
COMMISSION DISTRICT: All **FILE NO.:** PEG24-0282 **DATE:** 4/10/2024

SUBJECT: An Ordinance By The Pasco County Board Of County Commissioners Amending The Pasco County Land Development Code; Section 304.1 Types Of Public Notice, Table 304-1 Required Public Notice For Development Approval Applications; Section 402.1.B Zoning Amendments – Euclidean, Submittal Requirements; Section 404.3.D Mining Operating Permits, Application Requirements; Section 404.4.D Construction And Demolition Debris Disposal Facilities Operating Permits, Application Requirements; Section 404.6.C Yard Trash Processing Facilities, Application Requirements; Section 406.1.6 Permanent Signs Exempt From Obtaining Sign Permits And Temporary Signs; Section 406.5.D Right-Of-Way Use Permit, Application Requirements; Section 406.8.D Garden Plan Permits, Application Requirements; Section 511.6 R-MH Mobile Home District, Yard Regulations; Section 511.8 R-MH Mobile Home District, Streets And Roads; Section 803.2 Listed Species, Impacts To Listed And Protected Species; Section 901.3.E Access Management, Access Management Analysis/Traffic Impact Study; 901.3 Access Management, Sample Problem No. 1; Appendix A Definitions; And Other Sections, As Necessary, For Internal Consistency; Providing For Applicability; Repealer; Providing For Severability; Inclusion Into The Land Development Code, And An Effective Date.

REFERENCES: All LPA and BCC Public Meetings at 1:30 p.m. in New Port Richey (NPR) or Dade City (DC): LPA at NPR 3/21/24 – BCC 1st Reading at DC 4/10/24 – BCC Adoption at DC 4/23/24

AGENDA SECTION: Public Hearings

THRU: Roy Mazur, Assistant County Administrator

FROM: David Engel, Director Planning and Economic Growth

RECOMMENDED BOARD ACTION:

Accept public comment. No action is required by the Board of County Commissioners (BCC) as this is the first of two public hearings. The second hearing (adoption hearing) will be held on April 23, 2024, at 1:30 p.m. in NPR.

BACKGROUND SUMMARY/ALTERNATIVE ANALYSIS:

The BCC adopted the restated Pasco County Land Development Code (LDC) on October 18, 2011, by Ordinance No. 11-15. Since that time, there have been 67 adopted amendments to the Code.

The Ordinance Development Team (ODT) leads the drafting and review of all potential Land Development Code Amendments. After any necessary research is completed, potential amendments are drafted by members of ODT. The draft amendments are then taken to the LDC Interested Parties and Horizontal Roundtable group for review and comment.

On February 21, 2024, the item was previewed with the LDC Interested Parties and the Horizontal Roundtable group and on March 20, 2024, the subject proposed amendments (Attachment 1) were presented to and discussed with the LDC Interested Parties and the Horizontal Roundtable group.

The following sections are amended and stricken as shown in Attachment 1:

- **Chapter 300 Procedures, Section 304.1 Types of Public Notice; Table 304-1.**
 - Removes Development of Regional Impact (DRI), DRI Substantial Amendment (NOPC), DRI Non Substantial Amendment (NOPC), and removes NOPC from DRI Development Order Amendment.
 - Adds County Initiated Comp Plan Map Amendments to CON (Conservation) published only and County-Initiated Comp Plan Map Amendments (Other than CON) to be published and posted only.
- **Chapter 400 Permit Types and Applications; Section 402.1 Zoning Amendments – Euclidean; Section 402.1.B Submittal Requirements.**
 - Removes the requirement to submit a wetland delineation.
- **Chapter 400 Permit Types and Applications, Section 404.3 Mining Operating Permits; Section 404.3.D.6.e Application Requirements, Other Required Submittals.**
 - Removes Traffic Impact Study, replaces with Timing and Phasing Analysis pursuant to Section 901.12.
- **Chapter 400 Permit Types and Applications, Section 404.4 Construction and Demolition Debris Disposal Facilities Operating Permits; Section 404.4.D.5.d Application Requirements, Other Required Submittals.**
 - Removes Traffic Impact Study, replaces with Timing and Phasing Analysis pursuant to Section 901.12.
- **Chapter 400 Permit Types and Applications; Section 404.6 Yard Trash Processing Facilities; Section 404.6.C.5.d Application Requirements, Other Required Submittals.**
 - Removes Traffic Impact Study, replaces with Timing and Phasing Analysis pursuant to Section 901.12.
- **Chapter 400 Permit Types and Applications; Section 406.1 Signs; Section 406.1.6 Permanent Signs Exempt From Obtaining Sign Permits and Temporary Signs.**
 - Renames Section to Permanent Signs Exempt From Obtaining Sign Permits, Other Signs Without Time Limitations, and Temporary Signs With Time Limitations. Moves Window Signs and Sandwich Signs into the Other Signs Without Time Limitation Category.
- **Chapter 400 Permit Types and Applications; Section 406.5 Right of Way Use Permit; Section 406.5.D.5.f Application Requirements, Other Required Approvals.**
 - Removes Traffic Impact Study, replaces with Timing and Phasing Analysis pursuant to Section 901.12.
- **Chapter 400 Permits Types and Applications; Section 406.8 Garden Plan Permits; Section 406.8.D Application Requirements**
 - Removes Traffic Impact Study, replaces with Timing and Phasing Analysis.
- **Chapter 500 Zoning; Section 511 R-MH Mobile Home District; Section 511.6 Coverage Regulations (New); Section 511.8 Height Regulations (New).**
 - Adds maximum lot coverage 65%.

- Adds maximum building height for single family detached dwellings, single family detached modular and factory built homes to 45 feet and adds maximum building height for mobiles and manufactured homes to 15 feet.
- **Chapter 800 Natural and Cultural Resource Protection; Section 803.2.A Impacts to Listed and Protected Species.**
 - Removes mention of Developments of Regional Impact. Clarifies that zoning amendments to MPUD require a preliminary habitat assessment.
- **Chapter 900 Development Standards; Section 901.3 Access Management; Section 901.3.E Access Management Analysis/Traffic Impact Study and Sample Problem No. 1.**
 - Removes Traffic Impact Study from 901.3.E.
 - Removes mention of Traffic Impact Study and reference to LDC Section 1301 (concurrency) in Sample Problem No. 1.
- **Appendix A Definitions.**
 - Modifies the definitions of Window Signs and Temporary Signs.

FISCAL IMPACT/COST/REVENUE STATEMENT:

No Funding Required.

DISTRIBUTION:

Not applicable.

ATTACHMENT(S):

1. PEG24-0282 Proposed Ordinance Redline
2. PEG24-0282 Proposed Ordinance Clean
3. PEG24-0282 Proof of Publication

Attachment A

CHAPTER 300.

PROCEDURES

SECTION 304

PUBLIC NOTICE REQUIREMENTS

**TABLE 304-1
Required Public Notice for Development Approval Applications**

Application	Mailed	Published	Posted
Administrative Use Permit for the Sale of Alcoholic Beverages **			X
Development of Regional Impact (DRI)	X	X	X
Development Agreement (DA)		X	
DRI Substantial Amendment (NOPC)	X	X	X
DRI Non-Substantial Amendment (NOPC)		X	X
DRI Development Order Amendment (non-NOPC)		X	
DRI Abandonment	X	X	X
DRI Rescission	X	X	X
Zoning Amendment*	X	X	X
MPUD Substantial Amendment*	X	X	X
MPUD Non-Substantial Amendment**			X
Conditional Use*	X	X	X
Special Exception*	X	X	X
Minor Land Excavation*			
Zoning Variance	X		X
Alternative Relief	X		X
Alternative Standards as Specified in Section 407.5.C and D	X		X
Unified Sign Plan	X	X	X
Wireless Communication Facility (Tier II)	X		
Appeals (see Section 407.1)	X	X	X
Preliminary Site Plan and Substantial Modifications to Preliminary Development Plan and Substantial Modifications to	X		
Mass Grading and Substantial Modifications to	X		
Vested Rights	X		X
Waiver of Specific Distance of 1,000 Feet for On-Premises Consumption of Alcoholic Beverages	X		X
Comprehensive Plan Map Amendments	X	X	X
County-Initiated Comprehensive Plan Map Amendments to CON (Conservation) FLU		X	
County-Initiated Comprehensive Plan Map Amendments (other than CON)		X	X

*See Sections 305 and 306 for Neighborhood Meeting and Neighborhood Notice Requirements

**Posted notice to occur within two (2) business days of the final written approval

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 402 USE PERMITS

402.1. Zoning Amendments Euclidean

B. Submittal Requirements

2. The signed and sealed boundary legal descriptions and sketches, ~~including wetlands by delineation.~~

404.3. Mining Operating Permits

D. Application Requirements

6. Other Required Submittals
 - e. ~~Traffic Impact Study~~ Timing and Phasing Analysis pursuant to Section 901.512.

404.4. Construction and Demolition Debris Disposal Facilities (CDDDF) Operating Permit

D. Application Requirements

5. Other Required Submittals
 - d. ~~Traffic Impact Study~~ Timing and Phasing Analysis pursuant to Section 901.512.

404.6. Yard Trash Processing Facilities

C. Application Requirements

5. Other Required Submittals
 - d. ~~Traffic Impact Study~~ Timing and Phasing Analysis pursuant to Section 901.512.

406.1. Signs

406.1.6. Permanent Signs Exempt from Obtaining Sign Permits, ~~and~~ Temporary Signs with Time Limitations, and Other Signs without Time Limitations

- A. Permanent Signs Exempt From Obtaining Sign Permits
- B. Temporary Signs with Time Limitations

8. ~~Window signs which comprise, in aggregate, twenty-five (25) percent of the total window area or less.~~

9. ~~One (1) sandwich-style sign per business establishment having a Certificate of Occupancy, when the sign is placed on the sidewalk no further than five (5) feet from the main entrance door of the establishment and with a maximum height of 3½ feet and maximum sign structure width of two (2) feet. The sign shall not be placed so as to obstruct pedestrian traffic along the sidewalk.~~

C. Other Signs without Time Limitations

Due to the nature, placement, materials, and location of these semi-temporary signs, a time of display limitation is not appropriate as sandwich-style signs are relocated daily upon the opening and closing of a business and window signs typically are not associated with individual events, may be made of temporary material, and may be relocated anywhere on a window.

1. Window signs located inside which comprise, in aggregate, twenty-five (25) percent of the total window area or less. Said signs may consist of any material and are commonly made of paper, poster board, vinyl, decals, paint, neon gas tubing, or etchings.
2. One (1) sandwich-style sign per business establishment having a Certificate of Occupancy, when the sign is placed on the sidewalk no further than five (5) feet from the main entrance door of the establishment and with a maximum height of 3½ feet and maximum sign structure width of two (2) feet. The sign shall not be placed so as to obstruct pedestrian traffic along the sidewalk.

406.8. Garden Plan Permits

D. Application Requirements

5. Other Required Submittals

- c. ~~Traffic Impact Study~~ Timing and Phasing Analysis and Substandard Roadway Analysis or, if completed, the applicable approval statement

CHAPTER 500. ZONING STANDARDS

SECTION 511 R-MH Mobile Home DISTRICT

511.6. Coverage Regulations

All buildings, including accessory buildings, shall not cover more than sixty-five (65) percent of the total lot area.

511.167. Yard Regulations

511.8. Height Regulations

Single-family detached dwellings, single-family detached modular, and factory built dwellings: forty-five (45) feet maximum; however, no dwelling shall be less than ten (10) feet in height.

Mobile and manufactured homes: fifteen (15) feet maximum.

For exceptions, see this Code, Chapter 500, Supplemental Regulations.

511.79. Streets and Roads

511.810. Existing Parks and Subdivisions

511.911. On-Site Parking Regulations

511.1012. Development Plan

511.1413. Neighborhood Park(s)

CHAPTER 800. NATURAL AND CULTURAL RESOURCES PROTECTION

SECTION 803. LISTED SPECIES

803.2. Impacts to Listed and Protected Species

- A. All applications for ~~Developments of Regional Impact~~, zoning amendments **to MPUD**, and site development where listed or protected species are documented, or have the potential to occur, shall include a preliminary habitat assessment, which at a minimum, shall include: identification of on-site habitats, soils maps, survey methods and/or transects, and direct observations of any listed and protected species. Additional species specific surveys may be required. All surveys shall be conducted in accordance with applicable State and Federal guidelines, technical reports, and recommendations.

CHAPTER 900. DEVELOPMENT STANDARDS

TRANSPORTATION

Access Management

- E. Access Management Analysis/Traffic Impact Study

SAMPLE PROBLEM NO. 1

If the total maximum peak hour trip generation is greater than 50 ~~and no Traffic Impact Study is required pursuant to this Code, Section 1301~~, proceed with Step 7.

APPENDIX A

DEFINITIONS

Sign. For the purposes of Signs, this Code, Section 406.1, the following words shall be defined as follows.

51. "Temporary sign." A sign which is not designed, constructed, or intended to be permanent. This definition shall not include prohibited signs. Temporary signs are ~~sandwich-style signs, banners~~, feather banners, posters, flags, and similar styles of signage.
55. "Window sign." A window sign is one ~~that which is painted on, attached to, or visible through a window excluding displays of merchandise and is~~ intended to be viewed from a right-of-way and excludes displays of merchandise.

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE; SECTION 304.1 TYPES OF PUBLIC NOTICE, TABLE 304-1 REQUIRED PUBLIC NOTICE FOR DEVELOPMENT APPROVAL APPLICATIONS; SECTION 402.1.B ZONING AMENDMENTS – EUCLIDEAN, SUBMITTAL REQUIREMENTS; SECTION 404.3.D MINING OPERATING PERMITS, APPLICATION REQUIREMENTS; SECTION 404.4.D CONSTRUCTION AND DEMOLITION DEBRIS DISPOSAL FACILITIES OPERATING PERMITS, APPLICATION REQUIREMENTS; SECTION 404.6.C YARD TRASH PROCESSING FACILITIES, APPLICATION REQUIREMENTS; SECTION 406.1.6 PERMANENT SIGNS EXEMPT FROM OBTAINING SIGN PERMITS AND TEMPORARY SIGNS; SECTION 406.5.D RIGHT-OF-WAY USE PERMIT, APPLICATION REQUIREMENTS; SECTION 406.8.D GARDEN PLAN PERMITS, APPLICATION REQUIREMENTS; SECTION 511.6 R-MH MOBILE HOME DISTRICT, YARD REGULATIONS; SECTION 511.8 R-MH MOBILE HOME DISTRICT, STREETS AND ROADS; SECTION 803.2 LISTED SPECIES, IMPACTS TO LISTED AND PROTECTED SPECIES; SECTION 901.3.E ACCESS MANAGEMENT, ACCESS MANAGEMENT ANALYSIS/TRAFFIC IMPACT STUDY; 901.3 ACCESS MANAGEMENT, SAMPLE PROBLEM NO. 1; APPENDIX A DEFINITIONS; AND OTHER SECTIONS, AS NECESSARY, FOR INTERNAL CONSISTENCY; PROVIDING FOR APPLICABILITY; REPEALER; PROVIDING FOR SEVERABILITY; INCLUSION INTO THE LAND DEVELOPMENT CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Pasco County, Florida, is authorized under Chapters 125, 162, 163, 177, and 380 Florida Statutes, to enact zoning and other land development regulations to protect the health, safety and welfare of the citizens of Pasco County; and

WHEREAS, Sections 163.3201, 163.3202, 163.3211 and 163.3213, Florida Statutes, empowers and requires the Board of County Commissioners of Pasco County, Florida, to implement adopted Comprehensive Plans by the adoption of appropriate land development regulations and specifies the scope, content and administrative review procedures for said regulations; and

WHEREAS, Section 163.3202, Florida Statutes, provides that certain specified and mandated regulations are to be combined and compiled into a single land development code for the jurisdiction; and

WHEREAS, the Board of Commissioners adopted the restated Pasco County Land Development Code on October 18, 2011 by Ord. No. 11-15; and

WHEREAS, at the time of the adoption of the restated Land Development Code, the Board of County Commissioners contemplated the need to make amendments addressing issues of implementation and internal consistency; and

WHEREAS, the Local Planning Agency conducted a public hearing on March 21, 2024 and found the proposed amendments consistent with the Pasco County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners conducted duly noticed public hearings on April 10, 2024 and April 23, 2024, where the Board of County Commissioners considered all oral and written comments received at public hearings, including staff reports and information received during

said public hearings and found the proposed amendments consistent with the Pasco County Comprehensive Plan; and

WHEREAS, the citizens of Pasco County were provided with ample opportunity for comment and participation in this amendment process through Horizontal Roundtable and Interested Parties meeting, public meetings and public hearings; and

WHEREAS, in exercise of said authority the Board of County Commissioners of Pasco County, Florida, has determined that it is necessary and desirable to amend the restated Pasco County Land Development Code to implement policy direction and to correct internal inconsistencies.

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 and 163, Florida Statutes, as amended and under the home rule powers of the County.

SECTION 2. Legislative Findings of Fact.

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

SECTION 3. Applicability and Effect on Existing Development Approvals.

The applicability and effect of this amendment shall be as provided for in Sections 103.1 and 103.2 of the restated Land Development Code.

SECTION 4. Repealer.

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

SECTION 5. Amendment.

The Pasco County Land Development Code is hereby amended as shown and described in Attachment A, Attached hereto and made part hereof.

SECTION 6. 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 7. Effective Date.

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

ADOPTED with a quorum present and voting this 23rd day of April, 2024.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

NIKKI ALVAREZ-SOWLES, ESQ
PASCO COUNTY CLERK & COMPTROLLER

RONALD E. OAKLEY, CHAIRMAN

Attachment A

CHAPTER 300. PROCEDURES

SECTION 301. APPLICABILITY AND GENERAL PROVISIONS

301.1. Intent and Purpose

The intent and purpose of this section is to provide the procedures and general standards for review of development, development activity and other applications that are submitted to the County for review under this Code. All applications for development approval shall comply with these procedures and the applicable standards of this Code and as may be required by other Federal, State, or local regulation.

301.2. Effect of Overdue Taxes, Liens, and Fines

In addition to the development approval application information required by other parts of this Code, an applicant shall provide, with each development approval application, evidence that all property taxes and other obligations owed to the County related to the property are current. A development approval application that includes property for which there are overdue taxes or other financial obligations to the County shall not be reviewed or processed by the Development Services Branch, except in those cases where approval is a requirement to correct a violation.

301.3. Misrepresentation

If the Board of County Commissioners (BCC), Planning Commission (PC), or County Administrator or designee, makes a final determination that any existing or previously approved development, or portion thereof, was not adequately reviewed for compliance based upon lack of disclosure, or misrepresentation by the applicant, the development shall be subject to additional review for compliance with those regulations, as amended, that were avoided due to the failure to disclose or misrepresentation by the applicant. If such review causes other portions of the development to be redesigned, those areas shall also be reviewed for compliance with applicable provisions of this Code and the Comprehensive Plan in effect at the time the failure to disclose or misrepresentation was discovered.

SECTION 302. DEVELOPMENT APPROVALS REQUIRED

All development approvals required by this Code shall be obtained prior to the commencement of any development activity.

SECTION 303. COMMON PROCEDURES

303.1. **Development Manual**

A development manual for the guidance of persons preparing development approval applications shall be maintained by the Assistant County Administrator for Development Services. Unless otherwise provided in this Code, the development manual shall contain the application forms for all development approvals referenced in this Code and the detailed application procedures and content, including the following:

- A. Dates and deadlines for submitting applications.
- B. Required documents and information to accompany applications.
- C. Review time frames.
- D. Neighborhood notice.
- E. Neighborhood meetings.
- F. Public notice.
- G. Content review.
- H. Application review.
- I. Review of responses to content and compliance reviews.
- J. Such other requirements as may be needed to provide review in an objective, timely, and thorough manner.

It is intended that changes to the Development Manual be made in a collaborative manner with input from all appropriate stakeholders. However, this is not intended to limit the authority of the Assistant County Administrator for Development Services to make appropriate and necessary changes to the Development Manual so as to further the objectives of a responsive and responsible land development review program. All changes to the Development Manual will be identified in a prominent manner on the County website.

303.2. **Authority to File Development Applications**

Unless otherwise specified, an application may only be filed by the owner of the property or an agent of the owner who is specifically authorized by the owner to file such an application with the County.

303.3. **Authority to Access the Property**

The submission of a development approval application shall convey consent and authorization by the owner to County entry onto and inspection of premises, lot, or parcel for any purpose associated with the development request.

303.4. **Fees**

Fees shall be paid according to the fee schedule established by resolution(s) by the BCC.

303.5. **Preapplication Consultation**

A. The purpose of a preapplication consultation is to familiarize the applicant with the provisions of this Code applicable to the proposed development, and to inform the applicant about the development approval application, preparation, and submission. The owner/applicant shall request a preapplication consultation prior to submittal of a development approval application. The applicant shall provide the property identification number, physical address, and contact information, including name, telephone number, and e-mail address, if applicable, when requesting the preapplication consultation. The applicant should come to the consultation prepared to discuss the proposed development in enough detail so that staff can evaluate the proposal and provide helpful feedback to the applicant.

B. A preapplication consultation, with attendance by the owner/applicant, is required prior to the submission and acceptance of any development approval application for:

1. Zoning Amendment
2. Conditional Use
3. Special Exception
4. Preliminary Site Plans (PSPs)
5. Preliminary Development Plans (PDPs)
6. Minor Rural Subdivisions (MRSs)
7. Operating Permits

The requirement for a preapplication consultation may be waived by the County Administrator or designee.

C. The preapplication consultation is optional prior to submission of a development approval application that is not listed above.

303.6. **Application Submittal and Acceptance**

A. The owner/applicant shall submit a development approval application pursuant to the applicable submittal requirements contained within the Development Manual. A content-review consultation is mandatory for all development approval applications prior to acceptance.

B. A development approval application shall be accepted when it contains all required information and documents. Incomplete applications will not be

accepted for review and shall be returned to the applicant with a list of deficiencies.

C. Modifications to Submittal Requirements

1. Modifications to application or submittal requirements may be granted in writing by the County Administrator or designee, subject to meeting one (1) or more of the following criteria:

- a. The information or material that will be obtained from the application or submittal requirement(s) is not relevant to the specific request, or does not materially affect the ability to review compliance with substantive review standards of the this Code;
- b. The information or material that will be obtained from the application or submittal requirement is readily available from another source in the County's possession;
- c. The applicant has provided alternate information or material that achieves the same intent and purpose of the application or submittal requirement;
- d. Modification from the application requirement is required by State or Federal law; or
- e. The request for modification satisfies specific waiver or deviation criteria set forth elsewhere in this Code.

2. Process

- a. Notwithstanding the foregoing, where the final decision on a development approval application will be made by the Planning Commission (PC) or BCC, such bodies may require compliance with the application or submittal requirement if the applicable final decision maker determines that the information is required for their determination of the issue.

Final determinations shall be made in writing by the County Administrator or designee. Such determinations may be appealed pursuant to this Code.

- b. Timelines for Zoning and Site Plan Actions

Review procedures and timelines shall be in accordance with Chapter 125.022, Florida Statutes and as specified in the Development Manual.

303.7. **Application Review**

After acceptance, the application shall be routed to the appropriate review agencies. In reviewing applications, reviewing agencies shall take into consideration all the applicable factors identified in this Code when formulating a recommendation or taking action.

A. Sufficient Application

A development approval application shall be deemed sufficient if all required information and documents have been prepared in accordance with professionally accepted standards, the Comprehensive Plan, this Code, and all other applicable rules and regulations. The County Administrator or designee is authorized to take into consideration and request from an applicant any other information which is reasonable and relevant to the formulation of a recommendation or a decision on the matter being reviewed. No application for review shall be deemed sufficient until all required information is provided.

In formulating a recommendation, all of the applicable factors recited in this Code shall be taken into consideration. At any time during the course of review, the County Administrator or designee may provide an applicant with an opinion as to the likelihood of a recommendation of approval or denial by the staff with regard to an application being reviewed. However, such opinion shall be informal only and shall not be binding upon the PC or the BCC. When a development approval application has been deemed to be sufficient, staff review shall be completed, a final determination made, or where required, the development approval application shall be placed on the next available agenda of the appropriate review body. Table 303-5 outlines the development applications requiring public hearings and the bodies responsible for the conduct of those hearings.

B. Deficient Application

If a development approval application is determined to be deficient, the applicant shall be notified in writing with citations to the applicable regulation(s) and a specific request made for additional information that is required to continue or conclude review. The development approval application shall be deemed withdrawn unless the applicant responds, within the allotted timeframe, in one of the following ways:

1. The applicant provides all the information requested.
2. The applicant requests in writing that the application be processed in its present form. In this case, the applicant acknowledges that the application has been determined to be deficient and that the final determination on the application shall be based on the information submitted, and the applicant waives the right to supplement the application with additional information. The application shall then be processed in its present form.
3. The applicant requests, in writing, an extension of time to provide all the requested information. An extension of time may be granted by the County Administrator or designee. For each application, any and all extensions of time shall not exceed 180 days.

TABLE 303-5**Required Public Hearings for Development Approval Applications**

Application	PC	LPA	BCC
Development of Regional Impact (DRI)	X		X
DRI Substantial Amendment (NOPC)	X		X
DRI Non Substantial Amendment (NOPC)			X
DRI Development Order Amendment (no NOPC)			X
DRI Abandonment			X
DRI Recision			X
Zoning Amendment	X		X
MPUD Amendment	X		X
MPUD Substantial Amendment	X		X
Conditional Use	X		X
Special Exception	X		
Conditional Use and Special Exception Revocation			X
Operating Permits (Except Minor Land Excavation)	X		X
Zoning Variance	X		
Alternative Relief	X		
Alternative Standards as Specified in Section 407.5.C and D	X		
Wireless Facilities (Tier III)	X		X
Review of Staff Tier II Wireless Facility Determination			
Appeals of Administrative Determinations	X		
Appeals of Zoning Interpretations			X
Appeals of PC Decisions			X
Development Agreement		X	X
Unified Sign Plan	X		X
Waiver of Specific Distance of 1,000 Feet for On-Premises Consumption of Alcoholic Beverages	X		

303.8. **Ex-Parte Communications**

The BCC and PC, in considering appeals, rezoning, special exceptions, conditional uses, variances, and any other quasi-judicial matter under applicable law, shall act in a quasi-judicial capacity. Pursuant to Section 286.0115, Florida Statutes, a person is not precluded from communicating directly with a member of the BCC or PC (local public official) by application of ex-parte communication prohibitions. However, each decision-making body may establish rules of procedure regarding ex-parte communication. In addition, subject to the standard of review requirements of this Code, local public officials may discuss with any person, the merits of any quasi-judicial action, may read written communications relating to the quasi-judicial action, may conduct investigations and site visits, and may receive expert opinions relating to the quasi-judicial action. Furthermore, pursuant to Section 286.0115(1), Florida Statutes, adherence to the following procedures shall remove any presumption of prejudice arising from ex-parte communications with the local public officials:

- A. The subject of the ex-parte communication and the identity of the person, group, or entity with which the communication took place is disclosed by the local public official and made a part of the record before final action on the matter.
- B. Written communications with the local public official relating to the quasi-judicial action are made a part of the record before final action on the matter.
- C. The existence of investigations, site visits, and expert opinions by the local public official relating to the quasi-judicial action are made a part of the record before final action on the matter.
- D. Disclosures made pursuant to A, B, and C above must be made before or during the public hearing at which a vote is taken on the quasi-judicial matter so that persons who have opinions contrary to those expressed in the ex-parte communication are given a reasonable opportunity to refute or respond to the communication.
- E. The disclosure requirements set forth in A through D above or a local public official's failure to comply with such requirements shall not:
 - 1. Be deemed an essential requirement of the law or this Code;
 - 2. Create any presumption of prejudice or be conclusive evidence of prejudice;
 - 3. Lessen the burden of proof for a party alleging that an ex-parte communication is prejudicial; or
 - 4. Affect the validity of the public hearing or quasi-judicial action, unless the nondisclosure and ex-parte communication are found by a court or body of competent jurisdiction to be prejudicial and a denial of due process.

SECTION 304. PUBLIC NOTICE REQUIREMENTS

The intent of public notice requirements is to increase the likelihood that citizens are well informed of development approval applications made and to advise them of the opportunity to speak at the public hearing. The applicant is responsible for complying with these public-notice requirements and the applicable statutory requirements.

304.1. **Types of Public Notice**

Forms of notice required for various public hearings may include a mailed notice, published notice provided via a newspaper of general circulation, and posted notice by signs located on the subject property. Neighborhood meetings and neighborhood notices provide additional notice to the public regarding certain types of development applications pursuant to Sections 305 and 306. The public notice requirements for development approval applications are indicated in Table 304-1.

