

**From:** King Helie [khpg@microd.com]  
**Sent:** Friday, September 19, 2008 3:56 PM  
**To:** Cindy Jolly  
**Subject:** LDC Definitions

In your effort to consolidate and unify the definitions, your group may want to consider defining words that are frequently used, but are not defined.

"Compatible" is certainly one of these words. The only definition of "compatible" that I have been able to find (other than the dictionary) is in 9J-5 FL Administrative Code under definitions i.e. compatibility defined as:

*(23) "Compatibility" means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.*

King

King Helie Planning Group, Inc.  
P.O. Box 5062  
Hudson, Florida 34674-5062  
Office: (727) 863-7006  
Fax: (727) 868-7406  
e-mail: khpg@microd.com

**HOBBY & HOBBY, P.A.**  
**Attorneys and Counselors at Law**

H. Clyde Hobby  
Clarke G. Hobby

109 N. Brush St., Ste. 250  
Tampa, FL 33602  
Telephone (813) 223-3338  
Facsimile (813) 223-9606

October 3, 2008

**VIA EMAIL & U.S. MAIL**

John J. Gallagher  
Pasco County Administrator  
7530 Little Road  
New Port Richey, FL 34654

Michele L. Baker  
Chief Assistant County Administrator  
7530 Little Road  
New Port Richey, FL 34654

Debra Zampetti  
Zone/Code Compliance Administrator  
7530 Little Road, Suite 323  
New Port Richey, FL 34654

Cynthia M. Jolly, P.E.  
Development Director  
7530 Little Road  
New Port Richey, FL 34654

Re: Pasco County Preliminary LDC Diagnostics & Regulatory Action Report

Ladies & Gentlemen:

Our firm represents several landowners in Pasco County who have hired us to represent their interests in regard to the above-referenced report and any proposed revisions to the Pasco County Land Development Code (the "Code"). At your request, we are providing the following comments on behalf of our clients only on the index and definitions sections of the above-referenced report. We do, therefore, hereby reserve the right to comment in writing and verbally in the future on the other provisions of the report.

Generally, the proposed index is organized in a logical and orderly manner. In order to make the Code more user-friendly, the division of Chapter 4 involving the Comprehensive Plan procedures should also include a list and explanation of all the Comprehensive Plan land use designations. That way, the user can have an understanding of the permitted zoning uses allowed for a particular parcel before getting into the individual zoning districts.

It would appear that some of the proposed definition changes constitute "change for change sake", particularly in regard to definitions that are proposed to be deleted. The above-referenced report proposes to delete at least 90 definitions presently contained in the Code. Before any definition is deleted, it should be determined that the word or term being deleted is not used anywhere in the Code (our research indicates that many of the terms are presently used and not otherwise defined in the Code). Again, in order to be user-friendly, all definitions needed to use the Code should be set

**RECEIVED**

OCT 07 2008

PASCO COUNTY  
DEVELOPMENT REVIEW

John J. Gallagher  
Michele L. Baker  
Debra Zampetti  
Cynthia M. Jolly, P.E.  
October 3, 2008

forth in the definitions section. Likewise, no one should have to look to any other portion of the Code, the Comprehensive Plan or Florida Statutes to ascertain a definition. All definitions needed should be set forth specifically in the definitions section. Illustrations should never replace definitions, but should only supplement definitions.

At least 82 of the proposed changes in the definitions do not set forth the language of the proposed change. We do, therefore, hereby reserve the right on behalf of our clients to comment later on in writing and verbally on those changes when they are made public.

We do have a problem with the proposed changes in the definition of the words and terms listed on Schedule "A" attached hereto. Those changes are (in our opinion) either incomplete, do not set forth the generally accepted definition of the word or term, or do not set forth a definition that is consistent with the intent and manner of use in the Code.

We look forward to working with you throughout this process in a constructive manner for the betterment of Pasco County. **Since we have worked hard to ensure that you receive these comments in the timeframe you requested, we would ask that you circulate our comments to all members of the committee well prior to the next meeting.**

Thank you, and as always, please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clarke G. Hobby', with a long horizontal flourish extending to the right.

Clarke G. Hobby

## SCHEDULE "A"

- Abutting
- Accessory Structure and Accessory Building
- Amendment
- Applicant
- Arterial Road
- Business Services
- Certificate of Occupancy
- Commercial
- Construction and Demolition Debris
- Density Credit
- Density, net
- Development
- Easement
- Family
- Flexible Boundary
- Garage, private
- Garage, public
- Group Housing
- Home Occupation
- Lot
- "Lot of Record" and "parent parcel"
- Personal Services
- Public/Semi Public
- Street Local
- Structure
- Water System and all related definitions

**Cindy Jolly**

**From:** King Helie [khpg@microd.com]  
**Sent:** Tuesday, October 07, 2008 9:54 AM  
**To:** Cindy Jolly  
**Subject:** Definitions in LDC

Comments from: King Helie, Stakeholder Committee

1. Comp. Plan Glossary and LDC Definitions should be consistent which apparently is being done.
2. It is premature to massively delete definitions until the rewrite is complete and words that are used in a land use regulatory context are identified as needing a definition. The definitions should be a work in progress as the LDC is amended section by section.

King

King Helie Planning Group, Inc.  
P.O. Box 5062  
Hudson, Florida 34674-5062  
Office: (727) 863-7006  
Fax: (727) 868-7406  
e-mail: khpg@microd.com

10/7/2008

**Cindy Jolly**

**From:** King Helie [khpg@microd.com]  
**Sent:** Wednesday, October 08, 2008 3:32 PM  
**To:** Cindy Jolly  
**Subject:** LDC Stakeholder Committee Comments on Definitions

You all have been busy. The definitions revision is impressive. It will serve as a good reference as we go through the Code rewrite. After a first review, I have the following comments.

1. Where reference is made to Florida Statutes, it would be helpful to the user to include the appropriate Florida Statute Definition.
2. The definition of "open space" is confusing and needs to be simplified or made more user friendly.

2.1 What about Drainage Retention Areas (DRAs)? Are they included in the open space? It isn't clear if DRAs are part of flood protection. That usually refers to floodplain compensations areas. DRAs are sometimes shown on Master Plans as drainage ponds. However, these would not meet the definition of a water body. Some DRAs seldom, if ever retain any water. However, they should be considered as open space and included in the open space definition. The DRAs usually require about 15% of the upland site. If they are not considered as open space this will severally impact the sites usable land.

King

King Helie Planning Group, Inc.  
P.O. Box 5062  
Hudson, Florida 34674-5062  
Office: (727) 863-7006  
Fax: (727) 868-7406  
e-mail: khpg@microd.com

10/13/2008