A bed and breakfast that is permitted in accordance with the master plan is subject to the following standards:

1. **The building shall maintain a residential character, style, and appearance.**

2. **The property shall meet the parking requirements in accordance with Section 615 of this code.**

3. **Use of the property for a bed and breakfast shall meet all applicable building and fire codes.**

F. Recreational facilities and structures, including clubhouses, tennis courts, **country clubs**, pools, and similar uses, when used **and designed** primarily to serve the residents of the development.

G. Golf courses, which may be calculated as open space as is hereinafter required, provided the clubhouse and other structures are located over 150 feet from any dwelling structure, **and**:

1. **All golf courses must be managed using Pasco County's Best Management Practices for Golf Courses when adopted and shall provide industry-standard practices for review during the interim.**

2. **A golf course is subject to the specialized location and buffer requirements of the MPUD Master Planned Unit Development order.**

H. Marinas, subject to marina siting criteria set forth in the Pasco County Comprehensive Plan.

I. Industrial.

J. Colleges, universities, and schools.

K. Residential treatment and care facilities.

L. Hospitals (including helipads when located no closer than 1,000 feet from the closest property line of a school that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary, junior high, or high schools).

M. Public or private utilities and utility substation, lift station, and other accessory uses, provided there is no open storage of trucks or materials on the site.

N. **Major utilities.**

Major utilities that are permitted in accordance with the master plan shall be subject to the following standards:

1. **All new water or sewer plant structures shall be set back a minimum of 150 feet from any residential structure and be in compliance with State and local regulations and the Master Utility Plan. For purposes of this section, mobile and manufactured homes shall be considered residential structures.**

2. **The reuse of reclaimed water and land application of effluent shall meet the requirements of the Florida Administrative Code, Chapter 62-610, which in addition to other criteria, defines setback distances and minimum system-size requirements.**

3. **All major utility plant sites (where the actual site is located) and polishing ponds shall be enclosed with a minimum six-foot-high fence, wall, or other screening approved by the Board of County Commissioners.**

4. **The landscaped buffer, in accordance with a minimum opacity of 0.75, shall be provided on all nonstreet property lines.**

5. **Vertical storage structures are expressly prohibited within the open space, with the exception of water tanks that have a rural design in keeping with the rural character of the area and that are necessary to serve a public purpose.**

O. **Aircraft and helicopter landing field, subject to approval by the Federal Aviation Administration and compliance with appropriate State and local laws, provided that no aircraft landing field or helicopter pad shall be located closer than 1,000 feet from the closest property line of a school that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary, junior high, or high schools. This use must be requested in the original approval; otherwise, a conditional use will be required.**

P. Accessory uses.

Q. **Conditional Use - Resort Condominiums may be allowed subject to the criteria and standards for review for rezoning and conditional uses in Section 303 of this code and subject to compliance with the notification and requirements for operation criteria in the short term rental ordinance in Section 530.21 of this code.**

522.4 Development Standards

A. Site design: design shall accomplish the following primary objectives through site design:

1. Compatibility of Use

Land uses near the periphery of the MPUD Master Planned Unit Development, the EC-MPUD, or the Commercial Master Planned Unit Development shall be planned so as to be compatible with neighboring areas. Compatibility may be achieved through design that respects the context of the adjacent uses. Applicants must demonstrate through lot sizes, buffers between uses, or other information as identified by the Zoning/Code Compliance Administrator, that the project, as designed, transitions appropriately to adjacent uses, or effectively shields adjacent uses in the absence of lot/use compatibility. The Zoning/Code Compliance Administrator reserves the right to require additional information for projects where compatibility is not clearly demonstrated.

2. Residential Setbacks

The land use standards as enumerated in Article 500 of this code shall be used as the baseline setback for each single-family detached residential housing type. Variations in setbacks from those standards enumerated in Article 500 of this code may be allowed for housing types other than single-family detached ~~except where cluster-type designs are used~~ where permitted on the master plan. The County may impose standards that are greater than ordinance requirements where deemed necessary to mitigate a compatibility issue. Proposed urban design standards (TND [Traditional Neighborhood Design]) for single-family detached uses, where allowed, shall only be permitted when the project is developed consistent with the Pasco County TND (Traditional Neighborhood Design) Ordinance.

3. Streets

a. Streets should be designed to maximize connectivity within an MPUD Master Planned Unit Development or EC-MPUD and surrounding areas.

b. Roadways shall comply with the standard roadway typical sections for collectors and arterial roadway facilities as adopted by Resolution Nos. 04-212 and 04-216 unless otherwise approved by the Development Review Committee.

c. Streets shall be designed in accordance with this code.

4. Parking

a. ~~A parking plan will be required for all parking areas other than residential areas.~~ All parking shall be landscaped and designed in accordance with this code.

b. ~~Shall be in accordance with this code.~~

5. **Signage**

A Master Signage Plan may be filed and approved with the master plan in accordance with Section 601 of this code. Any deviations from Section 601 shall require a variance in accordance with this code.

6. Utilities

Utilities shall be located underground to the maximum extent possible.

7. **Design for Refuse-Disposal Stations**

Refuse stations shall be designed to maximize screening and shall be located away from residential areas, including residential areas that are adjacent to the subject site. Refuse-disposal stations shall not front streets within the proposed MPUD Master Planned Unit Development or EC-MPUD to the maximum extent possible, and in the event that it is unavoidable, must provide a shielding plan that identifies the landscape proposed or wall treatment chosen.

8. **Open space requirement for an MPUD Planned Unit**

Development in a PD (Planned Development) Land Use Classification shall require a minimum of twenty-five (25) percent of the total buildable land area to be designated as open spaces for MPUD Master Planned Unit Developments that do not have a residential component. There shall be provisions which insure that the open space shall continue as such and be properly maintained. The owner/developer shall indicate ownership and provide for the responsibility for maintenance of such open space land or provide for and establish one (1) or more organizations for the ownership and maintenance of all common open space. In the case of multiple organizations for ownership and maintenance, each organization shall be a nonprofit homeowners' corporation or Community Development District formed pursuant to Chapter 190, Florida Statutes. Where practical, it shall be designed as a contiguous area easily accessible to the residents and preserving natural features.

B. Variances or variations from the standards set forth in this code may be reviewed **and approved** by the Board of County Commissioners and the Planning Commission during the public hearing held on any application for **MPUD** Master Planned Unit Development zoning. The variance procedures requiring notice to adjacent property owners, as set forth in this code, need not be followed where the **MPUD** Master Planned Unit Development application is before the Board of County Commissioners as part of a public hearing; **however, the criteria in Section 316.1 of this code shall govern**. When such variations from this code are considered by the Board of County Commissioners at an **MPUD** Master Planned Unit Development public hearing, it shall not be necessary for a formal variance application to be filed under this code.

522.5 Development Standards. Density and Area Submittal Requirements for

Residential MPUD Master Planned Unit Developments

A. 1. ~~The general allowable gross~~ applicant for an MPUD Master Planned Unit Development approval (hereinafter referred to as "applicant") shall provide the reviewing County staff with a Master Planned Unit Development Plan, which shall include the following information with all map products at a scale of one (1) inch equals 200 feet, or as agreed upon by the Zoning/Code Compliance Administrator.

1. General Requirements

a. Location map showing the relationship between the area proposed for development and surrounding developments or lots on a current aerial photograph, Geodetic Mapping Section, or satellite photo, which in no case shall be older than that available at the Pasco County Property Appraiser's office, with boundaries of development and roadway layout delineated.

~~Location map showing relationship between area proposed for development and surrounding developments or lots, including current aerial photograph, which in no case shall be older than that available at the Pasco County Property Appraiser's Office, with boundaries of development and roadway layout delineated.~~ The location map shall show all functionally classified roadways established by the Pasco County Comprehensive Plan 2025 Future Roadway Functional Classification Map and Highway Vision Plan within one (1) mile of the development boundary.

b. A boundary sketch and legal description signed and sealed by a surveyor describing the size and location of the tract to be subdivided.

c. An Agent of Record letter notarized by the owner authorizing the representative, if any, to act on behalf of the owner in the rezoning proceeding.

d. The location of all existing and proposed major public roadways, rights-of-way, and easements adjacent to or within the property.

e. A recent aerial of the site and surrounding areas within 500 feet of the site at a scale of one (1) inch equals 200 feet.

2. Physical Resources

a. Topographic information providing 100-year floodplain and wetland delineations. The most recent U.S. Geological Survey Topographical Survey and U.S. Geological Survey Flood Prone or Federal Emergency Management Agency Mapping may be used for topography on flood-prone delineations. Pasco County wetlands maps or aerial photography interpretation may be used for wetlands delineation.

b. A soils survey, which may be based on the most recent Pasco County Soils Survey, drawn to the same scale as the preliminary land use plan, and

clearly identifying all soil types, especially those areas which are apparently not suitable for buildings or major structures due to soil limitations.

c. An environmental/wildlife habitat study which shall evaluate plant and animal species listed as endangered, threatened, or species of special concern as designated by the State and Federal authorities, and shall include the following description of the parcel: documentation of data collected and reviewed (such as the Florida Land Use and Cover Classification System, U.S. Fish and Wildlife, and Florida Fish and Wildlife Conservation Commission) and field survey map that characterizes and describes the natural resources of the site, including the location of protected species confirmed on the site and habitat suitable for protected species.

d. Submit a Phase I Cultural Resource Assessment which shall include the following: project scope, archival research, and identification of sites adjacent to the subject property; identification of research design; and description of field methodology, field work, and analysis of the findings and conclusions. An appropriate Letter of Clearance from the State agency of jurisdiction may be submitted in lieu of the Phase 1 Cultural Resource Assessment.

e. A table showing pre- and postdevelopment acres of wetlands by category (according to the Pasco County Comprehensive Plan) and a conceptual plan for the protection and use of on-site wetlands.

3. Master Plan

a. A master plan with topography; flood prone; Category I, II, and III wetlands; and critical linkages as defined in the adopted Pasco County Comprehensive Plan, which clearly identifies proposed land uses; open space; proposed preservation or conservation areas; and the proposed location of major streets and thoroughfares, recreation areas, and other major facilities, including a delineation of proposed school sites and fire station sites, if necessary or warranted, for the service of the area as developed. The master plan shall also include a legend, title, and number of revision; date of plan and revision(s); scale of plan; north arrow; acreage in the tract being subdivided; total number of lots; and name, address, and telephone number of developer, owner, surveyor, and engineer.

b. The master plan shall identify the existing zoning, the existing land use, and the adopted Future Land Use Classification on the site and the surrounding areas within 500 feet of the site.

c. The master plan shall include a phasing plan that describes the proposed timing for, location of, and sequence of phasing or incremental development and the proposed density for each such phase or increment of development. The

applicant may provide approved Development of Regional Impact information which satisfies this requirement.

d. A table showing acreage for each category of land use, including Category I, II, and III wetlands, critical linkages, open space and recreation, and a table of proposed maximum gross and net residential acreages for residential land uses.

e. Additional requirements to be shown on master plan in PD (Planned Development) Land Use Classification:

(1) A minimum twenty-five (25) percent total buildable land area must be designated open space areas.

(2) Provide pedestrian circulation.

(3) Provide recreation areas when residential is a portion of the mixed-use component.

(4) Provide for type and size of buffers and setbacks to maximize compatibility with adjacent uses.

(5) Nonresidential uses shall provide convenient pedestrian, vehicular, and bicycle access to residents to the maximum extent possible.

4. Yield Analysis

A conceptual lot layout for single-family detached housing and/or a conceptual layout for multifamily housing for non-Development of Regional Impact related MPUD Master Planned Unit Developments.

5. Zoning Narrative

a. A preliminary zoning classification description in sufficient detail to determine the general intent with respect to the following, if known:

(1) The general purpose and character of the proposed development.

(2) Land use by acreage and densities.

(3) Structural concepts, including height and anticipated building type.

(4) Recreation and open space.

(5) Facilities commitments.

b. A statement indicating that legal instruments will be created providing for the management of common areas and facilities.

6. Utilities and Services Plan

a. Identify the location/source of sanitary sewers, potable water facilities, and the approximate location of existing facilities on the master plan. Provide

a statement identifying the supplier of the potable water facilities, the method of disposal of sewage effluent, fire service, and electric service. The developer shall notify the appropriate electrical utility, in advance, of their intent to request service and provide confirmation to the County of service availability prior to preliminary plan approval.

b. The general direction of natural surface drainage of the proposed MPUD Master Planned Unit Development site, including a general statement regarding the disposal of stormwater drainage, including identification of whether a site falls within a basin of special concern and/or lies within the Flood Prone Areas Map of the Pasco County Comprehensive Plan.

c. ~~b.~~ An analysis of the impact of the proposed MPUD Master Planned Unit Development on schools and other public facilities as provided in Section 402 of this code.