**TABLE 304-1
Required Public Notice for Development Approval Applications**

Application	Mailed	Published	Posted
Administrative Use Permit for the Sale of Alcoholic Beverages **			X
Development Agreement (DA)		X	
DRI Development Order Amendment		X	
DRI Abandonment	X	X	X
DRI Rescission	X	X	X
Zoning Amendment*	X	X	X
MPUD Substantial Amendment*	X	X	X
MPUD Non-Substantial Amendment**			X
Conditional Use*	X	X	X
Special Exception*	X	X	X
Minor Land Excavation*			
Zoning Variance	X		X
Alternative Relief	X		X
Alternative Standards as Specified in Section 407.5.C and D	X		X
Unified Sign Plan	X	X	X
Wireless Communication Facility (Tier II)	X		
Appeals (see Section 407.1)	X	X	X
Preliminary Site Plan and Substantial Modifications to	X		
Preliminary Development Plan and Substantial Modifications to	X		
Mass Grading and Substantial Modifications to	X		
Vested Rights	X		X
Waiver of Specific Distance of 1,000 Feet for On-Premises Consumption of Alcoholic Beverages	X		X
Comprehensive Plan Map Amendments	X	X	X
County-Initiated Comprehensive Plan Map Amendments to CON (Conservation) FLU		X	
County-Initiated Comprehensive Plan Map Amendments (other than CON)		X	X

*See Sections 305 and 306 for Neighborhood Meeting and Neighborhood Notice Requirements

**Posted notice to occur within two (2) business days of the final written approval

304.2. Public Notice

A. Timing

Where Public Notice is required it shall occur at least thirteen (13) days prior to the hearing.

B. Mailed

Where a mailed notice is required, notice of the date, time, place, and purpose of the public hearings shall also be mailed to those who own property, including entities such as homeowners' associations, local governments, and the District School Board of Pasco County, within 500 feet of the property lines of the land for which the final determination is sought within the RES-3 (Residential 3 du/ga) and higher Future Land Use Classification and within 1,000 feet of the property lines of the land for which the final determination is sought within the AG (Agricultural), AG/R (Agricultural/Residential) and RES-1 (Residential – 1 du/ga) Future Land Use Classifications. In addition, notice shall also be mailed to neighborhoods organizations registered with the County whose members reside within 1,000 feet of the property lines of the land for which the final determination is sought, regardless of whether such organizations own property within such distance. Names and addresses of property owners shall be deemed those appearing on the latest ad valorem tax rolls of Pasco County and the adjacent County, as applicable. For property that is a part of or adjacent to a condominium or manufactured home community, individual owners shall be noticed if located within 500 feet of the project, and for property that is a common tract, appropriate notice shall only need to be sent to the association. The County Administrator or designee may require additional notice to other property owners and neighborhood organizations based upon project design and potential impacts. Where the proposal is internal to an MPUD, the public notice shall be from the boundary line of the proposed internal change, unless the applicant owns all the property to be noticed, then the public notice shall be sent to all property owners within 500 feet which might include properties internal and external to the MPUD. The County Administrator or designee may require additional notice to other property owners and neighborhood organizations based upon project design and potential impacts.

C. Published

In the form required by Sections 125.66 and 163.3184, Florida Statutes, as applicable, notice of the date, time, place, and purpose of the public hearing shall be published in a newspaper of general circulation in the County or by other means authorized by state law.

D. Posted

Where the matter being heard involves a specific parcel of land, a sign purchased through the County shall be erected on the property, providing notice of the date, time, place, and purpose of the public hearing, in such a manner as to allow the public to view the same from one (1) or more streets. In the case of landlocked property, the sign shall be erected on the nearest street right-of-way and include notation indicating the general distance and direction to the property for which the approval is sought. In all cases, the number of signs to be used shall be left to the discretion of the County Administrator or designee provided that the numbers shall be reasonably calculated to adequately inform the public of the purpose of the public hearing. The applicant shall ensure that the signs are maintained on the land until

completion of the final action on the development approval application. The applicant shall ensure the removal of the sign within ten (10) days after final action on the development approval application.

304.3. **Affidavit of Public Notice**

It is the responsibility of the applicant to file the affidavit attesting to notification and provide the supporting documentation no less than seven (7) days prior to the public hearing in the case of development approval applications to be heard before the BCC or PC.

SECTION 305. NEIGHBORHOOD MEETING

305.1. **Intent and Purpose**

The intent and purpose of a neighborhood meeting is to provide an opportunity for early citizen participation in an informal forum in conjunction with development approval applications, and to provide an applicant the opportunity to understand any impacts the neighborhood may experience. These meetings shall provide citizens and property owners with an opportunity to learn about applications that may affect them and to communicate with the applicant to resolve concerns at an early stage of the process. A neighborhood meeting is not intended to produce a complete consensus on all development approval applications, but to encourage applicants to be good neighbors and to allow for informed decision making. The neighborhood meeting shall be conducted after the application is deemed complete for content and at least thirty (30) days prior to the first scheduled public hearing.

At least one (1) neighborhood meeting shall be held and additional neighborhood meetings may be held but are not required. If an applicant fails to hold a required neighborhood meeting, the County shall not schedule that development approval application for consideration before the PC, Local Planning Agency (LPA), or the BCC, whichever occurs first. A neighborhood meeting is mandatory for the following development approval applications:

- A. Zoning Amendments within the four rural areas as depicted on Map 2-13 of the Comprehensive Plan, except when the County Administrator or designee determines that a neighborhood meeting is not required due to the nature of the development application or a lack of existing rural neighborhoods as defined in the Comprehensive Plan.
- B. Land Excavation and Minor Land Excavation
- C. Mining
- D. Construction and Demolition Debris Disposal Facilities
- E. Yard Trash Processing Facilities
- F. Sanitary Landfills
- G. Wireless Communications Facilities (Tier 3)

H. Helipad(s) and/or Airport Landing Facilities

A neighborhood meeting is optional for any development approval application that is not listed above. However, the County Administrator or designee reserves the right to require a neighborhood meeting for any development approval application in contentious matters where opposition is expected due to the nature and or location of the request.

305.2. **Coordination and Notice**

Prior to scheduling the neighborhood meeting, the applicant shall coordinate with the County Administrator or designee.

The notice of the neighborhood meeting shall include the date, time, location, application name and number, and a description and the location of the project and be provided in the following forms:

A. **Mailing**

The applicant shall provide notification by mail according to this Code. The applicant shall mail these notices with proper postage a minimum of thirteen (13) days before the neighborhood meeting. For development applications within the AG (Agricultural), AG/R (Agricultural/Rural) and RES-1 (Residential - 1 du/ga) Future Land Use Classifications, the mailing shall be to all property owners within 1,000 feet of the project boundary. For development applications within the RES-3 (Residential - 3 du/ga) and higher Future Land Use Classifications, the mailing shall be to all property owners within 500 feet of the project boundary. In addition, notice shall also be mailed to neighborhoods organizations registered with the County whose members reside within 1,000 feet of the property lines of the land for which the final determination is sought, regardless of whether such organizations own property within such distance.

B. **Posting**

The applicant shall post a sign that is a minimum size of 24" X 36", a minimum of thirteen (13) days before the neighborhood meeting that meets the requirements of this Code, Section 304.

C. **Rescheduled Meetings**

New public notice consistent with all of the above shall be provided for any rescheduled neighborhood meeting.

305.3. **General Meeting Requirements**

A. **Meeting Time and Location**

The neighborhood meeting shall start between 6:00 p.m. and 7:00 p.m. on a weekday and between 9:00 a.m. and 5:00 p.m. on a weekend, or may be held at a time convenient for residents in the surrounding area. The meeting shall be held within the general area of the subject property.

B. **Meeting Elements**

At the neighborhood meeting, the applicant shall present the following, as applicable:

1. A general concept plan for the entire project. Such plan shall indicate the general location of residential areas, including density and unit types, open space, active or resource-based recreation areas, natural areas (including wetlands, buffers, and flood plains) nonresidential areas (including maximum square footage and maximum height), and proposed nonresidential uses.
2. A plan of vehicular, bicycle, and pedestrian circulation showing the general locations and right-of-way widths of roads, sidewalks, and access points to the external and internal thoroughfare network.
3. Drawings indicating the conceptual architectural theme or appearance and representative building types.

C. **Meeting Summary**

The applicant shall submit to the County, at least twenty-five (25) days prior to the first scheduled public hearing, a summary of the materials presented at the meeting, the issues raised by those in attendance, the suggestions and concerns of those in attendance, a copy of the sign-in sheet, a copy of the neighborhood meeting advertisement, and a copy of the mailed notices sent to property owners, along with the mailing list and proof of mailing.

SECTION 306. NEIGHBORHOOD NOTICE

306.1. **Intent and Purpose**

The intent and purpose of a neighborhood notice is to provide an opportunity for early citizen participation in conjunction with development approval applications. The neighborhood notice shall be provided at least thirty (30) days prior to the issuance of the final determination. Neighborhood notice may be provided prior to application submittal. If an applicant fails to provide the neighborhood notice, the County shall not hold the public hearing or, as applicable, not issue a final determination on the development approval application until the applicant provides the neighborhood notice

and thirty (30) days have elapsed. A neighborhood notice is mandatory for the following development applications:

- A. Zoning Amendments outside the four (4) rural areas as depicted on Map 2-13 of the Comprehensive Plan or in circumstances where the County Administrator or designee determined a neighborhood meeting is not required.
- B. Conditional Use applications that do not require a neighborhood meeting.
- C. Special Exception applications that do not require a neighborhood meeting.
- D. Mass Grading
- E. PSPs
- F. PDPs (Residential or Nonresidential)
- G. Alternative Standards (other than those in 407.5.C and 407.5.D). Notice may be provided in connection with other notice above.

306.2. **General Requirements**

- A. Unless otherwise indicated in Table 304-1, a neighborhood notice shall be provided by the applicant by mail and posting in accordance with the mailing and posting requirements of Sections 304.2.B and D.
- B. Content of the Neighborhood Notice

The neighborhood notice shall contain the following as applicable:

- 1. A general description of the project, including size and/or number of units.
- 2. Date the application was accepted for review.
- 3. Availability to view the application at the County offices where the application was filed.
- 4. Ability to provide comments directed to the County Administrator or designee.

- C. Proof of the Neighborhood Notice

The applicant shall submit a copy of the mailed neighborhood notices sent to the property owners along with the mailing list and proof of mailing to the County Administrator or designee.

SECTION 307. CONTINUANCE PROCEDURES

Continuances for the consideration of any development approval application may be granted by the PC, LPA, or BCC at their discretion. The number of times an application may be continued is at the discretion of the PC, LPA, or BCC as applicable. Applicant-requested continuances shall be in writing and must be received by the County Administrator or designee no later than five (5) days prior to the scheduled meeting. For applicant-requested continuances, the applicant shall renotice pursuant to this Code, including publication, if the matter is rescheduled to be heard sixty (60) days or more from the initial meeting date.

SECTION 308. POSTDECISION PROCEDURES

Final determinations shall be in writing. Approvals shall be rendered within ten (10) business days of the final determination action.

A denial determination shall itemize the specific code, provision, or Comprehensive Plan Goal, Objective, or Policy, and/or applicable law used as the basis for denial and shall be rendered within thirty (30) days of the final determination action.

SECTION 309. CONSTRUCTION AND INSPECTION OF IMPROVEMENTS

309.1. **General**

A Florida State registered professional engineer (Engineer) shall be employed to design, inspect, certify, and complete all required improvements associated with the development project, such as clearing, grubbing, earthwork, storm drainage, water, sewer, reuse facilities, embankment, subgrade, base, curbing, asphalt pavement, sidewalks, multiuse trails, lighting, landscaping, signalization, signing, pavement marking, and all other required improvements.

309.2. **Inspection of Improvements**

Prior to the installation of required improvements, the Engineer shall prepare and/or review all necessary shop drawings, material submittals, means, and methods for the installation of the required improvements. The Engineer shall perform all necessary inspections and reviews as he deems necessary to provide certification of completeness and compliance with the approved plans and specifications. The Engineer shall verify that the required testing per the *Pasco County Engineering Services Department Testing Specifications for Construction of Roads, Storm Drainage, and Utilities* shall be provided. The selected Engineer shall certify that all required tests have been performed and that the results of those tests indicate that the tests meet or exceed minimum standards. All failed tests shall be retested with new results shown, using a numbering system which links the tests to the original test. The Engineer shall provide all signed and sealed test reports, including a location map depicting test number locations on a graphical project layout; i.e., master grading plan.

- A. The Engineer shall notify the Project Management Division of the following key activity startups a minimum of five (5) working days in advance:
1. Clearing, grubbing, and tree protection and National Pollutant Discharge Elimination System requirements.
 2. Subgrade stabilization.
 3. Base placement.
 4. Paving.
 5. Final inspection.
- B. In order for the County to participate in a final inspection, the Engineer shall provide a signed and sealed certification of completion and three (3) signed and sealed sets of record drawings along with one (1) disc containing .pdf and .dwg format files. Record drawings shall be signed and sealed by both the Engineer and surveyor on each page and shall accurately depict all conditions "as built."

The acceptable completion of the project shall be subject to the following:

1. Reinspection and completion of punch list items, if any, and payment of reinspection fee to the County.
2. All test reports, signed and sealed with certification of Engineer described above.
3. Utility acceptance.

SECTION 310. PERFORMANCE SECURITY

310.1. **Generally**

Where the BCC allows the posting of performance security to guarantee the installation of improvements, including public streets, drainage, landscaping, utilities, sidewalks and bikeways or private streets, drainage, and landscaping in lieu of actual installation prior to final plat approval, the developer shall provide with the application for final plat approval evidence of security adequate to assure the installation of all required improvements.

310.2. **Required Improvements Agreement**

In connection with the approval of any final subdivision plat where the developer intends to install the required improvements after such approval, a Required Improvements Agreement, in substantial conformance with the model agreement set forth by the County shall be executed.

All Required Improvements Agreements shall be recorded with the approved final subdivision plat.

310.3. **Type of Performance Security**

The type of Performance Security may take any of the following forms subject to the criteria set out below:

- A. Surety Bond to guarantee performance;
- B. Letter of Credit;
- C. Escrow Agreement;
- D. Cash to be held by the Clerk of the Circuit Court; or
- E. A government entity may submit an agreement for the certification, restriction, and assurance of funds for the project.

310.4. **Conformance**

The Performance Security document shall strictly conform to the corresponding exhibit in the Engineering Services Department, *A Procedural Guide for the Preparation of Assurances of Completion and Maintenance* (as may be subsequently amended). Nothing in this section shall prevent the Performance Security document from containing other terms or provisions, so long as any other terms or provisions do not contradict the terms of the exhibits or the intent of this Code.

310.5. **Letter of Credit**

In the event a Letter of Credit is furnished, the following shall apply:

- A. The institution issuing the guarantee document shall be a bank or savings association, unless otherwise approved by the County Administrator or designee and the County Attorney or designee.
- B. The institution shall be: (1) organized and existing under the laws of the State or (2) organized under the laws of the United States and have a principal place of business in the State and (3) have a branch office which is authorized under the laws of the State or of the United States to receive deposits in the State.
- C. The Letter of Credit must provide for draws to be made on it at an office within 100 miles from the County.
- D. The Letter of Credit must be signed by the President or Vice President of the institution, authorized to execute said instruments.
- E. The institution of the Letter of Credit must have and maintain an average financial condition ranking of thirty-five (35) or more from two (2) nationally

recognized financial rating services, compiled quarterly by the Florida Department of Financial Services, unless otherwise approved by the County Administrator or designee and the County Attorney or designee.

- F. The expiration date of the Letter of Credit shall be automatically extended without amendment for one (1) year from the expiration date, unless otherwise authorized in writing by the County Administrator or designee. If the Letter of Credit is not automatically extended for such additional one (1) year period, at least sixty (60) days prior to the expiration date then in effect, the bank or savings association shall notify the County Administrator or designee by registered or certified U.S. Mail, postage prepaid, return receipt requested. This notification shall be sent to The County Engineer, 8731 Citizens Drive, Suite 320, New Port Richey, Florida 34654, or any other address specified in writing by the County Administrator or designee.
- G. The Letter of Credit shall have a provision which allows the County Administrator or designee to collect the funds upon notice that the Letter of Credit will not be automatically extended if the purpose for which the Letter of Credit was issued still exists, unless a substitute Letter of Credit meeting the requirements of this section is provided.

310.6. **Surety Bond**

In the event a Surety Bond is furnished, the following shall apply:

- A. The surety company shall have a currently valid Certificate of Authority issued by the Florida Department of Financial Services, Division of Insurance Agents, and Agency Services, authorizing it to write Surety Bonds in the State.
- B. The surety company shall have a currently valid Certificate of Authority issued by the United States Department of Treasury under the U.S.C. § 9304-9308 of Title 31.
- C. The surety company shall be in full compliance with the provisions of the Florida Insurance Code.
- D. The surety company shall have at least twice the minimum surplus and capital required by the Florida Insurance Code at the time the Surety Bond is issued.
- E. If the bond amount exceeds \$5,000.00, the surety company shall also comply with the following provisions:

The surety company shall have at least the following rating in the latest issue of Best's Key Rating Guide:

Bond Amount	Policy Holder's Rating	Required Financial Rating
\$5,000 to \$1,000,000	A	Class IV
\$1,000,000 to \$2,500,000	A	Class V
\$2,500,000 to \$5,000,000	A	Class VI
\$5,000,000 to \$10,000,000	A	Class VII
\$10,000,000 to \$25,000,000	A	Class VIII
\$25,000,000 to \$50,000,000	A	Class IX
\$50,000,000 to \$75,000,000	A	Class X

310.7. **Effective Period**

The Performance Security shall remain in effect until required improvements are accepted or in the case of private improvements, approved by Pasco County. Required improvements secured by a Performance Security shall be completed within one (1) year of the date of recording of the final plat, unless extended by the BCC.

310.8. **Approval**

A Performance Security provided under this section shall be subject to approval by the BCC.

310.9. **Default**

Where an approved Performance Security has been provided and the required improvements have not been installed according to the terms of the Performance Security instrument or the Required Improvements Agreement the County may, upon ten (10) days written notice to the parties to the instrument, declare the Performance Security to be in default and exercise the County's rights thereunder. Upon default, no further County permits or approval shall be granted for the project until adequate progress toward completion of the remaining, required improvements is shown as determined by the BCC. The BCC shall receive payment in full if the improvements are not completed or an extension has not been granted prior to the expiration of the Performance Security.

310.10. **Default in Subdivisions with Private Improvements**

Where an approved Performance Security has been provided and the required improvements have not been installed according to the terms of the Performance Security instrument, the County may, upon ten (10) days written notice to the parties of the instrument, declare the Performance Security to be in default and exercise the County's rights thereunder. Upon default, no further County permits or approval shall be granted for the project until adequate progress toward completion of the remaining required improvements is shown as determined by the BCC. The County shall have the right, based upon easements granted with the approval, to enter private property to complete the work to the standards approved on the construction drawings and

receive payment in full for the work completed. The County may establish a municipal service benefit unit or special assessment program to complete the required improvements should any short fall be projected to occur.

310.11. **Form, Amount**

Such Performance Security shall comply with all statutory requirements and shall be satisfactory to the County as to form and manner of execution. The amount of such security shall be based upon an estimate by the engineer and surveyor of record, and be subject to the approval of the County Administrator or designee.

The Performance Security shall be equal to the maximum cost, adjusted for inflation during the maximum effective period of the security for the uncompleted portion of the required improvements; provided, however, such amount shall be 125 percent of the current construction costs of such improvements for subdivisions with public improvements and/or 3 private improvements.

310.12. **Partial Release of Security**

A developer, at his option, may apply for a partial release of a portion of the monetary amount provided for in such a document upon a demonstration that a corresponding, specifically-described portion, or phase of approved improvements has been totally completed in the manner specified in this Code. The BCC, at its discretion, may elect to release the portion requested upon the issuance of a Certificate of Completion as to the completed portion or phase provided; however, that it shall be the policy of the BCC not to accept a request for release of a Performance Security for a unit or phase which is not complete, including drainage facilities.

310.13. **Time Limit on the Document**

- A. Unless otherwise approved by the PC or BCC, the applicant agrees to complete construction of all improvements required as a condition of platting within one (1) year from the date that the plat is approved by the BCC. If the applicant fails to complete construction of the improvements within such time period, the County may exercise any of the following nonexclusive remedies:
1. Call the Performance Security;
 2. Revoke the final Certificate of Capacity or concurrency exemption issued for the platted entitlements;
 3. Vacate the plat if no lots have been transferred to Bona Fide Purchasers; or
 4. Immediately cease the issuance of Building Permits and/or Certificates of Occupancy within the plat.

The applicant's signature of the acknowledgement form shall be considered an application for, and consent to, County vacation of the plat pursuant to Section 177.101, Florida Statutes, in the event of a default pursuant to this section. Until such time that construction of such improvements is complete, the applicant agrees to include the following disclosure in all sales literature and sales documents for lots within the plat.

- B. For the purposes of this condition, the term "complete" shall mean that:
 - 1. The improvements have been completed in accordance with the standards set forth in this Code and in accordance with approved plans and specifications;
 - 2. A Certificate of Completion has been issued by the County Administrator or designee and other appropriate departments of the County; and
 - 3. The Performance Guarantee has been released by the BCC.
- C. The developer shall provide a Performance Security in accordance with this Code, which shall be valid and in effect until:
 - 1. The improvements have been completed in accordance with standards set forth in this Code and with approved plans and specifications;
 - 2. A Certificate of Completion has been issued by the County Administrator or designee and other appropriate departments of the County; and
 - 3. The guarantee has been released by the BCC.
 - 4. The Performance Security tendered to the BCC shall be valid for a minimum of eighteen (18) months, but may be longer. In the event the improvements are not completed within one (1) year of the effective date of the Performance Security, the developer shall be in default.

The BCC may extend the period for installation at their discretion for good cause.

310.14. **Completion of Improvements**

Upon completion of the approved improvements, the developer shall:

- A. Provide to the County Administrator or designee a certification from an engineer duly registered in the State, that the improvements have been constructed and completed in conformity to the approved plans and specifications;

- B. Provide to the County Administrator or his designee all certified signed and sealed test reports per the most current *“Pasco County Engineering Services Department Testing Specifications for Construction of Roads, Storm Drainage and Utilities”*;
- C. Provide to the County Administrator or designee County-acceptable record drawings; and
- D. Apply for, in writing, along with the certification, the release of the Performance Security to the County Administrator or designee.

310.15. **Release of the Performance Security**

Upon receipt of a Certification of Completion and Application for Release, the County Administrator or designee shall provide a recommendation to the BCC within sixty (60) days as to whether a release should be given, and if the County Administrator or designee is satisfied that everything has been completed in conformance with this Code. The BCC may then release the Performance Security, with or without conditions based upon the circumstances.

310.16. **Tests Required**

In all cases involving Performance Security governed by this section, laboratory test reports shall be submitted to the County Administrator or designee as he deems necessary, to verify completion or construction of improvements in accordance with the requirements or standards. Such tests shall be made by an approved testing laboratory and certified by a Florida registered engineer at the expense of the developer verifying testing completion and that testing of the construction of improvements are in accordance with the requirements and standards of Pasco County.

SECTION 311. DEFECT SECURITY

- 311.1. Prior to the issuance of a Certificate of Completion, the developer shall post security, in an amount equal to fifteen (15) percent of the actual costs of all required improvements, for the purpose of correcting any construction, design or material defects, or failures within public rights-of-way or easements in the development or required off-site improvements. The form and manner of execution of such security shall be subject to the approval of the County Attorney. The effective period for such security shall be thirty-six (36) months following the issuance of a Certificate of Completion. Substitution of principal, sureties, or other parties shall be subject to the approval of the BCC upon recommendation of the County Attorney. Upon default, the BCC may exercise its rights under the Defect Security Instrument and Defect Security Agreement upon ten (10) days written notice to the parties of the instrument.

311.2. Streets; roads; or any other improvements dedicated to the public, as indicated on a plat approved by the County as appropriate under this Code; and intended for County maintenance, shall require completion of a defect security period warranting the improvements to be free from defects and an initial defect security document valid for the entire initial warranty period plus six (6) months; streets, roads, or any other improvements shall not be accepted by the BCC for County maintenance until completion of the warranty period and all other requirements of this section.

311.3. **Defect Security Agreement**

In connection with the approval of any final subdivision plat where the developer intends that the required improvements are to be accepted by the County, a Defect Security Agreement, covering the warranty period of the improvements, in substantial conformance with the model agreement set forth by the County shall be executed.

All Defect Security Agreements shall be recorded with the approved final subdivision plat.

311.4. For streets, roads, and any other improvements dedicated to or approved by the County as appropriate under this Code and intended for County maintenance, the developer shall, upon application for release of the required Performance Security Guaranteeing of a Completion of Improvements document as required in this Code, Section 310, if applicable, provide one (1) of the following documents for the purpose of guaranteeing the workmanship, materials, and maintenance of improvements during any warranty period (defect security document):

- A. A Surety Bond guaranteeing freedom for defects;
- B. Letter of Credit;
- C. Escrow Agreement;
- D. Cash to be held by the Clerk of the Circuit Court; or
- E. A government entity may submit an agreement for the certification, restriction, and assurance of funds for the project.

Any Defect Security document shall be subject to the fee schedule in the Engineering Services Department, *A Procedural Guide for the Preparation of Assurances of Completion and Maintenance* (as may be subsequently amended).

The scope of the area contemplated in the Defect Security document, and subsequently accepted and maintained by the County, shall be indicated as dedicated areas on a County approved plat, or if a plat is not applicable, some other document acceptable to the County Attorney.

In no case shall a Defect Security document be accepted before the commencement of the maintenance period as provided in this section.

311.5. **Defect Security**

The Defect Security document shall strictly conform to the corresponding exhibit in the Engineering Services Department, *A Procedural Guide for the Preparation of Assurances of Completion and Maintenance* (as may be subsequently amended).

In the event of a Letter of Credit is furnished, the following shall apply:

- A. The institution issuing the guarantee document shall be a bank or savings association, unless otherwise approved by the County Administrator or designee and the County Attorney or designee.
- B. The institution shall be:
 - 1. Organized and existing under the Laws of the State; or
 - 2. Organized under the Laws of the United States and have its principal place of business in the State, and
 - 3. Have a branch office which is authorized under the Laws of the State or of the United States to receive deposits in the State.
- C. The Letter of Credit must provide for draws to be made on it at an office within 100 miles from the County.
- D. The Letter of Credit must be signed by the President or Vice President of the institution authorized to execute said instruments.
- E. The institution of the Letter of Credit must have and maintain an average financial condition ranking of thirty-five (35) or more from two (2) nationally recognized financial rating services, compiled quarterly by the Florida Department of Financial Services, unless otherwise approved by the County Administrator or designee and the County Attorney's Office.

311.6. In the event a Surety Bond is furnished, the following shall apply:

- A. The surety company shall have a currently valid Certificate of Authority issued by the Florida Department of Financial Services, Division of Insurance Agents, and Agency Services, authorizing it to write Surety Bonds in the State.
- B. The surety company shall have a currently valid Certificate of Authority issued by the United States Department of Treasury under 31 U.S.C. § 9304-9308.
- C. The surety company shall be in full compliance with the provisions of the Florida Insurance Code.
- D. The surety company shall have at least twice the minimum surplus and capital required by the Florida Insurance Code at the time the Surety Bond is issued.

- E. If the bond amount exceeds \$5,000.00, the surety company shall also comply with the following provisions:

The surety company shall have at least the following rating in the latest issue of Best's Key Rating Guide:

Bond Amount	Policy Holder's Rating	Required Financial Rating
\$5,000 to \$1,000,000	A	Class IV
\$1,000,000 to \$2,500,000	A	Class V
\$2,500,000 to \$5,000,000	A	Class VI
\$5,000,000 to \$10,000,000	A	Class VII
\$10,000,000 to \$25,000,000	A	Class VIII
\$25,000,000 to \$50,000,000	A	Class IX
\$50,000,000 to \$75,000,000	A	Class X

- 311.7. The monetary amount of the Defect Security shall be based on the cost estimate of an engineer duly registered in the State, which has been submitted to and accepted by the County Engineering Services Department using the engineer's own estimate amounts or an estimate established by multiplying the actual unit quantity by the unit costs contained in the Engineering Services Department, *A Procedural Guide for the Preparation of Assurances of Completion and Maintenance* (as subsequently amended), whichever is greater. However, if a developer has a history of having had claims made against posted Performance or Defect guarantees, or a history of noncompliance with the design standards set forth in this Code, the BCC may require an additional ten (10) percent to the amount required in this section.
- 311.8. The developer shall be responsible for maintaining the dedicated improvements during the warranty period. In the event the developer does not maintain the dedicated improvements during the warranty period, the County Administrator or designee shall notify the developer in writing of the areas that require maintenance. The developer shall have sixty (60) days from receipt of the notice to perform the required repairs to the satisfaction of the County Administrator or designee, or be in default of the Defect Security document, unless a longer time is agreed upon between the developer and the County Administrator or designee. The developer shall also be responsible for requesting, in writing, a final inspection from the Project Management Division not before ninety (90) days prior to the termination of the initial Defect Security period. Upon receipt of the request for final inspection, the Project Management Division shall notify the developer in writing providing a list of deficiencies of items to be remedied by the developer before the expiration of the Defect Security period. In the event the developer does not remedy the deficiencies before the expiration of the maintenance period, the developer shall be in default of the Defect Security document.

