



# ***PASCO COUNTY, FLORIDA***

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## ***Diagnostics & Regulatory Action Report***

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*Preliminary*

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*August 13, 2008*

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# Introduction

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## Background Information

Pasco County recognizes a need for updated development regulations. Changes in State law, the adoption of a new Comprehensive Plan, and a desire for an increase in the quality of development are a few reasons that updated development regulations are needed. The County's elected and appointed leaders, therefore, have initiated efforts to update, reorganize and simplify the County's land development regulations in the hope that future development projects within Pasco County will make positive contributions to the community's economic and employment base, its residential diversity, and its overall aesthetic appeal.

Prior to the drafting of a new Land Development Code (LDC), however, an informed analysis of the County's existing requirements must be completed. This document represents this analysis. An extensive review of Pasco's current *LDC and Pasco County Code of Ordinances (PCC)* has been performed. For each *Issue/Observation* made, there is a *Regulatory Action/Recommendation* that suggests changes to address the issue identified.

It is an important point to note that new development regulations are not intended to cause hardship for the development community in any sense - economic or otherwise. New regulations are simply intended to improve on the quality, compatibility and appropriateness of development projects with respect to the County as a whole, and to make the development review and approval process as efficient as possible. They are also intended to help the County address legal issues that arise from legislation here in Florida that is often difficult to navigate. In short, they are intended to make Pasco County a better place to live, work, and generally experience life for current and future residents, businesses, and visitors.

## General Concepts

The following broad concepts pertaining to County issues have been considered in the drafting of this report:

- **Implementation of the 2006 Comprehensive Plan.** The County completed an innovative and unique Comprehensive Plan in 2006. There are many concepts within the Plan that can be integrated in the new LDC. However, the feasibility of some planning concepts within the adopted document are undergoing further review at this time. Such concepts include recommendations on signage, landscaping, building aesthetics, and pedestrian integration. It is anticipated that a resolution regarding these items (and their respective level of regulation) is forthcoming.
- **A User-Friendly Format.** The County would like to consolidate its various development regulations into a single code referred to herein as the Land Development Code (LDC), that is well-organized, well-written, and easy to use. Developers, consultants and others who use the Code should be able to easily navigate the new Code without referring to a variety of separate ordinances. The proposed Table of Contents of the rewritten LDC that has been proposed within this document is intended to further this objective.

- **A Simplified Development Process.** While development standards need to encourage quality development in the community, the County would like to simplify, to the extent possible, the process by which development is approved. The County would like for the development process to be a fair, open, and understandable process for all the parties that are typically involved in the review and approval process.
- **The Incorporation of Innovative Planning Principles.** The County seeks to incorporate the latest thinking in the art and science of County planning into its new Code. The ultimate goal of the new Code is to make Pasco a better community. Therefore, one of the central objectives of this work effort will be to improve the basic policies and rules that govern and manage land development activities in the community. The new Code should focus on outlining a land development process that will result in a better-quality environment.
- **A Legally Sound (and Fair) Document.** Finally, the new regulations must be a fair, but highly defensible, set of rules for the development of land in Pasco. The new Code must clearly reflect basic Constitutional principles, recent Court rulings, and other applicable case law. It also must be framed in accordance with Florida statutory authority as it pertains to community planning and land development, with issues such as vested rights, appeal processes, and rezoning.

## The Resulting Board of County Commissioners Directive

The purpose of this report is to provide the Board with initial direction and recommendations for rewriting the County's land development regulations, and consolidating those regulations into a user-friendly LDC.

If the Board agrees with the recommendations presented in this report, the staff will proceed to Phase II of the work effort which involves working with the Stakeholder Committee to draft the new LDC document.

If the Board has concerns about issues or recommendations for regulatory action cited herein, these issues should be discussed and additional direction should be given to the staff on how the Board would prefer to approach those issues in the new LDC.

Once the Board reaches general consensus on the issues within this Preliminary Diagnostics & Regulatory Action Report, staff will proceed with the next phase using the Board's directives as a guide for the forthcoming LDC.

## LAND DEVELOPMENT CODE

### **105. APPLICABILITY**

Diagnostic Issue/Observation:

- Certain provisions in Sections 105.3, 306, and 530.5 are redundant.
- Reorganize topics.

Regulatory Action/Recommendation:

- Create a General Applicability section
- Create Applicability in Special Circumstances (such as Condemnation) for Sections 105.3, 306 and 530.6, as applicable.

### **106. RULES OF INTERPRETATION**

Diagnostic Issue/Observation:

- Specific staff authority for interpretation is lacking.
- Zoning classification issue should be located with other zoning provisions.

Regulatory Action/Recommendation:

- Clarify position/title responsible for interpretation of which section of LDC.
- Combine with other sections to form a new “General Provisions” chapter.
- Move 106.I to proposed new chapter Zoning, Use Regulations division, Interpretive Rules section.

### **107. RELATIONSHIP OF SPECIFIC TO GENERAL PROVISIONS**

Diagnostic Issue/Observation:

Regulatory Action/Recommendation:

- Combine with Section 106 in a new “General Provisions” chapter.

### **108. PROVISIONS OF THE LAND DEVELOPMENT CODE DECLARED TO BE MINIMUM OR MAXIMUM REQUIREMENTS**

Diagnostic Issue/Observation:

Regulatory Action/Recommendation:

- Combine with Section 106 in a new “General Provisions” chapter.

**109. VESTED RIGHTS**

Diagnostic Issue/Observation:

- This section is a relief procedure that should be grouped with other like sections; i.e., waivers, variances, alternative standards.

Regulatory Action/Recommendation:

- Move to new chapter on Procedures, “Relief Procedures” division.

## 201. DEFINITIONS

### Diagnostic Issue/Observation:

All definitions were reviewed against the Comprehensive Plan and for applicability. Many defined words are not used within the LDC and/or PCC or were in need of updating. Some definitions may be added at a later date during the rewrite. Recommended modifications are proposed as follows:

- Abutting - replace or consolidate with the term “adjacent”.
- Accessory Structure and Accessory Building - consolidate into one definition.
- Activity Center – delete.
- Adjacent - coordinate definition with public notice requirements and definition of “abutting”.
- Agricultural District - update zoning district classifications are updated.
- Airport Approach Surface - may be incorrect.
- Airport Transistor Surface - may be inconsistent with airport approach surface.
- Alcoholic Beverage – delete and defer to Florida Statute.
- Alcoholic Beverage Business Establishment - modifications may be necessary.
- Alterations - modify to apply to “alterations” generally.
- Amendment - delete as explained in existing Section 306.18, Modifications, LDC.
- Amnesty Days – delete.
- Amusement Facilities - modify when zoning code is updated.
- Ancillary Use - definition needed.
- Annexation - delete.
- Annual Progress Report – delete.
- Appeal – delete.
- Applicant - update. See “person”.
- Arterial Road – update and replace “(6)” with “(8).”

- Automotive Service - update. See “automotive service station” per the new illustrated *Book of Development Definitions*.
- Bicycle & Pedestrian Ways - update per Comprehensive Plan glossary.
- Blight - update per slum & blight provisions of PCC.
- BMP – delete.
- Broadcasting or Communication Towers and Facilities - update and remove regulations from within definition.
- Building or Structure- needs to be updated; causes confusion.
- Building Frontage, building, front, building height, building line, building main; all definitions to be turned into illustrations and placed in zoning chapter.
- Bulk Electric Transmission Corridors – delete.
- Business Services - update per professional office uses of zoning chapter.
- Capital Improvements and Capital Improvement Plan & Budget – delete.
- Carport – delete.
- Certificate of Occupancy - currently inconsistent with the Florida Building Code; update.
- Charges and Sales - move Chapter 110 of PCC, otherwise delete.
- Clustering, Cluster Development - update per the Comprehensive Plan glossary.
- Chapter 427, Florida Statutes – delete.
- Clear Site Triangle - modify to be consistent with FDOT MUMS.
- Coastal Area - update per the Comprehensive Plan glossary.
- Coastal Barrier – delete.
- Coastal Barrier Islands – delete.
- Coastal Planning Area - update per the Comprehensive Plan glossary.
- Code Enforcement Director – delete.
- Code Enforcement Officer - expand to include other positions/departments that enforce code compliance as provided in LDC and PCC.

- Commercial - replace existing definition with: “activity involving the sale of goods or services carried out for profit. Commercial includes all retail uses.”
- Commercial Equipment – consider expanding do we need to include more to this definition or stating that it is restricted to uses listed.
- Commercial District - update per rewrite of zoning portion of LDC.
- Commercial Fill - update per the Comprehensive Plan glossary.
- Commercial Vehicle – update and exempt large vehicles i.e., Hummers, F650 etc.
- Commercially Related Equipment - update to be more inclusive.
- Committee – delete.
- Community Residential Home - streamline and compare to current statutes.
- Comprehensive Plan – remove reference to “Chapter 163.3184, Florida Statute.”
- Conservation area - needs to be reviewed and updated by Environmental Lands Division.
- Conservation Plan – delete.
- Construction and Demolition Debris - delete as content is governed by Florida Statutes.
- Construction and Demolition Debris Disposal Facility - expand to include reference to construction and demolition debris as regulated by Florida Statutes.
- Continuing – delete.
- Convenience Goods, Sale of – delete.
- Conversion Apartment – delete.
- County – delete.
- County Administrator – delete.
- County Engineer – delete.
- Court, court inner, court outer – delete.
- Coverage Building - remove and add as an illustration.
- Critical Habitat - review and update needed by Environmental Lands Division per the proposed Critical Linkage Ordinance.