~~a. For proposals in which project boundaries encompass more than one (1) residential land use classification, the maximum gross density shall be calculated using the overall site net residential area plus any jurisdictional or water body area credits allowed by the County Comprehensive Plan and the weighted average density for all land use categories within the project. The units may be distributed throughout the site.~~

~~b. The computation of maximum gross density for lands classified as agricultural and agricultural rural shall be the same as for residential classifications.~~

~~2. Agricultural land use density credits and aggregation.~~

~~a. To encourage the preservation of agricultural land uses, Master Planned Unit Developments containing Agricultural (AG) and/or Agricultural/Rural (AG/R) land use areas shall be allowed to aggregate lands no more than one-half mile apart and increase residential densities in accordance with land area set aside for agricultural use as follows:~~

~~(1) Agricultural preservation lands shall be provided within the Master Planned Unit Development as forty (40) acre minimum sized tracts to be conveyed as single ownership parcels.~~

~~(2) The agricultural preservation parcels shall be designated as agricultural areas on the Master Planned Unit Development Plan.~~

~~(3) Permitted uses for each agricultural preserve parcel shall be limited as follows:~~

~~(a) Agriculture, general farming, and horticulture to include: animal food lots, the commercial hatching or raising of poultry, the production of eggs, and the raising of hogs, pasturage of animals such as cattle and horses, citrus groves (as well as other fruits), forestry, plant nurseries, sheds, stables, barns, truck farms, fish hatcheries, fish pools, and other structures~~

~~devoted to the on-site, farm uses. Additional structures to house the owner or operator of the property, his family, hired workers, and guests may be included in the following: home dwelling, guest house (for nonpaying visitors), and workers' quarters (mobile or fixed foundation type).~~

~~(b) — Dwellings: Single-family detached dwellings on individual lots and single-family mobile homes on individual lots where they are securely anchored as required by the Pasco County Building Code.~~

~~(c) — Home occupations.~~

~~(d) — Temporary roadside stands used on a seasonal basis for the sale of fruits, vegetables, and other agriculturally related products.~~

~~(e) — Noncommercial boat slips and piers or private docking facilities with the approval of the various State and/or Federal agencies where mandatory.~~

~~(f) — Private swimming pools and cabanas in accordance with Supplemental Regulations, Article 500, of this Code.~~

~~(4) — Agricultural preserve parcels shall not be further subdivided without a Master Planned Unit Development amendment.~~

~~(5) — Agricultural preserve parcels shall not be eligible for permitting as sludge or waste disposal sites.~~

~~(6) — Total units allowed within AG or AG/R land use categories calculated according to Section 522 of this code shall be multiplied by a factor determined according to the percentage of the total Master Planned Unit Development set aside as agricultural preserve areas as shown below:~~

<u>AGRICULTURAL/RURAL</u>		<u>AGRICULTURAL</u>	
<u>AG/R Lands Set Aside as a % of Total Site Area</u>	<u>Density Multiplier</u>	<u>AG Lands Set Aside as a % of Total Site Area</u>	<u>Density Multiplier</u>
up to 50	1	up to 10	1
51 to 70	1.2	11 to 20	1.4
61 to 80	1.4	21 to 40	1.8
more than 80	1.5	41 to 60	2.2
		61 to 80	2.6
		more than 80	3.0

~~(7) — All such dwelling units shall be included as cluster development areas within the Master Planned Unit Development subject to the following restrictions:~~

~~(a) — Dwelling units to be constructed within the agricultural preserve tracts shall not be included in the total number of units allowed within the Master Planned Unit Development.~~

~~(b) Cluster development areas shall provide adequate buffering from proposed agricultural preservation areas and from existing adjacent off-site agricultural uses.~~

~~(c) The minimum lot size for the cluster lots must be one-third acre, except as provided for under Section 522 of this code.~~

~~(d) All cluster lots must provide individual wells and septic, except as provided for under Section 522 of this code.~~

~~(e) Nonresidential land uses may be included as part of the clustered development to the extent that such development complies with the goals, objectives, and policies in the Comprehensive Plan. No additional intensity credit for preserved agricultural lands will be permitted.~~

~~(f) To the extent physical conditions permit, Pasco County shall require the clustered portion of two (2) or more such development plans controlled zonings to be adjacent.~~

~~(g) Units may not be clustered at densities which would exceed the threshold for wells and septic tanks, nor located in areas which cannot sustain wells or septic tanks.~~

~~(h) For the purpose of group homes and similar facilities, the density computation shall be as provided by the zoning code. Congregate living facilities and group homes shall be permitted within any residential classification provided that the density limitations of this element, the provisions of the land development regulations, and the location guidelines of the housing element are complied with.~~

~~(i) Minimum lot sizes may be reduced less than the one-third acre requirement and public water and sewer may be provided only when the project is consistent with the County's Public Utilities Plan.~~

~~3. Calculation of Floor-Area Ratios (FAR)~~

~~a. For nonresidential areas, the maximum gross building square footage shall be the sum of the nonresidential project acreage multiplied by the maximum Floor-Area Ratio (FAR) permitted by the applicable land use classification.~~

~~b. In applying FAR to acreages, all residential land uses which fall within a project's boundaries shall be excluded. Also, only those lands specifically within a project's boundaries may be used for calculating the maximum permitted gross building square footage. The above notwithstanding, no nonresidential intensity may be transferred from one parcel of land to another when the parcels are physically separated from each other, except as by roadways, streams, river, or lakes. Along coastal areas, only land above mean high tide may be used in determining acreage size.~~

~~4. Neighborhood Park(s)~~

~~Neighborhood Park(s) shall be provided and maintained in the same manner as a subdivision, pursuant to Section 610.15 of the Land Development Code.~~

~~This subsection shall not apply to any subdivision which has received preliminary plan approval prior to the effective date of this Ordinance, any subdivision which has submitted a complete application for preliminary plan approval prior to the effective date of this subsection, or any existing unexpired PUD Planned Unit Development or MPUD Master Planned Unit Development project~~

~~that has received preliminary plan approval for at least eighty percent (80%) of the PUD Planned Unit Development or MPUD Master Planned Unit Development project prior to the effective date of this subsection (effective date: November 8, 2002).~~

~~5. The Plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of such residential units, nonresidential uses, and public facilities as are necessary for the welfare of the master planned unit residential development and are not inconsistent with the best interests of the entire County. Said covenants, easements, and other provisions, if part of the Plan as finally approved, may be modified, removed, or revised consistent with the provisions of this Code.~~

~~6. The minimum development site area for a Master Planned Unit Development shall be two (2) acres.~~

~~B. Design, Bulk, and Location Standards~~

~~1. Site Design~~

~~a. All sites shall be designed with regard to the topography and natural features of the site.~~

~~b. Variations in setbacks shall be allowed for housing types other than single-family detached except where cluster-type designs are used.~~

~~c. Land uses near the periphery of the Master Planned Unit Development shall be planned so as to be compatible with neighboring areas.~~

~~d. The development shall be designed and programmed so as to minimize earth moving, erosion, tree clearance, and the destruction of natural amenities.~~

~~2. Streets~~

~~a. Streets shall be designed in accordance with this Code.~~

~~3. Parking~~

~~a. Shall be in accordance with this Code.~~

~~b. A parking plan will be required for all parking areas other than residential areas. All parking lots shall be landscaped in accordance with this Code.~~

~~4. Lighting~~

~~a. All off-street parking lots shall be adequately lighted. All such lighting shall be arranged so as to direct light away from adjoining residences.~~

~~5. Signs~~

~~6. Supplemental Nonresidential Facilities~~

~~a. Shopping areas and recreational facilities within a Master Planned Unit Development shall be located so as to minimize noise and traffic and to ensure compatibility with nearby residential areas.~~

~~b. Refuse stations and sewage treatment facilities shall be designed with suitable screening and located where convenient for trash removal, and not offensive to nearby residential areas.~~

~~c. Adequate lighting shall be provided as per plans approved by the appropriate utility company and the County for outdoor areas used after dark. Approved lighting fixtures must be provided for walkways, to identify steps, ramps, and signs. Lighting shall be designed and located so as not to shine directly into nearby residences.~~

~~d. Industrial uses shall comply with the standards set forth in this Code.~~

~~7. Utilities~~

~~(f) Underground utilities will be~~

~~encouraged where possible.~~

7. **Transportation Management**

a. **A transportation analysis in accordance with the Traffic Impact Study guidelines that identifies the location of existing arterial and collector roads which will be utilized to serve the Master Planned Unit Development site, the proposed location of other arterial or collector roads which will be constructed for the purposes of serving the site, and a description of the projected transportation impact of the MPUD Master Planned Unit Development at buildout, whose description shall include projected average daily trips, direction of traffic, and projected Levels of Service for arterial roads servicing the site.**

b. **A roadway plan for the MPUD Master Planned Unit Development shall be shown on the submitted master plan, including subdivision access locations, internal subdivision collector roadways, and roadways required by Section 610.3, Collector and Arterial Spacing and Design Standards.**

c. **A traffic study shall be completed and approved by the County prior to the scheduling of the Development Review Committee meeting for the total MPUD Master Planned Unit Development rezoning.**

8. **Content Meeting**

The developer shall schedule and participate in a content review meeting with the Zoning/Code Compliance Administrator or designee prior to the submittal of an application for a rezoning to any MPUD Master Planned Unit Development District. This meeting will determine the completeness of the developer's application materials prior to submittal, and a letter will be issued finding the content sufficient or insufficient within three (3) working days of the content review meeting. Following issuance of a Letter of Completeness, the developer shall be allowed to submit the application. The developer shall submit twenty-five (25) copies (or one [1] copy electronically in .pdf format upon the County's request) of the master plan to the Zoning/Code Compliance Administrator or his/her designee for processing. The above requirements are intended to permit the reviewing County staff to make informed decisions on the approval or denial of a proposed MPUD Master Planned Unit Development without requiring the applicant to provide site-specific information, such as location of projected utility lines or improvements, location of drainage facilities, and other site-specific information more appropriately required at the preliminary plan stages of review, except as otherwise required by the Zoning/Code Compliance Administrator for the purpose of demonstrating compatibility.

B. The applicant and the appropriate staff members or other governmental agencies may consult informally concerning the proposed **MPUD** Master Planned Unit Development at any time, provided that no statement or representation by a member of the staff or agency shall be binding upon the County.

C. Reviewing Staff Authority.

The appropriate County staff shall review all information submitted in a Master Planned Unit Development Plan and:

1. Evaluate the impact of the proposed development upon public improvements, surrounding land uses in the neighborhood and subregion, and significant environmental features in the surrounding neighborhood and subregion.

2. Determine the degree to which the proposed development is consistent with the Comprehensive Plan or elements thereof.

3. Determine the adequacy of the existing public services and facilities serving the proposed development, including transportation systems, utilities, and fire and police protection.

4. Determine the potential expansion of such public services and facilities necessary to accommodate the proposed development.

Based upon its evaluation of the factors set forth above, the County staff shall prepare a recommendation of approval or denial, recommended findings, and suggest conditions which should be imposed upon a proposed Master Planned Unit Development Plan, or increment thereof, recommended for approval in accordance with the factors and criteria set forth in Subparagraph D below. **The applicant shall have 120 days to respond to each round of review comments, if any, and/or submit information requested by the County. After the expiration of the 120 days for any round of comments, the application will be deemed withdrawn unless an extension is requested within fourteen (14) days prior to the expiration of the 120-day period for that round of comments. Upon a written request by the applicant, one (1) extension of the response time for each round of comments may be granted by staff upon showing that a good faith effort is being made to provide additional or revised information. Additional requests shall necessitate Board of County Commissioners approval. In the event a response is not received or an extension obtained in any round of comments, the County will consider the application withdrawn.**

D. Conditions of approval.

Conditions of approval may be imposed upon any approved master plan. Such conditions shall be recommended for the purposes of assuring consistency with the Comprehensive Plan or elements thereof; offsetting or minimizing impacts upon public improvements, surrounding land uses, and significant environmental features; and assuring the adequacy of public services

and facilities which will specifically serve the proposed **MPUD** Master Planned Unit Development site. Such conditions may relate to:

1. The establishment of limitations or ranges of densities or intensities upon the proposed **MPUD** Master Planned Unit Development, or increment thereof.

2. Traffic patterns and road improvements serving the site, whose conditions shall attempt to alleviate direct adverse impact on existing road systems and maximize safety.

3. The protection of natural features, water resources, wetlands, and other ecological systems on the site, which conditions may include:

a. Controls on the siting and location of buildings for improvements to assure protection of subsurface and surface water resources to assure protection of conservation and preservation areas as designated on the plan, to assure compatibility through the protection of natural features and existing topography, and to assure the protection of scenic and environmentally significant natural resources such as tree stands, rivers, streams, ponds, and lakes.

b. Controls which assure the protection of natural drainage systems through limitation of disturbances of land for drainage improvements, through utilization of on-site stormwater retention, and through use of innovative drainage designs or concepts.

c. Controls which assure the adequacy of public services, including water and sewer service, available to the site.