- 311.9. The BCC may grant an extension of the initial Defect Security period, for a one (1) year term per each extension, provided a Defect Security document is provided by the developer and valid for the entirety plus six (6) months of that extension period. Any extension period Defect Security document shall be subject to the fee schedule in the Engineering Services Department, *A Procedural Guide for the Preparation of Assurances of Completion and Maintenance* (as subsequently amended). In granting an extension, the BCC may consider, but is not limited to, a lesser term, availability of materials, labor, and timeliness of compliance by the County with this section.
- 311.10. Upon remedy to the satisfaction of the County Administrator or designee of all deficiencies listed pursuant to this section, or if no items, but in any case no sooner than the completion of the initial Defect Security period, the County Administrator or designee shall, within sixty (60) days, recommend to the BCC the release of the Defect Security document and acceptance of the indicated streets, roads, and other improvements, if any, by the BCC for County maintenance.
- 311.11. Nothing in this Code shall prevent the BCC from being able to, on its own initiative, release the Defect Security document and accept the streets, roads, or any other improvements for maintenance at any time.

SECTION 312. ACCEPTANCE OF IMPROVEMENTS

- 312.1. Any street, road, or other improvement intended for dedication to the public must be indicated with specificity acceptable to the BCC and formally accepted by the BCC through a plat or other acceptable means. Streets, roads, or other improvements, which are not built to County specifications, private roads; streets; or other improvements; and roads, streets, or other improvements for which an offer of dedication has been made, but where the offer has not been officially accepted by the BCC; shall not be deemed part of the County road system; shall not be the responsibility of the BCC; and shall not be maintained by the County, unless such maintenance is voluntarily assumed by the County pursuant to this Code. The duty and responsibility to maintain such streets and roads or any other improvements shall be that of the developer, his successors in interest, or any entity established to ensure maintenance and the said entity must be acceptable to the County. This section shall not conflict or prevent any road from becoming a County right-of-way pursuant to Section 95.361, Florida Statutes. Emergency repairs by the County on any street, road, or other improvements shall not be deemed a voluntary assumption by the County pursuant to Section 177.081, Florida Statutes, or be deemed to create an obligation upon the County to perform any act of construction or maintenance within such dedicated areas.
- 312.2. Approval of a plat or construction plan by the County as appropriate under this Code shall not be deemed to constitute acceptance for maintenance of streets, roads, and any other areas or improvements shown on the plat, unless such maintenance is voluntarily, specifically, and officially assumed by the BCC. Streets, roads, and any other areas or improvements shall become County maintained only upon an official, voluntary, affirmative act by the BCC specifically assuming maintenance of such improvements pursuant to this Code.

- 312.3. Streets, roads, and any other areas or improvements shall become County maintained only upon an official, voluntary, affirmative act by the BCC specifically assuming maintenance of such improvements. This section shall not conflict or prevent any road from becoming a County right-of-way pursuant to Section 95.361, Florida Statutes. Nothing in this Code shall be construed as creating an obligation of the County for maintenance of any sidewalks, regardless of dedication to the public or voluntary acceptance of maintenance of the rights-of-way that any sidewalk may be within.
- 312.4. Approval of any plat, as appropriate under this Code, shall not be deemed to constitute acceptance of streets, roads, or any other improvements or areas indicated in such plat for County maintenance. Streets, roads, or any other improvements or areas dedicated to the County through a plat or any other means shall not be County maintained, unless accepted in accordance with this section.
- 312.5. Until the acceptance of improvements for County maintenance in accordance with this section, the developer, or his successors in interest, shall have the duty and responsibility for any and all routine and periodic maintenance of any and all streets, roads, or any other improvements made by the developer, dedicated and/or approved or otherwise, including permanent-reference monuments and permanent-control points as required by Chapter 177, Florida Statutes.
- 312.6. Streets, roads, or any other improvements shall be eligible for acceptance by the BCC for County maintenance only if such improvements are built to County specifications. Improvements which are not constructed to County specifications must be built to County specifications prior to becoming eligible for acceptance by the County for County maintenance.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 402. USE PERMITS

402.1. Zoning Amendments - Euclidean

A. Initiation

Proposed Euclidean zoning amendments may be initiated by the Board of County Commissioners (BCC), by petition of owners of seventy-five (75) percent or more of the area involved in the proposed change, or by the property owner. A zoning amendment may only be requested where the zoning amendment is consistent with the Future Land Use (FLU) classification of the subject property or a FLU Map amendment is simultaneously sought.

B. Submittal Requirements

An applicant shall submit required information in the form as specified by the County Administrator or designee.

1. Applicant Information

- a. Proof of ownership; i.e., copy of deed.
- b. Agent of Record letter, if applicable.
- c. Application fee.

2. The signed and sealed boundary legal descriptions and sketches.

C. Public Hearings Required

Prior to the enactment of any change in zoning, the Planning Commission (PC) and the BCC shall each hold a separate public hearing on the proposed amendment after all information and facts comprising the application have been submitted.

D. Notice

Notice of the public hearings shall be provided in accordance with this Code and the provisions of Chapter 125.66, Florida Statutes.

E. Review Considerations

The County Administrator or designee, PC, and BCC shall consider all of the following in reviewing a proposed zoning amendment:

1. The existing land use pattern.

2. Whether the approval of the request would result in the creation of an isolated district, unrelated to adjacent and nearby districts.
3. Whether the existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for the change.
4. Whether changed or changing conditions make passage of the proposed amendment necessary.
5. Whether the proposed change will adversely affect living conditions in the immediate and surrounding neighborhoods.
6. Whether there is adequate access from a standard roadway to the site and whether the proposed change will create or excessively increase traffic congestion or otherwise affect traffic safety.
7. Whether the proposed change might result in the reduction of light or air to adjacent properties or areas.
8. Whether the proposed change might result in lower property values in adjacent areas.
9. Whether the property, as rezoned, could be developed in a manner which would comply with other existing County and State regulations governing development.
10. Whether the proposed change would result in, or act as a deterrent to, the improvement or development of adjacent property in accordance with the existing regulations.
11. Whether the property which is the subject of the proposed change is a suitable site or location for the uses available under a proposed zoning district.
12. Whether certain portions of the property are not suitable for development under the proposed zoning classification.
13. Whether adequate public facilities are available to the site including, but not limited to, water and sewer facilities.
14. Whether the property is developable under the proposed zoning classification without appropriate public facilities including, but not limited to, water and sewer facilities.
15. Whether the site proposed for zoning change would be subject to flooding and the effect of such flooding on the proposed or possible improvements on the site.

16. The physical characteristics of the site and the degree of site alteration which would be required to make the site usable for any of the range of potential uses under the proposed zoning classification.
17. The potential need for expansion of public services and facilities to accommodate the proposed development, including the consideration of the results of the Timing and Phasing Analysis performed pursuant to Section 901.12, Transportation Analysis.
18. Whether the proposed zoning change is consistent with the Goals, Objectives, and Policies set forth in the adopted Comprehensive Plan.
19. Whether maintaining the existing zoning classification accomplishes a legitimate public purpose that protects the integrity of the Goals, Objectives, and Policies of the Comprehensive Plan; the public's reliance upon the existing zoning; or another legitimate public purpose as determined by applicable law.

F. Staff and PC Recommendations

1. Staff Review

The County Administrator or designee, after consideration of the above review considerations, shall present a recommendation to both the PC and BCC.

2. PC Hearing and Recommendation

- a. At the completion of the public hearing on an application for a rezoning and upon consideration of staff recommendation and the considerations in this section, the PC shall vote to recommend approval or denial of the application.
- b. The recommendation of the PC shall be submitted to the BCC in written form.
- c. The recommendation of the PC shall be advisory only and shall not be binding on the BCC.

G. BCC Hearing

1. Upon receipt of the staff and PC recommendations, the BCC shall hold a separate public hearing on the proposed amendment.
2. At the conclusion of the public hearing, the BCC may:
 - a. Refer the application back to the PC for further study if additional information is necessary in order to make a decision.

- b. Deny the application.
 - c. Approve the application as requested.
 - d. Approve any other appropriate zoning classification of a lesser density/intensity.
3. If the recommendation of the PC is adverse to the proposed amendment, such amendment shall not become effective except by an affirmative vote of a majority of the entire membership of the BCC.
 4. Approval shall be in the form of an ordinance or resolution approving the zoning amendment.

H. Effect of the Final Decision

1. Approval

The approval of a zoning amendment shall authorize all available uses and dimensional standards, such as setbacks and coverage available in the applicable zoning district subject to further procedural requirements of this Code.

2. Denial

Whenever the BCC has denied an application for rezoning of property, the PC shall not thereafter:

- a. Consider any further application for the same rezoning of any part or all of the same property for a period of twelve (12) months from the date of such action.
- b. Consider an application for any other kind of rezoning on any part or all of the same property for a period of six (6) months from the date of such action.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 404. OPERATING PERMITS

404.3. Mining Operating Permits

A. Intent and Purpose

The intent and purpose of this section is to protect the public health, safety, and general welfare by ensuring that the extraction of mineral and natural resources is conducted in a manner compatible with the overall development of the County and to ensure that mining is carried out in such a manner so as to provide for the development of the said lands for productive uses upon the conclusion of the mining activities.

A Mining Operating Permit is used to:

1. Evaluate in detail the proposed operating plans for a mining operation; and
2. Ensure that, if approved, a mining operation is conducted in a manner consistent with the requirements of this Code; the Comprehensive Plan; and in the best interest of the health, safety, and welfare of the County and its citizens.

B. Applicability

This section shall apply to all mining within the unincorporated areas of the County where excavation will breach the aquitard.

C. Related Activities

Those excavations that do not breach the aquitard:

1. Exceeding 30,000 cubic yards require a Land Excavation Permit (see Section 404.2).
2. Peat Mining which requires a preliminary site plan.

D. Application Requirements

An application for a Mining Operating Permit shall include the following information and plans drawn at a readable scale, signed, and sealed by a Florida registered engineer. The application package shall include:

1. Applicant Information
 - a. Proof of ownership.

No Operating Permit shall be issued except upon the submission, review, and approval of a fully completed application submitted by the owner of the mineral rights. The application shall be signed by the fee simple owner(s) of the property subject to the application and the owner(s) of the mineral rights if different from the fee simple owner of the said property. The application shall specifically include an acknowledgement that the owner(s) of the mineral rights and the fee simple, property owner(s) are jointly and severally liable for damages resulting from failure to complete reclamation of the land.

- b. Agent of Record letter, if applicable.
 - c. Application fee.
2. General Information to be shown on site plan:
- a. A legend, title, and number of revision; date of plan and revision(s); scale of plan; north arrow; acreage in the project; and the names, mailing addresses, e-mail addresses, and telephone numbers of the operator, owner, surveyor, and engineer.
 - b. Phasing plan, if applicable, designating each phase by number or letter in the order by which the phases will be mined and a heavy line border at a scale appropriate with the size of the project site.
 - c. The legal description and the nature of the applicant's legal interest in any and all lands upon which any operations are proposed and a metes and bounds boundary survey, certified by a land surveyor registered in the State of Florida, of all or any part of the boundary of the applicant's property.
3. Map information to be shown on site plan:
- a. Location map showing the relationship between the area proposed for mining and surrounding properties, including a current aerial photograph with boundaries of the site delineated. The location map shall show all major County roads within one (1) mile of the development boundary.
 - b. Show all existing and planned arterials and collectors (transportation corridor[s]) within the proposed development and within one (1) mile of the subject property.
 - c. Show all Wellhead Protection Areas and Special Protection Areas for all Community Water System supply wells within the

proposed development and within 1,000 feet of the subject property.

- d. A 1:4800 scale topographic map of the mining site showing the boundaries of the site property and the surrounding adjacent lands to a distance of one (1) mile surrounding the boundaries and outlining all areas within the site which will be involved in the mining operation.

4. Existing Site Information

- a. Existing Streets. The name, location, right-of-way width, and pavement status; i.e., dirt, limerock, concrete, asphalt, etc., of all existing streets, other rights-of-way, and platted streets within 100 feet of the subject property.
- b. Existing storm sewers, potable water facilities, and sewerage facilities on or abutting the tract within 100 feet.
- c. Existing platted or recorded easements or rights-of-way for drainage, pedestrian ways, bridle paths, or bicycle paths, etc., including location, width, and purpose within 100 feet of the subject property.
- d. Other existing structures or uses on the project site with a statement as to their intended use.
- e. Configuration of that portion of abutting developments within 100 feet with preliminary plan approval, or if platted, with Plat Book and page number shown.
- f. Existing contours at a maximum of two (2) foot intervals, based on the North American Vertical Datum of 1988, identifying the site to be developed and extending a minimum 100 feet beyond the site boundary.
- g. Present land use classification and zoning of subject property and abutting land. Plans may not be processed for review without appropriate land use classification and/or zoning.
- h. Dates and reference numbers of rezonings, special exceptions, variances, conditional uses, or vested rights that have been granted, if applicable.
- i. The approximate location and acreage of natural features, including lakes, marshes or swamps, watercourses, and other jurisdictional areas.
- j. Identify registered historic resources.

k. Wetland Delineation/Identification

The applicant shall provide documentation in the form of a survey, sketch, or aerial with the application that delineates the location of the Category I, II, or III wetland areas, as defined in the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy 2.7.3, and provide the acreage for each wetland classification type.

l. Calculations

In addition to the wetland type and acreage information, the applicant shall provide the following:

- (1) Cumulative acreage total for Category I, II, and III wetlands.
- (2) Acreage total for natural occurring lakes.
- (3) Developable acreage.

5. Proposed Mining Operation

- a. Proposed layout with all setbacks to property lines and between any on-site buildings.
- b. Indicate type of paving surface proposed for use on site.
- c. All land within the proposed site which is located in a transportation corridor.
- d. Tree data meeting the requirements of this Code, Section 802.3.,
- e. Landscape plan in accordance with this Code, Section 905.2..
- f. Easements (show all proposed; note if none).
- g. A detailed description of the proposed haul route, including the condition relative to the pavement of all roads in the said route.
- h. The mining and reclamation plan describing the proposed mining and land reclamation operations and procedures in detail, including scaled maps, supporting documents, and calculations as follows:
 - (1) The locations of the proposed units to be mined, the sequence of mining, and the estimated periods of time involved.

- (2) The locations and dimensions of proposed settling and thickening ponds, if any, together with the heights of their dams.
 - (3) The location and use description of any physical plant, structure, permanent pipelines, or any other nonmovable object or device to be constructed as a part of the proposed processing operation.
- i. The drainage and flood control features to be provided during and following the conclusion of mining operations, including sufficient topographic maps to ensure adequate definition of all drainage characteristics of the applicant's lands and their effects upon neighboring lands; the design calculations; the criteria used for such design; a description of all points of discharge from the applicant's property; an estimate of the rate of such discharge during normal operations as well as annual, twenty-five (25) year, and 100-year floods; and an assessment of the effect that the proposed mining and reclamation operations and drainage and flood control features will have on the natural drainage regime as it existed before the proposed operations begin.
 - j. Estimates of the amount of wastes and tailings to be created, plans for their disposal, and the proposed time schedule for such disposal, together with scaled working drawings of any treatment facilities.
 - k. Erosion control measures specifying the extent, density, and type of trees, grasses, or other plantings.
 - l. An abstract and interpretation of the results of exploratory drilling showing the elevation of the top and base of the mineral zone, geologic nature of both underlying and overlying materials, and preoperational water levels encountered in the drill or auger holes.
 - m. A detailed reclamation plan for all disturbed areas and a time schedule for reclamation that meets all applicable provisions of this Code.
6. Other Required Submittals
- a. Copies of a title search identifying all interested parties to both the fee simple and mineral rights of the parcel.
 - b. Copies of an Ownership and Encumbrance Report prepared by a title insurance company or attorney at law.

- c. Listed Species Site Survey: If the site is shown on Map 3-1 in the Comprehensive Plan as a potential location for known listed species habitat.
- d. A narrative meeting the requirements of Section 809, Cultural Resources.
- e. Timing and Phasing Analysis pursuant to Section 901.12.
- f. Substandard Road Analysis pursuant to Section 901.4.
- g. Access Management Application pursuant to Section 901.3.
- h. A complete copy of any application to the appropriate water management authority for any use of water and/or for the construction of wells for water supply; permit issued by the said authority; data relating to the availability of the quantity required; and if not included in those documents, a statement of the specific quantities of water to be extracted and locations thereof, together with the detailed proposals of well construction, if any.
- i. Copies of all applications to and approvals from all applicable Federal, State, and local agencies.
- j. Financial security document; evidence of financial responsibility as described in this Code.

E. Public Hearing Required

Prior to commencing operations as a mine, a Mining Operating Permit application must be reviewed and approved by the Board of County Commissioners (BCC) after a public hearing held in conjunction with a Conditional Use Permit.

F. Notice

Notice shall be as required pursuant to this Code, Section 304.2, and the provisions of Chapter 125.66, Florida Statutes.

G. Standards for Approval

The County Administrator or designee, the Planning Commission (PC), and the BCC shall review and consider the following criteria and standards in regard to the advisability of issuing an Operating Permit for a mine:

- 1. Requirements of the land use and zoning classification applicable to the subject property.
- 2. Compliance with the technical requirements of this Code.

3. Provision of design features which assure the protection of the public health, safety, and welfare.
4. Consistency with the Goals, Objectives, and Policies set forth in the Comprehensive Plan.
5. Provision of necessary public improvements or facilities.
6. Concurrency requirements established by this Code.

H. Operating Permit Review

1. Staff Review

The County Administrator or designee, after consideration of the above standards, shall present a recommendation to both the PC and BCC. The said recommendation shall specify provisions, standards, conditions, or design specifications which must be met in order to ensure compliance with this Code and the Comprehensive Plan.

2. PC Review

After receipt of the written recommendation of the County Administrator or designee, the PC shall consider the application and make a recommendation to the BCC.

3. BCC Hearing and Action

- a. Upon receipt of the recommendation, the BCC shall hold a separate public hearing on the proposed Mining Operating Permit.
- b. At the conclusion of the public hearing, the BCC may:
 - (1) Refer the application back for further study if further information is required in order to make a final decision;
 - (2) Deny the application;
 - (3) Approve the permit application as presented; or
 - (4) Approve the permit application with such conditions as necessary to ensure compliance with this Code; the Comprehensive Plan; and to protect the health, safety, and welfare of the citizens of Pasco County.

All or any portion of the operations for which a permit is sought may be approved subject to whatever additional conditions the BCC may deem necessary and appropriate for the fulfillment of the purposes of this

Code. Such additional conditions of approval shall be stated on the face of the Operating Permit or may be incorporated therein by stated reference to any document which shall be made a part thereof.

The BCC may impose reasonable, additional conditions where necessary to protect the public health, safety, and welfare including, but not limited to, installation of stormwater management facilities; sound and/or visual buffering; hours of operation; surface water and groundwater monitoring; and that the owner or operator will take out and maintain insurance covering damage, destruction, unsafe, dangerous, or unhealthful conditions which may result from the use of the property as a mine.

I. Approval Form, Permit Time Limits, and Activities Required Prior to Commencement

1. The BCC approval shall be in written form and shall constitute a permit for operation of a mine subject to the requirements of this Code and the specific requirements, limitations, conditions, and prohibitions contained in the Operating Permit.
2. Permits for operation of a mine are not limited in duration and shall correspond to the permittee's approved disposal volume with an annual review for compliance.
3. The effective date of any Mining Operating Permit shall be the date of issuance by the BCC.
4. A permit shall be valid for the volume capacity specified in the Mining Operating Permit.
5. A permit may be issued only in the name of the applicant. Transfer of the permit requires notification to the County prior to the transfer. All terms, conditions, and financial responsibilities shall run with the permit as well as with the land.
6. The Scope of Operations to be permitted under any permit shall only be as specified in the permit (which may incorporate by reference the whole or any part of any plan of operations submitted as a portion of the application for the permit), or any recommendation thereon submitted to and accepted by the BCC by any County department, public or private agency, or individual. A copy of any incorporated recommendation or pertinent part thereof shall be attached to and considered a part thereof.
7. A permittee may seek an amendment of any permit in order to vary or expand the scope or method of its operations at any time by filing an application that follows the procedures outlined for the original application. An amendment deemed necessary in the public interest may be proposed by any member of the BCC; PC; County

Administrator or designee; or any applicable Federal, State, or local regulatory body.

8. Prior to the issuance of a permit, the applicant shall furnish financial security as required by this section.
9. Following approval of an application by the BCC, the County Administrator or designee shall, upon request, issue a permit to the applicant or his authorized agent, provided that of the required financial security has been submitted to the County.
10. Prior to the initiation of storage or disposal activities authorized by the permit, the applicant shall erect signs alerting motorists to the haul traffic entering the roadway. Such signs shall be erected to County or Florida Department of Transportation standards.
11. The applicant shall obtain all necessary permits from the Southwest Florida Water Management District (SWFWMD), the Florida Department of Environmental Protection (FDEP), and other regulatory agencies, as appropriate, prior to commencing operations. These agencies' permits shall be provided to the County. All applicable statutes, regulations, rules, and orders of Federal, State, and local agencies shall be made a part of the conditions of operations. Where an applicable statute or regulation of another agency is more stringent, that regulation shall apply.
12. A minimum of one (1) up-gradient and one (1) down-gradient monitoring well shall be installed prior to commencement of operations. Installation and sampling of this well will be in accordance with Chapter 62-701, F.A.C.
13. Background water quality for a disposal facility shall be determined by analysis, prior to any disposal of debris, of at least one (1) sample taken from each monitoring well that was installed and each surface water location. All surface water bodies which may be affected by a contaminant release from the disposal facility shall be monitored.
14. All laboratory analyses done in connection with the facility's Water Quality Monitoring Plan shall be conducted by laboratories holding certification from the Department of Health Environmental Laboratory Program under Chapter 64E-1, F.A.C., as referenced in Rule 62-160.300(1), F.A.C. Such certification shall be for the matrix, test method, and analyte(s) being measured to comply with this permit. The Standard Operating Procedures utilized and the laboratory's list of certified test methods and analytes must specifically address the types of sampling and analytical work that are being performed related to this facility.

J. Terms of Permit and Effect of Approval

1. The effective date of any Operating Permit shall be the date of issuance or other date specified by the BCC.
2. An Operating Permit shall be valid for the life of the mine, specifically the period specified for the completion of the mining operations,

including all reclamation set out in the approved mining and reclamation plan.

3. An Operating Permit shall be issued only in the name of the applicant. Transfer of the permit requires notification to the County prior to the transfer. All terms, conditions, and financial responsibilities shall run with the permit as well as with the land. The fee simple owner(s), if different than the owner(s) of the mineral rights, and the mortgagee, if any, shall contemporaneously receive from the permittee a copy of all documents pertaining to such requests for transfer. The prospective transferee shall also furnish with the application for transfer financial security as required by this Code. A Transfer Permit shall be issued by the County Administrator or designee upon request of the transferee or his authorized agent. Upon acceptance of the Transfer Permit, the transferee becomes the permittee under this Code and assumes the responsibility of compliance with all of the terms of this Code, applicable rules and regulations, the master mining plan submitted, and of the Operating Permit.
4. The scope of operations to be permitted under any Operating Permit shall only be as specified in the Operating Permit approved by the BCC.
5. A permittee may seek an amendment of any Operating Permit in order to vary or expand the scope or method of its operations at any time by filing an application that follows the procedures outlined for an original application. An amendment deemed necessary in the public interest may be proposed by the BCC or other entity as provided by regulation.
6. All permits must be kept at the mining site and be readily available for inspection by local enforcement personnel upon request.

K. Prior to Mining Activity

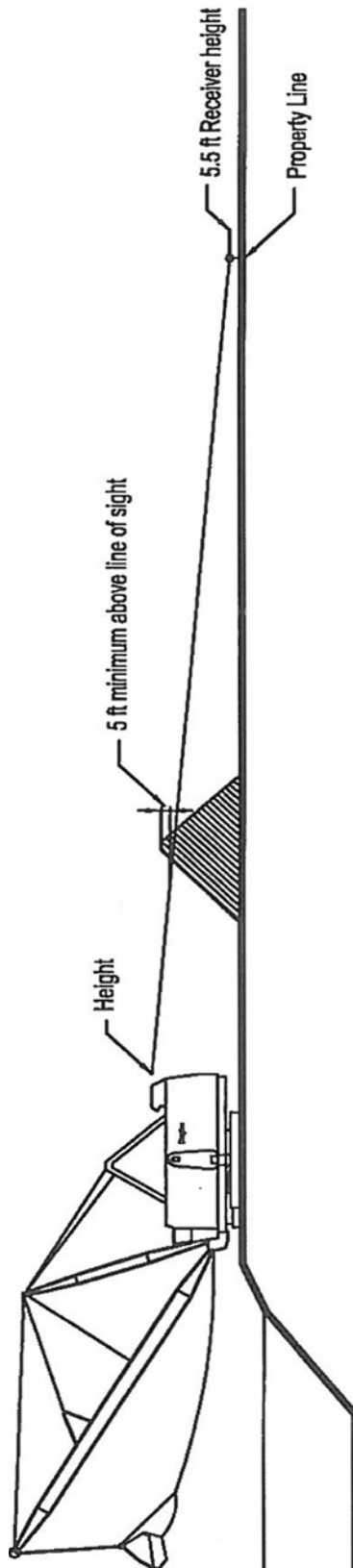
1. Prior to initiation of mining activities authorized by the Operating Permit, the applicant shall erect signs alerting motorists to the haul traffic entering the roadway. Such signs shall be erected to County standards.
2. Prior to issuance of a permit, the applicant shall furnish financial security as required by this section.
3. The applicant shall obtain all necessary permits from the SWFWMD, the FDEP, and other regulatory agencies, as appropriate, prior to commencing operations under the Operating Permit. These agencies' permits shall be provided to the County. All regulations, rules, and orders of Federal, State, and local agencies shall be made a part of the conditions of operations. Should an applicable regulation of another agency be more stringent than those herein, the more stringent shall apply.

L. Site Standards

1. Construction and Operations

- a. In order to ensure compliance with industrial-to-residential noise limits, no mine utilizing on-site crushing, excavation, or loading of rock material shall be located within 3,000 feet of developable lands zoned for residential use or residentially used property within that distance. The foregoing distance shall be measured from the portion of the mining site with active rock mining operations and shall not include any buffer or setback areas where active rock mining operations are not permitted. The foregoing distance may be reduced to 500 feet if the mining operation provides a vegetated berm that is at least five (5) feet higher than the direct line of sight between the noise source(s) and the residential receivers(s), (see Figure 404.3A), or if the applicant demonstrates through a site-specific noise study that other noise mitigation techniques, equipment, or site conditions will ensure that the industrial-to-residential sound level limit of 66 dBA will not be exceeded. The foregoing distances shall be increased to 4,000 feet (or 1,200 feet with a berm) if the mining operation will occur during hours when the industrial-to-residential sound level limit is 55 dBA (presently 6:00 p.m. to 7:00 a.m., Monday through Saturday and all day Sunday).

FIGURE 404.3A



- b. Unless otherwise approved by the BCC, mining shall not be permitted within the following setback areas:
 - (1) 500 feet of a park, library, or school boundary.
 - (2) 500 feet of an adjacent residential use or developable lands zoned for residential use.
 - (3) 200 feet of an existing right-of-way or public or private easement for drainage, utility, or road purposes.
 - (4) 200 feet of permittee's property line.
 - c. Prior to excavation, the perimeter of the excavation shall be adequately staked to delineate the excavation. These stakes shall be maintained throughout the duration of excavation and reclamation. The County may require a legal description of the excavation area when necessary for determining staking and location of the excavation.
 - d. The mining site shall comply with the applicable landscape requirements of this Code.
 - e. The construction of permanent or temporary access roads or of pipelines within the 100-year flood plain of permanent stream channels shall be subject to the advance approval of the County Administrator or designee.
2. The disposal or discharge of any material other than that approved as a part of the reclamation plan into the excavated pit is prohibited.

M. Operational Standards

- 1. The permittee shall allow designated representatives of the County Administrator or designee access to the premises of any operations conducted during the hours of operation for the purpose of monitoring compliance with the terms and conditions of the permit, this Code, and applicable rules and regulations.
- 2. The mining operation shall be fenced and gated or otherwise secured to prevent unauthorized or uncontrolled access.
- 3. Unless otherwise allowed by the BCC, the hours of operation shall be limited to daylight hours between 7:00 a.m. and 7:00 p.m., only. No mining activities shall be conducted on Sundays and County designated holidays.
- 4. The operator or employee must be present at the site during all hours of operation.

