

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE, CHAPTER 900, DEVELOPMENT STANDARDS, AMENDING SECTION 901.8 PEDESTRIAN FACILITIES AND CREATING NEW SUBSECTIONS 901.6.E.5 STANDARDS FOR DRIVEWAYS FOR RESIDENTIAL CONSTRUCTION AND 901.6.E.6 STANDARDS FOR PAVER DRIVEWAYS AND SIDEWALKS; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND INCLUSION INTO THE LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Pasco County, Florida, is authorized under Chapter 125, Florida Statutes, to maintain County owned rights-of-way; and

WHEREAS, the Board has further authority pursuant to Chapters 334 and 336, Florida Statutes, to regulate County road system rights-of-way; and

WHEREAS, the Pasco County Land Development Code does not allow for paver driveways and sidewalks; and

WHEREAS, notwithstanding, residents have installed paver driveways and sidewalks within the County rights-of-way; and

WHEREAS, paver driveways and sidewalks can be a beneficial aesthetic feature in a neighborhood and desirable by property owners; and

WHEREAS, property owners are responsible for maintenance of paver driveways and sidewalks installed within County rights-of-way; and

WHEREAS, the failure to properly construct or maintain paver sidewalks across/through driveways installed within the right of way increases liability for which homeowners should be responsible; and

WHEREAS, a maintenance obligation and private right of action is hereby created against property owners who install or previously installed paver driveways which include sidewalks; and

WHEREAS, the Board of County Commissioners has conducted duly noticed public hearings as required by law, at which hearings all parties-in-interest and citizens were afforded notice and the opportunity to be heard; and

WHEREAS, the Board of County Commissioners hereby finds and declares that this Ordinance is in the best interest of the public health, safety, and welfare, and that it advances a valid and important public purpose.

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

SECTION 1. Authority.

This Ordinance is enacted pursuant to Chapter 125, Florida Statutes (2018) and under the home rule powers of the County.

SECTION 2. Recitals.

The foregoing Whereas clauses, incorporated herein, are true and correct.

SECTION 3. Applicability

The applicability of this amendment shall be as provided for in Section 103.1 of the restated Land Development Code.

SECTION 4. Section 901.8 Pedestrian Facilities of the Pasco County Land Development Code is hereby amended as follows:

901.8. **Pedestrian Facilities**

D. Construction

Unless an alternative standard is approved at the time of preliminary development plan approval, sidewalks shall be constructed **of pavers, in compliance with Section 901.6.E.5,** or natural or colored concrete at least 3,000 psi in strength, fiber reinforced, a minimum of five (5) feet in width along Type 1 collector or arterial streets and four (4) feet in width along all other streets, and a minimum of four (4) inches in thickness, except at driveway approaches.

SECTION 5. Section 901.6.E.5, Standards for Driveways for Residential Construction is hereby created as follows:

CHAPTER 900. DEVELOPMENT STANDARDS

SECTION 901. TRANSPORTATION

901.8. Street Design and Dedication Requirements

E. Roadside Design

5. Standards for driveways for residential construction. All new or reconstructed driveways shall be designed to conform to all of the following criteria as applicable:

- a. Two-car Garages. Minimum width, twelve (12) feet, Maximum width, twenty-four (24) feet.**
- b. Split Car Garages. Maximum width, twenty-eight (28) feet, a combined total width for multiple driveway(s) within the Right-of-Way.**
- c. Three (3) foot flared section at each end of the driveway(s).**
- d. Fifteen feet minimum radii required for rural section.**
- e. Florida Department of Transportation standard flares required for a road that has urban curb and gutter section. (No curbs for driveway permitted within right-of-way; wheelchair access to be provided).**
- f. Unless otherwise approved by the County Administrator or Designee, driveways across roadside swales will require the placement of a drainage culvert (side drain) under the driveway in order not to impede flow in the swale resulting in an increase of backwater onto upstream property.**
- g. Consistent with LDC Section 902.2.I, culverts in residential areas may be asphalt coated corrugated metal pipe (CMP) or reinforced concrete pipe (RCP) with a minimum diameter of fifteen (15) inches. Culverts in commercial areas shall be RCP with a minimum diameter of eighteen (18) inches.**