- DBH – delete.
- Deadhead Mileage – delete.
- Declining Neighborhoods – delete.
- Density Credit – eliminate transfer to same parcel (TDR). Update to reflect how density credit is used in Comprehensive Plan and as will be in critical linkages.
- Density, gross - updated per Comprehensive Plan glossary.
- Density, net - update; not used in Comprehensive Plan; possibly remove or see “developable residential acreage”.
- Designated Carrier – delete.
- Development - should be modified to track the exact language in Section 380.04, Florida Statute. Current definition does not.
- Development Review Committee – delete as defined under Boards and Agencies.
- District or Zoning District – update.
- Due Public Notice – delete.
- Dwelling/type/unit - review against Comprehensive Plan and other codes.
- Easement - update to remove regulation.
- Emergency - inconsistent with PCC; delete.
- Emergency Response Plan - very limited; inconsistent with existing powers.
- Enforcement Board – delete.
- Erect/erected – delete.
- Establishment - consider removal; not sure if definition is necessary.
- Estuary - update per Comprehensive Plan glossary.
- Exceptions - too narrowly defined; could cause confusion.
- Family - review and update.
- Farm - review/possibly remove.
- Final Local Development/ Development Order/Permit – review and clarify or integrate.

- Flexible boundary - to be reviewed by Growth Management Department.
- Flood Plains – update per Comprehensive Plan glossary.
- Floor Area, gross – delete.
- Floor Area, living - review/update if necessary.
- Floor Area Retail, net – delete.
- Foster Care Facility - review with “group home definition.”
- Garage, private - modify to remove prohibition on home occupation; make consistent with home occupation.
- Garage, public – delete.
- Gas taxes – delete.
- General merchandise – delete.
- Goal – delete.
- Grade – create definition and clarify where measurement is to be taken from.
- Grade, sludge I, II, III - restructure “sludge - grade I, grade II, grade III.”
- Ground Level - remove or modify to apply to structures.
- Group Home - review in conjunction with other “home” definitions; consider whether County desires to regulate group homes.
- Group Housing - will be covered by modified “dwelling unit(s)”.
- Historic - update per Comprehensive Plan glossary.
- Home Gardening – delete.
- Home Occupation - needs simple definition; update and move regulations.
- Hospital - update and review in light of re-evaluation of “group homes.”
- Hotel – review and compare with “motel” and “lodging house.”
- Hurricane Preparedness Plan - review terminology; i.e., “Office of Disaster Preparedness”.
- Impact Fees - update per Comprehensive Plan glossary.

- In Article 200, LDC, update or delete as necessary all references to signs so as not to conflict with definitions within the sign code.
- Industrial District, Industrial Park - update per code changes and repeal of PUD.
- Industrial, Industrial Use - integrate with industrial activities.
- Integrated Commercial Shopping Center – delete.
- Intergovernmental transfers – delete.
- Junkyard – review; “junk” to be based upon cubic feet
- Kennel- needs separate subsection for business vs. personal; explore limitation on age of dog for purpose of number of dogs allowed.
- Launderette – delete.
- Legislative liaison – delete.
- Line Building, Building Setback - remove and insert illustration for new zoning portion of code.
- Local government development agreements – delete.
- Lodging House and Rooming House – review with “motel” and “hotel”, and possible delete.
- Lot - consolidate the two definitions and re-evaluate definition that will help with multifamily or townhome lots.
- Lot Area, corner, depth, frontage, interior, lines, width - remove and put in illustration for new zoning code.
- “Lot of Record” and “parent parcel,” see Sections 306.2.A.4.h., and 530.6 – Need to clarify rules on how a lot of record can be created by deed, both for subdivision purposes and zoning/land use purposes. Remove conflicting interpretations of the existing LDC. Update per Comprehensive Plan glossary.
- Low-Moderate Income Household – delete.
- Major structure – delete.
- Manufactured home, mobile home - review relationship between each definition and redraft (keep reference to HUD).
- Marina - update per Comprehensive Plan glossary.
- Master Plan - update to clarify that it pertains to MPUD.

- Maximization of private sector assistance – delete.
- Mean annual flood - defined twice.
- Minor structure – delete.
- Modular housing/modular or factory-built home - review definitions.
- MPUD - not in LDC definition (see Planned Unit Development).
- Mean Sea Level- update to include reference and definition of NGVD 88.
- Mining - update per Comprehensive Plan glossary.
- Mixed Use - update per Comprehensive Plan glossary.
- Mixed Use Development - update per Comprehensive Plan glossary.
- Multifamily - update per Comprehensive Plan glossary.
- Multiple Listing Strip – delete.
- Multiple Occupancy Parcel - rewrite to place emphasis on development form, not the ownership.
- Municipal Services Taxing Unit – delete.
- National Ambient Air Quality Standards – delete.
- Natural Ground- delete.
- Navigable Water - update per case law.
- Neighborhood, Commercial - add “per Comprehensive Plan”; refer also to Section 522, Florida Statute.
- Neighboring Counties and Cities – delete.
- Net weight – delete.
- No Tree Verification Statement – delete.
- No Trespassing Sign – delete.
- Nonattainment – delete.
- Nonconforming Sign, Structure, and Use - review all three definitions and integrate where appropriate.

- Nonhabitable Major Structure – delete.
- Nonresidential Districts - will be incorporated in new zoning portion of code.
- Notification – delete (will be addressed in regulatory sections.)
- Northeast Pasco Rural Area - add per Comprehensive Plan glossary.
- Nursing, Convalescent Home or Home for the aged - review with group housing.
- Objective – delete.
- Odor – delete or redefine.
- Office Use - add per Comprehensive Plan glossary.
- Offsite Sign, off-premises sign – delete (redundant).
- On-premises Sign – delete (redundant).
- Outdoor Advertising Sign – streamline.
- Overriding Public Interest - add per Comprehensive Plan glossary.
- Parcel - (sign ordinance issue) revise language.
- Paratransit - remove last sentence.
- Park Model – definition is needed (refer to Florida Statutes/Florida Administrative Code).
- Pasco County – delete.
- Pasco County Comprehensive Plan – delete.
- Permanent Control Point – delete.
- Permanent Reference Monument – delete.
- Personal Services - update to include reference to retail.
- Planned Development - add per Comprehensive Plan glossary.
- Planning Commission – delete.
- Plat - review to determine whether update is necessary (refer to Florida Statute).
- Point Source Discharge - review for context.

- Political Sign - update; not content neutral.
- Policy – delete.
- Port – delete.
- Post Development 100-year floodplain - add per Comprehensive Plan glossary.
- Post Development Wetland Areas - add per Comprehensive Plan glossary.
- Pot bellied pig - update or eliminate reference to PCC.
- Potential Transit Service District - update per Comprehensive Plan or delete.
- Principal Building – rewrite.
- Private Club – delete.
- Private Water System - update to remove regulation.
- Professional Offices or Services - update per rewrite of new zoning portion of code.
- Professional Office District - update per rewrite of new zoning portion of code.
- Property Taxes (ad valorem) – delete.
- Public Facilities - update per Comprehensive Plan glossary to include “school.”
- Public Place - review and delete inconsistent provisions.
- Public Right-of-Way and Rights-of-Way - integrate both definitions
- Public/Semi Public - redefine; update to clarify that this is a future land use classification (add per Comprehensive Plan glossary).
- Public, quasi public – redefine.
- Public School – delete (refer to school).
- Public Supply Well - add per Comprehensive Plan glossary.
- PUD – change to “MPUD.”
- Recreation/open space - no longer a land use, delete.
- Recreational Services – delete.

- Recreational Vehicles – review whether list of types are necessary and review park trailer/park model.
- Relocation house – delete.
- Remedial programs – delete.
- Repeat violation - remove reference to Code Enforcement Board and consider whether to remove definition in its entirety.
- RES-1, RES-24 - update per Comprehensive Plan glossary.
- Residential district - update per zoning code rewrite.
- Residential estate sign – consider deleting or reformat sign definitions.
- Residential Treatment & Care Facilities - update to be consistent with Comprehensive Plan and clarify; review and rewrite during consideration of definitions of group homes/convalescent homes.
- Revenue Bonds – delete.
- Reverse Frontage Road - add per Comprehensive Plan glossary.
- Riding Academy – delete.
- Roof Line - remove and depict by illustration.
- Rooming House – delete.
- ROR - update per Comprehensive Plan glossary.
- Rural - reviewed in light of new Comprehensive Plan rural areas.
- Sanitarium - delete.
- Sanitorium - delete.
- Sandwich Sign - integrate both definitions.
- Sanitary Landfill - integrate with “landfill” if appropriate.
- Seasonal High Water Line - delete.
- Seasonal Residence- delete.
- Sensory intrusions - consider consolidating this definition as found in Comprehensive Plan glossary with a definition of compatibility.