5. Environmental

- a. The mining operations shall be in accordance with applicable FDEP and SWFWMD permits. However, upon a showing of public necessity, the BCC may establish such regulations as it deems necessary and proper pertaining to noise, dust, and other forms of pollution; source and rate of consumption of water supplies, drainage, quality, and method of discharge of waste waters not to be retained on the permittee's lands; treatment and disposal of solid wastes; methods and practices in the extraction and processing of ores, mineral, and consolidated or unconsolidated solid mineral matter; and construction and utilization of both temporary and permanent on-site and off-site transportation facilities.
- b. Ambient noises or other noises resulting from the mining operation shall not result in public nuisances as measured at the permittee's property lines and shall not generate noise in excess of that allowed by regulation of any local, State, or Federal agency.

- c. All mining operations shall be performed in a manner to minimize vibrations of the soil which would cause damage of any kind to persons or property outside of permittee's property.
 - d. If authorized by the BCC, blasting or other use of explosives shall be conducted in accordance with the applicable State Fire Marshal regulations.
 - e. Groundwater extractions shall be in accordance with SWFWMD rules and/or an applicable Water Use Permit.
 - f. No water will be diverted from natural stream channels or lakes, nor shall stream channels be translocated, except as allowed by the applicable SWFWMD and/or FDEP permit(s). Withdrawals shall not be detrimental to downstream property owners.
 - g. The applicant shall be responsible for the control of fugitive dust particulate arising from the facilities. Such control shall prevent the creation of nuisance conditions on the adjoining properties. However, if mining and/or processing activities are governed by an Air Pollution Permit issued by the FDEP, then the FDEP permit conditions and limitations shall control.
 - h. No open burning is allowed without a permit.
 - i. The permittee shall allow designated representatives of the County Administrator access to the premises of any operations conducted thereunder during the hours of operation for the purposes of monitoring compliance with terms, conditions of the permit, this Code, and rules and regulations adopted hereunder.
 - j. The permittee shall place and maintain survey markers to identify the property covered by the permit in order to provide visual aid for inspection by the County.
 - k. Copies of all reports or notices required of the permittee by any agency or Department of the State, specifically including, but not restricted to, the FDEP and SWFWMD, shall be provided to the County Administrator or designee within ten (10) days of filing with the other entity. The fee simple owner(s), if different than the owner(s) of the mineral rights, and the mortgagee, if any, shall contemporaneously receive from the permittee a copy of all such reports or notices.
6. The applicants shall engage, at their sole expense, the services of an independent testing lab to monitor groundwater quality on a quarterly basis, in compliance with the standards and procedures of Rules 62-520 and 62-550, F.A.C., as amended.

7. Additional sampling at more frequent intervals, analysis for extended parameters, and additional monitoring wells may be required by the County Administrator or designee if the analysis indicates that a contaminant exceeds the regulatory limit. The sample analysis reports required by this Code shall be forwarded to the County Administrator or designee within ten (10) days of receipt of the analysis report by the permittee.
8. After background water quality is established, the excavation area shall be sampled every six (6) months.
9. Owners and Operators Responsibilities

The fee-simple owner of the land and the operator of a mine shall be responsible for compliance with these rules and all other applicable Federal, State, and local laws, rules, and regulations. Any person violating the provisions of such laws, rules, or regulations and causing damage, destruction, or unsafe, dangerous, or unhealthful conditions shall be responsible for:

- a. Correcting such conditions.
- b. In the event the owner and operator fail to correct such condition within a reasonable period of time after notice thereof, permitting the County to correct such conditions and reimbursing the County for the costs of correcting such conditions.
- c. Indemnifying the County for any liability for damages caused by such violation.
- d. The permittee and the fee-simple owner(s) shall be subject to absolute liability for failure of the permittee to complete any reclamation of lands or to conduct the operation as required by this Code; Chapter 62-701, F.A.C., as amended; and any permit issued. The liability of this section shall be in addition to those imposed as civil or criminal penalties by this Code, Section 108.
- e. The permittee(s) and the fee simple owner(s) shall be subject to absolute liability to the County to complete any reclamation of lands and to conduct the mining operations as required by the Operating Permit, this Code, and any other applicable rules or regulations. The liability of this section shall be in addition to those imposed as civil or criminal penalties by this Code, Section 108.

10. Reclamation Standards

Reclamation shall be in accordance with the applicable SWFWMD and FDEP permits, Chapter 62, F.A.C., as applicable, and pursuant to the reclamation plan approved by the County.

11. Annual Report

- a. Each year, within thirty (30) days following the anniversary date of a permit, the permittee shall provide an Annual Report of Operations to the County Administrator or designee. The annual report shall review mining operations and reclamation progress during the preceding reporting year and identify lands expected to be excavated or planned for reclamation during the current year. The report shall also contain an Annual Cost Adjustment Statement along with any required updated financial security document(s) as required by this section. The fee simple owner(s), if different than the owner(s) of the mineral rights, and the mortgagee, if any, shall contemporaneously receive from the permittee a copy of such report.
- b. The report shall be made available for public inspection.
- c. The annual report shall be reviewed and any comments or recommendations shall be presented to the BCC by the County Administrator or designee. The fee simple owner(s), if different than the owner(s) of the mineral rights, and the mortgagee, if any, shall contemporaneously receive from the permittee a copy of all such statements and documents.
- d. Failure to file the annual report in a timely manner shall be grounds for suspension of the Operating Permit. An extension of time may be granted by the BCC upon request and reasonable cause is demonstrated.

N. Financial Responsibility

1. Types of Financial Security Required

Every applicant shall furnish to the BCC financial security to guarantee:

- a. Reclamation of any lands proposed for disturbance under the mining plan.
- b. Completion of any off-site performance requirements.
- c. Maintenance and/or monitoring requirements associated with the Operating Permit and/or plan.

2. Acceptable Forms of Financial Security

- a. Acceptable forms of this financial security shall include, but are not limited to, a Letter of Credit, Surety Bond, or Cash Bond.
- b. The financial security shall be in the name of the applicant, not the contractor, or another third party, and shall extend a minimum of one (1) year beyond permit expiration. The applicant shall post the entire financial security prior to any activity on the land, authorized by the permit. Any bond premium shall be paid in full and shall not be revocable for nonpayment of premium.
- c. In the event a Surety Bond is furnished, the following shall apply:
 - (1) The surety company shall have a currently valid Certificate of Authority, issued by the State Department of Insurance, authorizing it to write Surety Bonds in the State.
 - (2) The surety company shall have a currently valid Certificate of Authority issued by the U.S. Department of Treasury under Sections 9304-9308 of Title 31, of the United States Code. The surety company shall be in full compliance with the provisions of the State Insurance Code. The surety company shall have at least twice the minimum surplus and capital required by the State Insurance Code at the time the Surety Bond is issued. If the bond amount exceeds Five Thousand and 00/100 Dollars (\$5,000.00), the surety company shall have at least the following rating in the latest issue of Best's Key Rating Guide:

Bond Amount	Policyholder's Rating	Required Financial Rating
\$ 500,000.00-1,000,000.00	A	Class IV
1,000,000.00-2,500,000.00	A	Class V
2,500,000.00-5,000,000.00	A	Class VI
5,000,000.00-10,000,000.00	A	Class VII
10,000,000.00-25,000,000.00	A	Class VIII
25,000,000.00-50,000,000.00	A	Class IX
\$50,000,000.00-75,000,000.00	A	Class X

3. Amount of Financial Security Required

- a. Reclamation of Disturbed Lands: Financial security shall be provided for all areas approved for disturbance in the mining plan and for those areas which have previously been disturbed and have not yet been reclaimed.

Cost itemization for reclamation shall consist of the required cost for reclamation and equipment mobilization, sod or seed, and mulch of the disturbed surface area, and surveying of the excavation area. This cost shall be multiplied by 125 percent to total the reclamation cost.

The amount shall be calculated as follows:

Proposed excavation area = _____ acres.

(1) Slope Area

(a) With 4:1 side slopes:

(a) ft. (perimeter) X (b) ft. (depth) X
(c) slope = (d) square feet (SF)

(a) = perimeter of excavation area(s)

(b) = depth (natural ground elevation to the bottom of the excavation)

(c) = 4 (4:1 side slope)

(d) = SF of slope surface area

(b) With 4:1 and 2:1 combination side slopes:

(i) (e) ft. (perimeter) X (f) ft. (depth) X
(g) slope = (h) SF

(e) = perimeter of excavation area(s)

(f) = depth (natural ground elevation to a depth of six (6) ft. below normal low water level)

(g) = 4 (4:1 side slope)

(h) = SF of 4:1 slope surface area

(ii) $\frac{(i) \text{ ft. (perimeter)} \times (k) \text{ ft. (depth)}}{(m) \text{ slope}} = (n) \text{ SF}$

$(j) = (e) = [(f) \times 4]$

(k) = total depth of the excavation
less (f)

$(m) = 2$ (2:1 side slope)

(n) = SF of 2:1 slope surface area

(iii) Total SF of slope surface area = (p) SF

$(p) = (h) + (n)$

(2) Reclamation and Equipment Mobilization

(a) With 4:1 side slopes:

$(d)/43,560 \text{ SF} = (q) \text{ acre} \times \$5,000.00$
 $(\text{cost/acre}) = \$ (r)$

(b) With 4:1 and 2:1 combination side slopes:

$(p)/43,560 \text{ SF} = (s) \text{ acre} \times \$5,000.00$
 $(\text{cost/acre}) = \$ (t)$

(c) Seeding and mulching:

$(h)/9 \text{ SF} = (u) \text{ SY} \times \$0.70 (\text{cost/SY}) = \$ (v)$

(3) Surveying

(a) With 4:1 side slopes:

$(q) \text{ acre} \times \$1,300.00 (\text{cost/acre}) = \$ (w)$

(b) With 4:1 and 2:1 combination side slopes:

$(s) \text{ acre} \times \$1,300.00 (\text{cost/acre}) = \$ (y)$

(4) Total Amount of Proposed Reclamation Security

(a) With 4:1 side slopes:

$[(r) + (v) + (w)] \times 125\% = \$ \underline{\hspace{2cm}}$

(b) With 4:1 and 2:1 combination side slopes:

$$[(t) + (v) + (y)] \times 125\% = \$ \underline{\hspace{2cm}}$$

The BCC reserves the right to amend and revise the cost-itemization formula from time to time as needed by adoption of a resolution. Costs given are based on the current County and/or State Department of Transportation cost estimates for the items, such as grassing, surveying, and mobilization. The said costs are a minimum of what will be accepted by the County.

- b. Completion of Off-Site Performance Requirements: The amount of the financial security shall be an amount equal to 125 percent of the estimated cost of providing and installing any off-site improvements required.
- c. Maintenance and/or Monitoring Requirements: For the purposes of determining the amount that is required for any maintenance and/or monitoring requirement, the applicant shall estimate the total cost for the period of the permit. The applicant shall submit the estimates, together with all necessary justification, to the County Administrator or designee for review and approval, accompanied by the financial security. The cost shall be estimated by a professional engineer for a third party performing the work in conformance with the guidelines approved by the County. Maintenance and/or monitoring cost shall include surface water and groundwater monitoring, collection and analysis, road maintenance, dust control, and any other costs of compliance with this Code.
- d. Annual Cost Adjustments: Each year, with the annual report, the applicant shall furnish the County with an Annual Cost Adjustment Statement along with any required updated financial security document(s).

4. Additional Financial Security Requirements

The applicant shall acknowledge the following:

- a. That should the County collect funds under a financial security document, the applicant shall authorize the County or its designee access to the property subject to the Mining Permit to complete the required work. In the event the owner of the site is different from the applicant, then the owner of the site shall also authorize the required access.
- b. That should the County be required to institute legal proceedings in order to collect any funds under a financial security, the applicant shall be responsible for attorney's fees

and court costs incurred by the County in such action if the County prevails.

- c. The fee simple owner(s), if different than the owner(s) of the mineral rights, and the mortgagee, if any, shall contemporaneously receive from the applicant a copy of all documents pertaining to financial security.

5. Release of Financial Security

To release the financial security, the applicant shall notify the County Administrator or designee in writing to request the release of the financial security. Prior to the BCC authorizing the release, the following shall occur:

- a. The applicant shall submit a signed, sealed, and dated topographic survey with topography at one (1) foot intervals to indicate side slopes and total cubic yards of material excavated. In addition, a copy of this survey shall be superimposed over the approved plans to demonstrate substantial compliance with the said plans.
- b. The County Administrator or designee shall complete a final inspection, review the survey submitted, and approve reclamation of the site.

6. Owners and Operators Responsibilities

The fee simple owner of the land and the operator of a mine shall be responsible for compliance with these rules and all other applicable Federal, State, and local laws, rules, and regulations. Any person violating the provisions of such laws, rules, or regulations and causing damage, destruction, or unsafe, dangerous, or unhealthful conditions shall be responsible for:

- a. Correcting such conditions.
- b. In the event the owner and operator fail to correct such condition within a reasonable period of time after notice thereof, permitting the County to correct such conditions and reimbursing the County for the costs of correcting such conditions.
- c. Indemnifying the County for any liability for damages caused by such violation.
- d. The permittee and the fee simple owner(s) shall be subject to absolute liability for failure of the permittee to complete any reclamation of lands or to conduct the operation as required by this Code; Chapter 62-701, F.A.C., as amended; and any permit

issued. The liability of this section shall be in addition to those imposed as civil or criminal penalties by this Code, Section 108.

- e. The permittee(s) and the fee simple owner(s) shall be subject to absolute liability to the County to complete any reclamation of lands and to conduct the mining operations as required by the Operating Permit, this Code, and any other applicable rules or regulations. The liability of this section shall be in addition to those imposed as civil or criminal penalties by this Code, Section 108.

O. Prohibitions

- 1. The disposal or discharge of any material other than that approved as a part of the reclamation plan into the excavated pit is prohibited.
- 2. No mining shall be conducted within the County, except within the scope of a valid Operating Permit issued by the BCC.

P. Suspension or Revocation of Permit

A suspension of operations for a period of two (2) years or more by a permittee shall be cause for revocation of the permit. Any subsequent application for permission to commence excavation shall be treated as an initial application.

Failure to comply with the County, State, or Federal statutes, rules, or regulations governing mining may constitute grounds for suspension or revocation of the Mining Operating Permit. Upon a determination of noncompliance, the County Administrator or designee shall notify the owner and operator/permittee of the nature of the noncompliance and may order corrective action. If the owner and operator fail to comply or take the ordered corrective action, the County Administrator or designee may notify the BCC, who may schedule a public hearing to consider suspension or revocation of the Operating Permit. After due public notice of the said hearing, the BCC shall conduct the said hearing giving all interested persons the opportunity to be heard, present testimony and evidence, and cross-examine witnesses. If, after consideration of the testimony and evidence, the BCC determines that grounds for suspension exist, the BCC may take one (1) or more of the following steps:

- 1. Order appropriate corrective action.
- 2. Modify the existing conditions or impose additional, more stringent conditions on the permit.
- 3. Suspend the permit until appropriate, corrective action is taken or additional or modified conditions are complied with. Any Mining Operating Permit shall be subject to suspension or revocation in whole or in part upon a finding of noncompliance with the terms of the said permit, this Code, or applicable statutes, rules, and regulations. A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected. While a permit or any part of

a permit is suspended, no operations authorized by the suspended portion of the Operating Permit shall be carried out. A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected.

4. Revoke the permit. Copies of all notices and orders sent to the permittee by the County Administrator or designee as well as reports of compliance or appeals to the BCC from the permittee shall be sent by the County Administrator or designee to any agency involved in the permit process.

Q. Failure of a permittee to have completed reclamation of any lands as required at the conclusion of any reporting year may subject the permittee(s) to a civil penalty to be paid to the County in an amount equal to the evidence of financial responsibility required to be maintained on account of the lands involved in addition to any other fines and penalties that may apply.

R. Enforcement/Violations

In addition to suspension, modification, or revocation of the Operating Permit, violation of this section may be addressed through any of the enforcement methods in this Code, Section 108.

It shall not be a defense to or grounds for dismissal of any action for damages and civil penalties that the County has failed to exhaust its administrative remedies, has failed to serve a notice of violation, or has failed to hold an administrative hearing prior to the institution of a civil action, or that criminal proceedings or other enforcement proceedings are pending. The failure of the County to enforce any requirements of this Code shall not constitute a waiver of the County's right to enforce this Code with respect to that violation or subsequent violations of the same type or to pursue other remedies.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 404. OPERATING PERMITS

404.4. Construction and Demolition Debris Disposal Facilities (CDDDF) Operating Permit

A. Intent and Purpose

It is the intent and purpose of this section to provide a safe, efficient, and economical method of storing and disposing of construction and demolition debris through certain operating procedures and practices.

The CDDDF Operating Permit is used to:

1. Evaluate in detail the proposed operating plans for a CDDDF in conjunction with a conditional use application; and
2. Ensure that, if approved, a CDDDF is operating in a manner consistent with the requirements of this Code; the Comprehensive Plan; and in the best interest of the health, safety, and welfare of Pasco County and its citizens.

B. Applicability

This section shall apply to the unincorporated area of the County where the storage and/or disposal of construction and demolition debris is proposed.

C. Exemption

The exemptions contained in Chapter 62-701, Florida Administrative Code (F.A.C.), as may be amended, are incorporated by reference.

D. Application Requirements

Applications for CDDDF Operating Permits shall include plans drawn at a readable scale, signed, and sealed by a Florida registered engineer. The application package shall include:

1. Applicant Information
 - a. Proof of ownership; i.e., copy of deed.
 - b. Agent of Record letter, if applicable.
 - c. Application fee.

2. General information to be shown on the site plan:
 - a. A legend, title, and number of revision; date of plan and revision(s); scale of plan; north arrow; acreage in the project; and names, mailing addresses, e-mail addresses, and telephone numbers of the operator, owner, surveyor, and engineer.
 - b. A legend, title, and number of revision(s); date of preliminary plan and revision(s); scale of plan; north arrow; acreage in the tract being subdivided; total number of lots; and names, mailing addresses, e-mail addresses, and telephone numbers of the operator, owner, surveyor, and engineer.
 - c. Phasing plan (if applicable) designating each phase by heavy line border at an appropriate scale.
3. Map information to be shown on the site plan:
 - a. Location map showing the relationship between the subject property and surrounding properties, including a current aerial photograph with boundaries of development and roadway layout delineated. The location map shall show all major County roads within one (1) mile of the development boundary.
 - b. Show all existing and planned arterials and collectors (transportation corridor[s]) within the subject property and within one (1) mile of the subject property.
 - c. Wellhead Protection Areas and Special Protection Areas for all Community Water System supply wells within the proposed development and within 1,000 feet of the subject property.
4. Existing site information to be shown on the site plan:
 - a. Legal description sufficient to describe the size and location of the tract.
 - b. Existing Streets. The name, location, right-of-way width, and pavement status; i.e., dirt, limerock, concrete, asphalt, etc., of all existing streets, platted or recorded easements, other rights-of-way, and platted streets within 200 feet of the subject property.
 - c. Existing platted or recorded easements or rights-of-way for drainage, pedestrian ways, bridle paths, or bicycle paths, etc., including location, width, design criteria, and purpose within 200 feet of the subject property.

- d. Configuration of that portion of abutting developments within 200 feet with preliminary site plan approval, or if platted, with Plat Book and page number shown.
- e. Existing storm sewers, potable water facilities, and sewerage facilities on or abutting the tract within 200 feet.
- f. Other existing structures or uses on the tract with a statement as to its intended use.
- g. Existing contours at a maximum of two (2) foot intervals, based on the National Geodetic Vertical Datum of 1929, identifying the tract to be developed and, where practicable, extending a minimum 100 feet beyond the tract boundary. A note stating the basis of the vertical datum shall be shown on the drawing. After October 1, 2011, the submittal shall be based on the NAVD88.
- h. Present land use of the parcel proposed for development.
- i. Future Land Use (FLU) classification and zoning district of the parcel proposed for development and abutting land.
- j. Dates and reference numbers of rezonings, special exceptions, variances, conditional uses, or vested rights that have been granted, if applicable.
- k. Approximate location and acreage of natural features, including lakes, marshes or swamps, watercourses, and other jurisdictional areas.
- l. Identify registered historic cultural resources. A narrative meeting the requirements of Section 809, Cultural Resources.
- m. Wetland Delineation/Identification. Provide documentation in the form of a survey, sketch, or aerial that delineates the location of the Category I, II, or III wetland areas, as defined in the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy Nos. CON 1.3.1, CON 1.3.2, CON 1.3.3, CON 1.3.4, and CON 1.3.5 and provide the acreage for each wetland classification type.
- n. Calculations. In addition to the wetland type and acreage information, provide the following:
 - (1) Cumulative acreage total for Category I, II, and III wetlands.
 - (2) Acreage total for water bodies.

- (3) Acreage total for land with CON (Conservation Lands) FLU Classification.
- (4) Developable acreage.
- o. Geotechnical Site Investigation. The geotechnical site investigation shall be conducted by or under the supervision of a Florida registered engineer with experience in geotechnical engineering. The engineer shall define the engineering properties of the site that are necessary for the design, construction, and support of the CDDDF and all installations of the facility, and shall:
 - (1) Identify and describe subsurface conditions, including soil stratigraphy and groundwater table conditions;
 - (2) Identify and address the presence of muck, previously filled areas (if any), soft ground, lineaments, and sinkholes; and
 - (3) Include estimates of the average and maximum high groundwater table across the site.

The geotechnical site investigation report shall describe the site subsurface conditions and shall include, at a minimum, the methods used in the investigation, all soil boring logs and laboratory results, analytical calculations, cross sections, interpretations, and conclusions.

- (4) The report and supporting documentation shall be signed and sealed by a Florida registered engineer.
- p. Hydrogeological Investigation and Site Report. The hydrogeological investigation and site report shall be conducted by or under the supervision of a professional geologist or professional engineer registered in the State of Florida with experience in hydrogeologic investigations, and shall:
 - (1) Define the site geology and hydrology and its relationship to the local and regional hydrogeologic patterns, including:
 - (a) Direction of groundwater flow, including seasonal variations;
 - (b) Background quality of groundwater and surface water for the parameters listed in this section of this Code.

- (c) Any on-site hydraulic connections between aquifers;
 - (d) For all confining layers, semi-confining layers, and all aquifers below the site that may be affected by the construction and demolition debris, the porosity or effective porosity, horizontal and vertical permeabilities, and the depth to and lithology of the layers and aquifers; and
 - (e) Topography, soil types, and characteristics.
- (2) An inventory of all the public and private wells within a one (1) mile radius of the proposed site. The inventory shall include, where available:
- (a) The approximate elevation of the top of the well casing and the depth of each well;
 - (b) The name of the owner, the age and usage of each well, and the estimated daily pumpage; and
 - (c) The stratigraphic unit screened, well construction technique, and static water levels of each well.
- (3) Identify and locate any existing, contaminated areas on the site. The site report and supporting information, including a detailed description of the methods, calculations, and interpretations used, shall be signed and sealed by the professional engineer or geologist.
- q. Stormwater Management Plan and Report prepared in accordance with this Code.
- r. A site plan, of a readable scale, which shows:
- (1) A legend indicating title and number of revisions; date of plan or revision; scale; north arrow; acreage of site; acreage of area proposed for disposal of construction and demolition debris; and names, addresses, and telephone numbers of the surveyor and/or engineer.
 - (2) Location map which shows the relationship between the proposed facility, existing development, and land uses, including existing streets; utilities; rights-of-way; easements; drainage systems (natural or man-made); well fields; or water supplies, water bodies, and other natural features.

- (3) Topography of the site and 200 feet beyond the site's property line.
- (4) Proposed disposal area(s).
- (5) Total acreage of the site and proposed disposal area(s).
- (6) Setbacks of disposal area(s) from property boundaries.
- (7) Setbacks of disposal area(s) from adjoining residential areas.
- (8) Exact location of any existing or proposed structures, along with a statement of their use.
- (9) Access and traffic flow to and from the site.
- (10) Parking areas.
- (11) Existing and proposed screens, buffers, and fencing.
- (12) Conservation or preservation area (if applicable).
- (13) Storm drainage systems.
- (14) Access to utilities and points of hookup, if applicable.
- (15) Roads, utilities, and other improvements to be provided by the applicant.
- (16) Signs, if any.
- (17) Location of the entrance to disposal facility.
- (18) Location of operator and employee stations.
- (19) Location of any areas proposed for disposal of construction and demolition debris which are subject to periodic flooding.
- (20) Location of any areas proposed for disposal of construction and demolition debris which consists of a dewatered pit.
- (21) Location of any open sinkholes or areas where geologic foundation or subterranean features would not support a CDDDF.

- (22) Tabulations showing total gross acreage of the site and the percentage to be devoted to disposal of construction and demolition debris, various other uses, ground covered by structures, impervious surface coverage; and derivation of the number of off-street parking.
 - (23) Tree data meeting the requirements of this Code.
 - (24) Such additional data as may be required for the CDDDF.
 - (25) Reclamation plan showing proposed elevations.
 - (26) Existing and proposed cross sections at intervals sufficient to determine volume.
- s. Closure plans and cross section details of the final cover. The closure plan shall describe provisions for cover material for the long-term care of erosion control and general maintenance of the facility, and specify the anticipated source and amount of material necessary for proper closure of the facility.
5. Other Required Submittals
- a. Listed Species Site Survey: If the site is shown on Map 3-1 in the Comprehensive Plan, as a potential location for known listed species habitat.
 - b. A narrative meeting the requirements of Section 809, Cultural Resources.
 - c. Geotechnical/geological engineering report.
 - d. Timing and Phasing Analysis pursuant to Section 901.12.
 - e. Substandard Road Analysis pursuant to Section 901.4.
 - f. Access Management Application pursuant to Section 901.3.
 - g. Erosion and Sediment Control Plan:
 - (1) Narrative.
 - (2) Map/site plan.
 - (3) Construction details.
 - (4) Calculations.
 - h. Financial security document; evidence of financial responsibilities described in this Code.

E. Public Hearing Required

Prior to commencing operations as a CDDDF for the storing or disposing of construction and demolition debris, a CDDDF Operating Permit application must be reviewed and approved by the Board of County Commissioners (BCC) after a public hearing held in conjunction with a Conditional Use Permit.

F. Notice

Notice shall be as required pursuant to this Code, Section 304.2, and the provisions of Chapter 125.66, Florida Statutes.

G. Standards for Approval

The County Administrator or designee, the Planning Commission (PC), and the BCC shall review and consider the following criteria and standards in regard to the advisability of issuing an Operating Permit for a CDDDF:

1. Requirements of the land use and zoning classification applicable to the subject property.
2. Compliance with the technical requirements of this Code.
3. Provision of design features which ensure the protection of the public health, safety, and welfare.
4. Consistency with the Goals, Objectives, and Policies set forth in the Comprehensive Plan.
5. Provision of necessary public improvements or facilities.
6. Concurrency requirements established by this Code.

H. Operating Permit Review

1. Staff Review

The County Administrator or designee, after consideration of the above standards, shall present a recommendation to both the PC and BCC. The said recommendation shall specify provisions, standards, conditions, or design specifications which must be met in order to ensure compliance with this Code and the Comprehensive Plan.

2. PC Review

After receipt of the written recommendation of the County Administrator or designee, the PC shall consider the application and make a recommendation to the BCC.

3. BCC Hearing and Action

- a. Upon receipt of the recommendation, the BCC shall hold a separate public hearing on the proposed CDDDF Operating Permit.
- b. At the conclusion of the public hearing, the BCC may:
 - (1) Refer the application back for further study if further information is required in order to make a final decision;
 - (2) Deny the application;
 - (3) Approve the permit application as presented; or
 - (4) Approve the permit application with such conditions as necessary to ensure compliance with this Code; the Comprehensive Plan; and to protect the health, safety, and welfare of the citizens of Pasco County.

All or any portion of the operations for which a permit is sought may be approved subject to whatever additional conditions the BCC may deem necessary and appropriate for the fulfillment of the purposes of this Code. Such additional conditions of approval shall be stated on the face of the Operating Permit or may be incorporated therein by stated reference to any document which shall be made a part thereof.

The BCC may impose reasonable, additional conditions where necessary to protect the public health, safety, and welfare including, but not limited to, conditions requiring lining of the disposal facility pursuant to Section 403.707(9)(b), Florida Statutes, or other leach-prevention measures; installation of stormwater-management facilities; sound and/or visual buffering; hours of operation; surface water and groundwater monitoring; and that the owner or operator will take out and maintain insurance covering damage, destruction, unsafe, dangerous, or unhealthful conditions which may result from the use of the property as a CDDDF.

I. Approval Form, Permit Time Limits, and Activities Required Prior to Commencement

1. The BCC approval shall be in written form and shall constitute a permit for operation of a CDDDF subject to the requirements of this Code and the specific requirements, limitations, conditions, and prohibitions contained in the Operating Permit.
2. Permits for operation of a CDDDF are not limited in duration and shall correspond to the permittee's approved disposal volume with an annual review for compliance.