4. The minimization of potential increased flood problems of developed areas within the site and surrounding areas.

5. The maintenance of major public improvements pending the development of the entire **MPUD** Master Planned Unit Development site.

6. The compatibility of proposed uses with established and planned uses of the surrounding neighborhood and subregion, including adequate buffering.

7. The internal compatibility of proposed uses, whose conditions may include restrictions on location of improvements, restrictions on design, and buffering requirements.

8. The adequacy of useful open space to serve the proposed **MPUD** Master Planned Unit Development site and phases or increments thereof.

9. The timing or sequence of phasing for purposes of assuring the adequacy of available improvements and facilities, both public and private.

10. Conditions imposed upon an approved Master Planned Unit Development Plan shall constitute the standards and guidelines against which the development of the **MPUD** Master Planned Unit Development site, or any increment or phase thereof, shall be reviewed.

11. Conditions shall specify provisions, standards, conditions, or design specifications which must be met in order to assure compliance with the standards set forth in this code and the Comprehensive Plan.

E. Master Planned Unit Development Plan Review and Approval Procedures.

1. The MPUD Master Planned Unit Development timeline for review shall consist of 120 days for all issues other than the Traffic Impact Study. Once the application is deemed complete, the County shall have forty-five (45) days to submit review comments to the applicant. The applicant shall have forty-five (45) days to respond to the review comments in order to maintain the proposed hearing dates as provided in the Letter of Completeness submitted pursuant to Section 522.5.A.8. If these timelines cannot be met due to additional rounds of comments or comments received after the deadlines hereinabove, then the proposed hearing dates shall automatically be extended; however, unless otherwise requested by the applicant, the review time for non-Traffic Impact Study related issues shall not exceed 180 days. The County shall have thirty (30) days from receipt of the final round of responses or completion of the Traffic Impact Study conditions, whichever is later, to review and finalize conditions of approval for the development application, and set the matter for hearing. The hearing before the Development Review Committee shall be held within forty-five (45) days after the conditions of approval are finalized or within forty-five (45) days of the approval of the Traffic Impact Study, whichever is later. Final conditions of approval, including applicant-proposed revisions to the conditions of approval, must be presented for review by the Development Review Committee two (2) weeks before the Development Review Committee hearing or the matter will be continued. For Development of Regional Impact related projects, although the application may be accepted sooner, the above time frames shall commence on the date the Development Order has been approved by the Development Review Committee.

2. For developer rezoning applications that have a corresponding Comprehensive Plan Amendment to PD (Planned Development) or EC (Employment Center), the Development Review Committee meeting shall be set concurrently for the plan amendment and the rezoning to MPUD Master Planned Unit Development. The Comprehensive Plan Amendment shall not be processed until all reviews and requirements associated with the rezoning are met. The Planning Commission hearing shall be set approximately one (1) month prior to the scheduled public hearing of the Board of County Commissioners for the Comprehensive Plan Amendment and rezoning.

The Development Review Committee, based on the recommendation of staff, shall determine whether the said plans:

a. Meet the requirements of the land use and zoning classification applicable to the subject property.

- b. Are consistent with this code.
- c. Provide design features which assure the protection of the public health, safety, and welfare.
- d. Are consistent with the Goals, Objectives, and Policies set forth in the Comprehensive Plan.
- e. Provide for necessary public improvements or facilities.

3. ~~2.~~ **The recommendation of the Development Review Committee shall then be forwarded to the Planning Commission for consideration.**

4. ~~3.~~ **The Planning Commission shall:**
- a. Recommend approval of the application based on the Master Planned Unit Development Plan as submitted.
 - b. Recommend approval of the application subject to specified conditions not included in the Master Planned Unit Development Plan as submitted or
 - c. Recommend denial of the application as submitted.

5. **The matter shall then be forwarded to the Board of County Commissioners in accordance with the public notice requirements in Section 303 of this code. The Planning Commission may recommend to the Board of County Commissioners additional restrictions, and the Board of County Commissioners may, as deemed appropriate, impose additional restrictions not herein mentioned to protect the public interest.**

F. **Form and effect of Master Planned Unit Development Plan approval.**

Written conditions of approval and a Master Planned Unit Development Plan, which recites all conditions to be imposed upon the development, shall be issued.

After the rendering of such a written approval:

- 1. The zoning classification accorded to the property subject to the application shall be changed on the County zoning maps/layer to reflect an MPUD Master Planned Unit Development classification.
- 2. Development of the MPUD Master Planned Unit Development site shall substantially conform to the densities or intensities, or ranges of densities or intensities, approved by the Board of County Commissioners for the entire site and for each phase or increment of the Master Planned Unit Development Plan.
- 3. All conditions imposed and all graphic material (excluding the yield analysis) presented depicting restrictions on development shall become part of the regulations which govern the manner in which the MPUD Master Planned Unit Development site may be developed and shall be

binding upon the applicant or any successors in interest. **Deviations from approved master plans or failure to comply with any requirement, condition, or safeguard shall constitute a violation of these zoning regulations. If there is a conflict between the conditions of approval and the master plan, the conditions of approval shall govern.**

4. Commitment for Completion and Adherence to Approved Plans:

The developer shall provide proposals describing agreements, covenants, contracts, or deed restrictions which shall be enacted to ensure the completion of the development without any expense to the general public which was not agreed to at the time of the approval. Additionally, said agreements, covenants, contracts, or deed restrictions shall bind all successive owners and developers of all or any portion of the district to any commitments made and any restrictions placed on the approved Master Planned Unit Development Plan or any document, graphic, map, or other such information provided which is part of the official record.

5. **All plans or plats for development of land approved subject to a master plan shall be processed in accordance with procedures established in this code. The site plan or plat shall be required to be submitted in substantial compliance with the approved master plan.**

6. 4.—The written approval and the conditions recited in said approval shall constitute a development order which authorizes the activity described in Paragraph G below.

~~522.5 Master Planned Unit Developments~~

~~A.—The applicant for Master Planned Unit Development approval (hereinafter referred to as "applicant") shall provide the reviewing County staff with a Master Planned Unit Development Plan, which shall include the following information:~~

~~1.—The location of existing arterial roads which will be utilized to serve the Master Planned Unit Development site.~~

~~2.—The proposed location of other arterial roads which will be constructed for the purposes of serving the site.~~

~~3.—A description of the projected transportation impact of the Master Planned Unit Development at build-out, which description shall include projected average daily trips, direction of traffic, and projected levels of service for arterial roads servicing the site.~~

~~4.—The source of sewer and water facilities and the approximate location of existing and proposed facilities.~~

~~5.—The general direction of natural surface drainage of the proposed Master Planned Unit Development site.~~

~~6.—The location of existing wetlands.~~

~~7.—A delineation of areas affected by mean annual and hundred-year floods.~~

~~8.—A delineation of proposed preservation or conservation areas.~~

~~9. A delineation of proposed school sites and fire station sites, if necessary or warranted for the service of the area as developed.~~

~~10. The location and nature of proposed land uses.~~

~~11. The proposed gross density for the site.~~

~~12. The proposed timing for, location of, and sequence of phasing or incremental development.~~

~~13. The proposed density for each such phase or increment of development.~~

~~14. A description of the potential environmental impact on flora and fauna, with particular emphasis on endangered species which may be located on the site.~~

~~15. The location of all existing and proposed major public roadway, rights-of-way, and easements adjacent to or within the property.~~

~~16. The maximum square footage and commercial uses as described in Section 522 of this Code.~~

~~17. A legend, title, and number of revision; date of plan and revision(s); scale of plan; north arrow; acreage in the tract being subdivided; total number of lots; name, address, and telephone number of developer; owner; surveyor; and engineer.~~

~~18. Location map showing relationship between area proposed for development and surrounding developments or lots, including current aerial photograph, which in no case shall be older than that available at the Pasco County Property Appraiser's Office, with boundaries of development and roadway layout delineated. The location map shall show all functionally classified roadways established by the Pasco County Comprehensive Plan 2010 roadway network within one (1) mile of the development boundary.~~

~~19. Legal description sufficient to describe the size and location of the tract to be subdivided.~~

~~20. Provide a statement identifying the supplier of the potable water facilities, sewerage facilities, fire service, and electric service. The developer shall notify the appropriate electrical utility, in advance, of their intent to request service and provide confirmation to the County of service availability prior to preliminary plan approval.~~

~~21. Gross residential acreage densities for the entire project and net residential acreage for each increment (bubble) or phase or portion thereof. This data shall be presented in a tabular format.~~

~~22. Present land use classification and zoning of parcel proposed for development and abutting land.~~

~~23. Identity and designation of any historic resources or sites within the proposed development as identified by the Pasco County Comprehensive Plan.~~

~~24. Acreage of usable open space and total open space.~~

~~The above requirements are intended to permit the reviewing County staff to make informed decisions on the approval or denial of a proposed Master Planned Unit Development without requiring the applicant to provide site specific information such as lot layout, location of local streets, location of projected utility lines or improvements, location of drainage facilities, and other site specific information more appropriately required at the preliminary plan stages of review.~~

~~B. The applicant and the appropriate staff members or other governmental agencies may consult informally concerning the proposed Master Planned Unit Development at any time, provided that no statement or representation by a member of the staff or agency shall be binding upon the County.~~

~~C. Reviewing Staff Authority~~

~~The appropriate County staff shall review all information to be submitted in a Master Planned Unit Development Plan and:~~

~~1. Evaluate the impact of the proposed development upon public improvements, surrounding land uses in the neighborhood and subregion, and significant environmental features in the surrounding neighborhood and subregion.~~

~~2. Determine the degree to which the proposed development is consistent with the comprehensive plan or elements thereof.~~

~~3. Determine the adequacy of the existing public services and facilities serving the proposed development, including transportation systems, utilities, fire and police protection.~~

~~4. Determine the potential expansion of such public services and facilities necessary to accommodate the proposed development.~~

~~Based upon its evaluation of the factors set forth above, the County staff shall prepare a recommendation of approval or denial, recommended findings, and suggest conditions which should be imposed upon a proposed Master Planned Unit Development Plan, or increment thereof, recommended for approval in accordance with the factors and criteria set forth in Subparagraph C below.~~

~~D. Conditions of Approval~~

~~May be imposed upon any approved Master Planned Unit Development Plan. Such conditions shall be recommended for the purposes of assuring consistency with the Comprehensive Plan or elements thereof; offsetting or minimizing impacts upon public improvements, surrounding land uses, and significant environmental features; and assuring the adequacy of public services and facilities which will specifically serve the proposed Master Planned Unit Development site. Such conditions may relate to:~~

~~1. The establishment of limitations or ranges of densities or intensities upon the proposed master planned unit development, or increment thereof.~~

~~2. Traffic patterns and road improvements serving the site, which conditions shall~~

~~attempt to alleviate direct adverse impact on existing road systems and maximize safety.~~

~~3. The protection of natural features, water resources, wetlands, and other ecological systems on the site, which conditions may include:~~

~~a. Controls on the siting and location of buildings for improvements to assure protection of subsurface and surface water resources; to assure protection of conservation and preservation areas as designated on the plan; and to assure the protection of scenic and environmentally significant natural resources such as tree stands, rivers, streams, ponds, and lakes.~~

~~b. Controls which assure the protection of natural drainage systems through limitation of disturbances of land for drainage improvements; through utilization of on-site stormwater retention; and through use of innovative drainage designs or concepts.~~

~~c. Controls which assure the adequacy of public services, including water and sewer service, available to the site.~~

~~4. The minimization of potential increased flood problems of developed areas within the site and surrounding areas.~~

~~5. The maintenance of major public improvements pending the development of the entire Master Planned Unit Development site.~~

~~6. The compatibility of proposed uses with established and planned uses of the surrounding neighborhood and subregion, including adequate buffering.~~

~~7. The internal compatibility of proposed uses, which conditions may include restrictions on location of improvements, restrictions on design, and buffering requirements.~~

~~8. The adequacy of useful open space to serve the proposed Master Planned Unit Development site and phases or increments thereof.~~

~~9. The timing or sequence of phasing for purposes of assuring the adequacy of available improvements and facilities, both public and private. Conditions imposed upon an approved master planned unit development plan shall constitute the standards and guidelines against which the development of the master planned unit development site, or any increment or phase thereof, shall be reviewed.~~

~~E. Master Planned Unit Development Plan Review and Approval Procedures~~

~~After the applicant has filed his proposed Master Planned Unit Development Plan, and the appropriate reviewing staff has prepared recommendations, proposed findings, and proposed conditions for approval (if applicable), the following procedures shall be employed in obtaining final action by the Board of County Commissioners:~~