- h. Consistent with LDC Section 902.2.I, all storm sewer pipes and culverts shall have a minimum of six (6) inches of cover from outside crown of pipe to bottom of roadway base course. The minimum cover of pipe in swale areas shall be one (1) foot, unless otherwise approved by the County.
- i. Mitered end sections are required on all culvert installation, as per Florida Department of Transportation Standard Detail Index 273.
- j. Driveway construction from edge of pavement to the property line shall consist of one of the following:
 - 1. Six (6) inches thick, three-thousand (3,000) psi reinforced concrete (existing sidewalk to be replaced where it does not meet this criteria);
 - 2. Six (6) inches lime rock with one (1) inch asphalt;
 - 3. Six (6) inches soil cement with one (1) inch asphalt; or
 - 4. Four (4) inches asphalt
- k. The number of driveway(s) or the total width of multiple driveway(s) shall comply with this Section.
- l. Driveway construction where mountable curb exists must tie to the back of the curb.

SECTION 6. Section 901.6.E.6 Standards for Paver Driveways and Sidewalks is hereby created as follows:

CHAPTER 900. DEVELOPMENT STANDARDS

SECTION 901. TRANSPORTATION

901.6. Street Design and Dedication Requirements

E. Roadside Design

6. Standards for Paver Driveways and Sidewalks. Paver driveways and sidewalks may be allowed in the right-of-way provided that concrete edge restraints or similar other protection is placed so

as to protect existing pavement. Concrete paver sidewalks within the driveway limits may be installed within the County right-of-way.

a. Paver driveways and sidewalks shall comply with Pasco County Residential Driveway Connection (Figure 901.6.E) and the following:

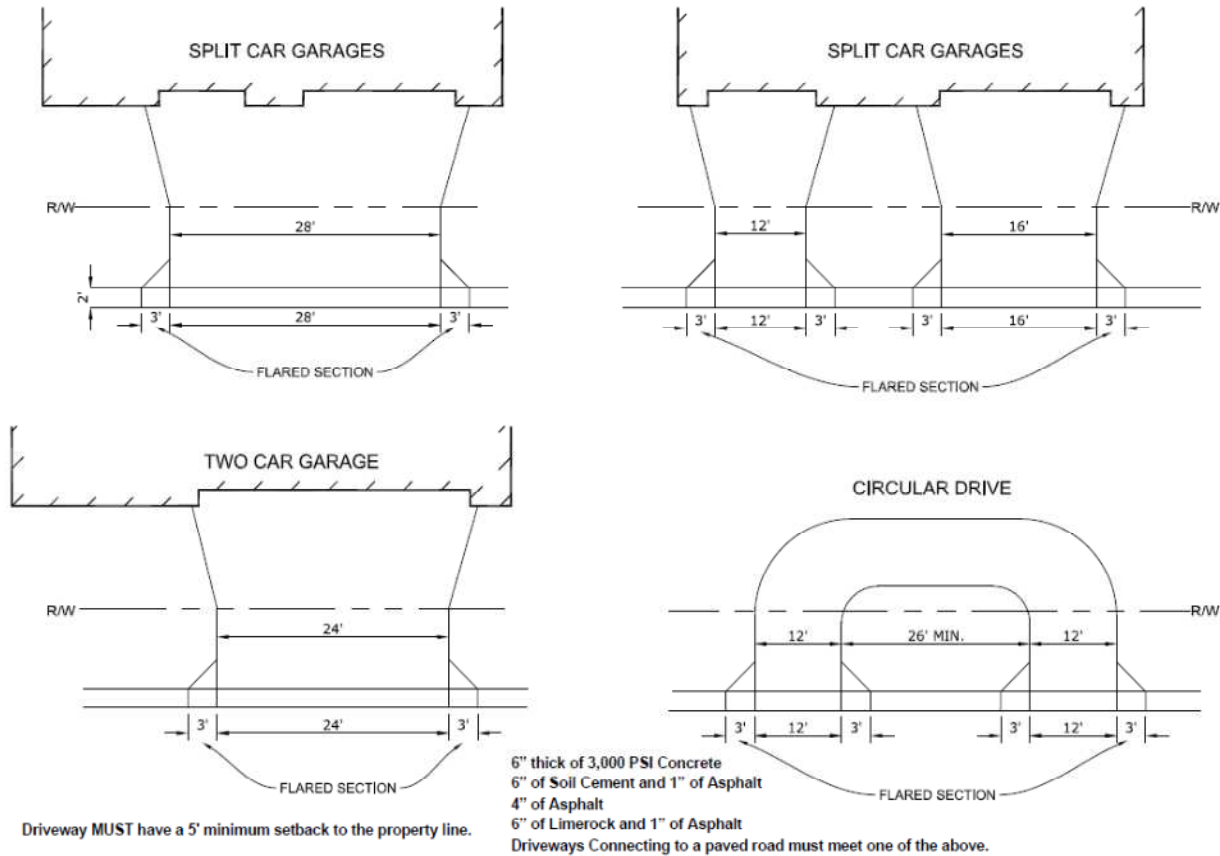
1. All pedestrian sidewalks and portion of paver driveway that is part of the pedestrian sidewalk shall meet all Americans with Disabilities Act (ADA) standards, including, but not limited to width, curb cut ramps, longitudinal slopes, cross slope and smooth surface.
2. Manufacturer's design specifications or Engineer design requirements for the paver driveway and sidewalk typical sections.
3. The owner of the property served by or upon which a paver driveway or sidewalk is or was previously installed is solely responsible for all maintenance and repair of the paver driveway or sidewalk within the County right-of-way. The County shall not be liable for the costs of any maintenance, repair, or replacement of the paver driveway and sidewalk regardless of the reason(s) requiring the maintenance or repair.
4. In the event any property owner fails to maintain and repair the paver materials within the County right-of-way, the County may, without prior notice to the property owner perform the necessary maintenance, repair or replace any portion of the sidewalk and/or driveway within the County right-of-way, using any materials approved by the Land Development Code or this Section. In no circumstances shall the County be obligated to replace pavers. Alternatively, if the County Engineer or designee deems appropriate, the property owner may be given notice and an opportunity to bring the driveway and/or