- Shellfish Harvesting Area - delete.
- Shopper's Goods, Sale of - delete; where used in Zoning portion of code update to contain only neighborhood commercial uses.
- Single Boat Docking Facility – delete
- Single-family Dwelling Unit - review in conjunction with other types of dwelling units and the Comprehensive Plan definition.
- Significant Habitat of Threatened and Endangered Species- unused; delete or review, update and retain as applicable in new LDC.
- Sign Ordinance definitions - review all, delete and update as appropriate.
- Site, Site Area and Project - integrate all.
- Site Owner - rewrite to include property owner.
- Slow Speed Zone - review to determine if necessary when moving Chapter 114, PCC, to new LDC, then update.
- Small scale neighborhood commercial - add per Comprehensive Plan glossary.
- Socially Disadvantaged Household/Person - delete.
- Soils Excessively Drained to Very Poor Soils - delete.
- Solid Waste transfer station/recycling plant - needs to be defined.
- Special Assessments - review need for and rewrite or delete.
- Special Exception - update and rewrite as appropriate.
- Specialized Transportation for Area Residents - delete.
- Species of Special Concern - consider whether needed and if so, update per Comprehensive Plan glossary.
- Specified Anatomical Area - delete as repealed.
- Specified Sexual Activity - delete as repealed.
- Spot Zoning - review against current legal standards.
- Stabilization - update per Comprehensive Plan glossary.
- State Minimum Building Code - delete.

- Stormwater utility fee – delete.
- Street, Collector - delete; inconsistent with Comprehensive Plan glossary.
- Street Frontage - delete; see “frontage.”
- Street Line - delete.
- Street Local - delete; see “local road.”
- Street, Marginal Access - delete.
- Street, Minor Arterial - delete.
- Street Principle Arterial - delete; see “Arterial Road.”
- Strip commercial uses - add per Comprehensive Plan glossary.
- Structure - update to remove reference to Comprehensive Plan and to avoid confusion with “building”; or delete.
- Surface Water - review in conjunction with “water body.”
- Swimming Pool, Private - update to address swimming pool concerns and public pools.
- Target Industry - need definition per comprehensive Plan glossary.
- Telephone Central Office - delete.
- Temporary use – definition needed.
- Ten-Year Storm - delete.
- Theater - delete.
- Theater, Outdoor Drive In - delete
- To Plat - delete.
- Tourist Cabins - delete; see motel.
- Tourist Home - delete; all accommodation definitions to be reviewed and integrated.
- Town center - need definition per Comprehensive Plan glossary.
- Townhouses - review in context with dwelling unit and the update of all residential dwelling unit definitions.

- Traditional Neighborhood Development - need definition per Comprehensive Plan glossary.
- Transit Oriented Design - need definition per Comprehensive Plan glossary.
- Transportation disadvantaged - delete.
- Transit Terminal - unnecessary, delete.
- Travel Trailer Park/Recreational Campground, Travel Trailer/Recreational Vehicle Subdivision - review all in conjunction with rewrite of recreational vehicle subdivision.
- Truck and Truck-tractor - update to address enforcement issue and to streamline content; integrate with commercial vehicle.
- Transfer station - definition needed.
- Use Development, Mixed and Use, Mixed - delete.
- Variance - update per recent ordinance amendment.
- Viable Neighborhood - delete.
- Water body - simply definition; either by acreage or vegetative characteristics.
- Water System and all related definitions - review with definitions in Chapter 110 of the Code of Ordinances; integrate or delete as appropriate.
- West Central Florida Metropolitan Aviation System Plan - delete
- Workforce, Workforce Housing - need definitions per Comprehensive Plan glossary.
- Yard Front - delete; depict in an illustration.
- Yard Rear - delete; depict in an illustration.
- Yard Side - delete; depict in an illustration.
- Zoning - need definition per Comprehensive Plan glossary.

Regulatory Action/Recommendation:

- Move all definitions from individual ordinances, including some definitions from the PCC to the Definition Section of the New LDC.
- Remove inconsistencies with Comprehensive Plan glossary.
- Add definitions as needed per new code rewrite.

## **301. BOARDS AND AGENCIES**

Diagnostic Issue/Observation:

- Not all existing boards and committees are contained in this section. There are also Boards and Committees in the PCC that are either outdated or may need to be moved to the LDC.

Regulatory Action/Recommendation:

- Review all existing boards and committees and codify into one chapter.

### **302. AUTHORIZATION BY A DEVELOPMENT ORDER**

Diagnostic Issue/Observation:

- Located in wrong section of Code.

Regulatory Action/Recommendation:

- Move to new section/division where post-decision procedures are addressed.

### **303. ZONING ADMINISTRATION AND PROCEDURE**

Diagnostic Issue/Observation:

- Section 303.2.E review standards of approval for rezonings, special exceptions, and conditional uses.
- Section 303.5 revocation of Conditional Uses (CU) or Special Exceptions (SE) – allow staff to initiate if existing criteria in Section 303 can be substantiated.
- Reevaluate CU.

Regulatory Action/Recommendation:

- Eliminate redundant rezoning criteria, and add criteria addressing need. Manatee is an example of a jurisdiction that address various criteria including “need” that staff will considered for the rewrite of standards for zonings. Conditional use criteria need to be updated in accordance with newer codes. Special exception criteria will be clarified. Some special exceptions may become permitted uses or conditional uses.
- Add county initiated revocation criteria for rezonings, conditional uses and special exceptions for clarification and standards of review.
- Integrate all zoning procedures, standards, uses, into one chapter.

### **304. ADMINISTRATIVE OPERATING POLICIES/RULES AND REGULATIONS**

Diagnostic Issue/Observation:

- Redundancy with Section 106, LDC (Rules of Interpretation).
- Portions out of date.

Regulatory Action/Recommendation:

- Integrate with rewrite of Sections 106 and 108 (General Provisions).
- Delete obsolete provisions.

### **305. WAIVER OF DEFECTS/CONTINUANCES/TIE VOTES**

Diagnostic Issue/Observation:

- This Section deals with procedures and will need to be moved.
- Modify rules regarding tie votes (not denial of application, but denial of motion).

Regulatory Action/Recommendation:

- Integrate into a new universal procedures section.

### **306. DEVELOPMENT REVIEW PROCEDURES**

Diagnostic Issue/Observation:

- 306. 2.A.4.h - Lot of Record by deed must be clarified.
- 306.14.I. – Need clearer deadline for when plat related improvements are required to be completed that does not contain perpetual automatic extensions if the performance guarantee is kept active.
- 306.17 – Need to provide clearer rules on when roads are required to be public and when roads are allowed to be private consistent with current County practice.
- Move Section 306.19.E. Access to Section 618, Access Management.
- Section 310 can be incorporated into Section 306.
- Section 306.11 waiver of record plat creates problems with condominiums.
- Create plat requirements.

Regulatory Action/Recommendation:

- Site development procedures and requirements should be set out in several definitive chapters, each dealing with a separate aspect of development from standards for existing features, subdivision and platting, infrastructure standards, supplemental uses, and special development standards.

### **307. SIGNS**

Diagnostic Issue/Observation:

- Some definitions need to be clarified; multi occupancy parcels need to be addressed.

Regulatory Action/Recommendation:

- Rewrite section as needed and re-codify into a new chapter for Supplemental Use Regulations.

### **310. STORMWATER MANAGEMENT PLAN**

Diagnostic Issue/Observation:

Regulatory Action/Recommendation:

- Combine with portions of Sections 306, 604-606, and 703.
- Rewrite and re-codify in a chapter pertaining to natural and historic resources.

### **311. RIGHT-OF-WAY USE PERMIT**

Diagnostic Issue/Observation:

- Public vs. Private determination.
- When do we require a permit: The road may be private now but we may be accepting the road into maintenance within a month or two, how do we know to process to all departments or don't process at all? If we are installing utilities, turn lanes, etc., on private roads, do we accept a right-of-way use permit or not? This needs to be addressed and explained in detail to help inform the public.
- Create a cancellation/revocation procedure for general right-of-way use permits. Whether other governmental entities and utilities must comply.
- Needs to be updated to be consistent with existing requirements for right-of-way use permits.

Regulatory Action/Recommendation:

- Create technical standards.
- Combine with Chapters 26 and 27 of the PCC.

### **312. CONSTRUCTION AND DEMOLITION DEBRIS DUMP PERMIT**

Diagnostic Issue/Observation:

- Process – these are Class IV developments; procedures should be integrated into Section 306.

Regulatory Action/Recommendation:

- Create new Chapter and change Section title to “Land Excavation” (inclusive of disposal facilities) and provide general standards.
- Combine with Section 313 and Section 619.
- Review all definitions and default to FDEP definitions.