~~1. The developer shall submit forty (40) copies of the Master Planned Unit Development Plan to the County Administrator or his designee for processing. Within ten (10) working days of receipt of the Master Planned Unit Development Plans, the County Administrator, or his designee, shall determine whether the plans are complete and contain all required information. If a completeness determination is not made within the required time, the plans shall be deemed complete. The developer shall be notified immediately thereafter of the completion status of the plans. Once the plans are determined or deemed complete, the County Administrator, or his designee, shall accept the plans for further review.~~

~~2. Once accepted for further review, the Development Review Committee based on the recommendation of Growth Management shall determine whether said plans:~~

~~a. Meet the requirements of the land use and zoning classification applicable to the subject property.~~

~~b. Are consistent with this Code.~~

~~c. Provide design features which assure the protection of the public health, safety, and welfare.~~

~~d. Are consistent with the goals, objectives, and policies set forth in the Comprehensive Plan.~~

~~e. Provide for necessary public improvements or facilities.~~

~~3. Such determination or recommendation shall be made in writing. The said determination or recommendation shall specify provisions, standards, conditions, or design specifications which must be met in order to assure compliance with the standards set forth in this code and the Comprehensive Plan.~~

~~a. The determination by the County Administrator, or his designee, for the Master Planned Unit Development Plan shall be finalized within thirty (30) working days after a complete plan has been accepted for review. Upon finalization of determinations for the Master Planned Unit Development Plan, the proposed development shall then be referred to the Development Review Committee for recommendation. 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 recommendation. The recommendation of the development review committee shall then be forwarded to the planning commission for consideration.~~

~~4. Within ninety (90) days after the filing of an application, a public hearing shall be granted by the Planning Commission, unless the applicant requests an extension or the County staff is in need of further information.~~

~~5. The Planning Commission, within thirty (30) days following the conclusion of the public hearing provided for in this Article, shall:~~

~~a. Recommend approval of the application based on the master planned unit development plan as submitted;~~

~~b. Recommend approval of the application subject to specified conditions not included in the master planned unit development plan as submitted; or~~

~~c. Recommend denial of the application as submitted.~~

~~Failure to so act within said period shall be deemed to be a recommendation of approval of the application as submitted. In the event, however, that approval is recommended subject to conditions, the applicant may, within thirty (30) days after receiving notice of the Planning Commission recommendation, notify such Commission of his refusal to accept all said conditions, in which case the Commission shall be deemed to have recommended denial. In the event the landowner does not, within said period, notify the Planning Commission of his refusal to accept all said conditions, the approval, with all said conditions, shall stand as recommended.~~

~~6. The Board of County Commissioners upon receipt of the recommendation of the Planning Commission shall hold a public hearing with due process in accordance with this Code. Said public hearing shall be held at the next regular meeting of the Board scheduled after receipt of the Planning Commission's recommendations. The Board shall make a determination with regard to the application within thirty (30) days of the date of the public hearing. Where approval has been granted, the same shall be noted on the zoning map maintained in the office of the Zoning Administrator. In the event that a Plan, or Section thereof, is given final approval and thereafter the landowner shall abandon part or all of said plan and shall so notify the Board in writing or shall fail to commence the master planned unit residential development, the area given approval shall revert to its original zoning classification status at the time the original approval was granted. For the purposes of this Code, the notation of the Planning Commission's recommendation on the staff report shall be sufficient to satisfy the requirements of a Planning Commission recommendation as set forth above. If any conditions are imposed by the Planning Commission, said Commission shall instruct the staff to include those conditions as part of the notation of approval or denial on the planning staff report to the Board of County Commissioners.~~

~~7. In the final written action taken by the Board of County Commissioners with regard to the application for Master Planned Unit Development Plan approval, the Board may impose conditions, as authorized in Subparagraphs B and C above.~~

~~F. Form and Effect of Master Planned Unit Development Plan Approval~~

~~If a master planned unit development plan is recommended for approval, and the board of county commissioners concurs with such recommendation, a written master development plan approval shall be issued which recites all conditions to be imposed upon the development. After the rendering of such a written approval:~~

~~1. The zoning classification accorded to the property subject to the application shall be changed on the county zoning maps to reflect a master planned unit development designation.~~

~~2. Development of the Master Planned Unit Development site shall substantially conform to the densities or intensities, or ranges of densities or intensities, approved by the Board of County Commissioners for the entire site and for each phase or increment of the Master Planned Unit Development Plan.~~

~~3. All conditions imposed and all graphic material presented depicting restrictions on development shall become part of the regulations which govern the manner in which the Master Planned Unit Development site may be developed and shall be binding upon the successors in interest to the applicant unless such approval is revoked or otherwise modified by the Board of County Commissioners.~~

G. Authority Granted by Approval.

1. It shall be unlawful for any person to grade, fill, excavate, or install improvements with the Master Planned Unit Development Plan approval only.

2. It shall be unlawful to convey lots by reference to a Master Planned Unit Development Plan, sales map, or other illustrations.

3. Approval of a Master Planned Unit Development Plan shall not be construed as authority for obtaining building permits or for the recording of a plat with the Clerk of the Circuit Court.

4. Prior to development within any phase, the applicant or his successor in interest shall present for review and approval, detailed development plans for each phase in accordance with Article 300 of this code, provided that:

a. A preliminary plan as outlined in this code must be approved for an entire increment (bubble) prior to any phased construction drawing approval. The maximum number of units and the density and intensity of each increment shall not exceed those limits of the approved Master Planned Unit Development Plan.

b. All off-site improvements and facilities required by conditions of approval of the **MPUD** Master Planned Unit Development necessary to adequately service the development or increment thereof must be completed or will be completed in conjunction with such development.

c. Each preliminary plan or preliminary site plan submittal shall include an enclosed boundary survey of the total site, enclosed boundary survey of the phase to be developed within the total site, and of all lands to be held as open space or community facilities.

d. Each preliminary site plan or preliminary plan submittal shall include the existing cumulative number of dwelling units and cumulative square footage of nonresidential development permitted within the **MPUD** Master Planned Unit Development.

5. Any preliminary site plan or preliminary plan for any phase of, increment of, or for the entire **MPUD** Master Planned Unit Development site shall be consistent with and conform to the conditions of approval set forth in the Master Planned Unit Development Plan approval, in

addition to all other requirements imposed by relevant County ordinances and regulations governing the development of land and construction of buildings and structures.

6. If the proposed **MPUD** Master Planned Unit Development would constitute a Development of Regional Impact, the approved **MPUD** Master Planned Unit Development shall be subject to such revisions and modifications as are necessary to address and implement recommendations of the Tampa Bay Regional Planning Council and State Land Planning Agency after appropriate review in accordance with Chapter 380.06, Florida Statutes.

H. Time Limit on Approval.

Except where project development schedules are established for Development of Regional Impacts and Florida quality developments, the following time limits on approvals shall apply:

~~1. If a complete preliminary plan or preliminary site plan for the first phase of the Master Planned Unit Development Plan approval is not submitted and approved within a five-year period after such approval, the Board may void such approval, after appropriate notice and hearing, and initiate proceedings to rezone the property to the zoning classification which was in existence prior to Master Planned Unit Development Plan approval or such other classification as may be deemed appropriate.~~

~~2. Each preliminary site plan or preliminary plan approved under the Master Planned Unit Development shall be governed by Section 306, Development Review Procedures, of this code.~~

1. If the preliminary plans and preliminary site plans for the entire MPUD Master Planned Unit Development are not approved within six (6) years of the original approval or from the last substantial modification, then the conditions of approval shall expire for those portions of the MPUD Master Planned Unit Development that do not have (unexpired) preliminary plan or site plan approval unless the Board of County Commissioners approves a longer duration. If the conditions of approval for the MPUD Master Planned Unit Development expire, a new rezoning for an MPUD Master Planned Unit Development shall be submitted, reviewed, and approved in accordance with the Comprehensive Plan and Land Development Code in effect at that time and no new preliminary plans or site plans as well as extensions of duration to the site plans shall be submitted until the new MPUD Master Planned Unit Development is approved. Existing unexpired preliminary plans and site plans shall be subject to the new MPUD Master Planned Unit Development Conditions of Approval upon expiration. This applies to all MPUD Master Planned Unit Developments, CS-MPUDs, and EC-MPUDs. The foregoing expiration and additional review rules are in addition to any expiration and additional review rules set forth in Section 402 of this code.

522.6 Modification

The Zoning/Code Compliance Administrator is authorized to approve minor modifications in the approved master plan, but shall not have the power to approve changes that constitute a substantial modification as defined in Section 522.6.B. A substantial modification shall be processed by the Zoning/Code Compliance Department as a rezoning request in accordance with Section 522.5.B of this code

~~Any phase or portion not platted/occupied within five (5) years of the initial Master Planned Unit Development approval shall be revised to achieve, as far as practical, overall consistency with the then existing Comprehensive Plan.~~

~~4. In the event that the developer does not comply with this provision, the Master Planned Unit Development and all plans associated with the Master Planned Unit Development shall be deemed void, and approval shall be deemed withdrawn.~~

~~522.6 Modification~~

~~A. Any substantial modification to an approved master planned Unit Development Plan shall be approved by the Board of County Commissioners upon recommendation by the Development Review Committee, prior to being implemented. No modification of the Master Planned Unit Development shall be allowed until: and Planning Commission.~~

~~1. The proposed modification has been reviewed in accordance with the provisions of this code.~~

~~2. The Master Planned Unit Development Plan has been amended to authorize the proposed modification.~~

B. Any modification of the Master Planned Unit Development Plan shall be unlawful in the absence of compliance with this code and if inconsistent with the Goals, Objectives, and Policies of the Comprehensive Plan.

~~C. For the purposes of this section, a substantial change shall be deemed to exist where:~~

~~1. There is a proposed increase of greater than five (5) percent in the total number of dwelling units proposed for the Master Planned Unit Development.~~

C. ~~There is a proposed major redistribution~~ In reaching a decision

as to whether or not proposed changes are to be considered a substantial modification, the Zoning/Code Compliance Administrator shall, after reviewing the record of the project, determine if any of the following changes are proposed:

<u>Minor Modification</u>	<u>Substantial Modification</u>
<u>General</u>	
	<u>Any change in a site-related stipulation or condition that was required by the Board of County Commissioners as a part of the rezoning hearing.</u>
	<u>Any alteration to uses or any material alteration in density or intensity approved in the master plan that lie within 100 feet of the boundary of the district, or within 100 feet of any part of the district that has a building or residence constructed or lot sold to any owner or owners different from the applicant requesting the change, that is not specifically set forth in this table as a minor modification, unless waivers are obtained from all lot owners.</u>
	<u>Any other modifications that affect the area depicted on the master plan or the perimeter of the proposed site that are not specifically set forth in this table as a minor modification.</u>
<u>Use</u>	
<u>In an EC-PD Employment Center, a change from a support use or multifamily use to a target business, corporate office park, or industrial use.</u>	<u>In an EC-PD Employment Center, any change that results in a material decrease in an approved target business use, Corporate Business Park use, or industrial use.</u>
	<u>Any addition of a use not previously approved in the master plan unless the use is changing one (1) target industry for another.</u>
<u>In an MPUD Master Planned Unit Development, a change from multifamily to single-family use.</u>	<u>A change from single-family residential use to multifamily residential use, from any residential use to internal commercial use, or a change in the location of an internal commercial component.</u>
	<u>Any cumulative change that would create an increase in traffic generation by more than ten (10) percent.</u>
<u>Building Area/Units</u>	
<u>A decrease in total residential units or nonresidential square footage.</u>	<u>An increase in floor area of five (5) percent or more.</u>
<u>A cumulative increase of five (5) percent or less in residential dwelling units, provided the increase does not occur within 100 feet of the boundary of the district.</u>	<u>A cumulative increase of greater than five (5) percent in the total number of residential dwelling units proposed for the Master Planned Unit Development.</u>
<u>A cumulative increase of five (5) percent or less in the amount of nonresidential square footage, provided the increase does not occur within 100 feet of the boundary of the district.</u>	<u>A cumulative increase in the size of areas proposed for nonresidential uses of more than five (5) percent.</u>
<u>An increase in structure height of less than ten (10) feet.</u>	<u>An increase in structure height of ten (10) feet or greater.</u>
<u>Site Characteristics</u>	
<u>A modification of the size and configuration of perimeter stormwater lakes or any internal lakes.</u>	
<u>A cumulative decrease in the amount of open space of less than five (5) percent, provided the remaining open space is not less than that required in the district, not within 100 feet of the project boundary (see substantial criteria), and further provided the land was not designated as conservation or preservation land (including wetlands) on the master plan.</u>	<u>A reduction in the amount of open space, recreation areas, preservation areas, or buffer areas that results in a cumulative reduction of more than five (5) percent, or any change in the location of open space or recreational uses within 100 feet of the boundary of the planned district, or within 100 feet of any part of a nonresidential planned district that has been constructed or sold to any</u>

<u>Minor Modification</u>	<u>Substantial Modification</u>
	<u>owner or owners different from the applicant requesting the change, or within 100 feet of the boundary of any portion of a residential planned district that has received final plat approval. Any change made following plat approval to the boundaries of open space, recreation, or preservation areas previously recorded shall be considered a substantial modification.</u>
<u>A modification to the configuration of lots in areas previously designated for outparcels, provided no modification is within 100 feet of any residentially zoned property.</u>	
<u>Access</u>	
<u>A modification or addition to the external access points adjacent to nonresidential development or undeveloped residentially zoned property provided the applicant demonstrates that the spacing is appropriate, safe, does not adversely affect the operation of the adjacent public roadway, and is approved by the County Engineer.</u>	<u>Addition or substantial relocation (as determined by the County Engineer or his designee) of an access point as shown on an approved master plan.</u>
<u>A modification to internal access to outparcels, provided no modification is within 100 feet of any residentially zoned property.</u>	
<u>A modification to internal roads, internal bike lanes, or sidewalks in residential projects, provided all other County requirements for such facilities are met.</u>	

1. In no case shall the intensity or density within individual phases of the Master be increased over the maximum permitted by the adopted Comprehensive Plan.