3. The effective date of any CDDDF Operating Permit shall be the date of issuance by the BCC.
4. A permit shall be valid for the volume capacity specified in the CDDDF Operating Permit.
5. A permit may be issued only in the name of the applicant. Transfer of the permit requires notification to the County prior to the transfer. All terms, conditions, and financial responsibilities shall run with the permit as well as with the land.
6. The Scope of Operations to be permitted under any permit shall only be as specified in the permit (which may incorporate by reference the whole or any part of any plan of operations submitted as a portion of the application for the permit), or any recommendation thereon submitted to and accepted by the BCC by any County department, public or private agency, or individual. A copy of any incorporated recommendation or pertinent part thereof shall be attached to and considered a part thereof.
7. A permittee may seek an amendment of any permit in order to vary or expand the scope or method of its operations at any time by filing an application that follows the procedures outlined for the original application. An amendment deemed necessary in the public interest may be proposed by any member of the BCC; PC; County Administrator or designee; or any applicable Federal, State, or local regulatory body.
8. Prior to the issuance of a permit, the applicant shall furnish financial security as required by this section.
9. Following approval of an application by the BCC, the County Administrator or designee shall, upon request, issue a permit to the applicant or his authorized agent, provided that the required financial security has been submitted to the County.
10. Prior to the initiation of storage or disposal activities authorized by the permit, the applicant shall erect signs alerting motorists to the haul traffic entering the roadway. Such signs shall be erected to County or Florida Department of Transportation standards.
11. The applicant shall obtain all necessary permits from the Southwest Florida Water Management District, the Florida Department of Environmental Protection, and other regulatory agencies, as appropriate, prior to commencing operations. These agencies' permits shall be provided to the County. All applicable statutes, regulations, rules, and orders of Federal, State, and local agencies shall be made a part of the conditions of operations. Where an applicable statute or regulation of another agency is more stringent, that regulation shall apply.
12. A minimum of one (1) up-gradient and one (1) down-gradient monitoring well shall be installed prior to commencement of operations.

Installation and sampling of this well will be in accordance with Chapter 62-701, F.A.C.

13. Background water quality for a disposal facility shall be determined by analysis, prior to any disposal of debris, of at least one (1) sample taken from each monitoring well that was installed and each surface water location. All surface water bodies which may be affected by a contaminant release from the disposal facility shall be monitored.
14. The applicant shall obtain all necessary permits from the Southwest Florida Water Management District, the Florida Department of Environmental Protection, and other regulatory agencies, as appropriate, prior to commencing operations. These agencies' permits shall be provided to the County. All applicable statutes, regulations, rules, and orders of Federal, State, and local agencies shall be made a part of the conditions of operations. Where an applicable statute or regulation of another agency is more stringent, that regulation shall apply.

J. Site Standards

1. The proposed storage and disposal area shall not be permitted within:
 - a. 500 feet of a park, library, or school boundary.
 - b. 500 feet of a school boundary.
 - c. 500 feet of the property line of an adjacent residential use or lands zoned for residential use.
 - d. 200 feet of an existing right-of-way or public or private easement for drainage, utility, or road purposes.
 - e. 400 feet of permittee's property line.
2. No construction and demolition debris shall be permitted to be disposed of above the natural grade. The natural grade shall be the grade creating a level surface when compared to the adjacent lands.
3. No construction and demolition debris shall be permitted to be disposed of below a depth of one (1) foot above the seasonal high water table.
4. Debris may be stored on the property no longer than fourteen (14) days before disposal.

K. Operational Standards

1. The permittee shall allow designated representatives of the County Administrator or designee access to the premises of any operations conducted thereunder during the hours of operation for the purposes of monitoring compliance with the terms, conditions of the permit, this Code, and rules and regulations adopted hereunder, or any applicable Federal, State, or local regulation.
2. The storage and disposal areas shall be fenced and gated or otherwise secured to prevent unauthorized or uncontrolled access.

3. Unless otherwise allowed, the hours of operation shall be limited to daylight hours between 7:00 a.m. and 7:00 p.m. only. No activities shall be conducted on Sundays and County designated holidays.
4. The operator or an employee of the operator must be present at the site during all hours of operation.
5. Ambient and other noises resulting from the permit operations shall not result in public nuisances as measured at the permittee's property lines and shall not generate noise in excess of that allowed by any local, State, or Federal statute or code.
6. Water Testing
 - a. The applicant shall engage, at his sole expense, the services of an independent testing lab to monitor groundwater and surface water quality as required by Chapter 62, F.A.C. Reports filed with other state agencies shall also be filed with the County within ten (10) days of filing with other State agencies.
 - b. Additional sampling at more frequent intervals and analysis for extended parameters and additional monitoring wells may be required by the County Administrator or designee, if the analysis indicates that a contaminant exceeds the regulatory limit. The sample analysis reports shall be forwarded to the County Administrator or designee within ten (10) days of receipt of the analysis report by the permittee.
7. The applicant shall be responsible for the control of fugitive dust particulates arising from the site. Such control shall prevent the creation of nuisance conditions on adjoining property.
8. No open burning is allowed at this facility.
9. The applicant agrees to provide, at the applicant's sole expense, the services of an independent security agency or on-site caretaker (twenty-four [24] hours/day, seven [7] days/week, 365 days/year) to provide periodic security inspections and surveillance of the site. The applicant shall submit a detailed report outlining the proposed scope of security services to the County Administrator or designee.
10. Inspection, Rejection, and Disposal of Unauthorized Materials

The more stringent of these provisions or the provisions of Chapter 62-701, F.A.C., as amended, shall be complied with.

 - a. The operator or designee shall be stationed during all hours of operation at the entrance to the disposal facility or on-site at the location of current disposal operations. At least one (1) spotter shall inspect the incoming waste. Any prohibited material,

including buckets or cans containing tar, paint, glue, or other liquids, shall be removed from the waste stream and placed into appropriate containers for disposal at an appropriately permitted facility.

b. Prior to disposal of any solid waste, the operator or employee shall:

- (1) Inspect, generally, all solid waste brought to the facility for disposal.
- (2) Only allow disposal of construction and demolition debris.
- (3) Reject any other type of solid waste brought to the facility for disposal, including construction and demolition debris contaminated with such other type of solid waste.

c. The operator or employee shall:

- (1) Inspect all disposed of materials daily.
- (2) Remove all unauthorized solid waste which may have been disposed of.
- (3) Deposit unauthorized solid waste in a watertight, nonabsorptive, specialized bulk container maintained on the dump site.
- (4) Periodically shall dispose of all unauthorized solid waste at a solid waste disposal site lawfully permitted to receive such materials. Appropriate equipment for removal of such materials shall be maintained on-site during all hours of operation.

11. Record Keeping

The operator or his employees shall:

- a. Keep and maintain a daily log indicating the date and time of all disposals and rejections; the name and address of the disposer, including disposer whose material was rejected; and the license or vehicle identification number of the disposer's vehicle.
- b. Complete a ticket reflecting the following information:
 - (1) The name of the driver and the owner of the vehicle.
 - (2) The license number.

- (3) Customer number.
- (4) The estimated cubic yards of construction and demolition debris to be dumped.
- (5) Location where debris originated from.

12. Method of Disposal

Construction and demolition debris accepted at the facility shall be crushed, compacted, and formed systematically into layers consisting of series of adjacent cells. Each cell shall be of manageable size no greater than fifteen (15) acres in size and shall be backfilled with intermediate cover, which shall be a minimum of six (6) inches of clean fill within thirty (30) days of forming the next adjacent cell.

13. Owners and Operators Responsibilities

The fee simple owner of the land and the operator/permittee of a CDDDF shall be responsible for compliance with these rules and all other applicable Federal, State, and local laws, rules, and regulations. Any person violating the provisions of such laws, rules, or regulations and causing damage, destruction, or unsafe, dangerous, or unhealthful conditions shall be responsible for:

- a. Correcting such conditions.
- b. In the event the owner and operator fail to correct such condition within a reasonable period of time after notice thereof, permitting the County to correct such conditions and reimbursing the County for the costs of correcting such conditions.
- c. Indemnifying the County for any liability for damages caused by such violation.
- d. The permittee and the fee simple owner(s) shall be subject to absolute liability for failure of the permittee to complete any reclamation of lands or to conduct the operation as required by this Code; Chapter 62-701, F.A.C., as amended; and any permit issued. The liability of this section shall be in addition to those imposed as civil or criminal penalties by this Code, Section 108.

14. Annual Reports

Each year, within thirty (30) days following the anniversary date of the Operating Permit, the operator/permittee shall provide an annual report with the County Administrator or designee. The annual report shall contain a summary of the total quantity of solid waste disposed of and

rejected by month, a copy of the log required to be maintained pursuant to this Code, and a projection of the quantity of construction and demolition debris expected to be disposed of during the next year. The report shall be made available for public inspection. The annual report shall be reviewed and any comments or recommendations shall be presented to the BCC by the County Administrator or designee in the form of an annual review of compliance, a copy of which shall be provided to the operator/permittee and the fee simple owner of the land, if different than the permittee/operator. Failure to file the annual report in a timely manner may be grounds for suspension or revocation of the permit and is a violation of this Code. An extension of time may be granted by the BCC upon request and for reasonable cause.

L. Financial Responsibility

1. Closure of the Disposal Facility

Prior to operation of the CDDDF, the owner or operator shall submit to the County evidence of financial responsibility in the form of a performance assurance document sufficient to cover 115 percent of an engineer's certified cost estimate of the costs of closure of the disposal facility. This document may be for phases. The performance assurance document and the cost estimate must be reviewed by the County Attorney's Office, the County Administrator or designee, and be accepted by the BCC. The performance assurance document shall be kept in force at all times until closure of the cell(s) has been completed in conformance with the closure plan and this Code.

2. Long-Term Maintenance

- a. As a condition for the issuance of a permit, the applicant shall establish a self insurance fund to ensure that the CDDDF is operated in accordance with applicable County regulations and to ensure long-term maintenance of the disposal facility.
- b. The applicant shall charge a fee per cubic yard of disposal debris to fund this self insurance fund and shall report quarterly to the County on the status of the fund.
- c. The fund shall remain in effect for ten (10) years after final closure of the site or until the County establishes and administers its own environmental fund, whichever is earlier. The County shall have the right of access to this fund to address any violations of County regulations pursuant to a written agreement with the applicant, the form of which shall be approved by the County Attorney's Office.
- d. For the purposes of determining the amount that is required for long-term maintenance, the owner or operator shall estimate the total cost for a ten (10) year period. The owner or operator

shall submit the estimates, together with all necessary justification, to the County for review and approval accompanied by proof of financial responsibility. The costs shall be estimated by a professional engineer for a third party performing the work, on a per unit basis, in conformance with the guidelines approved by the County.

- e. Long-term maintenance costs shall include land surface care; surface water and groundwater monitoring, collection, and analysis; and any other costs of compliance with this Code.
- f. Annual Cost Adjustments
 - (1) Every owner or operator of a disposal facility shall submit to the County an annual cost adjustment statement certified by a Florida registered engineer.
 - (2) The owner or operator shall revise the cost estimate for inflation and changes in the long-term maintenance plan. Such revisions shall be made annually.

M. Closure

Final cover and seeding or planting of vegetative cover shall begin within sixty (60) days after final receipt of construction and demolition debris in each cell and shall be completed within 180 days after final receipt of construction and demolition debris in each cell. Final cover shall consist of a twenty-four (24) inch thick soil layer, the upper six (6) inches of which shall be capable of supporting vegetation and shall be graded to eliminate ponding, promote drainage, and minimize erosion. The side slopes of all above grade disposal areas shall be no greater than three (3) feet horizontal to one (1) foot vertical rise.

The owner or operator shall notify the County within thirty (30) days after closing, covering, and seeding each cell and upon complete closure of the entire facility.

Within forty-five (45) days of completion of closure construction for the entire facility, the engineer of record shall certify to the County that the permitted closure construction is complete and that it was done in accordance with the plans submitted to the County, except where minor deviation was necessary. All deviations shall be described in detail and the reasons therefore enumerated.

N. Prohibitions

- 1. Disposal of construction and demolition debris shall be subject to the prohibitions set forth in Rule 62-701, F.A.C., and any subsequent amendments thereto.

2. No solid wastes other than clean fill or construction and demolition debris shall be stored or disposed of in a CDDDF.
3. Storage and/or disposal of construction and demolition debris is prohibited except within the scope of a valid CDDDF Operating Permit issued by the BCC.

O. Suspension, Modification, or Revocation of Permit

Failure to comply with the County, State, or Federal statutes, rules, or regulations governing disposal of construction and demolition debris may constitute grounds for suspension or revocation of the CDDDF Operating Permit. Upon a determination of noncompliance, the County Administrator or designee shall notify the owner and operator/permittee of the nature of the noncompliance and may order corrective action. If the owner and operator fail to comply or take the ordered corrective action, the County Administrator or designee may notify the BCC, who may schedule a public hearing to consider suspension or revocation of the Operating Permit. After due public notice of the said hearing, the BCC shall conduct the said hearing giving all interested persons the opportunity to be heard, present testimony and evidence, and cross-examine witnesses. If, after consideration of the testimony and evidence, the BCC determines that grounds for suspension exist, the BCC may take one (1) or more of the following steps:

1. Order appropriate corrective action.
2. Modify the existing conditions or impose additional, more stringent conditions on the permit.
3. Suspend the permit until appropriate, corrective action is taken or additional or modified conditions are complied with. Any CDDDF Operating Permit shall be subject to suspension or revocation in whole or in part upon a finding of noncompliance with the terms of the said permit, this Code, or applicable statutes, rules, and regulations. A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected. While a permit or any part of a permit is suspended, no operations authorized by the suspended portion of the Operating Permit shall be carried out. A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected.
4. Revoke the permit. Copies of all notices and orders sent to the permittee by the County Administrator or designee as well as reports of compliance or appeals to the BCC from the permittee shall be sent by the County Administrator or designee to any agency involved in the permit process.

P. Enforcement/Violations

In addition to suspension, modification, or revocation of the Operating Permit, violation of this section may be addressed through any of the enforcement methods in this Code, Section 108.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 404. OPERATING PERMITS

404.6. Yard Trash Processing Facilities

A. Intent and Purpose

It is the intent and purpose of this section to provide a safe, efficient, and economical method for the processing of vegetative matter resulting from landscaping, maintenance, or land clearing operations including materials such as tree and shrub trimming, grass clippings, palm fronds, trees and tree stumps, under certain operating procedures and practices.

A Yard Trash Processing Operating Permit is used to:

1. Evaluate in detail the proposed operating plans for a yard trash processing operation, and
2. Ensure that, if approved, a yard trash processing operation is conducted in a manner consistent with the requirements of this Code; the Comprehensive Plan; and in the best interest of the health, safety, and welfare of the County and its citizens.

B. Applicability

This section shall apply to the unincorporated area of the County where yard trash is proposed to be stored and/or processed.

C. Application Requirements

An application for a Yard Trash Processing Operating Permit shall be prepared by a Florida registered engineer. Applications for Yard Trash Processing Operating Permits shall include plans drawn at a readable scale, signed, and sealed by a Florida registered engineer. The application package shall include:

1. Applicant Information
 - a. Proof of ownership; i.e., copy of deed.
 - b. Agent of Record letter, if applicable.
 - c. Application fee.
2. General information to be shown on the site plan:
 - a. A legend, title, and number of revision; date of plan and revision(s); scale of plan; north arrow; acreage in the project; and names, mailing addresses, e-mail addresses, and

telephone numbers of the operator, owner, surveyor, and engineer.

- b. A legend, title, and number of revision(s); date of preliminary plan and revision(s); scale of plan; north arrow; acreage in the tract being subdivided; total number of lots; and names, mailing addresses, e-mail addresses, and telephone numbers of the operator, owner, surveyor, and engineer.
 - c. Phasing plan (if applicable) designating each phase by heavy line border at an appropriate scale.
3. Map information to be shown on the site plan:
- a. Location map showing the relationship between the subject property and surrounding properties, including a current aerial photograph with boundaries of development and roadway layout delineated. The location map shall show all major County roads within one (1) mile of the development boundary.
 - b. Show all existing and planned arterials and collectors (transportation corridor[s]) within the subject property and within one (1) mile of the subject property.
 - c. Wellhead Protection Areas and Special Protection Areas for all Community Water System supply wells within the proposed development and within 1,000 feet of the subject property.
4. Existing site information to be shown on the site plan:
- a. Legal description sufficient to describe the size and location of the tract.
 - b. Existing Streets. The name, location, right-of-way width, and pavement status; i.e., dirt, limerock, concrete, asphalt, etc., of all existing streets, platted or recorded easements, other rights-of-way, and platted streets within 200 feet of the subject property.
 - c. Existing platted or recorded easements or rights-of-way for drainage, pedestrian ways, bridle paths, or bicycle paths, etc., including location, width, design criteria, and purpose within 200 feet of the subject property.
 - d. Configuration of that portion of abutting developments within 200 feet with preliminary site plan approval, or if platted, with Plat Book and page number shown.
 - e. Existing storm sewers, potable water facilities, and sewerage facilities on or abutting the tract within 200 feet.

- f. Other existing structures or uses on the tract with a statement as to its intended use.
- g. Existing contours at a maximum of two (2) foot intervals, based on the National Geodetic Vertical Datum of 1929, identifying the tract to be developed and, where practicable, extending a minimum 100 feet beyond the tract boundary. A note stating the basis of the vertical datum shall be shown on the drawing. After October 1, 2011, the submittal shall be based on the NAVD88.
- h. Present land use of the parcel proposed for development.
- i. Future Land Use (FLU) classification and zoning district of the parcel proposed for development and abutting land.
- j. Dates and reference numbers of rezonings, special exceptions, variances, conditional uses, or vested rights that have been granted, if applicable.
- k. Approximate location and acreage of natural features, including lakes, marshes or swamps, watercourses, and other jurisdictional areas.
- l. Identify registered historic resources.
- m. Wetland Delineation/Identification. Provide documentation in the form of a survey, sketch, or aerial that delineates the location of the Category I, II, or III wetland areas, as defined in the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy Nos. CON 1.3.1, CON 1.3.2, CON 1.3.3, CON 1.3.4, and CON 1.3.5; and provide the acreage for each wetland classification type.
- n. Calculations. In addition to the wetland type and acreage information, provide the following:
 - (1) Cumulative acreage total for Category I, II, and III wetlands.
 - (2) Acreage total for water bodies.
 - (3) Acreage total for land with FLU Classification CON (Conservation Lands).
 - (4) Developable acreage.

- o. Geotechnical Site Investigation. The geotechnical site investigation shall be conducted by or under the supervision of a Florida registered engineer with experience in geotechnical engineering. The engineer shall define the engineering properties of the site that are necessary for the design, construction, and support of the yard trash processing facility and all installations of the facility, and shall:
 - (1) Identify and describe subsurface conditions, including soil stratigraphy and groundwater table conditions;
 - (2) Identify and address the presence of muck, previously filled areas (if any), soft ground, lineaments, and sinkholes; and
 - (3) Include estimates of the average and maximum high groundwater table across the site.

The geotechnical site investigation report shall describe the site subsurface conditions and shall include, at a minimum, the methods used in the investigation, all soil boring logs and laboratory results, analytical calculations, cross sections, interpretations, and conclusions.

- (4) The report and supporting documentation shall be signed and sealed by a Florida registered engineer.

- p. Hydrogeological Investigation and Site Report. The hydrogeological investigation and site report shall be conducted by or under the supervision of a professional geologist or professional engineer registered in the State of Florida with experience in hydrogeologic investigations, and shall:
 - (1) Define the site geology and hydrology and its relationship to the local and regional hydrogeologic patterns, including:
 - (a) Direction of groundwater flow, including seasonal variations;
 - (b) Background quality of groundwater and surface water for the parameters listed in this section of this Code.
 - (c) Any on-site hydraulic connections between aquifers;
 - (d) For all confining layers, semi-confining layers, and all aquifers below the site that may be affected by the processing operations and yard

trash, the porosity or effective porosity, horizontal and vertical permeabilities, and the depth to and lithology of the layers and aquifers; and

- (e) Topography, soil types, and characteristics.
- (2) An inventory of all the public and private wells within a one (1) mile radius of the proposed site. The inventory shall include, where available:
- (a) The approximate elevation of the top of the well casing and the depth of each well;
 - (b) The name of the owner, the age and usage of each well, and the estimated daily pumpage; and
 - (c) The stratigraphic unit screened, well construction technique, and static water levels of each well.
- (3) Identify and locate any existing, contaminated areas on the site. The site report and supporting information, including a detailed description of the methods, calculations, and interpretations used, shall be signed and sealed by the professional engineer or geologist.
- q. Stormwater Management Plan and Report prepared in accordance with this Code.
- r. A site plan, of a readable scale, which shows:
- (1) A legend indicating title and number of revisions; date of plan or revision; scale; north arrow; acreage of site; acreage of area proposed for processing operations and yard trash; and names, addresses, and telephone numbers of the surveyor and/or engineer.
 - (2) Location map which shows the relationship between the proposed facility, existing development, and land uses, including existing streets; utilities; rights-of-way; easements; drainage systems (natural or manmade); well fields; or water supplies, water bodies, and other natural features.
 - (3) Topography of the site and 200 feet beyond the site's property line.
 - (4) Proposed disposal area(s).

- (5) Total acreage of the site and proposed disposal area(s).
- (6) Setbacks of disposal area(s) from property boundaries.
- (7) Setbacks of disposal area(s) from adjoining residential areas.
- (8) Exact location of any existing or proposed structures, along with a statement of their use.
- (9) Access and traffic flow to and from the site.
- (10) Parking areas.
- (11) Existing and proposed screens, buffers, and fencing.
- (12) Conservation or preservation area (if applicable).
- (13) Storm drainage systems.
- (14) Access to utilities and points of hookup, if applicable.
- (15) Roads, utilities, and other improvements to be provided by the applicant.
- (16) Signs, if any.
- (17) Location of the entrance to disposal facility.
- (18) Location of operator and employee stations.
- (19) Location of any areas proposed for processing operations and yard trash which are subject to periodic flooding.
- (20) Location of any areas proposed for processing operations and yard trash which consists of a dewatered pit.
- (21) Location of any open sinkholes or areas where geologic foundation or subterranean features would not support a yard trash processing facility.
- (22) Tabulations showing total gross acreage of the site and the percentage to be devoted to processing operations and yard trash, various other uses, ground covered by structures, impervious surface coverage; and derivation of the number of off-street parking.
- (23) Tree data meeting the requirements of this Code.

- (24) Such additional data as may be required for the yard trash processing facility.
 - (25) Reclamation plan showing proposed elevations.
 - (26) Existing and proposed cross sections at intervals sufficient to determine volume.
- s. Closure plans and cross section details of the final cover. The closure plan shall describe provisions for cover material for the long-term care of erosion control and general maintenance of the facility, and specify the anticipated source and amount of material necessary for proper closure of the facility.
5. Other Required Submittals
- a. Listed Species Site Survey: If the site is shown on Map 3-1 in the Comprehensive Plan, as a potential location for known listed species habitat.
 - b. A narrative meeting the requirements of Section 809, Historic and Cultural Resources.
 - c. Geotechnical/geological engineering report.
 - d. Timing and Phasing Analysis pursuant to Section 901.12.
 - e. Substandard Road Analysis pursuant to Section 901.4.
 - f. Access Management Application pursuant to Section 901.3.
 - g. Erosion and Sediment Control Plan:
 - (1) Narrative.
 - (2) Map/site plan.
 - (3) Construction details.
 - (4) Calculations.
 - h. Financial security document; evidence of financial responsibilities described in this Code.

D. Public Hearing Required

Prior to commencing operations as a yard trash processing facility for the storing and processing of yard trash, a Yard Trash Processing Operating Permit application must be reviewed and approved by the Board of County

Commissioners (BCC) after a public hearing held in conjunction with a Conditional Use Permit.

E. Notice

Notice shall be as required pursuant to this Code, Section 304.2, and the provisions of Chapter 125.66, Florida Statutes.

F. Standards for Approval

The County Administrator or designee, the Planning Commission (PC), and the BCC shall review and consider the following criteria and standards in regard to the advisability of issuing an Operating Permit for a yard trash processing facility:

1. Requirements of the land use and zoning classification applicable to the subject property.
2. Compliance with the technical requirements of this Code.
3. Provision of design features which assure the protection of the public health, safety, and welfare.
4. Consistency with the Goals, Objectives, and Policies set forth in the Comprehensive Plan.
5. Provision of necessary public improvements or facilities.
6. Concurrency requirements established by this Code.

G. Operating Permit Review

1. Staff Review

The County Administrator or designee, after consideration of the above standards, shall present a recommendation to both the PC and BCC. The said recommendation shall specify provisions, standards, conditions, or design specifications which must be met in order to ensure compliance with this Code and the Comprehensive Plan.

2. PC Review

After receipt of the written recommendation of the County Administrator or designee, the PC shall consider the application and make a recommendation to the BCC.

3. BCC Hearing and Action

- a. Upon receipt of the recommendation, the BCC shall hold a separate public hearing on the proposed Yard Trash Processing Operating Permit.
- b. At the conclusion of the public hearing, the BCC may:
 - (1) Refer the application back for further study if further information is required in order to make a final decision;
 - (2) Deny the application;
 - (3) Approve the permit application as presented; or
 - (4) Approve the permit application with such conditions as necessary to ensure compliance with this Code; the Comprehensive Plan; and to protect the health, safety, and welfare of the citizens of Pasco County.

All or any portion of the operations for which a permit is sought may be approved subject to whatever additional conditions the BCC may deem necessary and appropriate for the fulfillment of the purposes of this Code. Such additional conditions of approval shall be stated on the face of the Operating Permit or may be incorporated therein by stated reference to any document which shall be made a part thereof.

The BCC may impose reasonable, additional conditions where necessary to protect the public health, safety, and welfare including, but not limited to, conditions requiring lining of the disposal facility pursuant to Section 403.707(9)(b), Florida Statutes, or other leach prevention measures; installation of stormwater management facilities; sound and/or visual buffering; hours of operation; surface water and groundwater monitoring; and that the owner or operator will take out and maintain insurance covering damage, destruction, unsafe, dangerous, or unhealthful conditions which may result from the use of the property as a yard trash processing facility.

H. Approval Form, Permit Time Limits, and Activities Required Prior to Commencement

1. The BCC approval shall be in written form and shall constitute a permit for operation of a yard trash processing facility subject to the requirements of this Code and the specific requirements, limitations, conditions, and prohibitions contained in the Operating Permit.
2. Permits for operation of a yard trash processing facility are not limited in duration and shall correspond to the permittee's approved disposal volume with an annual review for compliance.

3. The effective date of any Yard Trash Processing Operating Permit shall be the date of issuance by the BCC.
4. A permit shall be valid for the volume capacity specified in the Yard Trash Processing Operating Permit.
5. A permit may be issued only in the name of the applicant. Transfer of the permit requires notification to the County prior to the transfer. All terms, conditions, and financial responsibilities shall run with the permit as well as with the land.
6. The Scope of Operations to be permitted under any permit shall only be as specified in the permit (which may incorporate by reference the whole or any part of any plan of operations submitted as a portion of the application for the permit), or any recommendation thereon submitted to and accepted by the BCC by any County department, public or private agency, or individual. A copy of any incorporated recommendation or pertinent part thereof shall be attached to and considered a part thereof.
7. A permittee may seek an amendment of any permit in order to vary or expand the scope or method of its operations at any time by filing an application that follows the procedures outlined for the original application. An amendment deemed necessary in the public interest may be proposed by any member of the BCC; PC; County Administrator or designee; or any applicable Federal, State, or local regulatory body.
8. Prior to the issuance of a permit, the applicant shall furnish financial security as required by this section.
9. Following approval of an application by the BCC, the County Administrator or designee shall, upon request, issue a permit to the applicant or his authorized agent, provided that the required financial security has been submitted to the County.
10. Prior to the initiation of storage or disposal activities authorized by the permit, the applicant shall erect signs alerting motorists to the haul traffic entering the roadway. Such signs shall be erected to County or Florida Department of Transportation standards.
11. The applicant shall obtain all necessary permits from the Southwest Florida Water Management District (SWFWMD), the Florida Department of Environmental Protection (FDEP), and other regulatory agencies, as appropriate, prior to commencing operations. These agencies' permits shall be provided to the County. All applicable statutes, regulations, rules, and orders of Federal, State, and local agencies shall be made a part of the conditions of operations. Where an applicable statute or regulation of another agency is more stringent, that regulation shall apply.

12. A minimum of one (1) up-gradient and one (1) down-gradient monitoring well shall be installed prior to commencement of operations. Installation and sampling of this well will be in accordance with Chapter 62-709, F.A.C.
13. Background water quality for a disposal facility shall be determined by analysis, prior to any disposal of debris, of at least one (1) sample taken from each monitoring well that was installed and each surface water location. All surface water bodies which may be affected by a contaminant release from the disposal facility shall be monitored.