### **313. MINING PERMIT**

Diagnostic Issue/Observation:

- Process – these are Class IV developments so process can go to Section 306.

- Technical standards are in Section 609.

Regulatory Action/Recommendation:

- Create a new section for “Land Excavation.”

### **314. WASTE DISPOSAL AND LAND SPREADING PERMIT**

Diagnostic Issue/Observation:

- See Sections 312 and 313 above. Consolidation of sections necessary for simplification.
- Delete 314.3-314.4.
- Retain provisions for land spreading.

Regulatory Action/Recommendation:

- Consolidate into new section for Land Excavation (inclusive of disposal facilities).

### **315. HISTORICAL PRESERVATION**

Diagnostic Issue/Observation:

- Historic Committee should be moved to Boards and Agencies.
- Process for designation needs to be streamlined.
- Update to be consistent with current Comprehensive Plan.
- Move Notice and Public Hearing to section with other Notice and Public Hearing requirements.
- Remove hurdles to property owners designation of own property.
- Remove requirement to obtain certificate of appropriateness.

Regulatory Action/Recommendation:

- Rewrite entire section to streamline and to remove provisions that are burdensome or excessive.

### **316. VARIANCE REQUESTS**

Diagnostic Issue/Observation:

- Update Administrative Zoning Variance section to incorporate accessory setbacks and other matters appropriate for administrative variances.

Regulatory Action/Recommendation:

- Move this section to new chapter on Procedures, Relief Procedures division.

### **317. ADMINISTRATIVE APPEALS**

Diagnostic Issue/Observation:

- Clarify whether appeal period commences from board decision or date order or resolution is reduced to written form and signed.

Regulatory Action/Recommendation:

- Move to new relief procedures section.

### **318. PUBLIC PARTICIPATION PLAN**

Diagnostic Issue/Observation:

Regulatory Action/Recommendation:

- Delete as governed by process in Chapter 163, Florida Statutes, public hearing process of Chapter 125, Florida Statutes and the Board's use of advisory committees.

### **319. TRANSPORTATION CORRIDOR MANAGEMENT**

Diagnostic Issue/Observation:

- Section 603 and/or 319 – Modify landscaping requirements when use is adjacent to a transportation corridor that meets our typical cross-sections (which include landscaping), to avoid double buffers.
- Section 319.9 – Modify dedication waiver process for transportation corridors. Clarify variances procedures for transportation corridors.

Regulatory Action/Recommendation:

- Move to a chapter relating to Infrastructure Standards for Transportation.

### **401. CONSISTENCY WITH COUNTY COMPREHENSIVE PLAN**

Diagnostic Issue/Observation:

- Language of opening paragraph needs to be amended to be consistent with Chapter 163.3194, Florida Statutes.

Regulatory Action/Recommendation:

- Rename as "relationship to Comprehensive Plan" and include provisions regarding compatibility with established land use pattern and concurrency.

### **402. CONCURRENCY MANAGEMENT SYSTEM**

Diagnostic Issue/Observation:

- Possible updates needed and School Concurrency to be added.

Regulatory Action/Recommendation:

- Changes will be incorporated with pending changes and when School Concurrency is adopted by February 2009.

### **403. DEVELOPMENT AGREEMENTS**

Diagnostic Issue/Observation:

Regulatory Action/Recommendation:

- Delete and replace with the following language “The County has authority to enter Development Agreements pursuant to Chapter 163, Sections 163.3220 through 163.3243, Florida Statutes, as well as other agreements concerning development.”

### **501. Zoning**

Diagnostic Issue/Observation:

- Article is lengthy and out of date.

Regulatory Action/Recommendation (overall):

- Incorporate illustrations and related explanation of terms (definitions).
- Create a matrix for permitted uses, CU and SE uses.
- Create a matrix for bulk standards / compatibility.
- Create matrix for Land Use Category and corresponding Zoning District.

### **502. DESIGNATION OF DISTRICTS**

Diagnostic Issue/Observation:

- No zoning shall be allowed in a land use designation that is more restrictive.
- Reduce number of zoning categories.

Regulatory Action/Recommendation:

- Create one zoning category for Agriculture.
- Create one zoning category for Estate Residential.
- Create one zoning category for Suburban Residential.
- Create one zoning category for urban residential.
- Create one zoning category for professional office.
- Split General Commercial (C-2) into two zoning categories.
- Second General Commercial Category to be entitled “Highway Commercial.”
- Eliminate C-3 and integrate into new Highway Commercial and light industrial zoning categories.
- Retain Light industrial and Heavy industrial zoning categories.
- Rewrite industrial districts for consistency with comprehensive plan by placing specific limitation on amount of commercial use and type.

## 503-508. AGRICULTURAL DISTRICTS (AC,AC-1,AR-5,AR-5MH,AR, AR-1)

### Diagnostic Issue/Observation:

- Needs exceptions for right to farm bona fide farming uses. Modify limitations in agricultural district(s) to integrate right to farm criteria. For example, coverage limitations are not applicable to bona fide agricultural uses.
- Clarify conditional use for helicopters/ aircraft/ "use" not just pad.
- Add conditional use for motorcross/motorcycles track uses.
- Sanitary landfill, CDD, fertilizer manufacturing can be conditional uses in AC, if there is an industrial land use classification, check against Comprehensive Plan.
- References to duplex including duplex as special exception use not consistent with comprehensive plan.
- Allows for three grazing animals per acre; inconsistent with other provisions of the code.
- Too many agricultural districts.
- 503.6 – Area, Density and Lot Width Requirements.  
Setbacks are not specifically stated opens itself for accessory structure setback use – 5' minimum side and rear.
- 505.5 AR permitted uses: Roadside stands require a minimum of two acres in a zoning district that has a one acre minimum requirement. In other districts, such as A-C, AC-1, AR-5, and AR5-MH temporary roadside stands do not require a minimum lot area. Although these districts require greater minimum lot areas than 2 acres historically we have always used the section where it states "All other uses (other than Single-Family Dwellings or Mobile Homes – where applicable). No minimum lot areas are required subject to meeting minimum yard and Coverage Regulations.
- Add Cemeteries as a permitted use in AC.
- AR special exception uses: RV park/subdivision /move regulations from Section 530.
- Special Exception Uses:  
Problem: Due to Federal statute that was passed about 4 years ago, private religious schools cannot be treated any differently than public schools.
- AR-5 – Special Exception Uses  
Animal Hospitals or Veterinarian Clinics and Dog Kennels are Special Exception Uses in A-C, AC-1, A-R, and AR-1, yet AR-5 and AR5-MH do not list them as Special Exception Use. The A-R and AR-1 Districts require smaller lot sizes than do AR-5 and AR5-MH and also allow grazing animals as does AR-5 and AR5-MH.
- Add Wildlife refuge and exotic animals as a conditional use.
- Add special exception for either or both vet clinic and boarding kennel.

### Regulatory Action/Recommendation:

- Modify limitations in agricultural district(s) to integrate right to farm criteria. For example, coverage limitations are not applicable to bona fide agricultural uses.
- 503.6 (AC) - Solution: Include the setback information in the Area, Density section.
- Integrate standards from Section 530 for both RV Parks and RV subdivisions.
- Clarify that temporary roadside stands require the minimum lot area in the above-mentioned districts, e.g., minimum lot area of 10 acres for a roadside stand in A-C or AC-1 and not subject to no minimum lot areas for other uses – or remove the 2 acre minimum lot area for a roadside stand in A-R and AR-1 or include a 2 acre minimum lot area for roadside stands across the board (there may be small lots of record).
- Eliminate separate zoning districts for mobile homes and create one zoning with alternative standards for mobile home parks and zonings for mobile homes on larger lots.
- Also, for these sections, maintaining livestock not to exceed one grazing animal per acre exclusive of other uses to be consistent with other provisions of the code.
- Remove private schools a special exception use.
- Eliminate Duplexes as special exception use.
- Clarify that kennels are special exception use in all Agricultural districts, and add standards for this use.
- Change "broadcasting or communication tower" from a special exception to a conditional use. Add "boarding house" with bed and breakfast, tourist home. Add "paint ball field" to conditional uses.
- Streamline permitted uses using same terminology.
- Update all special exception and conditional uses in Agricultural districts to provide for consistency with new ordinances and uniformity.

## ***509/510. E-R ESTATE RESIDENTIAL DISTRICTS***

### Diagnostic Issue/Observation:

- Permitted uses allow for three grazing animals per acre.
- Allows duplexes as special exception use.

### Regulatory Action/Recommendation:

- 509.2 - Add Schools as a permitted use.
- 509.4 - Remove private schools and church schools as a special exception use.
- Update allowable livestock to not to exceed one grazing animal per acre exclusive of other uses.
- Eliminate any reference to duplex from all agricultural/ estate res zonings, to be consistent with Comprehensive Plan.