2. The measurement of distances in the table above shall include only abutting property and shall not include any property across an external street.

D. Review of changes.

All requests for review of changes to the master plan shall include sufficient information to enable the Zoning/Code Compliance Administrator to make a determination whether or not one (1) or more of the criteria listed in Paragraph B, above, are met. A petition for a change to a planned district shall include, at a minimum, the following information:

1. A statement by the applicant which specifies the exact nature of the changes proposed to the master plan and whether each of the criteria contained in Paragraph B, above, apply.

2. A graphic or map indicating the boundaries of the entire Master Planned Unit District (MPUD Master Planned Unit Development, CS-MPUD, or EC-MPUD; the relationship of the portion of the planned district to be changed to the remainder of the planned district, if the revision does not include the entire planned district; and delineating those areas of the planned district that are currently developed. Areas within the planned district that are under separate ownership than the applicant requesting the change shall also be delineated.

3. A copy of the approved master plan.

4. A revised master plan showing the proposed changes.

5. As applicable, evidence that the proposed change does not subject the MPUD Master Planned Unit Development to additional concurrency review pursuant to Section 402 of this code.

6. ~~4.~~ Notwithstanding the modification table above, a change of any aspect, attribute, or feature of the development that may be considered nonsubstantial which might adversely impact the development site or surrounding area in a manner which would be inconsistent with the Goals, Objectives, and Policies or general standards for development approval as set forth in this code or the Comprehensive Plan, may be considered substantial or require a hearing before the Development Review Committee.

~~3. There is a decrease of proposed preservation or conservation areas involving more than five (5) percent of the original area set forth in the Master Planned Unit Development Plan.~~

~~4. There is an increase in the size of areas proposed for nonresidential uses of more than five (5) percent.~~

~~5. There is a substantial increase in the adverse impact of the development due to modifications or failure to comply with conditions or stipulations authorized in the original approval.~~

E. ~~D.~~ Review and determination.

Upon receipt of a completed application with all required documents, County staff shall have thirty (30) days to review and request revisions. Development of Regional Impact related MPUD Master Planned Unit Developments may necessitate a longer review period. Upon receipt of responses to comments and requested revisions from the applicant, the Zoning/Code Compliance Administrator shall submit a nonsubstantial determination in writing within ten (10) days along with any conditions that may be necessary to ensure compliance with the Comprehensive Plan and this code. Any changes on the master plan that are not included in the narrative or statement required pursuant to Section 522.6.D.1 or as required pursuant to Section 522.5.A.5 shall not be considered approved by the County. Minor modifications to the MPUD Master Planned Unit Development may be approved by the Zoning/Code Compliance Administrator without the necessity of a public hearing.

F. ~~B.~~ Deviations from approved plans.

Deviations from approved master plans or failure to comply with any requirement, condition, or safeguard imposed by the Board of County Commissioners during the approval or platting procedure shall constitute a violation of these zoning regulations.

G. ~~C.~~ For the purposes of this section, the Zoning/Code Compliance Administrator shall be empowered to determine whether the preliminary or preliminary site plan presented for review constitutes a substantial change to the original MPUD Master Planned Unit Development approval.—If

~~the Zoning Administrator determines that such a substantial change exists, he shall inform the Board of County Commissioners by memorandum to the Board. If the Board of County Commissioners determines, based upon such memorandum, that a substantial change exists, it shall initiate appropriate notice and hearing for the purpose of reviewing and taking action upon such change.~~

~~Nonsubstantial changes to the Master Planned Unit Development may be approved by the Zoning Administrator without the necessity of a public hearing.~~

~~522.7 Standards for Location and Management of Open Space~~

~~A. The open space shall be located so as to be consistent with the objectives set forth in the application for the master planned unit development. Where possible, it shall be designed as a contiguous area easily accessible to the residents, and preserving natural features.~~

~~B. There shall be provisions which insure that the open space land shall continue as such and be properly maintained. The developer shall either (a) dedicate such land to public use if the County or another public agency had indicated it will accept such dedication, (b) retain ownership and responsibility for maintenance of such open space land, or (c) provide for and establish one (1) or more organizations for the ownership and maintenance of all common open space. In the case of (c) above, each organization shall be a nonprofit homeowners' corporation, or community development district formed pursuant to Chapter 190, Florida Statutes, unless the developer demonstrates that a community open space trust is a more appropriate form of organization.~~

~~C. All requirements for the location and management of open space shall be in accordance with this Code.~~

~~522.7~~ 522.8 Administration and Review

A. Issuance of permits and all matters pertaining to administration of the **MPUD** Master Planned Unit Development as finally approved shall be the responsibility of the designated County staff members.

B. The designated County staff shall review the progress, status, and construction of the plan and render reports on request by the Board of County Commissioners in order to assure compliance with the provisions of this section and the conditions of final plat approval.

C. The designated County staff shall review all development plans to determine their consistency with the **MPUD** Master Planned Unit Development approval and conditions recited in that approval.

D. The designated County staff shall authorize the issuance of appropriate permits only if:

1. Such development plans are consistent with the **MPUD** Master Planned Unit Development approval.

2. All other review requirements of the applicable ~~Passé~~ County land development regulations or ordinances have been complied with including, but not limited to, construction or final plan approval of residential subdivisions in accordance with this code.

522.8 EC-MPUD Standards

A. Purpose and Intent

Within its Comprehensive Plan, Pasco County provides for a variety of mechanisms to encourage economic development, including the creation of employment-generating uses within the following Future Land Use classifications:

1. EC (Employment Center)
2. IH (Industrial - Heavy)
3. IL (Industrial - Light)
4. OF (Office)
5. PD (Planned Development)

The purpose of the EC-MPUD Zoning District is to implement the EC (Employment Center) Land Use Classification of the Pasco County Comprehensive Plan.

The EC (Employment Center) Future Land Use Classification within the Pasco County Comprehensive Plan serves a special purpose within the menu of employment-generating land use designations inasmuch as the Comprehensive Plan identifies eight (8) distinct areas that include an EC (Employment Center) Land Use Classification. These distinct areas may include a variety of different parcels and landowners, may also include other land use designations other than the EC (Employment Center) Land Use Classification, and are referred to hereinafter as "Employment Center Areas" (see Exhibit 1: Employment Center Areas). These areas have been specifically identified to support and reinforce the County's Growth Management vision and economic development goals by focusing on development that provides an economic benefit in terms of employment opportunities and increased tax base within compact and specified employment centers. These employment centers have been designated in an effort to ensure that the lands within the County that have the greatest access to publicly funded infrastructure investments are developed consistent with the Growth Management vision of the County. Development within these areas is required to contain a certain percentage of one (1) or a combination of the following preferred uses:

1. Target Primary Business
2. Corporate Business Park
3. Industrial Use

A Target Primary Business is defined as a business that is identified by Enterprise Florida as a Qualified Target Industry for the Tax Refund Program or a business that is identified by the Pasco Economic Development Council in the Economic Development Target Industry List. A Corporate Business Park may include Target Primary Businesses and/or some Industrial Uses, but is identified as a separate preferred use in recognition of the desire for the County

to permit general (nontarget) "office" uses within employment centers if they are in the form of a Corporate Business Park.

The uses that are described and permitted within the EC-MPUD are regulated to conform to the requirements for the EC (Employment Center) Future Land Use Classification of the Comprehensive Plan. These uses are also permitted within a variety of other zoning districts as provided in these regulations and are not strictly limited to the EC-MPUD.

B. Mix of Uses.

1. Mix-of-Use Requirement.

Properties developed under the EC-MPUD that are within the EC (Employment Center) Future Land Use Classification of the Pasco County Comprehensive Plan are required to comply with the mix-of-use requirements of the EC (Employment Center) Future Land Use Classification. The method for determining the mix-of-use requirements/limitations for an individual application/project site provides some flexibility and is described in Section 522.8.B.2. The Comprehensive Plan requires that Employment Center Areas shall be designed to accommodate an areawide composite land use mix as described below:

<u>General Use</u>	<u>Minimum</u>	<u>Maximum</u>
<u>Corporate Business Park or Target Primary Businesses or Industrial Uses</u>	<u>55 Percent</u>	<u>75 Percent</u>
<u>Multifamily Uses</u>	<u>20 Percent</u>	<u>40 Percent</u>
<u>Support Commercial/Office Uses¹</u>	<u>5 Percent</u>	<u>20 Percent</u>

2. De Minimis Size Parcels

For de minimis sized projects or parcels, the Zoning/Code Compliance Administrator may allow an exemption from the mix-of-use requirements as follows:

a. Any parcel of record as of January 26, 2007, with an EC (Employment Center) Future Land Use Classification that is ten (10) acres or less in size may be developed with any of the allowable uses in the EC-MPUD.

¹ Support Uses within an employment center are limited to only those uses that support the primary businesses and residences located within the employment center and may generally include services such as restaurants, banks, professional services, dry cleaners, grocery stores (including neighborhood-scale markets), service stations, hotels, etc. The size of the support uses are limited by the percentage mix described herein and the scope of the local neighborhood size thresholds and use as described in Article 500, Section 522.2.D.1, of the Land Development Code, or as otherwise determined by the Pasco County Land Development Code during the development review process. Commercial and/or retail uses that are designed to serve a regional purpose, such as theaters, malls, car sales, home improvement centers, and department stores are expressly prohibited within an EC-MPUD. The uses permitted within the land-use-mix table designation above may be developed in any sequence.

b. Any parcel of record as of January 26, 2007, with an EC (Employment Center) Land Use Classification that is twenty (20) acres or less in size may be developed with up to ninety-five (95) percent ~~industry~~ Industrial, Target Industry, and/or Corporate Business Park uses. The applicant will not be required to comply with the minimum multifamily component in the composite mix of uses provided hereinabove.

To the extent that either de minimis option causes a deviation from the composite land use mix when the land use mix distributions are considered for the entire Employment Center Area, then a revision within the Comprehensive Plan to the composite land use mix will be required.

3. Determination of the Mix.

If an areawide master plan has not been prepared for the employment center located at the I-75/U.S. 41 intersection, the specific method for determining the land use mix distributions shall not be implemented as a composite land use mix, but shall be implemented as a specific land use mix on a parcel-by-parcel basis using the mix standards as described hereinabove. Except for the employment center located at the I-75/U.S. 41 intersection, the Pasco County Comprehensive Plan requires an areawide composite land use mix for the EC (Employment Center) Land Use Classification, which represents the range of uses that are required to be achieved within each Employment Center Area as designated on the Future Land Use Map. An applicant within an EC-MPUD has four (4) options to demonstrate that an individual parcel, site, or project meets the mix-of-use requirement, and must demonstrate one (1) of the following:

a. That the specific parcel, site, or project provides the mix of uses as specified in Section 522.8.B.1 based upon the uses proposed in the MPUD Master Planned Unit Development Master Plan.

b. That the specific parcel, site, or project is consistent with an Areawide Employment Center Plan that has been accepted by the Board of County Commissioners and adopted by a Special Area Policy into the Comprehensive Plan consistent with the mix of uses in Section 522.8.B.1.

c. The applicant may prepare an Areawide Employment Center Plan consistent with the Community Planning Process of Section 522.9 and the mix of uses in Section 522.8.B.1, and submit a project master plan consistent with the results of this process.

d. The applicant may request that the mix be determined on a first-come, first-serve basis by submitting a plan for a single site within a designated Employment Center Area. The site master plan shall be mailed to all affected property owners within 45 days of the date the rezoning application is deemed complete. If there are objections by

landowners within the Employment Center Area to the site master plan and the applicant has not resolved those objections prior to the Development Review Committee hearing date, the applicant will need to pursue an alternative option as listed in this section. If there are no objections, then at the time the matter is set for public hearing, the site master plan shall be sent to all affected property owners in addition to the requirements specified in Section 303.2B. If there are any objections in writing or at a public hearing that cannot be resolved by the adoption date, the applicant will be required to pursue an alternative option as outlined in Section 522.8.B.(2).