I. Prior to Processing Activity

1. Prior to the initiation of processing activities authorized by the Operating Permit, the applicant shall erect signs alerting motorists to haul traffic entering the roadway. Such signs shall be erected to County standards.
2. The applicant shall obtain all necessary permits from the SWFWMD, the FDEP, and other regulatory agencies, as appropriate, prior to commencing operations under the Operating Permit. These agencies' permits shall be provided to the County. All regulations, rules, and orders of Federal, State, and local agencies are made a part of these conditions of operations. Should an applicable regulation of another agency be more stringent than the requirements herein, the more stringent shall apply.
3. The owner or operator shall submit to the County evidence of financial responsibility in the form of a performance assurance document sufficient to cover 125 percent of an engineer's certified cost estimate of the costs of closure of the processing facility. The performance assurance document and the cost estimate must be reviewed by the County Attorney's Office, the County Administrator or designee, and accepted by the BCC. The performance assurance document shall be kept in force at all times until closure has been completed in accordance with this Code.

J. Site Standards

1. The proposed storage and disposal area shall not be permitted within:
 - a. 500 feet of a park, library, or school boundary.
 - b. 500 feet of the property line of an adjacent residential use or lands zoned for residential use.
 - c. 200 feet of an existing right-of-way or public or private easement for drainage, utility, or road purposes.

- d. 200 feet of permittee's property line.
 - e. 100 feet of any wetland jurisdictional line or water body, natural or manmade. This does not include ponds, ditches, or other structures that are part of a permitted stormwater management system or water bodies contained totally within facility boundaries that do not discharge from the site to surface waters.
 - f. 100 feet of off-site wells or 1,000 feet of a potable community supply well.
2. There shall be an all weather access road, at least twenty (20) feet wide, around the perimeter of the site and fifteen (15) foot wide interior access ways so that all processed or unprocessed material is within fifty (50) feet of access by motorized firefighting equipment.
 3. Storage of processed or unprocessed material shall be stacked no higher than the buffer.
 4. Fire protection shall be provided.

K. Operational Standards

1. The storage and processing areas of the facility shall be fenced and gated or otherwise secured to prevent unauthorized or uncontrolled access.
2. Unless otherwise allowed, the hours of operation shall be limited to daylight hours between 7:00 a.m. and 7:00 p.m., only. No processing activities shall be conducted on Sundays and County designated holidays.
3. The operator or employee must be present at the site during all hours of operation.
4. The applicant shall be responsible for the control of fugitive dust particulate arising from the facility. Such control shall prevent the creation of nuisance conditions on adjoining property.
5. No open burning or burying is allowed.
6. The storage, disposal, or processing of any potentially hazardous or toxic material shall be prohibited. The storage, disposal, or processing of any material other than yard trash is prohibited.
7. Yard trash received at the processing facility must be processed timely as follows:

- a. Any yard trash received at the facility shall be size reduced or removed within six (6) months. To be considered processed material, it must pass a six (6) inch sieve. However, logs with a diameter of six (6) inches or greater may be stored for up to twelve (12) months before they are size-reduced or removed, provided the logs are separated and stored apart from other materials on site.
 - b. Processed material shall be removed from the facility within eighteen (18) months (first in/first out) in accordance with the FDEP regulations.
 - c. When operations cease, all yard trash shall be removed from the site and recycled or disposed of at a permitted facility within eighteen (18) months.
8. Record Keeping

The operator or his employees shall:

- a. Keep and maintain a daily log indicating the date and time of all disposals and rejections; the name and address of the disposer, including disposer whose material was rejected; and the license or vehicle identification number of the disposer's vehicle.
 - b. Complete a ticket reflecting the following information:
 - (1) The name of the driver and the owner of the vehicle.
 - (2) The license number.
 - (3) Customer number.
 - (4) The estimated cubic yards of yard trash accepted or rejected for disposal.
 - (5) Location where yard trash originated.
9. Owners and Operators Responsibilities

The fee simple owner of the land and the operator/permittee of a yard trash processing facility shall be responsible for compliance with these rules and all other applicable Federal, State, and local laws, rules, and regulations. Any person violating the provisions of such laws, rules, or regulations, and causing damage, destruction, or unsafe, dangerous, or unhealthful conditions shall be responsible for:

- a. Correcting such conditions.

- b. In the event the owner and operator fail to correct such condition within a reasonable period of time after notice thereof, permitting the County to correct such conditions and reimbursing the County for the costs of correcting such conditions.
- c. Indemnifying the County for any liability for damages caused by such violation.
- d. The permittee and the fee simple owner(s) shall be subject to absolute liability resulting from failure of the permittee to complete any reclamation of lands or to conduct the operation as required by this Code and any permit issued. The liability of this section shall be in addition to those imposed as civil or criminal penalties by this Code, Section 108.

10. Annual Reports

Each year, within thirty (30) days following the anniversary date of the Operating Permit, the operator/permittee shall provide an annual report with the County Administrator or designee. The annual report shall contain a summary of the total quantity of solid waste disposed of and rejected by month, a copy of the log required to be maintained pursuant to this Code, and a projection of the quantity of yard trash expected to be disposed of during the next year. The report shall be made available for public inspection. The annual report shall be reviewed and any comments or recommendations shall be presented to the BCC by the County Administrator or designee in the form of an annual review of compliance, a copy of which shall be provided to the operator/permittee and the fee simple owner of the land, if different than the permittee/operator. Failure to file the annual report in a timely manner may be grounds for suspension or revocation of the permit and is a violation of this Code. An extension of time may be granted by the BCC upon request and for reasonable cause.

L. Financial Responsibility

1. Closure of the Yard Trash Processing Facility

Prior to operation of the yard trash processing facility, the owner or operator shall submit to the County evidence of financial responsibility in the form of a performance assurance document sufficient to cover 125 percent of an engineer's certified cost estimate of the costs of closure of the yard trash processing facility. This document may be for phases. The performance assurance document and the cost estimate must be reviewed by the County Attorney's Office, the County Administrator or designee, and be accepted by the BCC. The performance assurance document shall be kept in force at all times until closure of the cell(s) has been completed in conformance with the closure plan and this Code.

2. Long-Term Maintenance

- a. As a condition for the issuance of a permit, the applicant shall establish a self insurance fund to ensure that the yard trash processing facility is operated in accordance with applicable County regulations and to ensure long-term maintenance of the yard trash processing facility.
- b. The applicant shall charge a fee per cubic yard of yard trash to fund this self insurance fund and shall report quarterly to the County on the status of the fund.
- c. The fund shall remain in effect for ten (10) years after final closure of the site or until the County establishes and administers its own environmental fund, whichever is earlier. The County shall have the right of access to this fund to address any violations of County regulations pursuant to a written agreement with the applicant, the form of which shall be approved by the County Attorney's Office.
- d. For the purposes of determining the amount that is required for long-term maintenance, the owner or operator shall estimate the total cost for a ten (10) year period. The owner or operator shall submit the estimates, together with all necessary justification, to the County for review and approval accompanied by proof of financial responsibility. The costs shall be estimated by a professional engineer for a third party performing the work, on a per unit basis, in conformance with the guidelines approved by the County.
- e. Long-term maintenance costs shall include land surface care; surface water and groundwater monitoring, collection, and analysis; and any other costs of compliance with this Code.
- f. Annual Cost Adjustments
 - (1) Every owner or operator of a yard trash processing facility shall submit to the County an annual cost adjustment statement certified by a Florida registered engineer.
 - (2) The owner or operator shall revise the cost estimate for inflation and changes in the long-term maintenance plan. Such revisions shall be made annually.

M. Prohibitions

1. Disposal of yard trash shall be subject to the prohibitions set forth in Rule 62-709, F.A.C., as may be amended.

2. No solid wastes other than approved yard trash shall be stored at or processed in a yard trash processing facility.
3. Except for exempt activities, storage and/or processing of yard trash is prohibited except within the scope of a valid Yard Trash Processing Operating Permit issued by the BCC.

N. Suspension, Modification, or Revocation of Permit

Failure to comply with the County, State, or Federal statutes, rules, or regulations governing processing of yard trash may constitute grounds for suspension or revocation of the Yard Trash Processing Operating Permit. Upon a determination of noncompliance, the County Administrator or designee shall notify the owner and operator/permittee of the nature of the noncompliance and order corrective action. If the owner and operator fail to comply or take the ordered corrective action, the County Administrator or designee may notify the BCC, who may schedule a public hearing to consider suspension or revocation of the Operating Permit. After due public notice, of the said hearing, the BCC shall conduct the said hearing giving all interested persons the opportunity to be heard, present testimony and evidence, and cross-examine witnesses. If, after consideration of the testimony and evidence, the BCC determines that grounds for suspension exist, the BCC shall take one (1) or more of the following steps:

1. Order appropriate corrective action.
2. Modify the existing conditions of or impose additional, more stringent conditions on the permit.
3. Suspend the permit until appropriate, corrective action is taken, or additional or modified conditions are complied with. Any Yard Trash Processing Operating Permit shall be subject to suspension or revocation in whole or in part upon a finding of noncompliance with the terms of the said permit, this Code, or applicable status, rules, and regulations. A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected. While a permit or any part of a permit is suspended, no operations authorized by the suspended portion of the Operating Permit shall be carried out. A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected.
4. Revoke the permit. Copies of all notices and orders sent to the permittee by the County Administrator or designee as well as reports of compliance or appeals to the BCC from the permittee shall be sent by the County Administrator or designee to any agency involved in the permit process.

O. Enforcement/Violations

In addition to suspension, modification, or revocation of the Operating Permit, violation of this section may be addressed through any of the enforcement methods in this Code, Section 108.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 406. MISCELLANEOUS PERMITS

406.1. Signs

406.1.1. General

A. Intent and Purpose

The intent and purpose of this section is to regulate signs to promote the health, safety, and general welfare of the citizens of the County by lessening hazards to pedestrians and vehicular traffic, by preserving property values by preventing unsightly and detrimental signs that detract from the aesthetic appeal of the County and lead to economic decline and blight, by preventing signs from reaching excessive size and numbers disproportionate to the size or intensity of use of the parcel on which they are located or that they obscure one another to the detriment of the County, by ensuring good and attractive design that will strengthen the County's appearance and economic base, and by preserving the right of free speech and expression in the display of signs as required by subject matter jurisprudence.

It is not the purpose of this section to regulate or control the copy, the content, or the viewpoint of the message contained on such sign or displayed on such sign structure. Nor is it the intent of this section to afford greater protection to commercial speech than to noncommercial speech. Noncommercial signs are allowed in all districts and may be substituted for any sign expressly allowed in this section, and any sign permitted by this section may display a noncommercial message. If any or all of the other provisions of this section are held to be unconstitutional, it is the explicit intent of the Board of County Commissioners (BCC) that, at a minimum, the standards in Section 406.1.13 be considered severable and enforced as the minimum standards for signs in the County.

B. Applicability

All signs proposed to be located or currently existing in the unincorporated area of the County are subject to the requirements of this section. Signs proposed to be located in Special Districts governed by Chapter 600 of this Code are subject to the requirements of Section 601.10 Traditional Neighborhood Development. All persons proposing to locate a sign or in control of an existing sign or the land upon which it is located are subject to the requirements of this section. No provision of this section shall be intended to regulate the posting on private property of official signs and notices required by law, such as notices of rezonings, etc.

C. Nonconforming Signs

Nonconforming signs lawfully existing in the County on December 10, 2002, shall comply with this Code, Chapter 1200, Nonconformities.

D. Exempt Signs

The following signs are exempt from regulation under Section 406.1 of this Code, unless otherwise stated below.

1. A sign, other than a window sign, located entirely inside the premises of a building or enclosed space not visible from exterior or adjacent property.
2. A sign on a vehicle, other than a prohibited vehicle sign or signs.
3. A statutory sign.
4. A traffic control device sign.
5. Any sign not visible from an adjacent residential use, public street, sidewalk or right-of-way or from a navigable waterway or body of water.
6. A government sign other than those owned by Community Development Districts. A government sign shall not require a sign permit and shall be allowed in all zoning districts on public property and public rights-of-way. However, the foregoing shall have no impact on any separate requirements established by state statute for building permits, electrical permits or other statutory permits and the technical requirements of Section 406.1.8.J of this Code.
7. Interior signs as defined by this Code.
8. Signs located on or within property owned or leased by Pasco County.
9. Signs not affixed to land, a structure, a vehicle or vessel, such as those carried or held by persons.
10. Farm Signs meeting all the criteria of Section 604.50 Florida Statutes.

406.1.2. Authorization for Signs

A. Applications for Sign Permits

Applications for signs are unique in that their authorization is subject to the time, place, and manner restrictions within this Code and for the actual construction of the sign, in most circumstances, compliance with the most recent version of the Florida Building Code, as recognized by the County. The issuance of Sign Permit recognizes compliance with both this Code and the Florida Building Code. Hereinafter, these authorizations shall be referred to as Sign Permits.

1. Sign Permits required. No person shall erect or assist in the erection, construction, alteration, and relocation of any sign for which a Sign

Permit, or any other required permit, has not been obtained. "Alter" shall include, but not be limited to, the addition of sign surface area, changing a static sign face to digital display, a multiprism sign face, or any technology that automatically changes the sign face, and/or the changing or relocation of the light source. "Alter" includes any and all structural changes in the sign but shall not include the changing of copy on the face of a sign, which is designed as a changeable copy sign. Any sign erected, constructed, altered, or relocated without the required Sign Permits is illegal and a violation of this Code. The repair and maintenance of an existing sign shall not require a Sign Permit provided the work performed does not exceed that necessary to keep the sign, including the sign structure, maintained in original permitted state or to meet applicable building, electrical codes, or these regulations. If the repair and maintenance of the sign requires a Building Permit, e.g., electrical work is involved, that permit shall be obtained prior to commencement of the work.

2. Application; determination of completeness. Before any Sign Permit is issued, a written application in the form provided by the County Administrator or designee, shall be filed, together with such drawings and specifications as may be necessary to fully advise the County of the location, construction, materials, manner of illuminating, method of securing or fastening, the number of signs applied for, the consent of the property owner, the required application fee, and proof of issuance of or application for any required development and approval for the structure. Upon the submission of an application, staff shall have ten (10) business days to determine whether it is complete. If staff finds that the application is not complete, they shall provide the applicant with written notice of the deficiencies within the ten (10) day period. Upon resubmission of the application, staff shall have five (5) additional business days to determine whether the applicant's revisions are sufficient to complete the application. If they are not, staff will again inform the applicant of any remaining deficiencies in writing. This process shall continue until the applicant has submitted a complete application or demands that the application be reviewed "as is."
3. Administrative review. Administrative review of Sign Permit applications shall include the review of all information submitted to determine conformity with this Code and an on-site inspection of the proposed sign location. Sign and landscape conflicts may be resolved by an administrative variance, see Section 407.3. Proposed structural and safety features and electrical systems shall be in accordance with the requirements of the County's adopted Construction Code. No sign shall be approved for use unless it has been inspected and found to be in compliance with all the requirements of this Code and the County's adopted Construction Code.
4. The County Administrator or designee shall approve or deny the Sign Permit application based on whether it complies with the requirements of this Code and the County's adopted Construction Code and shall

approve or deny the Sign Permit within thirty (30) calendar days after receipt of a complete application or from the date the applicant demands that the application be reviewed "as is." The County Administrator or designee shall prepare a written notice of its decision describing the applicant's appeal rights and send it by certified mail, return receipt requested to the applicant pursuant to Section 407.1. The applicant may file an appeal application to the BCC within thirty (30) calendar days after the date of mailing the County's written notice. The BCC shall hear and decide the appeal at the next available BCC meeting that is at least thirty (30) calendar days after the date of receiving the appeal application. If the BCC does not grant the appeal, then the appellant may seek relief in the Circuit Court for the County, as provided by law.

B. Extension and Expiration of Sign Applications and Sign Permits

1. An application for a Sign Permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing for the Sign Permit, unless before then a Sign Permit has been issued. One (1) or more extensions of time for a period of not more than ninety (90) days each may be allowed by the County Administrator or designee for the application, provided the extension is requested in writing and justifiable cause is demonstrated.
2. Time to complete construction. Every Sign Permit issued shall become invalid unless the work authorized by such Sign Permit is commenced within six (6) months after its issuance, or if the work authorized by such Sign Permit is suspended or abandoned for a period of six (6) months after the time the work is commenced. If a Sign Permit is issued, the work authorized by the Sign Permit shall be commenced and at least one required inspection shall be successfully completed within six (6) months after issuance of the Sign Permit. If the work has commenced and the Sign Permit is revoked, becomes null and void, or expires because of lack of progress or abandonment, a new Sign Permit covering the proposed work shall be obtained before proceeding with the work.

C. Permit Revocation

The County Administrator or designee is hereby authorized and empowered to revoke, in writing, any permit issued by the County upon failure of the holder thereof to comply with the provisions of this Code or if the permit was issued on the basis of a mistake by the County, or misstatement of facts or fraud by the applicant. The County Administrator or designee shall send the revocation by certified mail, return receipt requested to the sign owner. Any person having an interest in the sign or property may appeal the revocation by filing a written notice of appeal with the County within fifteen (15) calendar days after mailing the written notice of revocation. The BCC shall hear and decide the appeal at the next BCC meeting that is at least in thirty (30) calendar days after the date of receiving the written notice of appeal. If the BCC does not grant the appeal,

then the appellant may seek relief in the Circuit Court for the County, as provided by law.

D. Relationship to Other Permits

No Sign Permit for any on-site sign shall be issued by the County until a Building Permit has been issued and the construction of the principal building has actually commenced to which the Sign Permit relates.

E. Signs on County Property

1. For those circumstances when the BCC is acting in its proprietary capacity, the BCC may authorize bench signs on County property in the right-of-way by written agreement or through a Board-adopted policy. All such approved signs must meet the County's advertising policy.
2. Wayfinding Signs pursuant to the County's Wayfinding Program are government speech that may be located on County-owned property subject to the requirements of the County's Wayfinding Sign Program.

406.1.3. Prohibited Signs and Materials

The signs and sign types listed below are prohibited and shall not be erected, operated, or placed on any property. Any lawfully existing permitted permanent sign structure or sign type that is among the prohibited signs and sign types listed below shall be deemed a nonconforming sign subject to the provisions of Section 1203.4 of this Code.

The following materials are prohibited to be used for permanent signs: non-durable materials such as paper, cardboard, fabric, vinyl, or plywood.

A variance may not be approved for a prohibited sign or material. The following types of signs are prohibited.

- A. Activated signs and devices not meeting the requirements of subsection 406.1.8.J of this Code.
- B. Revolving signs.
- C. Snipe signs.
- D. Signs other than sandwich-style signs placed on the sidewalk or curb.
- E. Swinging signs.
- F. Vehicle signs.

- G. Signs which imitate or resemble any official traffic or government sign, signal, or device. Signs which obstruct, conceal, hide, or otherwise obscure from view any official traffic or government sign, signal, or device.
- H. Any sign which:
 - 1. Has unshielded, illuminated devices that produce glare or are a hazard or nuisance to motorists or occupants of adjacent properties.
 - 2. Due to any lighting or control mechanism, causes radio, television, or other communication interference.
 - 3. Is erected or maintained so as to obstruct any fire-fighting equipment, window, door, or opening used as a means of ingress or egress for fire escape purposes, including any opening required for proper light and ventilation.
 - 4. Does not comply with the specific standards required for that type of sign as elsewhere required in this Code.
 - 5. Is erected on public property or a public right-of-way, except government signs or other signs as expressly allowed in this Code (see Section 406.1.2.E).
 - 6. Employs motion picture projection or has visible moving parts or gives the illusion of motion.
 - 7. Emits audible sound, vapor, smoke, odor particles or gaseous matter.
 - 8. Bears or contains statements, words or pictures which have been adjudged obscene in the community.
- I. Bench signs located on private property.
- J. Abandoned signs.
- K. Air blown devices.
- L. Inflatable signs, balloons, or devices, of all sizes and types, including but not limited to shapes of products, animals and the like.
- M. Illegal signs.
- N. Beacon lights.
- O. Roof signs located above the top line of the mansard, parapet, eaves, or similar architectural features.
- P. Window signs which, in aggregate, cover more than twenty-five (25) percent of the total window surface.

- Q. Signs in or upon any river, bay, lake, or other body of water within the unincorporated limits of the County. Signs attached to or painted on piers or seawalls.
- R. Pole signs except for temporary signs.
- S. Multiprism signs.
- T. Portable signs.
- U. Pennants.
- V. Flag, sail, teardrop, feather banners and other similar freestanding banner signs where the entity has erected digital display signage on the site.
- W. Wind blown devices.
- X. Any unpermitted sign for which a Development, Building, or Sign Permit is required and the permit(s) has not been obtained.
- Y. Any sign exempt from obtaining a Sign Permit that does not comply with the applicable requirements of Section 406.1.6.
- Z. Off-site signs and messaging other than registered billboards as provided for in this Code.
- AA. Signs located on public rights-of-way without a valid Right-of-Way Use Permit and a current License and Maintenance Agreement, if required by this Code.
- BB. Graffiti.
- CC. Exterior signs or signs visible from the street or neighboring dwellings that are associated with a home occupation. Professional signs that are statutorily required are permitted.

406.1.4. Abandoned Signs

- A. An abandoned sign is prohibited and shall be removed. An abandoned sign is any sign or sign structure which, for a period of six (6) consecutive months, has any, all, or a combination of the following characteristics:
 1. The sign or structure does not bear copy.
 2. The sign structure is not maintained as required by this Code.
 3. The property upon which the sign or structure is located remains vacant for a period of six (6) consecutive months or more. A property will be considered vacant when the property either no longer has a valid Certificate of Occupancy as required under Chapter 18 of the Pasco

County Code of Ordinances, or when the property's actual use no longer reflects the use intended by the property's Certificate of Occupancy.

4. The property on which the sign or structure is located remains unoccupied for a period of six consecutive months or more. A property will be considered unoccupied when it is no longer routinely habited by the presence of human beings.
- B. Signs which have any, all, or a combination of the characteristics listed above shall be covered and remain covered with an opaque covering, not bearing copy, by the property owner.
- C. Signs on parcels with active Building Permits will not be considered abandoned during the period that a permit is active provided that the internal fixtures are covered and the sign is maintained as required by this Code.

406.1.5. Substitution Noncommercial Speech for Commercial Speech

Notwithstanding anything contained in this Section to the contrary, any sign erected pursuant to the provisions of this Section may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from a commercial message to a noncommercial message or from one noncommercial message to another noncommercial message; provided however, that there is no change in the size, height, setback or other criteria contained in this Section.

406.1.6. Permanent Signs Exempt from Obtaining Sign Permits, Temporary Signs with Time Limitations, and Other Signs without Time Limitations

A. Permanent Signs Exempt From Obtaining Sign Permits

The following on-site signs are not required to obtain a Sign Permit provided, however, that such signs are erected in conformance with all other requirements of this Code and provided that all required permits have been issued.

1. In nonresidential districts a Sign Permit is not required to change or replace the copy, message, or sign face on changeable copy signs. However, the change or replacement of the copy, message, or sign face must not enlarge, increase, or decrease the sign surface area, sign structure area, nor adversely affect the original design integrity. If, in order to change or replace the copy, message, or sign face, the supporting sign structure must be unfastened, loosened, or removed, then a Sign Permit shall be required. Copy shall not be replaced such that the sign becomes an off-site sign.
2. In residential districts, one (1) nonilluminated wall sign not to exceed two (2) square feet in sign surface area.

3. In addition, all parcels may display the following without a permit(s):
 - a. Flags when displayed on a pole(s) or other supporting structures and provided that the flags do not bear a commercial message.
 - b. Signs or tablets not bearing a commercial message when cut into any masonry surface or when constructed of bronze or other noncombustible materials and located on a building or monument.
 - c. Interior signs as defined by this Code. Such signs shall not be counted as part of the maximum sign square footage permitted on any parcel.
 - d. One (1) noncommercial sign per premises not to exceed four (4) square feet in sign surface area and six (6) feet in height.

B. Temporary Signs with Time Limitations

All allowed temporary signs shall meet the following general standards, as applicable, in addition to any applicable specific standards as provided in this Code:

1. Time of display. Temporary signs may be displayed before, during, and up to five (5) calendar days after an event to which the sign relates. Temporary signs shall not be posted more than fifteen (15) calendar days prior to the time of the event or activity to which they relate and shall be removed no later than five (5) calendar days after the conclusion of that event or activity. For the purposes of illustration, temporary political campaign signs may be posted no earlier than fifteen (15) days prior to the date of candidate qualification and must be removed no later than five (5) calendar days after the election to which they relate.
2. Location on parcel. A temporary sign shall not create a physical or visual hazard for pedestrians or motorists and shall be set back a minimum of five (5) feet from the right-of-way line and twenty (20) feet from the intersection of any rights-of-way. Temporary signs shall not be located within public rights-of-way or easements.
3. Number. One (1) temporary sign of any type, banner, or feather banner that is not prohibited by this Code for each residential lot, nonresidential establishment having a Certificate of Occupancy (CO), or vacant lot.
4. Maximum sizes. All temporary signs shall not exceed four (4) feet in width and eight (8) feet in height. However, feather banners, as defined by this Code shall not exceed two and one half (2.5) feet in width and eight (8) feet in height.
5. Temporary signs shall not be illuminated.

6. Temporary signs shall not be double-faced.
7. Maintenance standards for temporary signs. All temporary signs and supporting structures must be made of durable materials capable of withstanding the outdoor elements for the period of time to be displayed. Signs shall not contain any tears, tattered edges, stains or other signs of wear. Any temporary sign that is broken, damaged or in poor condition must be removed within 24 hours of notice by the County. All temporary signs must be removed and safely stored indoors whenever the public is instructed by a governmental authority that weather conditions require the storage of any loose items or materials due to an impending storm or other weather system.

C. Other Signs without Time Limitations

Due to the nature, placement, materials, and location of these semi-temporary signs, a time of display limitation is not appropriate as sandwich-style signs are relocated daily upon the opening and closing of a business and window signs typically are not associated with individual events, may be made of temporary material, and may be relocated anywhere on a window.

1. Window signs located inside which comprise, in aggregate, twenty-five (25) percent of the total window area or less. Said signs may consist of any material and are commonly made of paper, poster board, vinyl, decals, paint, neon gas tubing, or etchings.
2. One (1) sandwich-style sign per business establishment having a Certificate of Occupancy, when the sign is placed on the sidewalk no further than five (5) feet from the main entrance door of the establishment and with a maximum height of 3½ feet and maximum sign structure width of two (2) feet. The sign shall not be placed so as to obstruct pedestrian traffic along the sidewalk.

406.1.7. Signs in Rights-of-Way

- A. Bench signs as permitted in this Code, Section 406.5, may be placed in public rights-of-way within the County.
- B. Signs for which a valid Right-of-Way Use Permit and a License and Maintenance Agreement have been obtained from the County prior to December 31, 2011, may be placed in the public right-of-way subject to the terms of the Right-of-Way Use Permit and the License and Maintenance Agreement. However, such signs are nonconforming structures pursuant to this Code, Chapter 1200.
- C. Signs permitted as interim uses, pursuant to Section 901.2 of this Code, may be located within the public right-of-way subject to the requirements for a Right-of-Way Use Permit and a License and Maintenance Agreement.
- D. Prohibition of all other signs on rights-of-way. It shall be unlawful for any person, firm, corporation or other entity, for its own or the benefit of another, to erect, place, post, install, affix, attach, or in any other way locate or maintain a

sign upon, within, or otherwise encroaching on a right-of-way or upon a structure located within such a right-of-way.

406.1.8. General Standards

All signs for which a Sign Permit is sought or has been issued shall meet the following general standards, as applicable, in addition to any applicable specific standards as provided in this Code.

- A. For the purpose of determining the spacing requirement found in this subsection, distances shall be measured from the leading edge of the sign structure to the property line of the property from which the distance is being measured.
- B. Illuminated signs, including neon signs, shall not produce more than one (1) foot-candle of illumination four (4) feet from the sign, when measured from the base of such sign. Exposed neon tubing shall not be permitted on ground signs.
- C. Signs, including temporary signs, shall not be placed in the clear sight triangle or in the rights-of-way (unless otherwise permitted as per this Code, Section 406.1.2.E). Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage.
- D. Maintenance of signs. All signs, including their supports, braces, guys, and anchors, shall be maintained so as to present a neat, clean appearance. Painted areas and sign surfaces shall be kept in good condition and illumination on signs designed and approved with illumination shall be maintained in safe and good working order. Illumination, if provided, shall be maintained in safe and good working order. The County may order the repair of sign(s) declared unmaintained, and with or without notice, may cause any structurally unsafe or structurally insecure sign to be immediately removed if the building official determines the sign presents an immediate threat to the public health or safety. On-site signs not currently in use, but that are not abandoned signs pursuant to Section 406.1.4, shall also be maintained in a neat and clean appearance.
- E. Height. The height of all signs shall include berms or permanent planters if the sign is located thereon and shall be measured at an elevation equal to the elevation of the closest portion of the nearest paved right-of-way to the highest point of the sign structure.
- F. Sign Shape and Area Computation. In computing sign area in square feet, standard mathematical forms for common shapes will be used. Common shapes shall include squares, rectangles, trapezoids, and triangles. The total sign area will be the area of the smallest common shape that encompasses the several components of the sign. All components of a sign shall be included as one (1) sign. Individual components may be considered separate signs only if they are separated from other components.