## ***511/512. MOBILE HOME DISTRICTS (R-MH, R-1MH, R-2MH)***

### Diagnostic Issue/Observation:

- Section 511. 4 R-MH spec exceptions – eliminate all SE except golf courses.
- Under R-MH add lot coverage.
- Too many mobile home districts.

Regulatory Action/Recommendation:

- Consolidate into one zoning district in an urban category or eliminate.
- Update and streamline all special exception uses as well as yard and area criteria.

**513. RURAL DENSITY MOBILE HOME DISTRICT (R-2MH)**

Diagnostic Issue/Observation:

- R2MH was sunsetted in Section 503.1 now we need to eliminate 513

**514-517. RESIDENTIAL DISTRICTS (R-1, R-2, R-3, and R-4)**

Diagnostic Issue/Observation:

- Rear setbacks in R-3 and R-4 do not provide room for pools without a variance.
- Special exception uses such as private schools, professional office, church schools need to be updated or eliminated.
- RV and Boats are parked in driveways and yards due to lack of storage.
- Special exception for duplexes creates problems with platting if units are ever sold separately.

Regulatory Action/Recommendation:

- Add Schools as a permitted use.
- Allow daycare as a permitted use as provided in Ch 125, FS, all other daycare, special exception use.
- Eliminate Special Exception for professional office.
- Increase rear setback from 15 to 20 feet.
- Create a conditional use for RV and Board storage.
- Remove private schools and church schools as a special exception use.
- Remove duplex as special exception use or limit special exception to one structure.

**518-520. MULTIPLE FAMILY DISTRICTS (MF-1, MF2, and MF-3)**

Diagnostic Issue/Observation:

- Need a separate section for townhomes where yard regulations are varied to accommodate product type and coverage. Staggering, varied facades, and separate would be required in accordance with the number of dwellings per building.
- Too many multifamily zoning districts.
- Setbacks and other yard regulations difficult to work with when fee simple product involved.; rewrite to address common ownership issues. Front setbacks should be measured from back of sidewalk in the case of private streets, side setbacks cannot be measured from property lines since the product is attached.

- MF-2 allows neighborhood commercial which is not consistent with comprehensive plan.
- Special exceptions are outdated and inconsistent with comprehensive plan.

Regulatory Action/Recommendation:

- Create one multifamily zoning district with a subsection for town homes.
- Rewrite yard, coverage standards and redefine “lot” to provide flexibility for product type, for guidance as to dimensional setting, and streamline to allow for use without regard to form of ownership.
- Update, clarify, and eliminate special exception uses to bring into compliance with the Comprehensive Plan.
- Allow first floor neighborhood retail when COM land use category is underlying land use.

### ***521. PLANNED UNIT DEVELOPMENT DISTRICT***

Repealed.

### ***522. MASTER PLANNED UNIT DEVELOPMENT DISTRICT***

Diagnostic Issue/Observation:

- 522.3 Permitted Uses Problem: The sale and service of alcoholic beverages is not addressed in the MPUD District.
- Clarify that MPUD is a betterment plan.
- Add conditional use to allow mining in preparation for subdivision.
- Conversions of uses/vacant land proposed for infill must be consistent with original plan of development.

### ***523/524. PROFESSIONAL OFFICE DISTRICT***

Diagnostic Issue/Observation:

- Two professional office zoning districts are not necessary.
- Permitted uses in PO2 district outdated and inconsistent with Comprehensive Plan.
- Comprehensive Plan provides for Special Exception uses in Office Land Use category.
- Allow smaller lot area standards for R-4 lots that want to redevelop as office along SR 54, and other areas that are redeveloping so they may rezone without a waiver – Comprehensive Plan encourages this.

Regulatory Action/Recommendation:

- Create one Professional Office zoning district.
- Eliminate personal services, banks, photographic studios in accordance with the Office Land Use Category.
- Add, banks, funeral homes, medical clinics and public utility and service structures as special exception uses per Comprehensive Plan.

- Add Schools, day care centers and nursery schools as permitted uses in accordance with the Comprehensive Plan.
- Create additional low intensity permitted office uses that would be compatible in this district.
- Revise yard regulations to allow smaller lots to rezone to this zoning category without a waiver.

## **525. C-1 NEIGHBORHOOD COMMERCIAL DISTRICT**

### Diagnostic Issue/Observation:

- Fast Food restaurants with drive thru are too intense for neighborhood commercial.
- A medical waste facility is too intense even as a conditional use.
- Bakery should be considered a permitted use.
- There is no special exception or conditional use for outdoor seating.
- Side yard setbacks are reduced to zero if such use abuts commercial. The required landscape buffer is 10 feet when use is next to commercial from zero to ten feet for landscaping.
- Clarify single family unit as accessory to commercial use. Should the dwelling unit be required to comply with the building code or should we continue to allow any type of dwelling unit.
- Clarify or allow dwelling use and commercial use as two principle uses.
- Add "tattoo parlor" under permitted uses. Add "dog grooming" with barber and beauty shop, under principal uses. These were prior determinations.
- Clarify conditional use for "helicopter pad".

### Regulatory Action/Recommendation:

- Eliminate medical waste facility as a conditional use.
- Increase side yard setbacks to be consistent with Landscape Ordinance.
- Update list of permitted uses.
- Update special exception uses to be consistent with other provisions in this code such as the landscape ordinance.

## **526. C-2 GENERAL COMMERCIAL DISTRICT**

### Diagnostic Issue/Observation:

- Range of uses – too broad.
- Range of uses – incompatible with each other.
- Conditional use for Multifamily needs to be clarified or eliminated.
- Add industrial open yard requirements for those uses industrial in nature.
- Conditional uses for alcohol are not necessary.
- Conditional uses for alcohol is necessary if 1000 feet of school, church, public park.
- Permitted uses need to be clarified and streamlined. For example, pest control should be listed as permitted use with exterminating products, and roofing should be permitted as other uses in this district allow similar uses.

- Uses are permitted which are more intense than a contractor's office. For example, it allows a Tool and Equipment Rental Establishment. A contractor's office and storage is not permitted.
- Need to address commercial condo plats and its affect on commercial and office zoning districts.
- The use for warehousing and "related" general storage should be clarified.
- Most of the conditional uses are industrial in nature.

## **527. C-3 COMMERCIAL/LIGHT MANUFACTURING DISTRICT**

### Diagnostic Issue/Observation:

- Remove exclusion for "dancing and entertainment".
- Sections 527, 528 and 529 - Consider consolidating these three zoning districts into two districts (heavy industrial and light industrial), and providing clearer rules on any limitations for commercial and office uses in these districts.
- Section 527 C-3, delete and integrate into C-2 and I-1.
- Applicability sections can address applicable land use categories if necessary in C-2 highway commercial.
- Some uses such as manufacturing of small components would be allowed in COM/IL consistent with the Comprehensive Plan. As a result, some uses will specify in the applicability provisions of C-2/ C-H, I-1 that these uses can cross over into either the COM or IL category as set for in the Comprehensive Plan FLU appendix.
- C-3 Permitted Uses conflict with 616.4 PWSF (towers).

### Regulatory Action/Recommendation:

- Update permitted uses to be consistent with current codes. For example, remove broadcasting towers as a permitted use – this is addressed in PWSF ordinance. Also #s 10 and 28 can be combined, then integrate with other zoning districts.
- Eliminate C-3 zoning district, by integrating it into other zoning districts.
- Move like uses to C-2.
- Integrate more intense uses to I-1.
- Move commercial "permitted uses" to a subsection that includes 15 percent limitation in accord with the Comprehensive Plan when C-3 district has an underlying land use category of IL.

## **528. I-1 LIGHT INDUSTRIAL PARK DISTRICT**

### Diagnostic Issue/Observation:

- Accessory uses need to be revised, and commercial uses need to be moved to an ancillary category subject to the 15 percent limitation in the Comprehensive Plan.
- Revise applicability provision for specific COM uses that have manufacturing component.
- "Granite fabrication/manufacturing" should be a permitted use.
- Add "air curtain incinerator" to conditional uses.
- Target industry uses should be added to list.
- Permitted uses outdate.

Regulatory Action/Recommendation:

- Update list of permitted uses.
- Update Accessory uses.
- Create a subsection for commercial ancillary uses subject to coverage limitations in comprehensive plan.
- Create measurable performance standards or rewrite provisions such that they are enforceable.
- Update District in accordance with modern codes.

## **529. I-2 GENERAL INDUSTRIAL DISTRICT**

Diagnostic Issue/Observation:

- Section 529 I-2, remove fertilizer manufacturing as a permitted use. Eliminate repetitive uses in I-2 or I-1 (transfer stations).
- List of permitted uses are outdated.
- Performance standards cannot be measured.

Regulatory Action/Recommendation:

- Update list of permitted uses.
- Check other modern codes for guidance.
- Create measurable performance standards and or rewrite provisions such that they are enforceable.