4. Mixed-Use Buildings.

Mixed uses and mixed-use buildings are also permitted within the EC MPUD. Where mixed-use buildings are proposed, the land use mix for that land area shall be determined based upon the percentage of square footage of each use as a percentage of the total land area for that mixed-use structure. The Corporate Business Park "use" by definition is a collection of buildings that meet certain requirements as provided in Section 522.8.D.1.a. All buildings within a Corporate Business Park as defined herein shall be recognized as a Corporate Business Park use and shall not be separated into various uses for the purpose of this section.

C. Compatibility.

The EC-MPUD master plan may provide a mix of land uses as provided in Section 522.8.B.1. The specific location of different uses within the EC MPUD District shall be established on the approved master plan.

1. Internal Compatibility. If applicable (when not under the de minimis size exemption set forth hereinabove, in which case no range of uses is required), the master plan shall demonstrate compliance with the following characteristics:

a. That the land uses within the master plan are arranged and designed in a complementary and compatible manner;

b. That different uses within the proposed parcel, site, or project are effectively buffered to encourage full use and enjoyment of all property within the district;

c. That the vehicular-circulation system throughout the master plan directs traffic in an efficient and safe manner; and

d. That the individual land use components of the master plan are interconnected by safe and convenient pedestrian linkages.

2. External Compatibility.

The master plan shall include appropriate development order conditions that accomplish "stepping down" building heights and transitioning land uses; e.g., gradual reduction of intensities and uses, to minimize visual and noise impacts on either adjacent

residential developments or the Northeast Pasco Rural Area, where applicable. Such standards that address external compatibility may include adjacent buffers and screening such that the arrangement of uses on site do not unreasonably impair the long-term use of properties adjoining the EC-MPUD District as established by the master plan. The County may require additional buffering, landscape, and screening following the evaluation of compatibility, including special standards to minimize visual and noise impacts, when an EC-MPUD is adjacent to the Northeast Pasco Rural Area.

a. Setback. When a nonresidential or multifamily use is abutting any property with a residential Future Land Use classification, there shall be an additional building setback required for that use when contiguous to the residential property as follows:

(1) When any side of a structure equal to or less than 35 feet in height abuts the residential property, that portion of the structure(s) shall be set back a minimum of 20 feet from the property line adjacent to such residential land.

(2) The specific minimum setbacks and other compatibility requirements for structures greater than 35 feet in height shall be determined during the rezoning process and shall become a condition of the rezoning action. At a minimum, structures that are greater than 35 feet in height shall comply with the following building height, transition zone requirements.

<u>Building Height</u>	<u>Minimum Setback when Adjacent to a Property with a Residential Future Land Use Classification</u>
<u><= 35'</u>	<u>20'</u>
<u>36'-45'</u>	<u>50'</u>
<u>46'-55'</u>	<u>80'</u>
<u>55'-65'</u>	<u>110'</u>
<u>> 65'</u>	<u>110', plus an additional 10' for each additional story over 65', plus additional buffering and screening as deemed appropriate to transition from the edge of the EC MPUD development.</u>

b. Building Design. The side of the building that is facing or backing up to any residential development or residentially zoned property, must be treated with the same architectural design standards as the front of the building. Metal buildings shall be located so that they are not visible from residential development, residentially zoned property, and collector/arterial roadways.

D. Description of uses.

1. Preferred Uses.

The Preferred Uses permitted within the EC-MPUD include any one (1) or a combination of the following: Corporate Business Park, Industrial, or Target Primary Business.

a. Corporate Business Park. An office park that provides a collection of office buildings in a campus-like setting that permits uses and activities conducted in an office setting generally focusing on business, government, professional, medical, or financial services, but excludes personal services uses. To qualify as a "Corporate Business Park" for the purposes of meeting the mix-of-use requirement for an employment center, the park must be consistent with the requirements of this section and consist of one of the following:

(1) a minimum of at least three (3) multistory office buildings, where the minimum height shall be two (2) stories and the minimum total stories shall be nine (9) stories; or

(2) two (2) or more buildings with a minimum of four (4) floors each, excluding garage parking; or

(3) building(s) of such a size and character as otherwise approved by the Board of County Commissioners which would create a desired Corporate Business Park setting.

A Corporate Business Park may include Target Primary Businesses, but is identified as a separate primary use in recognition of the desire of the County to promote general (nontarget business) "office" uses within employment centers if they are in the form of a Corporate Business Park.

(4) Accessory uses may occur within the multistory office building and generally have limited external access or signs. Ancillary uses may generally be permitted as a part of a Corporate Business Park and may count as a part of a Corporate Business Park for the purposes of determining various economic-development incentives; however, when these uses are permitted within an EC (Employment Center) Future Land Use Classification, the land area identified for such ancillary uses shall be recognized as "Support Commercial/Office Use" for the purposes of determining the required mix of uses under the Comprehensive Plan. Principle uses: administrative and professional offices (including medical clinics, but excluding hospitals); corporate headquarters, including related supporting services and storage; sales and marketing offices; sales and service offices related to electronic equipment, computers, and similar office equipment, including repair incidental to sales and service; data and communication centers, including information-processing facilities; research and development facilities, including target business medical research,

testing, and pharmaceuticals; business services, such as office supplies, copy/print centers, medical supplies, pharmacies, and travel agencies.

(5) Accessory Uses (for a multistory Corporate Business Park): ancillary storage; cafeteria; restaurant; bank; health facility; meeting room; off-street parking; on-site day care or facility where children are cared for while parents or guardians are occupied on the premises; other neighborhood-convenience type amenities for the use of on-site employees; and technical library.

(6) Ancillary Uses: college, university, vocational, trade, or business schools, transient accommodations (hotel with on-site conference and catering facilities only), and other Support Commercial/Office Uses.

(7) Uses Not Included: building, heating, plumbing, landscaping, or electrical contractor and others who perform services off site, but store equipment and materials or perform fabrication or similar work on site; bulk-mailing services; mail-order house; and urgent care or emergency medical office.

b. Industrial.

In addition to the Target Primary Businesses identified in Section 522.8.D.1.c., an EC-MPUD may also include the specific industrial uses listed below that are also permitted within the County's I-1 Light Industrial Park Zoning District:

(1) Businesses with related offices and showroom, which manufacture, assemble, process, package, and/or distribute small unit products, such as optical devices, tool and die manufactures, electronic equipment, precision instruments, and toys.

(2) Wholesale distribution centers, including related offices and showrooms, rail or highway freight transportation, distribution, and associated warehousing, but not to include highway freight transportation and warehousing or the retail sale of gasoline or propane.

(3) Printing, publishing, engraving, and related reproductive process.

(4) Ornamental iron manufacturing.

(5) Building-material manufacturing and associated storage.

(6) Boat manufacturing.

(7) Distribution plants, beverage bottling, and/or distribution.

(8) Dairy-products manufacturing.

(9) Furniture, decorating materials, and upholstery manufacturing.

(10) Garment assembly.

(11) Laboratories devoted to research, design, experimentation, testing of products or materials, processing, and fabrication incidental thereto.

(12) Manufacture or assembly of equipment and appliances, electronic instruments, and devices.

(13) Manufacture of ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas, and the manufacturing of glass products.

(14) Manufacture, compounding, assembling, or treatment of merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feather, felt, fiber, fur, glass, horn, leather, paper, plastics, metals, stone, shell, textiles, tobacco, wax, wood, yarn, and paints.

(15) Manufacture, compounding, processing, packaging, treatment, and distribution of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food, and kindred products.

(16) Manufacture of musical instruments, novelties, rubberstamps or metal stamps, and other small molded-rubber products.

(17) Photographic manufacturing, and processing.

(18) Sign manufacturing, including poles.

(19) Testing of materials, equipment.

(20) Light Industrial, Flex Space - Flex type or user space that lends itself to a variety of industrial uses as specifically set forth above including target industries. The single-story building is designed for multiple users, divided in spaces running from front to rear. The proportion of office versus light industrial space in each user space is not determined until the user occupies the space. The space may subsequently be proportioned to accommodate the current occupant or a new occupant's changing needs provided that an accessory use is not converted to a principle use. The space may include uses, such as manufacturing, light industrial, and scientific-research functions. Accessory uses could include offices, warehousing, and wholesale stores. The square footage identified for such uses shall not be considered as "Support Commercial/Offices use" for the purposes of determining the required mix of uses under the Comprehensive Plan.

c. Target Primary Business.

A Target Primary Business is defined as a business that is identified by Enterprise Florida as a Qualified Target Industry for the Tax Refund Program or a business that is identified by the Pasco Economic Development Council in their Economic Development Target Industry List, as may be amended from time to time. The Qualified Target Industry list may be obtained from the Pasco Economic Development Council. The Pasco Economic Development Council Target Industry List includes, but is not limited to, the following:

(1) Manufacturing.

(a) Biological products. Establishments primarily engaged in the production of bacterial and virus vaccines, toxoids, and analogous products (such as allergenic extracts), serums, plasmas, and other blood derivatives for human or veterinary use, other than in vitro and in vivo diagnostic substances.

(b) Diagnostic substances. Establishments primarily engaged in manufacturing in vitro and in vivo diagnostic substances, whether or not packaged for retail sale.

(c) Electromedical equipment. Establishments primarily engaged in manufacturing electromedical and electrotherapeutic apparatus.

(d) Electronic connectors. Establishments primarily engaged in manufacturing electronic connectors.

(e) General industrial machinery. Establishments primarily engaged in manufacturing machinery, equipment, and components for general industrial use, and for which no special classification is provided, may also include the manufacturing of amusement park equipment and flexible metal hose and tubing. This industry also includes establishments primarily engaged in producing or repairing machinery and equipment parts, not elsewhere classified, on a job or order basis for others.

(f) Laboratory analytical instruments. Establishments primarily engaged in manufacturing laboratory instruments and instrumentation systems for chemical or physical analysis of the composition or concentration of samples of solid, fluid, gaseous, or composite material.

(g) Laboratory apparatus and furniture. Establishments primarily engaged in manufacturing laboratory apparatus and furniture.

(h) Optical instruments and lenses.

Establishments primarily engaged in manufacturing instruments and apparatus that measure an optical property and optically project, measure, or magnify an image, such as binoculars, microscopes, prisms, and lenses.

(i) Packaging machinery. Establish-

ments primarily engaged in manufacturing packaging machinery, including wrapping and bottling machinery.

(j) Process-control devices. Estab-

lishments primarily engaged in manufacturing industrial instruments and related products for measuring, displaying (indicating and/or recording), transmitting, and controlling process variables in manufacturing, energy conversion, and public-service utilities.

(k) Power-transmission equipment.

Establishments primarily engaged in manufacturing mechanical-power-transmission equipment and parts for industrial machinery.

(l) Publishing - books. Establish-

ments primarily engaged in publishing, or in publishing and printing, books and pamphlets. Establishments primarily engaged in printing, or in printing and binding (but not publishing), books and pamphlets are classified in Industry 2732.

(m) Publishing - periodicals. Estab-

lishments primarily engaged in publishing periodicals, or in publishing and printing periodicals. These establishments carry on the various operations necessary for issuing periodicals, but may or may not perform their own printing.

(n) Publishing - miscellaneous.

Establishments primarily engaged in miscellaneous publishing activities, not elsewhere classified, whether or not engaged in printing.

(o) Pumps and pumping equipment.

Establishments primarily engaged in manufacturing pumps and pumping equipment for general industrial, commercial, or household use, except fluid-power pumps and motors.

(p) Semiconductors and related

devices. Establishments primarily engaged in manufacturing semiconductors and related solid-state devices.

(q) Speed changers, drives, and

gears. Establishments primarily engaged in manufacturing speed changers, industrial high-speed drives, except hydrostatic drives, and gears.

(r) Surgical and medical instruments.

Establishments primarily engaged in manufacturing medical, surgical, ophthalmic, and veterinary instruments and apparatus.

(s) X-ray apparatus and tubes.

Establishments primarily engaged in manufacturing radiographic X-ray, fluoroscopic X-ray, and therapeutic X-ray apparatus and tubes for medical, industrial, research, and control applications, or in manufacturing other irradiation equipment, including gamma and beta-ray equipment.

(2) Medical Research, Testing, and Pharmaceuticals.

(a) Commercial nonphysical research. Establishments primarily engaged in performing commercial business, marketing, opinion, and other economic, sociological, and educational research on a contract or fee basis.

(b) Commercial physical research. Establishments primarily engaged in commercial physical and biological research and development on a contract or fee basis.

(c) Medical laboratories. Establishments primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient on prescription of a physician.

(d) Medicinals and botanicals. Establishments primarily engaged in: 1) manufacturing bulk organic and inorganic medicinal chemicals and their derivatives and 2) processing (grading, grinding, and milling) bulk botanical drugs and herbs.