- G. Ground signs shall be designed with an enclosed base. The width of such enclosed base shall be equal to at least two-thirds of the width of the sign structure measured at its widest point. The finish shall be consistent with materials used on the building that the sign serves.
- H. Number of signs. For the purpose of determining the number of signs, a sign shall be construed to be a single display surface or device containing elements organized, related, and composed to form a single unit. In cases where material is displayed in a random or unconnected manner, or where there is reasonable doubt as to the intended relationship of such components, each component or element shall be considered to be a separate sign. A projecting sign or ground sign with a sign surface on both sides of such structure shall be construed as a single sign provided that the back to back sign faces do not exceed an angle of ninety (90) degrees and the total area of such sign shall be the area computed on a single side of the sign.
- I. Nothing contained in this section shall be construed to allow the display of signs when otherwise prohibited or restricted by private restrictions or covenants of residential or nonresidential property.
- J. Digital Signs. The intent and purpose of this subsection is to allow a property or business owner to consolidate advertising using a single sign instead of relying on multiple signs, banners, or flags by providing for digital display on ground signs in limited situations for nonresidential establishments which provide for multiple or successive messages on one sign face. Multiple or successive digital messaging alleviates the need for temporary messaging due to the ability to have multiple or successive messages on the same sign. Therefore, temporary signs and nonconforming signs are prohibited where a digital display is installed. Replacing temporary signage with multiple messaging on digital signs serves a public purpose by reducing visual blight, reducing sign clutter, improving traffic safety and improving the visual aesthetics of the County. Digital signs have a streamlined appearance and are progressive when compared to legally nonconforming signage on a site, such as roof signs, pole signs, and similar dated sign structures necessitating the removal of these nonconformities. Reduction in the number of lawful nonconforming signs located within the County furthers the substantial public interests in public safety and beautification of the County's roadways, is in the best interest of the County and its citizens and constitutes a public purpose.

Legally non-conforming signs with digital display are subject to the technical requirements of this Section. All other digital signs are prohibited. Digital signs, as provided in Sections K, L, M, and N may be permitted subject to the following technical requirements:

- 1. Digital display shall be static loop only. There shall not be any illumination that moves, appears to move, blinks, fades, rolls, shines, dissolves, flashes, scrolls, show animated movement or change in the light intensity during the static display period. Messages shall not give any appearance or optical illusion of movement or 3-D display. There

shall be no special effects between messages. Noncommercial speech in lieu of any other speech may be displayed on digital display.

2. Dwell time, defined as the interval of change between each individual message, shall be at least fifteen (15) seconds, with all illumination changing simultaneously. There shall be no special effects or other content between messages.
3. Digital display signs shall not be interactive.
4. Digital display shall not be configured to resemble a warning or danger signal and shall not resemble or simulate any lights or official signage used to control traffic unless at the direction of the County for a public service announcement/ government declared emergency.
5. Lighting from digital display shall not be directed skyward such that it would create any hazard for aircraft or create skyglow. Digital display shall be modulated so that, from sunset to sunrise, the brightness shall not exceed 350 Nits. Sunset and sunrise times are those times established by the Tampa Bay Area Office of the National Weather Service. At all other times, the maximum brightness level shall not exceed 1,000 Nits. The brightness of digital display shall be measured by a luminance meter. The County Administrator or designee may require in writing to the sign owner that the maximum day and/or night brightness of any digital display to be reduced provided that any such reduction in maximum allowable Nits maintains the visibility to the traveling public of the digital display during day and night time hours without any need for amendment to this Section.
6. Digital signs shall not display light that is of such an intensity or brilliance to cause glare or otherwise impair the vision of a driver. Should the County, through its County Administrator or designee, at its sole discretion, find any digital display to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interferes with the operation of a motor vehicle, upon request, the owner of the digital sign shall immediately reduce lighting intensity of the digital display to a level acceptable to the County. "Immediate" or "immediately" shall be considered by the County to mean that the owner shall promptly and diligently begin and complete modifications as soon as it is advised of the need therefore. Failure to reduce lighting intensity on request shall be a violation of this Section 406.1.
7. Brightness and automatic dimmers. Digital display signs shall have installed and operating ambient light monitors to automatically adjust the brightness level of the digital display based upon ambient light conditions.
8. Light trespass from digital display shall not exceed 0.2 foot-candle at the digital sign property line. The illuminance of any digital display shall not be greater than 0.2 foot-candle above ambient light levels at any

given time of day or night, as measured using a foot-candle meter at a preset distance described in this subsection.

Foot-candle measurement shall be taken at the measurement distance determined by using the following formula:

Measurement distance (in feet) = $\sqrt{\text{Square footage of the digital display face} \times 100}$

9. Digital display technology used shall be of the type designed to avoid hacking of the operation of the digital display.
10. Any digital display that malfunctions, fails, or ceases to operate in its usual or normal programmed manner shall immediately revert to a black screen until it is restored to its normal operation conforming to the requirements of this Section.
11. No auditory message or mechanical sound shall be emitted from any digital sign.
12. The owner of a digital display sign shall provide to the County an on-call contact person and phone number. The contact person must have the authority and ability to make immediate modifications to the display and lighting levels of the digital sign should the need arise.
13. Digital signs shall comply with State and Federal technical requirements not inconsistent with this Code.

K. Digital Signs – Regional Attractors.

1. Intent and Purpose

The intent and purpose of this subsection is to allow digital display on signs in limited situations for the use by regional attractors. Regional attractors are tourist destinations hosting a variety of events throughout the year that are promoted to visitors of Pasco County. Due to the large number of events and the wide variety of such events, regional attractors require the ability to convey multiple differing messages in a short amount of time to the traveling public. Therefore, it is appropriate that regional attractors may, meeting the requirements of this Code, construct signs with digital display.

2. Regional Attractor Status

Whether an applicant for a sign with digital display qualifies as a regional attractor meeting the intent and purpose of this Code shall be determined based upon the definition of regional attractor and the following criteria:

- a. The existing minimum acreage, under control by the entity, is at least 140 acres or the existing square footage under roof(s) is a minimum of 35,000 sq. ft.; and
- b. The existing minimum number of parking spaces, under control by the entity, is at least 450 or the existing minimum number of seats is at least 2,000; and
- c. The regional attractor hosts a minimum of 50 individual unique tourism related events as demonstrated on the regional attractor's annual events calendar.

3. Location Requirements

Regional attractors applying for signs with digital display shall have frontage on an arterial road, as determined by Table 7-3 Generalized Current Year Functional Classification Criteria for Reclassification of Existing Roads Functional Category of the Pasco County Comprehensive Plan or Interstate 75 and shall not be located in the Northeast Rural Area.

4. Sign Structure Requirements

- a. Digital display may be permitted in conjunction with a new monument sign or installed on an existing conforming monument sign. Only one sign structure containing digital display shall be permitted for each regional attractor.
- b. The sign structure shall not exceed eleven (11) feet in height except that the sign may contain an ornamental top feature that is sculptural or artistic in nature that exceeds the eleven (11) foot height limitation. The ornamental top feature shall not exceed fifteen (15) percent of the overall height of the sign structure. The sign structure must contain architectural features equal to at least fifty (50) percent of the total square footage of the copy area.
- c. A digital display face is permissible on both sides of the monument sign structure provided the faces are back to back. The digital display shall be an integral component of the permanent monument sign and compatible with the design of the sign including width, depth, and color of the cabinet. The digital display area shall not exceed 50% of the entire sign face that it is located on.

5. Siting Requirements

- a. Digital associated with major attractors which abut a residential district or use shall not be erected closer than 100 feet from any property line containing the residential zoning district or use.

- b. Only one sign face shall be viewable from any one direction. Sign faces must be back to back and not in a V formation.
- c. Signs containing digital display must comply with all applicable requirements of Section 406.1.8, General Standards, of this Code.

L. Digital Signs – Community Development Districts (CDD).

1. Intent and Purpose

The intent and purpose of this subsection is to allow non-commercial digital display on signs in limited situations for the use by governmental entities, specifically CDDs established pursuant to Chapter 190, Florida Statutes. Pursuant to Section 190.012, Florida Statutes, CDDs have special powers and obligations relating to public improvements and community facilities that require enhanced communication with District residents. Therefore, it is appropriate that CDDs may, meeting the requirements of this Code, construct signs with digital display.

2. Qualifying CDDs

A CDD applicant for a digital display must have a majority of the CDD board of supervisors as elected residents (electors) of the District.

3. Location Requirements

- a. Signs with digital display shall be located within the boundaries of a CDD may only be located within a highly visible area of the community such as amenities centers, clubhouses, etc. that frequented by residents, or high traffic area of the District and shall not be visible from an arterial road or any other location outside of the CDD boundaries.

4. Sign Structure Requirements

- a. Digital display may be permitted in conjunction with a new monument sign or installed on an existing conforming monument sign. Only one sign structure containing digital display shall be permitted for a CDD.
- b. A new sign structure shall not exceed five (5) feet in height and (24) square feet of sign structure area. Where an existing monument sign is converted to contain digital display, the display shall not exceed (24) square feet.
- c. A digital display face is permissible on both sides of the monument sign structure provided the faces are back to back. The digital display shall be an integral component of the

permanent monument sign and compatible with the design of the sign including width, depth, and color of the cabinet.

5. Siting Requirements

- a. Signs with digital display shall not be erected closer than 100 feet from any residential use.
- b. Only one sign face shall be viewable from any one direction. Sign faces must be back to back and not in a V formation.
- c. Signs containing digital display must comply with all applicable requirements of Section 406.1.8, General Standards, of this Code which at a minimum shall include 406.1.8. A, C, D, E, F, G (in part), and H.

M. Digital Signs – Homeowner Associations and Condo Associations.

1. Intent and Purpose

The intent and purpose of this subsection is to allow noncommercial digital display on signs in limited situations for use by Homeowner Associations, created and operating pursuant to Chapter 720, Florida Statutes, and Condominium Associations, created and operating pursuant to Chapter 718, Florida Statutes, collectively hereinafter referred to as “Associations”. Associations are characterized by the existence of a board of directors charged with the governance of the Association, financially and otherwise, which may require enhanced communication with its members. Associations are also characterized by an undivided share in common elements (such as amenities centers, clubhouses, etc.) that are owned and maintained by the Association to serve Association membership that are often times the gathering place for Association members that can provide enhanced communication opportunities.

2. Qualifying Associations

- a. Associations not located within a CDD.
- b. Association applicants for a digital display must have a majority of its board of directors as owners of property within the Association.

3. Location Requirements

Signs with digital display shall be located only at amenities centers, clubhouses, etc., or high traffic area of the property serving the residents of the Association and shall not be visible from an arterial road or any other location outside of the boundaries of the Association.

4. Additional Requirements

The requirements of L.4. and 5. shall apply to Association digital signs.

N. Digital Signs – Office, Commercial, and Industrial Districts and Office, Commercial or Industrial entitled portions of an MPUD.

1. For purposes of this Section, Office Districts shall mean PO-1 Professional and PO-2 Professional Office Districts, Commercial Districts shall mean C-1 Neighborhood Commercial, C-2 General Commercial and C-3 Commercial/Light Manufacturing Districts, and Industrial Districts shall mean I-1 Light Industrial Park and I-2 General Industrial Park Districts.
2. Digital display shall be used for onsite messaging only.
3. Sign Structure Requirements
 - a. Digital display may be installed on a new monument sign or installed on an existing conforming monument sign. It may not be installed on an existing nonconforming sign such as a pole sign but a monument sign with digital messaging may replace such signs. Digital display shall not be permitted on a monument sign that has been granted a height increase through an alternative standard.
 - b. The sign structure shall not exceed eleven (11) feet in height except that the sign may contain an ornamental top feature that is sculptural or artistic in nature that exceeds the eleven (11) foot height limitation. The ornamental top feature shall not exceed fifteen (15) percent of the overall height of the sign structure.
 - c. A digital display face is permissible on both sides of the monument sign structure provided the faces are back to back. The digital display shall be an integral component of the permanent monument sign and compatible with the design of the sign including width, depth, and color of the cabinet. The digital display area shall not exceed 50% of the entire sign face that it is located on.
4. Siting Requirements
 - a. Digital which abut a residential district or use shall not be erected closer than 100 feet from any property line containing the residential zoning district or use.

- b. Signs containing digital display shall comply with all applicable requirements of this Section 406.1.8, General Standards, of this Code.

406.1.9. Additional Standards for Permanent Signs in Residential Districts

- A. All signs for which a Sign Permit is sought or has been issued shall meet the following general standards.

- 1. Noncommercial signs are allowed in all residential districts and may be substituted for any sign expressly allowed and any such sign may display a noncommercial message. Noncommercial signs are subject to the same permit requirements, restrictions on size and type, and other conditions and specifications as to the sign for which they are being substituted.
- 2. On-site signs meeting the general and specific standards of this Code, as applicable, are allowed in residential districts. Off-site signs are prohibited in residential districts.
- 3. An individual firm, partnership, association, corporation, or other legal entity other than the County shall be designated as the person responsible for perpetual maintenance of the sign(s).
- 4. A sign shall not create a physical or visual hazard for pedestrians or motorists entering or leaving a development and shall be set back a minimum of five (5) feet from the right-of-way line and twenty (20) feet from the intersection of the rights-of-way. Signs located in medians of residential development entrance streets need not comply with the setback requirements of this subsection.
- 5. Each sign structure area shall not exceed ten (10) feet in height.

- B. Signs at Entrances to Residential Developments

One (1) double-faced ground or up to two (2) single-faced signs may be located at each entrance to a residential development and each individual village, pod, or distinct neighborhood. One (1) additional sign may be located at each terminus (or farthest edge) of the residential development, provided each additional sign is located at least 1,000 feet from the main development sign, up to a maximum of two (2) additional signs. Each sign surface area shall not exceed forty (40) square feet.

- C. Signs Internal to a Residential Development

- 1. An unlimited number of permanent signs located on lands in common ownership shall be allowed to fulfill the functions of the residential community, not exceeding five (5) feet in height and twenty-four (24) square feet of sign structure area and meeting the right-of-way setback requirements of this subsection.

2. Other permanent accessory signs, as necessary, not to exceed four (4) square feet in sign structure area and thirty (30) inches in height. A Sign Permit is not required unless the sign is illuminated.
- D. Nonresidential uses located within residential zoning districts shall be permitted nondigital signage that is compatible with their surroundings and site orientation, hence the allowable size and location of said signs is curtailed to the minimum necessary to protect aesthetics and community character. Parcels having nonresidential permitted uses, such as churches; special exception uses, such as day cares; and conditional uses, such as residential treatment and care facilities located in residential or agricultural districts; shall be allowed one (1) nondigital ground sign or wall sign not exceeding eight (8) feet in height and eighty (80) square feet in sign structure area, including architectural features and a maximum sign copy area of forty (40) square feet. The sign shall not create a physical or visual hazard for pedestrians or motorists entering or leaving the property and shall be set back a minimum of five (5) feet from the right-of-way line, twenty (20) feet from the property line if adjacent to a residential use, and twenty (20) feet from the intersection of any rights-of-way. Illuminated signs shall not be allowed facing residential uses unless the nonresidential use is separated from the residential use by an arterial or collector road. For nonresidential permitted uses within residential communities, one (1) ground sign not exceeding five (5) feet in height and twenty-four (24) square feet in sign structure area is allowed. This subsection does not apply to home occupations.

406.1.10. Additional Standards for Permanent Signs in Nonresidential Districts

- A. All signs for which a Sign Permit is sought or has been issued shall meet the following general standards:
1. Noncommercial signs are allowed in all nonresidential districts and may be substituted for any sign expressly allowed and any such sign may display a noncommercial message. Noncommercial signs are subject to the same permit requirements, restrictions on size and type, and other conditions and specifications as to the sign for which they are being substituted.
 2. On-site signs meeting the general and specific standards of this Code, as applicable, are allowed in nonresidential districts. Off-site signs, other than registered billboards, are prohibited in nonresidential districts.
 3. Signs on properties in nonresidential districts which abut a residential district shall not be erected closer than ten (10) feet from any residential zoning district.
 4. A sign shall not create a physical or visual hazard for pedestrians or motorists and shall be set back five (5) feet from the right-of-way line and twenty (20) feet from the intersection of any rights-of-way. When

located on the intersection of two (2) or more one (1) way streets, the setback from any intersection may be reduced to fifteen (15) feet, so long as the sign does not interfere with the clear sight triangle.

5. The finishing materials used on the sign shall be consistent with those used on the structure to which the sign relates.
6. For public safety and to serve as visible street address for delivery of mail and official government notification, official street address numbers and/or the range of official address numbers shall be posted on the ground sign structure and shall not be considered when figuring copy area. The numbers shall be either reflective or be of a contrasting color so as to be visible both day and night from the street or be illuminated. This subsection 406.1.10.A.6. shall be applied retroactively and proactively to all developed nonresidential parcels in the unincorporated Pasco County.

B. Ground Signs

1. One double-faced ground or up to two (2) single-faced signs maybe located at each entrance to a nonresidential development and each individual distinct pod. Each sign surface area shall not exceed forty (40) square feet.
2. One (1) ground sign is allowed for each parcel having frontage on a street. If a parcel has street frontage in excess of 300 feet, one (1) additional ground sign shall be allowed for each additional 300 feet of street frontage. At least 600 feet of street frontage is needed for a second sign, and the signs shall be placed no closer than 300 feet from each other on the same parcel.
3. Ground signs shall not exceed eleven (11) feet in height except that a ground sign may contain an ornamental top feature that is sculptural or artistic in nature that exceeds the eleven (11) foot height limitation. The ornamental top feature shall not exceed fifteen (15) percent of the overall height of the sign structure.
4. Maximum sign structure area and maximum copy area.

To encourage innovative design and aesthetically pleasing ground signs in the nonresidential districts of the County, the sign structure must contain architectural features equal to at least fifty (50) percent of the total square footage of the copy area and comply with the following standards:

- a. Single occupancy parcels. The maximum allowable copy area and total sign structure area for any single occupancy parcel shall be determined by the table below:

Building Size Square Feet	Maximum Copy Area Square Feet	Maximum Sign Structure Area (Including Copy Area) Square Feet
0-75,000	100	200
75,000-250,000	125	250
Over 250,000	150	300

- b. Multioccupancy parcels. The maximum allowable copy area for any multioccupancy parcel shall be determined by the table above by aggregating the size of the buildings, proposed and existing, if the parcel has multiple buildings, and/or by calculating the copy area equal to twelve (12) square feet for each tenant, proposed and existing, or a combination of these two (2) approaches to achieve the higher number of square feet allowed for copy area. However, the maximum allowable copy area for a sign on a multioccupancy parcel shall not exceed 200 square feet, and the maximum sign structure area shall not exceed 400 square feet.
 - c. Multioccupancy parcels with 600 feet or more of frontage. If a parcel is entitled to more than one (1) sign under Section 406.1.10.B.2 and is a multioccupancy parcel, all allowable ground signs may be combined into a single ground sign not to exceed 400 square feet in sign structure area. Such a combined sign may not exceed fifteen (15) feet in height, except for an ornamental top feature that is sculptural or artistic in nature, that exceeds the fifteen (15) foot height limitation. However, the ornamental top feature shall not exceed fifteen (15) percent of the overall height of the structure. The combined sign may be divided into two (2) signs, if the frontage of the parcel exceeds 1,500 feet. The total area of the combined signs shall not exceed 400 square feet in sign structure area and the height of each sign shall not exceed fifteen (15) feet.
5. Location of multioccupancy signs. Multioccupancy signs or signs for a large scale, commercial, retail building may be located on an out-parcel if the out-parcel and the multioccupancy parcel or the large scale, commercial, retail building have shared common access. The out-parcel may also have its own sign, the size of which shall be determined by the single occupancy parcel table located in this section.

C. Wall Signs

Wall signs shall be allowed in nonresidential districts provided the following specific regulations are met in addition to the general regulations stated above:

1. The maximum allowable sign structure area for wall signage shall not exceed 1½ square feet per linear foot of establishment frontage, excluding parking garages linear footage, if applicable, facing a street. Notwithstanding the foregoing, the maximum sign structure area shall not exceed 150 square feet for each frontage.
2. Wall signs shall not project above the roof line, the top line of the mansard, parapet, eave, or other architectural features as applicable, or side walls of the establishment to which the wall sign is attached nor shall the wall sign project more than eighteen (18) inches from the wall to which it is attached.
3. One (1) wall sign shall be permitted for each establishment in a multioccupancy parcel. Establishments located at a corner shall be allowed one (1) wall sign for each side of the establishment that faces a street.

D. Projecting Signs

Projecting signs shall be allowed in nonresidential districts, provided the following specific regulations are met, in addition to the general regulations stated above:

1. Projecting signs may be substituted for the wall sign, provided that the sign structure area of the projecting sign is not greater than the maximum sign structure area permitted for a wall sign.
2. Projecting signs shall not project more than four (4) feet from the wall to which the projecting sign is attached.
3. Projecting signs shall not be located above the roofline of the building nor more than eighteen (18) feet above the grade of the street, whichever is less.
4. Projecting signs shall not be located closer than ten (10) feet from an interior lot line or an adjacent establishment.
5. Projecting signs which project over any public or private pedestrian way shall be elevated a minimum of nine (9) feet above such pedestrian way. Projecting signs which project over any public or private street shall be elevated a minimum of fifteen (15) feet above such street.

E. Regulations for Marquee, Canopy, and Awning Signs

Marquee, canopy, and awning signs shall be allowed in nonresidential districts, provided the following specific regulations are met, in addition to the general regulations stated above:

1. An awning, canopy, or marquee sign may be substituted for a wall sign.

2. Any sign located on an awning, canopy, or marquee shall be affixed flat to the surface and shall not rise in a vertical dimension above the awning, canopy, or marquee.
3. The maximum sign structure area for awning, canopy, and marquee signs shall not exceed four (4) square feet per linear foot of building frontage facing a street. The aggregate copy shall not exceed twenty-five (25) percent of the total area of the awning, canopy, or marquee surface. The awning or canopy sign may be illuminated only if the material of which it is made is opaque.

F. Signs Internal to a Nonresidential Development

The intent and purpose of this subsection is to allow for accessory signage internal to a nonresidential development where such signage is not readily visible from adjacent rights-of-way.

1. An unlimited number of permanent signs may be located within a multioccupancy parcel or multiple parcels, developed under a Unified Plan of Development, not exceeding a height of five (5) feet and thirty-two (32) square feet of sign structure area, and meeting the right-of-way setback requirements of this subsection. The signs may be ground, wall, or projecting signs as appropriate to the site design.
2. Unlimited permanent signs, as necessary, not to exceed four (4) square feet in sign structure area and thirty (30) inches in height. No Sign Permit is required unless illuminated.
3. Colonnade signs. One (1) colonnade sign per establishment may be suspended at least nine (9) feet above a walkway limited to pedestrian traffic or at least fifteen (15) feet above a walkway open to vehicular traffic, not exceeding six (6) square feet of sign structure area.

G. Miscellaneous Nonresidential Signs

1. For purposes of traffic safety, in addition to the signs otherwise permitted by these sign regulations, for all permitted drive-through establishments shall be allowed two (2) signs placed in proximity to each drive-through lane. Such sign shall be set back to the minimum building setback for the appropriate zoning district, or forty (40) feet, whichever is less. Sign surface area(s) may not exceed twenty-four (24) square feet and the sign structure area may not exceed eleven (11) feet in height. These signs may be internally illuminated and may emit sound only as part of a business transaction.
2. Two (2) signs are allowed per driveway not exceeding four (4) square feet in sign surface area and the sign structure area may not exceed thirty (30) inches in height. If such sign is to be illuminated, then an Electrical Permit shall be obtained. These signs may be placed with a

one (1) foot setback from the right-of-way provided that such signs meet all other applicable regulations.

406.1.11. Unified Sign Plans for Developments

A. Intent and Purpose

The intent and purpose of a Unified Sign Plan (USP) is to provide applicants with an opportunity to create attractive signage having uniform or cohesive design of color, texture, materials, or architectural features which contribute to placemaking throughout the development. The establishment of an USP is voluntary and is not the intent of the County to circumvent the prohibitions of Section 553.79(22), Florida Statutes.

Further, USPs are intended to logically establish sign metrics (number, size, height, types) and/or blend sign types (residential and nonresidential) in a manner that is responsive to the specific site characteristics, function of the development, and/or the mix of uses therein.

USPs provide an opportunity for developments to incorporate signs with features which may not meet the specific provisions of the remainder of Section 406.1, but are appropriate due to the outstanding design, placemaking, theming and way-finding features of those signs.

B. General Requirements

1. A USP shall be for an entire Master Planned Unit Development (MPUD) or distinct portion thereof, an entire Common Plan of Development or a distinct portion thereof. Where a portion of the MPUD or Common Plan of Development is proposed to have a USP, the area to be included within the boundaries of the USP must be contiguous and reasonably compact.

Contiguous shall mean that a substantial portion of each parcel within the USP shall be coterminous with the other parcels that the USP is composed of. The existence of a public area, wetland, right-of-way, easement, railway, water course, or other minor geographical division of a similar nature running through the USP shall not be deemed to destroy contiguity. However, nothing herein shall be construed to allow right-of-ways, easements, railways, watercourses and the like to be used to fashion or gain contiguity.

Reasonably compact shall mean the concentration of the parcels that shall be used to form the boundaries of the USP and precludes the creation of finger areas or serpentine like patterns. The existence of a minor enclave within the USP boundaries shall not destroy compactness.

2. Standards for ground signs. Ground signs shall be designed with a height no taller than 20 feet from the ground to top of a

decorative/architectural cap. The base shall be a minimum of 18 inches in height and have a width no less than 1/3 the width of the sign face, including any decorative/architectural features around the sign face.

C. Submittal Requirements

An applicant shall submit required information in the form as specified by the County Administrator or designee. The application package shall include:

1. Applicant Information
 - a. Proof of Ownership, i.e., copy of deed;
 - b. Agent of Record Letter, if applicable;
 - c. Application Fee as required for a Development Agreement; and
 - d. The location of the proposed USP.
2. A narrative statement describing the proposed USP, demonstrating how the proposed USP meets or exceeds the County's intent and purpose for USPs and contributes to placemaking and way-finding for the subject project area. The narrative shall include analysis of the factors used to evaluate a USP (See Section 406.1.11 E). This narrative shall also include analysis of the extent to which the USP is in conformance with Section 406.1 of this Code. In circumstances where the USP is not in conformance with Section 406.1, a discussion of how the proposed alternative meets or exceeds the intent of this section.
3. A description of all allowed signage pursuant to Section 406.1 including the number of signs, the approximate location on site of each sign and the sign type, the total square footage of sign structure area, height of signs and the sign copy area for all signs allowed pursuant to this Section within the subject development.
4. A description of all signage not in compliance with Section 406.1 including the number of signs, the approximate location on site of each sign and the sign type, the total square footage of sign structure area, height of signs and the sign copy area for all signs allowed pursuant to this Section within the subject development. For those signs not meeting the requirements of Section 406.1 of this Code, graphic renderings of each sign shown in context of the proposed location.
5. As applicable, whether the USP has been approved by an architectural review board of the subject development.

D. Prohibited Signs and Materials

The following sign types are prohibited in a USP:

1. Activated signs and devices not meeting the requirements of subsection 406.1.8.J of this Code;
2. Revolving signs;
3. Snipe signs;
4. Signs other than sandwich-style signs placed on the sidewalk or curb;
5. Swinging signs;
6. Vehicle signs;
7. Signs which imitate or resemble any official traffic or government sign, signal or device. Signs which obstruct, conceal, hide or otherwise obscure from view any official traffic or government sign, signal or device;
8. Any sign which:
 - a. Has unshielded, illuminated devices that produce glare or are a hazard or nuisance to motorists or occupants of adjacent properties.
 - b. Due to any lighting or control mechanism, causes radio, television or other communication interference.
 - c. Is erected or maintained to as to obstruct any firefighting equipment, door or opening used as a means of ingress or egress for fire escape purposes, including any opening required for proper light and ventilation.
 - d. Does not comply with the specific standards required for that type of sign as elsewhere required in this Code.
 - e. Is erected on public property or a public right-of-way, except government signs or other signs except as expressly allowed in this Code (see Section 406.1.2.E).
 - f. Employs motion picture projection or has visible moving parts or gives the illusion of motion.
 - g. Emits audible sound, vapor, smoke, odor particles or gaseous matter.
 - h. Bears or contains statements, words or pictures which have been adjudicated obscene in the community.
9. Bench signs located on private property;

10. Abandoned signs;
11. Inflatable signs , balloons, or devices of all sizes, including, but not limited to, activated tubes, puppets, people and the like;
12. Illegal signs;
13. Beacon signs;
14. Multi-prism signs;
15. Portable signs;
16. Pennants;
17. Flag, sail, teardrop, feather banners and other similar freestanding banner signs where the entity has access to digital display signage on site;
18. New Billboards; this Section shall not require the removal of lawfully existing billboards;
19. Signs located on public rights-of-way without a valid Right-of-Way Use Permit and a current License and Maintenance Agreement if applicable;
20. Signs advertising premises not subject to the USP; and
21. Graffiti

E. Review Process

The application for approval of a Unified Sign Plan shall be distributed to appropriate review parties as determined by the County Administrator or designee.