## **530. SUPPLEMENTAL REGULATIONS**

Diagnostic Issue/Observation:

- 530.1B2 is in conflict with PWSF ordinance.
- Temporary Uses need further specifications. Review temporary uses for car sales/tents. Limit zoning administrator's discretion or add uses. Clarify duration and number of times one can apply during the year. Review for consistency with Sign Ord.
- RV parks should have same yard standards as RV subdivisions.
- Need to clarify entertainment in RV parks.
- Mandate county approval of condo plats for RV parks/subdivisions.
- Accessory uses in setbacks are confusing. Update accessory uses generally.
- Waterfront property – Fences. Allow six feet along existing residential structure side set back, then reduce to four feet beyond structure and not to be constructed to obstructed within 15 feet of property line or mean high water line – whatever is more restrictive.
- Regulations for Fences need simplification.
- Relocate 530.7, Clear Site Triangles, to Roads.
- Combine with Chapter 210 – Fences/Junkyard of Pasco County Code of Ordinances.
- Code needs to address granny flat or what constitutes an additional dwelling unit, - a stove.

- 530.18- rewrite.

Regulatory Action/Recommendation:

- See Alachua Article 25 for Temporary Use language.
- Create a new chapter for supplemental regulations and move some of these regulations to chapter where topics are addressed. For example, yard standards and regulations for RV parks and subdivisions need to be address within the applicable zoning district.
- Rewrite and simplify fence provisions.
- Rewrite waterfront fence provisions and integrate with subsection for fences.
- Rewrite temporary uses provisions.
- Update supplemental regulations to be consistent with other more recently adopted ordinances.
- Rewrite setbacks for accessory uses.
- Update other misc. provisions as necessary.

## 531. NONCONFORMING USES

Diagnostic Issue/Observation:

- No procedures listed for applicant to apply for a determination and what type of evidence must be shown to substantiate existence of use without abandonment.
- Increased intensity of use on same footprint is not addressed.
- Setbacks for various accessory uses are confusing.
- Do we continue to allow the replacement of mobile homes within a 6 month period?

Regulatory Action/Recommendation:

- This section needs to be moved to new “relief procedures” section.
- Update to comply with comprehensive plan provisions.
- Update Special Exceptions that allow for expansion of these uses or other nonconforming uses to be in conformance with comprehensive plan.
- Require registration of nonconforming uses.

## 532. ZONING

Diagnostic Issue/Observation:

- This section deals with authority of zoning staff and the zoning administrator. It needs to simplified and moved to the Administration section of the LDC.
- Provisions are redundant.

Regulatory Action/Recommendation:

- Incorporate in section 106 or administrative section of code.
- Simplify and reduce redundancies.

### **533. PROVISIONS OF ZONING REGULATIONS DECLARED TO BE MINIMUM OR MAXIMUM REQUIREMENTS**

Diagnostic Issue/Observation:

- Redundant language.

Regulatory Action/Recommendation:

- Move to new chapter General Provision or new chapter on Zoning, "Zoning Regulations", division or delete.

### **601. SIGNS**

Diagnostic Issue/Observation:

- 601.14.B.1.a. Requires subdivision entry signs to be setback a minimum of 5' from the right of ways, and 20' from the intersections of the right of ways.
- 601.14.B.1.e. Allows these signs to be in the ROW, provided that a ROW Use Permit and Maintenance & License Agreement are approved. (not true for private streets).
- Problem: a median sign how to apply the setback minimums as the sign will be in the ROW.
- Issues Involved:  
Section 319 Transportation Corridor Management.  
Section 610.3.J. Roadside Clear Zone.  
Public vs. Private Streets.
- Identify pertinent issues from appropriate code sections, and include in Section 601.14.B.
- Modify 601.14.B.1.e.
- Political Signs. There is a conflict about the size of political signs where addressed in two locations in the ordinance. Under the exempt sign section (601 5.A.17) political signs, not to exceed a maximum of eight (8) square feet, are allowed for both residential and nonresidential properties. Under the temporary sign section (601.16) political signs of only four (4) square feet are allowed on residential parcels (601.16.A.2), and up to thirty-two (32) on nonresidential parcels (601.16.A.3).
- Wall Signs. There is a discrepancy regarding how far wall signs are permitted to project from a wall. In section (601.14.C.2.c) wall signs are restricted from projecting more than" twelve (12) inches. In the wall sign definition (sec. 201 .) wall signs are allowed to project up to eighteen (18) inches".
- Bond Requirements for Certain Activities.
- Conflicts With Landscaping Ordinance.

Regulatory Action/Recommendation:

- Review entire Sign Ordinance and correct inconsistency and problematic provisions. The new comprehensive Plan requires amendments for specific standards for commercial, office and industrial.

## 602. TREE PROTECTION AND RESTORATION

### Diagnostic Issue/Observation:

- Possible inconsistencies.
- 602.4.A - Type I Permits required for the removal of trees five (5) inches dbh.
- 602.5.A.1.a - A tree location survey identifying tree(s) ten (10) inches dbh and larger.
- 602.7.C.2 - Removal of trees ten (10) inches dbh and larger removed-replaced.
- Trees five (5) – less than ten (10) inches dbh don't have to be identified on the survey, but must be accounted for somehow.
- II. 602.7.B.7 - Trees shall not be planted within any easement...nor in any ROW without County approval through associated review process (Maintenance & License Agreement).
- Resolution 04-212 shows trees in Standard Roadway Typical Sections and notes the incorporation of landscape enhancements, buffers and pedestrian facilities within ROW.
- More clarity in the areas in the why and when of landscaping and roadway(s), the review process would move along more smoothly.
- Tree removal on improved commercial property. A report from licensed arborist, should be required with a site plan including the location and size of tree(s) in question and the location where the replacement trees will be planted.

### Regulatory Action/Recommendation:

- Move to new chapter on Development Standards, divisions on Natural Resources and Green Space as appropriate.

## 603. LANDSCAPING AND BUFFERING

### Diagnostic Issue/Observation:

- Specify where grasses (Fakahatchee, Muhly, Cordgrass) may be used as they are not shrubs, nor groundcover.
- Add that wheel stops or curbs are required to protect landscaping from encroachment by vehicles.
- Add dumpster locations to be furthest possible location from residences and corridor.
- Review plant lists.
- Add a buffer requirement for schools and other public buildings.
- Some of the plants listed under "Native" as "spp" are not completely native, only a portion of the species is.
- Section 603 and/or 319 – Modify landscaping requirements when use is adjacent to a transportation corridor that meets are typical cross-sections (which include landscaping), to avoid "double buffers".
- Ten-foot tall palm trees set in groups of three may substitute for one shade tree (up to 30%). However, there is no criterion upon which to judge whether planted palms replace inches of removed trees. It would be helpful if the "credit" was codified. "Each group of palms shall equal three inches of shade tree regardless of the diameter of the planted palms."

Regulatory Action/Recommendation:

- Move to new chapter on Development Standards, divisions on Natural Resources and Green Space as appropriate.
- Move definitions to new chapter on Definitions.

## **604. STORMWATER QUALITY MANAGEMENT**

Diagnostic Issue/Observation:

Regulatory Action/Recommendation:

- Combine with portions of Sections 306, 605, 606, and 703.
- Move definitions to new chapter on Definitions.
- Updated as needed to comply with requirements of NPDES

## **605. STORMWATER MANAGEMENT REQUIREMENTS**

Diagnostic Issue/Observation:

- Integrate with Section 606, LDC.

Regulatory Action/Recommendation:

- Move to new chapter on Development Standards, division Infrastructure Standards, section Stormwater.

## **606. DEDICATION OR MAINTENANCE OF STORMWATER MANAGEMENT SYSTEMS**

Diagnostic Issue/Observation:

Regulatory Action/Recommendation:

- Combine with portions of Sections 306, 604, 605, and 703, LDC.
- Move to new chapter on Development Standards, division Infrastructure Standards, section Stormwater.

## **608. WASTE DISPOSAL AND LAND SPREADING OPERATIONS**

Diagnostic Issue/Observation:

- Redundant of Section 314.

Regulatory Action/Recommendation:

- Repeal.

## 609. MINING

### Diagnostic Issue/Observation:

- Creates confusion due to lack of clear requirements for different types of excavation.

### Regulatory Action/Recommendation:

- Incorporate Resolution No. 93.304 which establishes classes of mines.
- Combine with Sections 312 and 313, LDC.
- Revise to separate lime rock and other mineral excavation from borrow pits.

## 610. SUBDIVISION DESIGN STANDARDS

### Diagnostic Issue/Observation:

- Some provisions of this section belong with road standards.
- Neighborhood Parks 610.15 – Minimum dimension to be 30 feet.

### Regulatory Action/Recommendation:

- Move to new chapter on Subdivision and Platting.
- Move provisions as necessary to the appropriate development standard.

## 611. OFFICIAL LAND USE PLAN MAP

### Diagnostic Issue/Observation:

- Refers to "PUD".

### Regulatory Action/Recommendation:

- Update and move to new chapter on Relationship to Comprehensive Plan.

## **612. WELLFIELD PROTECTION**

### Diagnostic Issue/Observation:

### Regulatory Action/Recommendation:

- Move to new chapter on Development Standards, division Natural Resources.
- Move definitions to new chapter on Definitions.