(e) Pharmaceutical preparations. Establishments primarily engaged in manufacturing, fabricating, or processing drugs in pharmaceutical preparations for human or veterinary use.

(f) Testing laboratories. Establishments primarily engaged in providing testing services, including facilities housing laboratory animals for clinical testing.

(3) Office (General)

(a) Computer-integrated systems design. Establishments primarily engaged in developing or modifying computer software and packaging or bundling the software with purchased computer hardware (computers and computer peripheral equipment) to create and market an integrated system for specific application.

(b) Computer-programming services.

Establishments primarily engaged in providing computer-programming services on a contract or fee basis.

(c) Data processing and preparation.

Establishments primarily engaged in providing computer processing and data-preparation services.

(d) Information-retrieval services.

Establishments primarily engaged in providing on-line, information-retrieval services on a contract or fee basis.

(e) Insurance - accident and health

insurance (nonretail). Establishments primarily engaged in underwriting accident and health insurance.

(f) Insurance - Fire, marine, and

casualty insurance (nonretail). Establishments primarily engaged in underwriting fire, marine, and casualty insurance.

(g) Insurance - hospital and medical

service plans (nonretail). Establishments primarily engaged in providing hospital, medical, and other health services to subscribers or members in accordance with prearranged agreements or service plans.

(h) Insurance - life insurance (non-

retail). Establishments primarily engaged in underwriting life insurance.

(i) Pension, health and welfare

funds. Establishments primarily engaged in managing pension, retirement, health, and welfare funds.

(j) Prepackaged software. Establish-

ments primarily engaged in the design, development, and production of prepackaged computer software. Important products of this industry include operating, utility, and applications programs.

2. Multifamily Residential Uses.

Multifamily residential uses are allowed in an EC-MPUD consistent with the percentage requirements of this section. The purpose of this requirement is to allow for the creation of multifamily residential use (excluding duplexes) consistent with Section 520 of Article 500 of the Pasco County Land Development Code.

3. Support Commercial/Office Uses.

The intent of the support uses within an EC-MPUD is to provide local and neighborhood-scale retail and office uses in support of the principal target industry uses, and not to provide for regional-scale uses, such as malls, theaters, car sales, home improvement centers, and department stores that would potentially serve an even larger area,

detracting from the purpose of target industry employment. The support uses proposed as part of the EC-MPUD should be designed to support the needs of the employment-generating uses and residents either living or working in the employment center. Support uses shall be permitted consistent with the provisions of Section 525, C-1 Neighborhood Commercial District, of this code. Uses proposed as support uses within an EC-MPUD that are consistent with Section 526, C-2 General Commercial District, of this code shall be specifically listed and subject to approval by the Board of County Commissioners.

E. Light Industrial Flex Space - supplemental design standards.

1. Landscaping and Setback Requirements.

a. Setbacks adjacent to interior or rear property lines shall be not less than 35 feet in depth. The first 10 feet from the property lines shall be landscaped.

b. All required setbacks shall be kept clear of loading areas for supplies, services, and buildings.

c. Landscaping required by this subsection shall include, but not necessarily be limited to, the planting of grass, ground cover, flower beds, shrubs, hedges, or trees as provided for in Section 603 of this code. All landscaping shall be maintained in a healthy, growing condition; neat and orderly in appearance; and free of refuse and debris. All planting shall be arranged and maintained so as not to obscure the vision of traffic. Unless otherwise approved by County staff, there shall be no parking of vehicles in the landscaped area.

d. All trucks in excess of one-ton carrying capacity shall be parked in rear or side yards and screened from view from adjacent properties or any public rights-of-way. No trucks in excess of one-ton carrying capacity may be parked in any street yard regardless of screening.

2. Storage. Outside storage of any materials, supplies, or products shall not be permitted in the front of any structure, and shall be properly screened to a height of at least 10 feet on all sides. Outside storage shall be limited to the maximum extent possible.

3. Loading. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions should be reasonably incorporated into the overall design of the primary building using screening walls of compatible material, style, color, texture, pattern, trim, or other details and landscaping determined acceptable to the County. The wall shall be one (1) foot higher than the largest object being screened. An opaque gate, with the same height as the wall, shall be included where access is needed.

522.9 Areawide Employment Center Planning Process

A. Intent.

The Areawide Employment Center Planning Process is one (1) method for determining the required mix for an individual application/project site as provided in Section 522.8.B.2. The intent of the Areawide Employment Center Planning Process is to provide an opportunity for public participation of affected property owners, stakeholders, and adjacent property owners to plan for the mix of uses within an Employment Center Area. The Areawide Employment Center Planning Process is limited to only those areas designated in the Pasco County Comprehensive Plan as employment centers. Only landowners within the specific Employment Center Area under consideration or the County may be an "applicant" pursuing an areawide employment center plan under this section.

B. Applicability.

The Areawide Employment Center Planning Process shall serve as one (1) option for reviewing and approving the required mix of uses within an EC-MPUD District. The purpose of this process is to help facilitate an expedited process to create and/or amend a conceptual plan for an Employment Center Area and to provide an opportunity for the concurrent approval of a proposed development within an EC-MPUD. The County shall process an amendment to the Comprehensive Plan during the next available plan amendment cycle to include the conceptual plan, which will guide the location and mix of uses within an Employment Center Area.

C. General elements.

1. Provide an executive summary which outlines the vision and design of the entire employment center at that location.
2. Describe the objectives of the study.
3. Provide a recommended land use plan, and if appropriate, any conditions for development approval, which shall be met by, or imposed upon, development within the study area.

D. Specific elements.

1. The applicant shall provide a map, or series of maps, which illustrate the location of the proposed study area within the County, including political boundaries; e.g., County and municipal boundaries, current ownership patterns, parcel sizes, existing boundaries of the study area and impact area(s), and a legible, recent, full-section aerial photograph (the most recent County Property Appraiser or Growth Management Department aerial photograph or equivalent) with the boundaries of the study area marked.

2. When a new land use plan is developed for a geographic area for which an Areawide Employment Center Plan has previously been adopted, the County shall ensure that the following requirements are met:

a. The previously adopted plan shall be fully considered in developing the new plan;

b. All persons involved in preparing the adopted plan will be invited to participate in the citizen participation program for preparing the new plan;

c. Any conflicts between a proposed new plan and the previously adopted plan will be identified and fully explained during the public participation process and during deliberations of the Board of County Commissioners;

d. When a new plan is adopted, the Board of County Commissioners shall take required actions, if any, to amend or replace the previously adopted plan; and

e. The Board of County Commissioners shall hold a public hearing to take final action on the application upon review of the application and supporting documentation.

3. An applicant shall include the following information in their submittal:

a. Information concerning the surrounding area to demonstrate the relationship of the EC-MPUD District to adjoining existing and planned uses. The plan must demonstrate compliance with the provisions in Section 522.4.C relating to compatibility; and

b. Any plan which requires more than five years to complete shall include a phasing plan as a part of the submittal.

4. Review Process. The applicant shall conduct a minimum of two (2) neighborhood meetings to solicit comment, feedback, and input on the proposed Areawide Employment Center Plan. The applicant shall be required to notify all property owners within the Employment Center Area under review, in writing, pursuant to the applicable notice provisions provided in Section 303.2.B of this code, as well as place one (1) advertisement in a newspaper with local circulation. The following is a list of items from the neighborhood workshop that must be submitted to the County prior to the Development Review Committee:

a. Identification of where and when the neighborhood workshop was held.

b. A copy of the advertisement with the Notice of Publication.

c. A copy of the Letter of Notification sent to affected property owners.

d. A copy of the sign-in sheet from the neighborhood workshop.

e. The questions or concerns asked by the audience and the applicant's response to those issues.

5. During its review, County staff shall distribute copies of the proposal to the Development Review Committee for study and comment. In considering the plan, County staff shall seek to determine that:

a. Resulting development will be consistent with the Comprehensive Plan and zoning objectives for the area;

b. The parcel is suitable for the proposed uses, considering its size, shape, location, topography, existence of improvements, and natural features; and

c. The proposed uses will not alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for the permitted uses listed in the underlying district.

522.10 CS-MPUD Standards

The purpose of the CS-MPUD is to implement the provisions of the Pasco County Comprehensive Plan and create a method of reviewing and approving requests for density bonuses that are permitted under three (3) Future Land Use Classifications, including AG (Agricultural), AG/R (Agricultural/Rural), and RES-1 (Residential - 1 du/ga) for applicants who develop their rural subdivisions as a CS-MPUD.

A. CS-MPUD permitted uses.

The intent of the CS-MPUD is to provide an alternative residential development pattern to large, agricultural lot uses by providing landowners with density incentives in order to encourage the preservation of large amounts of open space and the clustering of residential lots. Unless otherwise approved as part of the MPUD Master Planned Unit Development process, permitted uses shall be consistent with those set forth in Section 505 of this code, with the exception that grazing animals shall be limited to one (1) per acre minimum, exclusive of area required for other uses. Transient accommodations in the form of attached housing may be considered outside the CS-MPUD open space, provided that the size and design proposed is demonstrated to support recreational uses only and not to serve as large-scale, permanent housing.

B. CS-MPUD open space uses.

1. Permitted Uses

Except as limited by Subsection 2 below, permitted uses within CS-MPUD open space may include, but are not limited to, the following when identified and approved on the master plan, none of which shall be considered active recreation except as set forth in subsection a hereof:

a. Active recreation areas, including neighborhood parks, which do not exceed ten (10) percent of the required minimum CS-MPUD open space or five (5) acres, whichever is less.

b. Bike paths and trails.

c. Equestrian uses and trails.

d. Public and private natural areas and wildlife management areas if proposed by the applicant.

e. Restoration and maintenance activities to sustain or enhance the functions of native habitats, where applicable.

f. Agricultural uses and accessory uses and structures, such as stables, barns, corrals, storage sheds, fences, gates, waterlines, and cattle troughs.

g. Private hunting or fishing.

h. Structures shall be limited in CS-MPUD open space to include only uses and structures that support the other permitted uses in the CS-MPUD open space including, but not limited to, accessory agricultural structures and uses set forth above, and one (1) caretaker dwelling unit (with permitted accessory structures) for the residence of the owner, operator, or resident caretaker of agricultural or conservation activity, on agricultural open space of 40 acres or more.

i. Minor Utilities (nonregional in nature, except those facilities permitted by Subsection I.(4), below).

j. Golf courses, provided that:

(1) They are in compliance with the *Best Management Practices for the Golf Course Maintenance Departments*, published by the Florida Department of Environmental Protection; and *Environmental Principles for Golf Courses in the United States*, published by the Golf Course Superintendents Association of America, with respect to the golf course's design, operation, and maintenance.

(2) Only that portion of the golf course that has pervious surfaces in a natural, vegetative state (this does not include fairways, greens, tee boxes,

clubhouse, equipment shed or areas, golf-cart barns, and parking areas) may qualify as up to one-third of the CS-MPUD open space uplands required below. Any ponds, lakes, or wetlands shall be counted against the nonupland, open-space requirement below.

k. Landscape and other buffers and setbacks (excluding any setbacks associated with residential lots) as required in Section 522.10.D.2 or otherwise required by this code or the County as part of the approval of the CS-MPUD.

l. A minimum of fifty (50) percent of the total area of the CS-MPUD open space must be uplands. No more than (50) percent of the CS-MPUD open space may include the following, either singularly or in any combination:

- (1) Category I, II, or III wetlands.
- (2) Natural water bodies.
- (3) Manmade lakes that are designed to

function year-round as recreational amenities for the development.

(4) Stormwater-management systems serving the CS-MPUD or designed to accommodate needs beyond those of the proposed subdivision (regional stormwater facilities) may be located within the CS-MPUD open space, provided the stormwater systems are unfenced and are surrounded by or adjoin areas that are improved for use as a recreation area for use by the subdivision residents.

2. Prohibited Uses

The following uses are prohibited within the CS-MPUD open space:

a. Internal subdivision streets, except this prohibition does not limit the ability for an internal subdivision street to traverse through the CS-MPUD open space where necessary.

b. Individual residential lots, except for caretaker residence as permitted herein.

3. Lands Ineligible to be Counted as CS-MPUD Open Space

Lands that are encumbered by a previously approved conservation easement or any other previous development condition that preserves the site as open space in perpetuity where those encumbrances were not created through the CS-MPUD rezoning process, are not eligible to be counted as CS-MPUD open space unless the Board of County Commissioners, at its sole discretion, determines that the land will be provided a greater level of protection through the CS-MPUD regulations including, but not limited to, the required CS-MPUD Open

Space Land Management Plan, and that such protection justifies the inclusion of some or all of the land as CS-MPUD open space.