sidewalk into compliance with the Land Development Code or this Section. The property owner is responsible for the costs of any repairs made by the County pursuant to the Land Development Code or this Section.

5. Maintenance. Nothing herein is intended or shall be inferred to impose any obligation on the part of the County to maintain or inspect paver driveways and sidewalks constructed in accordance with this or any other section of this Code. Property owners having pavers located within the County right-of-way shall indemnify and hold harmless the County from any claims arising from said pavers. All paver driveways and sidewalks constructed pursuant to this Code shall be maintained in perpetuity by the property owner and its successor(s) in interest unless the County expressly agrees in writing executed by both the property owner and the Chairman of the Board of County Commissioners to accept responsibility for maintenance of the paver driveway or sidewalk, or if such responsibility for maintenance of the paver driveway or sidewalk is otherwise voluntarily assumed by the County.
6. Right-of-Way Use Permit in accordance with Section 406.5.
7. License and Maintenance Agreements in an approved form may be required for installation of paver driveways and sidewalks.

Figure 901.6.E

RESIDENTIAL DRIVEWAY CONNECTIONS



SECTION 7. Repealer

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

SECTION 8. Severability

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provisions and shall not be affected by such holding.

SECTION 9. Inclusion into the Land Development Code.

It is the intent of the Board of County Commissioners that the provisions of this ordinance shall become and be made part of the Pasco County Land Development Code and that the sections of this ordinance may be renumbered or relettered.

SECTION 10. Effective Date.

This Ordinance shall be transmitted to the Department of State by the Clerk to the Board by electronic mail within ten (10) days after adoption of this Ordinance, and this Ordinance shall take effect upon filing with the Department of State.

ADOPTED with a quorum present and voting this day of , 2019.

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

BY: _____
Paula S. O'Neil, Ph.D.
Clerk & Comptroller

BY: _____
Ronald E. Oakley, Chairman