## **613. COMMERCIAL DESIGN STANDARDS**

### Diagnostic Issue/Observation:

- Combine with “Big Box,” lighting and other applicable standards for commercial development.

### Regulatory Action/Recommendation:

- Move to new chapter on Development Standards, division Building.

## **615. OFF-STREET PARKING, LOADING, AND UNLOADING REGULATIONS**

### Diagnostic Issue/Observation:

- Tandem/garage parking for apartment, town home, condo complexes.
- Add typical drive aisle width for by-pass lanes and drive-thru lanes with median or without.
- Stacking requirements for banks, drive-thru dry cleaners, fast food restaurants, Dunkin’ Donuts, etc.
- Standards for objects/structures lining the bypass/drive thru lanes (i.e. pointed walls next to the lane) such as distance from lane.
- Radii of drive-thru aisles.
- Standards for parking spaces lining the drive-thru.
- Add wheel stop requirements including dimensions.
- Update all parking space requirements, adding uses not in current code.
- Add parking requirements for self storage especially multi-floor without drive aisles.
- For multi-family units there should be an extra couple of spaces per building for visitors, deliveries, parties, etc.
- Consider maximum number of spaces rather than minimum.

### Regulatory Action/Recommendation:

- Rewrite and move to new chapter Development Standards.

## **616. TELECOMMUNICATION TOWERS**

### Diagnostic Issue/Observation:

Regulatory Action/Recommendation:

- Move to new chapter on Zoning, division Use Regulations.

## **617. LARGE-SCALE, COMMERCIAL-RETAIL DESIGN STANDARDS**

Diagnostic Issue/Observation:

Regulatory Action/Recommendation:

- Move to new chapter on development Standards, division Building.

## **618. ACCESS-MANAGEMENT REGULATIONS**

Diagnostic Issue/Observation:

Regulatory Action/Recommendation:

- Move to new chapter on Development Standards, division Infrastructure Standards.

## **701. FLOOD DAMAGE PREVENTION**

Diagnostic Issue/Observation:

- Separate variance procedure unnecessary.

Regulatory Action/Recommendation:

- Move to new chapter on Development Standards, division Natural Resources.
- Move definitions to new chapter on Definitions.

## **702. ENVIRONMENTALLY SENSITIVE LANDS**

Diagnostic Issue/Observation:

- Consider codifying some provisions of the resolution creating the Environmental Lands Acquisition and Management Program.

Regulatory Action/Recommendation:

- Move to a new chapter on Development Standards, division Natural Resources.

## **703. FILL**

Diagnostic Issue/Observation:

- Five acre exemption needs to be defined.
- Violations provisions belong elsewhere in code.

Regulatory Action/Recommendation:

- Combine with portions of Sections 306 and 604 – 606
- Move to new Chapter on Site Development.

## **800. TRADITIONAL NEIGHBORHOOD DESIGN**

### Diagnostic Issue/Observation:

- Remove 50,000 square feet limitation in Exhibit 8.6 which suggests that TND is limited to less than 50, 00 square feet.

### Regulatory Action/Recommendation:

- Move to new Chapter on Overlay Districts.

## **901. REPEAL OF PRIOR PROVISIONS**

### Diagnostic Issue/Observation:

### Regulatory Action/Recommendation:

- Review language and integrate with 902 and 904.

## **902. SEVERABILITY**

### Diagnostic Issue/Observation:

### Regulatory Action/Recommendation:

- Review language and integrate with 901 and 904.

## **903. FEES**

### Diagnostic Issue/Observation:

- Fee amounts are inadequate.

### Regulatory Action/Recommendation:

- Review language; adopt updated fee schedules.

## **904. EFFECTIVE DATE**

### Diagnostic Issue/Observation:

### Regulatory Action/Recommendation:

- Review language and integrate with 901 and 902.

## **905. PENALTIES**

Diagnostic Issue/Observation:

- Enforcement provisions similar to those found within Sec. 1-11 of the Code of Ordinances are not contained within the LDC.

Regulatory Action/Recommendation:

- Combine Chapter 1 of the Code of Ordinances and other penalty/enforcement sections here.

**PASCO COUNTY CODE OF ORDINANCES**

**10. ART. II: AMUSEMENTS AND ENTERTAINMENT**

Diagnostic Issue/Observation:

- Is a land use matter; belongs in LDC.

Regulatory Action/Recommendation:

- Consider integrating with temporary use permits.

**18. BUILDINGS AND BUILDING REGULATIONS**

Diagnostic Issue/Observation:

- Integrate definitions within this section with those similar found within the LDC to avoid inconsistencies.
- Is a land use matter; belongs in the LDC.

Regulatory Action/Recommendation:

- Move to LDC. Review all definitions and remove those that are governed by Florida Statutes and the Florida Building Code.

**26. ARTICLE II: CABLE COMMUNICATIONS, INSTALLATION AND OPERATION**

Diagnostic Issue/Observation:

- Overlaps with land use; some provisions belong in the LDC.
- Lengthy provisions pertaining to use of public right of ways, bonding, and permits might be inconsistent with LDC.

Regulatory Action/Recommendation:

- Review and incorporate in LDC as appropriate.

**27. COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY**

Diagnostic Issue/Observation:

- Provisions pertaining to public right of ways uses; permits and conditional use of right of ways appear in both the Code of Ordinances and the LDC.

Regulatory Action/Recommendation:

- Review and incorporate in LDC as appropriate.

**42. ARTICLE I, ENVIRONMENT, IN GENERAL**

Diagnostic Issue/Observation:

- Is a land use matter; belongs in the LDC.

Regulatory Action/Recommendation:

- Review and move to new chapter on Development Standards, division Natural Resources.

**46. ARTICLE III, FIRE PREVENTION AND PROTECTION, FIRE HYDRANTS; FIRE PROTECTION WATER SYSTEMS**

Diagnostic Issue/Observation:

- Is a land use matter; belongs in the LDC.

Regulatory Action/Recommendation:

- Review and move to new chapter on Development Standards, division Infrastructure Standards, Fire Protection.

**62. ARTICLE II, NATURAL RESOURCES, WATER SUPPLY**

Diagnostic Issue/Observation:

- Out dated.
- Is a land use matter; belongs in the LDC.

Regulatory Action/Recommendation:

- Consider whether repeal is appropriate.
- Move concept to new chapter on Development Standards, division Natural Resources and integrate with aquifer recharge and wellhead protection sections as applicable.

**66. ARTICLE IV, DIV 2, OFFENSES AND MISCELLANEOUS PROVISIONS, NOISE**

Diagnostic Issue/Observation:

Regulatory Action/Recommendation:

**78. PLANNING AND DEVELOPMENT**

Diagnostic Issue/Observation:

- Integrate definitions with LDC definitions and delete inconsistencies.
- Pertains to impact fees, a land use matter; belongs in the LDC.

Regulatory Action/Recommendation:

- Move to new chapter on Impact Fees.

**79. DEMOLITION OF SLUM OR BLIGHTED STRUCTURES**

Diagnostic Issue/Observation:

- Is a health, safety and welfare matter as well as a land use matter.

Regulatory Action/Recommendation:

- Consider moving to the LDC.

**82. ROADS AND BRIDGES**

Diagnostic Issue/Observation:

- Provisions pertaining to commercial use of right of ways need to be reviewed and if appropriate, moved to the new section on use of the right of ways in the new LDC.

Regulatory Action/Recommendation:

- Integrate in new chapter on Development Standards, Infrastructure Standards, Transportation.

**110. UTILITIES**

Diagnostic Issue/Observation:

- Integrate definitions with LDC definitions and resolve inconsistencies.
- Contains provisions that must be integrated with the development review process and standards of development.
- Portions are land use matters; belong in the LDC.

Regulatory Action/Recommendation:

- Separate impact fees and move to new chapter on Impact Fees. The remaining provisions move to Development Standards, division Infrastructure standards, utilities.
- Provisions regarding Utilities as an entity, fees and fee payers should remain in the PCC.

**114. WATERWAYS (those sections dealing with restricted areas, seagrass protection and docks)**

Diagnostic Issue/Observation:

- Should be incorporated with section 246, Code of Ordinances.
- Redundant definitions with definitions of LDC and inconsistencies with 114.

Regulatory Action/Recommendation:

- Move to LDC and incorporate into new chapter on Development Standards, division Natural Resources and new chapter on Supplemental Use Regulations.

**210. BUSINESSES**

Diagnostic Issue/Observation:

- Regulates the use of land; belongs in the LDC.
- Reconcile with Section 530 of the current LDC.

Regulatory Action/Recommendation:

- Move any necessary concepts to new chapter on Special Development Standards, division Junkyards.

**246. WATERWAYS**

Diagnostic Issue/Observation:

- Review as regards to boat slips/docks on undeveloped parcels.

Regulatory Action/Recommendation:

- Create specific and overt authorization for the County to regulate construction of structures over water and/or outside parcel boundaries.
- Move to new LDC.