C. Density incentives - CS-MPUD.

The density incentives to which an applicant is entitled, as a matter of right, and not subject to County approval or condition, for clustering as a CS are set forth in the Appendix to the Comprehensive Plan and are as follows:

<u>Density</u>			
<u>Open Space Ratio</u>	<u>AG (Agricultural) DU/Gross Acre</u>	<u>AG/R (Agricultural/Rural) DU/Gross Acre</u>	<u>RES-1 (Residential - 1 du/qa) Developable Residential Acre</u>
<u>50% or more</u>	<u>N/A</u>	<u>1 du/2.5 acres</u>	<u>1.5 du/1 acre</u>
<u>50% - 60%</u>	<u>1 du/4.5 acres</u>		
<u>61% - 70%</u>	<u>1du/3.9 acres</u>		
<u>71% - 80%</u>	<u>1 du/3.6 acres</u>		
<u>More than 80%</u>	<u>1 du/3.3 acres</u>		

The density incentives contained herein are subject to demonstrated compliance prior to the issuance of each site plan with the applicable sections of Florida Statute 381.0065, Chapter 64E-6.005, both as amended from time to time, concerning the location and design of well and septic systems as well as public water and sewerage systems, and applicable sections of the Pasco County Land Development Code. Section 64E-6.005(7), Florida Administrative Code, and Chapter 381.0065, Florida Statutes, presently permit on-site sewage treatment and disposal systems; e.g. septic tanks, where a) a sewerage system is not available; and b) certain statutory conditions under Chapter 381.0065(4)(a-g), Florida Statutes, are met. The minimum area of each lot under Section 64E-6.005(7), Florida Administrative Code, is "of at least one-half acre (21,780 square feet), exclusive of all paved areas and prepared road beds within public rights-of-way or easements and exclusive surface water bodies." Subject to the limitations above concerning density incentive entitlements, nothing contained herein shall limit the authority of the Board of County Commissioners to otherwise lawfully approve, deny, or condition a CS-MPUD.

D. CS-MPUD - design standards.

1. General

The purpose of the Pasco County CS-MPUD design guidelines is to preserve the rural character and the viability of agricultural land by creating greater flexibility in the design of residential developments and to provide opportunities for the planning and design of CS-MPUDs to achieve the following objectives:

- a. Create and preserve connected and contiguous open space.

b. Use site-specific natural features to create a viable residential development design that minimizes the disturbance to the rural landscape, preserves scenic views and existing vistas, and preserves the character of the surrounding area.

c. Encourage the viability of agricultural land.

d. Create a network of protected open spaces within an individual subdivision and minimize the total amount of disturbance on a site.

e. Supplement existing off-site, protected, open space where possible to create a contiguous network of protected open space.

f. Minimize disturbance to environmentally sensitive areas, protect biological diversity, and maintain environmental corridors.

g. Facilitate the construction and maintenance of housing, streets, and other infrastructure in a more efficient manner.

2. Master Plan

A master plan shall be submitted in accordance with Section 522 of this code. Greater flexibility and creativity in the design of residential developments to preserve on-site environmental resources and preservation areas is permitted through the conservation subdivision development approval process and as established through the design criteria and guidelines provided herein. CS-MPUDs and the development plan for CS-MPUDs shall be organized into two (2) components: 1) residential development and 2) CS-MPUD open space.

a. Residential Development.

The location of residential development lots shall be configured to meet the following standards in all material respects:

(1) Residential lots shall be arranged in a contiguous pattern(s), except as necessary to incorporate roads, drainage, and retention to preserve the function, purpose, and integrity of the on-site natural resources and environmental systems to the maximum extent practicable. The purpose of this standard is to insure that residential lots are clustered on the site consistent with the goals of creating a CS-MPUD by providing contiguous open space areas and clustered development in a manner that is not indicative of suburban development.

(2) Minimize disturbance to native habitats and other natural features.

(3) Protect and preserve the rural character and appearance of land when viewed from public roads and from abutting properties.

b. Residential Development Setback and Buffer Requirements.

(1) The residential development shall be set

back a minimum of 100 feet from all CS-MPUD property boundary lines (unless contiguous to existing and/or approved urban development) and external road rights-of-way (outside the subject development). The Board of County Commissioners may approve a setback of less than 100 feet under special circumstances where the applicant demonstrates that the adjacent land use condition of the property does not warrant that setback to protect the rural landscape.

(2) A CS-MPUD shall insure and/or provide a

landscape buffer and/or setback buffer that is designed to protect and maintain the rural and agricultural character of the surrounding area. It is the intent of CS-MPUD design to utilize the existing landscape and vegetation to the maximum extent practical to protect the natural aesthetic and existing rural views of the area as viewed from adjacent roadways and properties. In cases where existing vegetation and landscaping do not exist or are not sufficient to protect the views of adjacent properties and roadways, staff reserves the right to require a detailed buffering plan to protect and preserve the view shed. Such requirements are in lieu of the landscape ordinance.

c. CS-MPUD Open Space.

(1) Required Minimum Open Space

A minimum of fifty (50) percent of the gross acreage of the parcel shall be designated as CS-MPUD open space, exclusive of individual lots (excluding any permitted caretaker residence).

(2) Perpetual Easement

CS-MPUD 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 development portion of the CS-MPUD and extinguishes all development rights on the CS-MPUD open space. The easement or other mechanism shall be in such form as is deemed acceptable by the County Attorney and shall be recorded at the time of platting for each phase which is subject to development, including both the residential lots and the remaining open space. Each phase shall be in compliance with density and open-space provisions as provided herein. Such perpetually restricted open space may be in agricultural uses subject to the limitations within this section.

(3) External Connectedness

Except as otherwise prioritized by Sub-section (5) below and when contiguous off-site open space exists, CS-MPUD open space shall be reasonably configured to create or add to a larger contiguous off-site network of interconnected open space, particularly ones with existing native wildlife habitats, and opportunities that arise for providing open space that may assist in restoring native wildlife habitats. Whenever opportunities exist to create

connections with existing or potential off-site open space, greenways, riverine systems, flow ways, or conservation systems on adjoining parcels, such connections shall be provided. Opportunities for connections will be determined based upon the natural features of both the subject property and adjacent properties, the existence of connected natural systems, or the existence of critical linkages as defined in the Comprehensive Plan.

(4) Internal Connectedness

CS-MPUD open space shall be configured to create connected and integrated open space within the subdivision parcel to the maximum extent practicable and shall be based upon the context-sensitive site design standards and priorities that are provided in Subsection (5) below. CS-MPUD open space shall still be considered connected if it is separated by a roadway or accessory amenity. The configuration of the CS-MPUD open space shall be determined on a case-by-case basis. Nothing herein shall be construed to require a property owner to designate more than the minimum required CS-MPUD open space/open space in the fulfillment of this provision.

(5) Context-Sensitive Site Design

Each CS-MPUD shall be designed to address the natural features of the site. In addition to the protection of natural features, each site shall be designed and shall encourage the use of CS-MPUD open space to provide:

- (a) View shed protection of existing and public, rural roadways.
- (b) Continuation of agriculture uses.
- (c) Recreation.

(6) Permitted Uses

Permitted uses within the CS-MPUD open space are described in Section 522.10.B.

(7) CS-MPUD Open Space Land Management Plan.

Unless the CS-MPUD open space is maintained as part of an existing bona fide agricultural use, an Open Space Land Management Plan for the use and maintenance of the open space shall be submitted and approved as a part of the Master Development Plan approval process. Compliance with said plan shall become a condition of the development order for the rezoning, where applicable, a condition of the subdivision approval, and a condition of the perpetual open space or perpetual conservation easement. Any amendments to the Open Space Land Management Plan must be reviewed by County staff and approved by the County Biologist. When the CS-MPUD open space includes a portion of an existing bona fide agricultural use,

that portion of the CS-MPUD open space that is agricultural shall not be required to comply with the CS-MPUD Open Space Land Management Plan. The Open Space Land Management Plan shall address the following:

- (a) Ownership.
- (b) Baseline environmental assessment of the CS-MPUD Open Space as required in the CS-MPUD application requirements.
- (c) Detailed action plan addressing

the following:

(i) Compatibility with the County's study entitled, "Assessment of Measures to Protect Wildlife Habitat in Pasco County and the Pasco County Comprehensive Plan Conservation Element" as amended from time to time, provided the study remains in effect.

(ii) Specific responsibilities for the regular and periodic operation and maintenance of open spaces by private entities.

(iii) If applicable, plans for restoration of native habitats.

(iv) The necessity, purpose, and location of an on-site caretaker, if a caretaker residence is proposed as a permitted use.

(v) Performance measures that would include conditions and methods of enforcement of obligations.

(d) Annual monitoring report shall be submitted to the County to ensure compliance with the Open Space Land Management Plan.

(e) Such other requirements as required by the Board of County Commissioners at the time of approval.

d. CS-MPUD - street standards.

(1) Minimum Street Design Specifications
Street design shall support the rural

character of the CS-MPUD. The number of necessary travel lanes is limited to two (2). All streets and multiuse trails shall be designed in accordance with the minimum design specifications for minor rural subdivisions in Section 610 of this code or in accordance with the following minimum specifications, as depicted in Table 1 and Figures 1-4, unless otherwise approved by the Board of County Commissioners.

Table 1: Characteristics Of Conservation Subdivision Street Types				
	<u>Road – Open Drainage (Figure 1)</u>	<u>Lane – Open Drainage (Figure 2)</u>	<u>Lane – Closed Drainage (Figure 3)</u>	<u>Multiuse Trail Pavement Not Required (Figure 4)</u>
<u>Function</u>	<u>Collector</u>	<u>Local</u>	<u>Local</u>	<u>N/A</u>
<u>Traffic Lanes</u>	<u>One (1) travel lane in each direction, 11'</u>	<u>One (1) dual-direction lane, 20'</u>	<u>One (1) travel lane in each direction, 10'</u>	<u>N/A</u>
<u>Parking Lanes</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>N/A</u>
<u>Multiuse Path</u>	<u>10', one (1) side</u>	<u>10', one (1) side</u>	<u>10', one (1) side</u>	<u>N/A</u>
<u>ROW Width</u>	<u>73'</u>	<u>69'</u>	<u>50'</u>	<u>22'</u>
<u>Pavement Width</u>	<u>22' plus 6' stabilized shoulders</u>	<u>18' plus 6' stabilized shoulders</u>	<u>20' plus curb and gutter</u>	<u>12'-15'(1)</u>
<u>Vehicular Design Speed</u>	<u>30mph</u>	<u>20mph</u>	<u>20mph</u>	<u>N/A</u>
<u>Landscaping Width</u>	<u>Varies (Optional)</u>	<u>Varies (Optional)</u>	<u>7'</u>	<u>N/A</u>
<u>Road Edge Treatment</u>	<u>Open Drainage</u>	<u>Open Drainage</u>	<u>Type F 2' Curb and Gutter</u>	<u>N/A</u>
<u>Planting</u>	<u>Multiple trees and shrubs species composed in naturalistic clusters</u>			<u>N/A</u>

(2) Additional Standards

(i) Design and construction of the

street network is limited by the following:

(ii) Only road-open drainage and

multiuse trails shall be permitted within the open space.

(iii) Only lane-open drainage and

multiuse trails shall be permitted within the residential development.

(3) Regarding street design elements not

specified in the CS-MPUD Street Standards, final street design and location for all streets shall encourage open space conservation and pedestrian/bicycle safety and comfort through the application of minimum standards for vehicles (e.g., roadway widths will be kept to the minimum necessary for vehicular movement in order to achieve this goal).

(4) Continuation of Street Pattern Between

Phases and Developments

The street layout of subsequent phases

shall be coordinated with the street system of previous phases and developments.

(5) Public Safety

The network shall be designed to

accommodate all applicable codes pertaining to emergency response, coordinating the design with the intent to maintain the rural character.

(6) Traffic Calming

Unless otherwise approved by the

County, all streets within CS-MPUDs shall be constructed and designed to the vehicular design speed

standards provided in Table 1 and shall promote the safety of pedestrians and bicyclists. Traffic calming measures, such as meandering streets, that modify vehicle speeds and support the rural character may be used to promote the pedestrian orientation within CS-MPUDs and are encouraged as an alternative to traditional traffic calming methods.

SECTION 22. 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, the ordinance supersedes and replaces Section 522 of the Pasco County Land Development Code.

SECTION 23. 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 is held invalid, the remainder of the ordinance shall be construed as not having contained the said section, subsection, sentence, clause, or provision and shall not be affected by such holding.

SECTION 24. 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 of County Commissioners and filed by the Clerk to the Board of County Commissioners pursuant to Paragraph No. 27.

SECTION 25. 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 a rezoning application until such time that the Comprehensive Plan and the inconsistent portion(s) of this ordinance are brought into conformity.

SECTION 26. 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 27. EFFECTIVE DATE.

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

ADOPTED this _____ day of _____, _____.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

JED PITTMAN, CLERK

TED SCHRADER, CHAIRMAN

EXHIBIT 1