# ***Proposed Table of Contents for Revised Land Development Code***

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The new Land Development Code for Pasco County should be a unified code with co-mingled regulations. The following outline is proposed as a method to effectively integrate these regulations, but also to ensure that they are adequately separated to meet State law requirements. This outline is also proposed to serve as the Table of Contents for the Land Development Code as rewritten.

## Chapter 1 - General Provisions

- Division 1 – Title
- Division 2 – Authority and Purpose
- Division 3 – Applicability
- Division 4 – Consistency with Comprehensive Plan
- Division 5 – Coordination with Other Regulations
- Division 6 – Development Approvals
- Division 7 – Provisions of the LDC Declared to be Minimum or Maximum Requirements

## Chapter 2 – Definitions

## Chapter 3 – Administrative Agencies

- Division 1 – Generally
- Division 2 – Board of County Commissioners
- Division 3 – Planning Commission
- Division 4 – Development Review Committee
- Division 5 – County Staff
- Division 6 – Other Boards and Committees
- Division 7 – Special Districts (CDD, R&B)

## Chapter 4 – Procedures

- Division 1 – Universal Procedures
  - Section 1 – Administrative Operating Procedures
  - Section 2 – Notice Requirements
  - Section 3 – Public Hearings
  - Section 4 – Continuances
  - Section 5 – Tie Votes

- Section 6 – Post-Decision Procedures
- Section 7 – Expiration, Extension and Reinstatement
- Section 8 – Enforcement and Revocation of Permits
- Division 2 – Relief Procedures
  - Section 1- Appeals
  - Section 2 – Variances
  - Section 3 – Alternative Standards
  - Section 4 – Petition for Waivers
  - Section 5 – Application Deviations
  - Section 6 – Conflict Zonings

#### Chapter 5 – Relationship to the Comprehensive Plan

- Division 1 – Consistency and Compatibility
  - Section 1 - Allowable Zonings within Land Use Designation (table)
  - Section 2 – Consistency with Existing Patterns of Development
  - Section 3 – Development Plans
  - Section 4 - Schools
  - Section 5 – Public/Semi-public
- Division 2 – Concurrency
  - Section 1 – General
  - Section 2 – Transportation Facilities
  - Section 3 – Mass Transit
  - Section 4 - Drainage
  - Section 5 – Potable Water
  - Section 6 – Sanitary Sewage
  - Section 7 – Solid Waste
  - Section 8 – Parks and Recreation
  - Section 9 - Schools

#### Chapter 6 – Zoning

- Division 1 - Zoning Procedures
  - Section 1 – Rezoning
  - Section 2 – Master Planned Unit Development
  - Section 3 – Planned Development
  - Section 4 – Conditional Use
  - Section 5 – Special Exception
- Division 2 – Zoning Regulations
  - Section 1 - General Requirements
  - Section 2 – Establishment of Districts
  - Section 3 – Official Zoning Map
  - Section 4 – Zoning District Boundaries
- Division 3 – Zoning Districts and Standards
  - Section 1 – Zoning Districts Established
  - Section 2 – Agricultural
  - Section 3 – Residential
  - Section 4 – Multifamily
  - Section 5 – Professional Office
  - Section 6 – Commercial

- Section 7 – Industrial
- Section 8 – Master Unit Planned Developments
  - Part 1 – Employment Centers
  - Part 2 – Conservation Subdivisions
  - Part 3 – Planned Developments
- Division 4 – Use Regulations
  - Section 1 – Interpretive Rules
  - Section 2 – Use Matrix (Table)
  - Section 3 – Accessory Uses and Structures
  - Section 4 – Home Occupations
  - Section 5 – Telecommunications Towers and Antennas
  - Section 6 – Temporary Uses
  - Section 7 – Short Term Rentals
- Division 4 – Compatibility (Table with yard area, setbacks, height, etc. requirements)
- Division 6 - Supplemental Use Standards
  - Section 1 - Area, Building & Height Regulations

#### Chapter 7 – Overlay Districts

- Division 1 – Traditional Neighborhood Development
- Division 2 - Redevelopment
  - Section 1- Trilby, LaCoochee and TrilaCoochee
  - Section 2- Brownfields
- Division 3 – Rural Areas
  - Section 1- Northeast
  - Section 2- Rural Transition Area
  - Section 3- Rural Character Area
  - Section 4- Rural Neighborhood Protection Area
- Division 4 – Scenic Corridors
  - Section 1- Suncoast Parkway
  - Section 2- SR 52
- Division 5- Community Plans
  - Section 1 - Pasadena Hills
  - Section 1- Land O'Lakes
  - Section 2- Wesley Chapel
- Division 6- Historic Preservation
- Division 7- Commercial Corridors
  - Section 1- SR 54/56
  - Section 2- US 19
  - Section 3- US 301
- Division 8- Commercial Districts
  - Section 1- Town Centers
  - Section 2- Employment Centers

#### Chapter 8 - Site Development

- Division 1 - Development Plan Procedures
  - Section 1 - Conceptual Plans
  - Section 2 – School Sites
  - Section 3 – Power Substations

- Section 4 - Class I Plans
- Section 5 - Class II Plans
- Section 6 - Class III Urban Plans
- Section 7 - Class III Minor Rural Subdivision Plans
- Section 8 - Class III Limited Family Subdivision Plans
- Section 9 - Land Excavation
- Section 10- Right of Way Use Permits
- Division 2 - Inspection Procedures & Requirements

#### Chapter 9 – Subdivision & Platting

#### Chapter 10 – Development Standards

- Division 1 – Natural and Historic Resources/Protection
  - Section 1 – General
  - Section 2 – Trees and Native Vegetation
  - Section 3 – Wildlife Habitat/Upland Protection
  - Section 4 – Critical Linkage
  - Section 5 – Wetlands
  - Section 6 – Surface Waters
  - Section 7 – Rivers
  - Section 8 – Seagrass Protection Zones
  - Section 9 – 100-Year Floodplains
  - Section 10 – Aquifer Recharge Areas (Water Supply)
  - Section 11 – Wellfield Protection
  - Section 12 – Wells and Septic Tanks
  - Section 13 – Historic Structures and Sites
  - Section 14 - Cemeteries
  - Section 15 – Archaeological Resources
  - Section 16 - Soils
- Division 2 – Infrastructure Standards
  - Section 1 – Transportation
    - Part 1 – Vision Roads
    - Part 2 – Transportation Corridor Management
    - Part 3 – Access Management
    - Part 4 – Street Design and Dedication Requirements
    - Part 5 - Trails
    - Part 6 – Bicycle Facilities
    - Part 7 – Pedestrian Facilities
    - Part 8 – Mass Transit Facilities
    - Part 9 – Transit Oriented Design
    - Part 10- Road and Bridge
  - Section 2 – Stormwater
    - Part 1 – Stormwater Requirements
    - Part 2 – Drainage Basins of Special Concern
    - Part 3 – Low Impact Development
  - Section 3 – Utilities
    - Part 1 – Potable Water Systems
    - Part 2 – Reclaimed Water Systems
    - Part 3 – Wastewater Systems
    - Part 4 - Other Utilities

- Section 4 – Fire Protection
- Section 5 - Reserved
- Division 3 – Greenspace Requirements and Standards
  - Section 1 – Trees
  - Section 2 – Buffering and Screening (Table)
  - Section 3 – Building Landscaping
  - Section 4 – Parks/Open Space
- Division 4 – Parking and Storage Standards
  - Section 1 – Outdoor Storage
  - Section 2 – Parking
  - Section 3 - Loading
  - Section 4 - Sustainability
- Division 5 – Building
- Division 6 - Land Excavation
  - Section 1 – Land Excavation
  - Section 2 – Mineral Extraction
  - Section 3 – Construction and Demolition Debris Disposal
  - Section 4 - Sludge Spreading

#### Chapter 11 – Supplemental Use Regulations

- Division 1 – Signs
- Division 2 – Lighting
- Division 3 – Building Design (orientation, large-scale)
- Division 4 – Gates, Fences and Walls
- Division 5 – Docks and Seawalls
- Division 6 – Structures over Waterbodies

#### Chapter 12 – Special Development Standards

- Division 1 – Vehicle Dealerships
- Division 2 – Junkyards
- Division 3 – Short Term Rentals

#### Chapter 13- Nonconforming Uses and Vested Rights

- Division 1 – Nonconforming Uses and Structure
  - Section 1 – Intent of Provisions
  - Section 2 – Classification of Nonconformities
  - Section 3 - Regulation of Nonconformities
- Division 2 – Vested Rights

#### Chapter 14 – Impact Fees

- Division 1- Uniform Procedures
- Division 2-Transportation
- Division 3- School
- Division 4- Parks and Recreation
- Division 5- Library
- Division 6- Fire Combat and Rescue

- Division 7- Hurricane Mitigation
- Division 8- Utility
- Division 9 – Law Enforcement (RESERVED)

Chapter 15- Repeal of Prior Provisions; Severability; Effective Date