The County Administrator or designee shall prepare a recommendation for consideration by the Planning Commission (PC) and the Board of County Commissioners.

The following factors shall be considered in the evaluation of all requests for Unified Sign Plans:

1. Whether the USP meets or exceeds the intent of a USP by creating a uniform or cohesive design for proposed signage based upon color, texture, materials, or architectural features.
2. Whether the USP contributes to place making within the development.

3. Whether the USP meets or exceeds the intent of the USP to logically use allowed signage in a manner that is responsive to the specific site characteristics, function of the development, and/or the mix of uses therein.
4. Whether those signs included in the USP that do not meet the specific provisions of the remainder of Section 406.1 are deemed appropriate due to the outstanding design and place making features of those signs, including consideration of the elements of form, proportion, scale, color, materials, surface treatment, overall sign size and the size and style of lettering.
5. Whether the proposed USP is consistent with the applicable Market Area Policies, Mission and Vision as enumerated in the Comprehensive Plan.
6. Additionally, the request for a USP shall demonstrate:
 - a. The location and placement of the proposed signs in the USP will not endanger motorists;
 - b. Sign lighting will not cause hazardous or unsafe conditions for motorists;
 - c. The proposed signs will not cover or blanket any prominent view of a structure or façade of historical or architectural significance;
 - d. The proposed signs will not obstruct views of users of adjacent buildings to side yards, front yards, or to open space; and
 - e. The proposed signs will not negatively impact the visual quality of a public open space such as a public recreation facility, square, plaza, courtyard; and the like.
7. Whether the requested USP proposes signs prohibited by this section.

F. Recommendation

The recommendation by the County Administrator or designee may be to:

1. Approve;
2. Approve with modifications or conditions; or
3. Deny.

G. Hearings Required

1. The PC shall consider the request for a USP at an advertised public hearing. Notice shall be published pursuant to this Code. Additionally,

there shall be notice given to adjacent property owners within five hundred feet. The PC shall consider the recommendation of the County Administrator or designee, comments made at the public hearing, and the requirements of this section in preparing its recommendation for the Board of County Commissioners.

2. The PC may recommend:
 - a. Approve;
 - b. Approve with modifications or conditions; or
 - c. Deny.
3. The Board of County Commissioners shall consider the request for a USP at an advertised public hearing. Notice shall be as required for the PC hearing. The Board of County Commissioners shall consider the recommendation of the County Administrator or designee, the recommendation of the PC, comments made at the public hearing, and the requirements of this section in rendering its decision. Approval or denial of a USP shall be in writing. The written approval may include conditions as necessary to ensure compliance with this Code.

H. Effect of Approval

1. Approval of a USP allows for the approved signage to be used in locations anywhere within the USP without those signs being considered off-site signs.
2. Substantial modifications to an approved USP shall be made through an amended Agreement in accordance with Section 406.3, as approved by the Board of County Commissioners after receiving a recommendation by the PC.
3. Existing signage not incorporated into the request for approval of the USP shall be removed within the time specified in the Agreement.
4. All signs in the area of the USP shall be in conformance with the USP. Additional Sign Permitting fees may be required to ensure compliance with the USP.
5. For any large-scale commercial retail development proposed to be located within the USP, such development is exempt from Section 1102.4.I. of this Code.
6. The Agreement shall be recorded in the public records of Pasco County in a manner that future purchasers will be notified of the existence of the USP.

7. The applicant shall be responsible for notifying tenants of the requirements of the USP.

- I. Modifications to an Approved USP

1. Substantial Modifications

A substantial modification request shall be processed as a USP amendment in accordance with this Code, Section 406.1.11.H.2. The following shall be presumed to be substantial modifications to the approved USP:

- a. Any change to a condition specifically imposed by the BCC at the time of the USP approval.
- b. Request for repeal of the entire USP or a portion of the USP previously approved by the BCC. Unless a new USP is applied for and approved in accordance with Section 406.1.11, the development shall comply with this Code Section 406.1.
- c. Any change to the legal description recorded in the Official Records of Pasco County as Exhibit A, Legal Description, and made part of a previously approved USP, provided that the additional property is a cohesive part of the development.
- d. Any request to extend the duration date of the USP.
- e. Request to add a sign type not previously approved in the USP, however, if using the same design standards approved in the USP, or as amended, it is a nonsubstantial modification.
- f. Any change in architectural design, theming, and color palette from what was approved in the USP. The applicant must demonstrate how the new architectural design, theming, and color palette meet the intent and purpose of a USP and how it contributes to overall placemaking and cohesive design of the previously approved USP.
- g. Notwithstanding a-f above, a change of any aspect, attribute, or feature of the USP which may adversely impact the site or surrounding area in a manner which would be inconsistent with this Code or the Comprehensive Plan, may be considered substantial or require a hearing before the PC.

2. Nonsubstantial Modifications

The County Administrator or designee is authorized to approve administratively nonsubstantial modifications to the approved USP but shall not have the power to approve changes that constitute a

substantial modification. If the requested revisions to the USP are nonsubstantial, the following information shall be provided:

a. Applicant Statement

A statement by the applicant specifying the exact nature of the changes proposed to the USP and/or conditions and an analysis of the applicability of the substantial modification standards. The statement must include how the proposed changes meet the intent and purpose for USPs and contributes to placemaking and wayfinding for the subject project area.

b. A copy of the approved USP, most recent version, to include any nonsubstantial modifications.

c. A copy of the recorded Development Agreement for USP.

d. A graphic or map indicating:

(1) The boundaries of the USP.

(2) Identification of the portion of the USP proposed for change.

(3) As applicable, whether the proposed change(s) to the USP has been approved by an architectural review board of the subject development.

3. Review and Determination

Upon receipt of a completed application for the nonsubstantial modification with all required documents, County staff shall have thirty (30) days to review and request revisions.

Upon receipt of responses to comments and requested revisions from the applicant, the County Administrator or designee shall issue a nonsubstantial determination in writing within ten (10) days along with any conditions to ensure compliance with the Comprehensive Plan and this Code. Any changes to the USP that are not included in the narrative statement required pursuant to this Code shall not be considered approved by the County.

A change in any aspect, attribute, or feature of the USP that may be considered nonsubstantial which may adversely impact the site or surrounding area as determined by the County Administrator or designee, which would be inconsistent with the Goals, Objectives, and Policies of the Comprehensive Plan or general standards for development approval as set forth in this Code, may be considered substantial or require a hearing before the PC, the latter of which would

require notice to the public by mail and posting in accordance with Section 306.

J. Deviations from Approved USP Plans.

Deviations from approved USPs or failure to comply with a requirement, condition, or safeguard imposed by the BCC during the approval procedure shall constitute a violation of this Code.

406.1.12. Minimum Criteria for All Signs in the County

It is the intent of the BCC that, should any provision of this Section 406.1 be declared unconstitutional, the unconstitutional subsection(s) hereof is intended to be severable from the remaining provisions of Section 406.1. Should all other provisions of Section 406.1 be declared unconstitutional, notwithstanding any other provision of this Code, the following minimum criteria shall also be met by all signs erected in the County.

- A. Residential districts. No sign may be erected in a residential district that exceeds the following dimensions:
 - 1. Maximum sign height: Ten (10) feet.
 - 2. Maximum sign structure area: Forty (40) square feet.
- B. Nonresidential districts. No sign may be erected in a nonresidential district that exceeds the following dimensions:
 - 1. Maximum sign height: Fifteen (15) feet.
 - 2. Maximum sign structure area: 400 square feet.
- C. Digital Display is prohibited, except in conformance with the requirements of subsection 406.1.8.J, K, L, M, and N of this Code.

406.1.13. Enforcement

In addition to the enforcement provisions of Section 108, the County may apply any one (1) or combination of the following remedies in the event of a violation of this section.

- A. Whenever a violation(s) of this section occurs or exists or has occurred or existed, any person, individual, entity, or otherwise, who has legal, beneficial, or equitable interest in the facility, or instrumentality causing or contributing to the violation(s), and any person, individual, entity or otherwise who has legal, beneficial, or equitable interest in the real or personal property upon which such violation(s) occurs or exists or has occurred or existed, shall be liable for such violation(s). The owner or marketer of goods, services, and/or events which are advertised on a sign, which is displayed in violation of this Code, is presumed to have a legal, beneficial, or equitable interest in the facility or

instrumentations causing or contributing to the violation. Such presumption can only be rebutted by clear and convincing evidence. In addition, any person with control or responsibility over the condition or appearance of the premises where a violation exists, such as a manager, any owner or marketer of goods, services, and/or events, which are advertised on a sign which is displayed in violation of the Code, is liable for the violation. Any person who erects a sign in violation of this ordinance or any person who otherwise causes or contributes to a violation shall be liable for the violation.

B. Information contained in any sign, including names, addresses, or telephone numbers of persons or entities benefiting from or advertising on the sign, shall be sufficient evidence of ownership or beneficial use or interest for purposes of enforcing this section. More than one (1) person or entity may be deemed jointly and severally liable for the placement or erection of the same sign. Each unlawful sign shall be deemed a separate violation of this section.

C. Removal of Signs on Rights-of-Way

Any sign on a right-of-way or on public property in violation of this section shall be subject to immediate removal and impounding, without notice, by the County Administrator or designee at the joint and several expense of the owner, agent, lessee, or other person having beneficial use of the sign, the sign contractor or, if non-County right-of-way, the owner or lessee of the land upon which the sign is located.

1. Illegal signs of negligible or no value; destruction. Any sign placed or erected in a right-of-way or on public property in violation of this section, which has negligible or no value due to its perishable or nondurable composition including, but not limited to, those made out of paper, cardboard, fabric, vinyl, plywood, poster board, or unfinished materials shall be deemed abandoned and may be destroyed by the County after removal. No notice or opportunity to reclaim such a sign shall be required of the County.

2. Recovery of impounded signs; abandonment and destruction. Except for those signs described in Subparagraph 1 above, any sign removed and impounded by the County shall be held in storage and the owner, if the owner's identity and whereabouts are known to the County, shall be provided with written notice via certified mail and regular mail of impoundment and fifteen (15) days from the date of notice to reclaim any such sign. Any impounded sign stored by the County may be destroyed if not reclaimed within fifteen (15) days of the written notice date or within fifteen (15) days of the date of removal if the identity and/or whereabouts of the owner are not known to the County.

D. Removal of signs on private property for immediate peril. The County Administrator or designee may cause, without notice, the immediate removal of any sign which is an immediate peril to persons or property. The cost of removal shall be the joint and several responsibility of the owner, agent, lessee,

or other person having beneficial use of the sign, the sign contractor, or the owner or lessee of the land upon which the sign is located.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 406. MISCELLANEOUS PERMITS

406.5. Right-of-Way Use Permit

A. Intent and Purpose

It is the intent and purpose of this section to provide a safe, efficient, and economical method of approving of construction activity; temporary use or closure of the right-of-way; and the removal, placement, installation, or location of structures, facilities, or landscaping in or above County owned rights-of-way.

The Right-of-Way Use Permit is used to:

1. Evaluate in detail the proposed plans for use of the right-of-way;
2. Ensure that, if approved, use of the right-of-way is performed in a safe manner that is consistent with the requirements of this Code and the health, safety, and welfare of Pasco County and its citizens; and
3. Ensure that the right-of-way is restored after use.

B. Applicability

This section shall apply to all construction activity; temporary use or closure of the right-of-way, such as for a sporting event; and the removal, placement, installation, or location of structures, facilities, or landscaping in or above (overhead facilities or structures) County owned rights-of-way.

C. Exemptions

The following activities, structures, facilities, and landscaping are exempt from the requirements of a Right-of-Way Use Permit:

1. Mailboxes installed in accordance with United States Postal Service regulations and Florida Department of Transportation (FDOT) design standards, including those published in the "Manual on Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways."
2. Landscaping installed at residential dwelling units that does or will not exceed eighteen (18) inches in height at maturity.
3. Ground covering installed at residential dwelling units provided the covering is of permeable material. Stones, boulders, and hardscape materials are not exempt.

4. Use of the right-of-way for moving oversize or overweight loads provided the user has obtained a permit and meets the requirements in Section 106-4 of the Pasco County Code of Ordinances.
5. Installations or work performed by the County and installations and work performed on benches and transit shelters owned by the County.
6. Utilities, cable, and phone lines installed in accordance with the terms of a "Blanket Permit" approved by the County Administrator or designee. The following activities, however, are not exempt, cannot be undertaken pursuant to a "Blanket Permit," and require a separate, site specific Right-of-Way Use Permit:
 - a. Any and all activity in a collector or arterial roadway.
 - b. Excavation, directional drill, jack and bore, or any other activity within five feet horizontal to an edge of pavement, there under, or within a 2:1 (H:V) control line measured from the surface at edge of pavement.

D. Application Requirements

Applications for Rights-of-Way Use Permits shall include:

1. Applicant Information
 - a. Name, Address, E-mail of Applicant
 - b. Engineer of Record, If Any
 - c. Application Fee
2. General Information
 - a. Road Name
 - b. Road Location
 - c. Publicly or Privately Maintained Road
 - d. Road Type: Collector, Arterial, Residential
3. Narrative. A description of the overall proposed activities including the scope, the location, and the nature of the proposed work. The narrative shall include an estimated duration of any construction activity during which the right-of-way will be affected.
4. Detailed Drawing(s): The application shall include a detailed drawing(s) showing the details and location of the proposed use, including:

- a. Location map. An aerial or survey shall be required for proposed uses involving the installation or removal of structures.
- b. Proposed work to be done in the right-of-way (to scale or accurately dimensioned).
- c. Location of any proposed open cuts shall be clearly marked on the plans.
- d. Location of any tree(s) five (5) inches dbh that is/are proposed for removal from the right-of-way.
- e. Location requirements for bus stop benches:
 - (1) The location of a proposed bench must be at an official stop approved by the County Administrator or designee for the purpose of loading and unloading passengers on an official bus route as designated by the County Administrator or designee.
 - (2) Benches without advertising shall only be allowed within the right-of-way at approved bus stops without a transit shelter. Bus stops with transit shelters may have additional benches not containing advertising. The County Administrator or designee will maintain a list of approved bus stops.
 - (3) Obstruction of the clear-sight triangle or recovery zone is prohibited.
 - (4) FDOT requirements must be observed.
 - (5) The bench with advertising shall be located as close as possible to the bus stop sign.
 - (6) Benches may not be positioned more than thirty (30) degrees off parallel to the public right-of-way.
 - (7) Only one (1) bench shall be permitted at each approved bus stop, except as provided in (2) above.
 - (8) No bench shall protrude into or hang over a sidewalk.
 - (9) Benches are not permitted on limited access highways.

- f. Construction and design requirements for bus stop benches:
- (1) Shall not exceed seventy-four (74) inches in length, twenty-eight (28) inches in depth, and forty-four (44) inches in height from the ground to the top of the back panel.
 - (2) Shall be constructed of sturdy materials.
 - (3) Shall be placed on a concrete pad if required by the County Administrator or designee.
 - (4) The sign face area on a bench shall be limited to the backboard area and copy shall not appear elsewhere on a bench.
 - (5) That portion of the backboard facing the street shall display the street address of the closest parcel in clearly painted block numbers a minimum of 2¾ inches in height.
 - (6) There shall be no display of fluorescent colors, reflective materials or paints, or any other features prohibited by this Code, Section 406.1.
- g. Traffic Signing and Marking Plans where applicable
- (1) Signing and marking plans shall be prepared in accordance with the current versions of the Federal Manual on Uniform Traffic Control Devices and FDOT standards.
 - (2) Signing and marking plans shall be provided on separate sheets of the plan set.
 - (3) Signing and marking notes shall be placed on the signing and marking plan sheets. The current versions of the following notes shall be used. For County maintained roads, Pasco County standard traffic control devices notes are required. For privately maintained streets, Pasco County private street notes are required. In the streets are a combination of publicly and privately maintained, both set of notes shall be required.
 - (4) Plans shall be scaled at no less than one (1) inch to fifty (50) feet.
 - (5) Centerline curve radius data for all turns and curves shall be placed on the signing and marking plans to verify proper warning signs.

- (6) A quantity sheet or tabulation of quantities shall be included
- (7) All signs shall be identified by the Federal Manual on Uniform Traffic Control Devices designation number; for example, a stop sign is R1-1. A graphic of the sign shall be included.
- (8) All pavement markings shall be identified by size and color.
- (9) All street names shall be shown on the plans by size and colors.
- (10) If the streets are a combination of publicly and privately maintained, each street shall be identified as publicly or privately maintained.

5. Other Required Approvals

The following approvals also may be required to be obtained in addition to a Right-of-Way Use Permit:

- a. Uses where dewatering into the right-of-way is proposed must be accompanied by a plan to insure there is no sediment transfer and that pumped water is uncontaminated, and which is approved by the County Administrator or designee.
- b. Any proposed work requiring interruption of vehicular or pedestrian traffic shall require a maintenance of traffic plan approved by the County Administrator or designee.
- c. Proposed work requiring a road closure shall require Board of County Commissioners (BCC) approval.
- d. License and Maintenance Agreements in an approved form may be required for installation of signage, landscaping, irrigation or other facilities or structures within the right-of-way.
- e. Tree location survey and tree plan for projects larger than one (1) single-family dwelling.
- f. Timing and Phasing Analysis and Substandard Roadway Analysis or, if completed, the applicable approval statement.
- g. Access management application or, if completed, the applicable approval statement.
- h. An indemnity agreement in an approved form may be required.

- i. An insurance policy in an approved form may be required.
- j. For each bench to be installed within the County right-of-way or on a State road in the unincorporated areas of the County, the following additional approvals are required:
 - (1) Applicant/permittee must be an individual, firm, partnership, corporation, or combination thereof that has a current valid contract, in a form approved by the County Attorney, signed by the BCC, to provide benches at authorized bus stops.
 - (2) Obtain from the County Administrator or designee an exclusive identification number for display on the bench. Identification numbers will not be given for benches placed prior to obtaining the required Right-of-Way Use Permit.

E. Application Processing

- 1. An application for a Right-of-Way Use Permit shall be reviewed by all appropriate review agencies as determined by the County Administrator or designee.
- 2. The County Administrator or designee shall evaluate the request for a Right-of-Way Use Permit and shall:
 - a. Approve the application as proposed;
 - b. Approve the application with conditions; or
 - c. Deny the application.

The approval of a Right-of-Way Use Permit may be subject to specific conditions deemed necessary by the County Administrator or designee and appropriate for the fulfillment of the purposes of this Code. The Conditions of Approval shall be stated on the face of the permit or may be incorporated by reference into any document which shall be attached to the permit.

F. Terms of Permit and Effect of Permit Approval

- 1. The permittee is liable for any damage that results from the permit holder's operations and the County shall be relieved of all responsibility from damage of any nature arising from the permit.
- 2. The permit is a license for permissive use only and use of or installation of facilities in the right-of-way pursuant to the permit does not operate to create or to vest any property right in the permittee.

3. Whenever the County decides to further utilize or perform maintenance in the right-of-way or when an approved route or bus stop is deleted by the County, any installations authorized by the permit shall be removed from the right-of-way or relocated within the right-of-way upon notice by the County Administrator or designee. Removal or relocation shall be at the expense of the holder of the permit, unless one of the specific exceptions in Section 337.403, Florida Statutes applies. Failure to timely relocate the installations will relieve the County of all liability for damage to the facilities, and/or the County may remove or relocate the installations and charge the holder of the permit for all costs incurred in removing or relocating the installations.

If maintenance of the drainage system is involved then the permit holder must relocate underground installations within fifteen (15) days of notification by the County administrator or designee.

4. The permittee shall have up to 180 days to complete the work authorized by the permit and to complete all required restoration, unless a different time period is authorized by the County on the face of the permit or an extension has been requested for good cause shown. Upon expiration of a permit, the permit is void and further use of the right-of-way requires a new Right-of-Way Use Permit application.
5. In the event the proposed use and the restoration of the right-of-way is not completed upon the expiration date of the permit, the County may remove or complete such work and charge the holder of the permit for all costs incurred in removing or completing the work.
6. When an approved bus stop or route is deleted, benches shall be removed by the permittee.

G. Prior to Construction Activity

1. Permittee shall notify all other utility and underground users in the area covered by the permit, so that those users may safeguard their interests.
2. Permittee shall notify the County Administrator or designee at least forty-eight (48) hours prior to the start of any construction activity.
3. Permittees shall observe all State "One Call - Call Before You Dig" requirements.

H. Activity Pursuant to Permit

1. Construction and Operations
 - a. A copy of the permit and all incorporated conditions shall be kept readily available at the site of the work at all times.

- b. All work shall be done in keeping with the standards of the County and to the satisfaction of the County Administrator or designee.
- c. Permittee shall notify the County Administrator or designee within forty-eight (48) hours after concluding all activities required by or authorized by the permit.
- d. Permittee shall allow inspection of all materials and equipment by the County Administrator or designee at any time. Permittee and agents/employees, including field personnel on site, shall provide all information and identification requested by the County Administrator or designee.
- e. During construction, all safety regulations of the Florida Department of Transportation (FDOT) shall be observed. The permittee may take such safety measures, including the placing and display of caution signs, as it deems necessary to observe all required safety regulations in the conduct of activities under the permit.
- f. Permittee shall perform all testing required by County Administrator or designee. Testing shall adhere to the most current version of the Pasco County Engineering Services Department Design Standards and *Pasco County Engineering Services Department Testing Specifications for the Construction of Roads, Storm Drainage, and Utilities*.
- g. All underground cable or phone lines shall be installed or located at least thirty (30) inches below grade. All lines, cable or phone lines, under the roadway shall be installed or located at least thirty-six (36) inches deep, unless a different depth is approved in writing by the County Administrator or designee. Installation of cable or phone lines under the right-of-way is limited to jack and bore or directional bore; no open cuts shall be performed unless approved in writing by the County Administrator or designee.
- h. All underground utility installations other than cable or phone lines shall be installed or located at the depth specified or approved by the County Administrator or designee. Installation of utilities under the right-of-way is limited to jack and bore or directional bore; no open cuts shall be performed unless approved in writing by the County Administrator or designee.
- i. All boxes and stations must be clearly marked and located within twelve (12) inches of the rear of the right-of-way.
- j. All other underground crossing installations not mentioned hereinabove shall be laid at such depth as may be specified by

the County Administrator or designee, unless otherwise authorized. Installation of utilities under County roads shall be limited to jack and bore or directional bore.

- k. All activity performed in the County's right-of-way pursuant to a Right-of-Way Use Permit shall conform to the approved permit, the approved drawings, and the conditions, if any, of the permit. Deviations from approved drawing or other aspects of the permit or conditions that are required as a result of physical site conditions discovered after the start of the work shall be described in writing by the County within twenty-four (24) hours after discovery of the condition and, to the extent possible, before further activity is performed under the permit. Upon written submission of a description of the circumstances requiring a deviation from the approved drawings/permit/conditions, the County Administrator or designee may amend the permit to authorize the deviation if the deviation otherwise meets the standards of this Code.
- l. No track type equipment will be allowed on any asphalt or concrete surface.
- m. Required erosion and sediment control devices shall be in place at all times during construction and shall be removed only after final stabilization has been established. The requirements of this Code, Section 902, shall be observed.
- n. No illicit discharge shall occur as a result of activity performed pursuant to the permit.
- o. No dewatering into a County right-of-way shall occur without prior written approval from the County Administrator or designee as a part of the approved permit. Where dewatering has been approved, no sediment transfer may occur during any dewatering into the County's right-of-way, and pumped water must be uncontaminated. No direct pumping into inlets is allowed, and there must be a visible zone of at least five (5) feet from the dewatering discharge hose to the structure receiving the water. There shall be no dewatering into the County's right-of-way from any petroleum site, whether contaminated or not.
- p. Interruption of vehicular or pedestrian traffic or obstruction of a traffic lane shall not occur, except pursuant to the terms of an approved maintenance of traffic plan approved by the County Administrator or designee.
- q. Roads shall not be closed without prior BCC approval.
- r. Provision for safe pedestrian traffic must be maintained at all times.

- s. Open cuts shall not be performed without prior written approval from the County Administrator or designee.
- t. Work pursuant to a permit must be performed during daylight hours (sunrise to sunset), unless specifically authorized by the County Administrator or designee.
- u. Each bus bench shall display the name and business telephone number of the permittee and the identification number of the bench on the rear of the backboard.

2. Restoration and Maintenance Standards

- a. The County right-of-way, including sidewalks, curbs and gutters, landscaping, and any aesthetic enhancement thereto, and any adjacent private property affected during activity performed pursuant to a Right-of-Way Use Permit, or for which a Right-of-Way Use Permit was required, must be restored within fifteen (15) days of the completion of activity authorized by the permit, unless a different time period is specified in writing by the County Administrator or designee. Any sidewalks removed or damaged must be replaced within three (3) days after the removal or damage.
- b. The County right-of-way, including sidewalks, curbs and gutters, landscaping, and any aesthetic enhancement thereto, and any adjacent private property affected during activity performed pursuant to a Right-of-Way Use Permit, or for which a Right-of-Way Use Permit was required, must be restored to their original conditions, unless a different standard for restoration is specified in writing by the County Administrator or designee.
 - (1) Restorations shall adhere to the most current version of the Pasco County Engineering Services Department Design Standards and *Pasco County Engineering Services Department Testing Specifications for the Construction of Roads, Storm Drainage, and Utilities*.
 - (2) Disturbed areas must be properly stabilized, including grading, compacting, and sodding.
 - (3) Roadway connections that have been replaced must meet current Americans with Disabilities Act standards per FDOT Index 304, or most current edition.
- c. Permittee shall inform the County Administrator or designee within forty-eight (48) hours after completion of required restorations.

- d. Restorations shall be maintained for one (1) year after completion, unless a longer time period is required by this Code.
- e. The permittee shall maintain each bench in a good state of repair and appearance in perpetuity. The area surrounding each bench shall be kept free of debris, high grass, weeds, and other rubbish for a radius of seven (7) feet from the center of the bench.

I. Bond Requirement

The holder shall post cash, or a Surety Performance Guarantee and Maintenance Guarantee, with the County Clerk and Comptroller. The required amounts for each shall be based on cost estimates for each prepared by the permittee's engineer and approved by the County Administrator or designee. The sums approved by the County Administrator or designee shall ensure the proper and necessary restoration and maintenance of any property affected by activities under the permit to guarantee performance of the terms and conditions of the permittee's obligations, and to guarantee maintenance of property affected by activity performed under the permit for a period of thirty-six months following completion of the activity authorized and required by the permit. In the event a Surety Bond is posted, the said Surety Bond shall be made payable to the County and shall obligate the surety to hold the County harmless and pay the County any costs expended by the County in the event the holder of the permit should fail to meet any of its obligations. The Surety Bond shall also indemnify the County for all court costs and reasonable attorney fees in the event legal action is required to collect on the said Surety Bond. Security posted shall not be refunded, terminated, or released until the expiration of the full required maintenance period and completion of all work authorized or required by the permit.

J. Prohibitions

Unless exempt under this section, no construction activity; temporary use, or closure of the right-of-way; or removal, placement, installation, or location of structures, facilities, or landscaping in County-owned rights-of-way shall be performed except within the scope of an approved Right-of-Way Use Permit.

K. Suspension, Modification, or Revocation of Permit

Failure to comply with the terms and conditions of the permit, or County, State, or Federal statutes, rules, or regulations governing use of the right of way may constitute grounds for suspension, modification, or revocation of the Right-of-Way Use Permit. Upon a determination of noncompliance, the County Administrator or designee may take one (1) or more of the following steps:

- 1. Order appropriate corrective action.

2. Modify the existing conditions or impose additional, more stringent conditions on the permit.
3. Suspend the permit until appropriate, corrective action is taken or additional or modified conditions are complied with. Any Right-of-Way Use Permit shall be subject to suspension or revocation in whole or in part upon a finding of noncompliance with the terms of the said permit, this Code, or applicable statutes, rules, and regulations. While a permit or any part of a permit is suspended, no operations authorized by the suspended portion of the Permit shall be carried out. A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected.
4. Revoke the permit.

Enforcement/Violations

In addition to suspension, modification, or revocation of the Right-of-Way Use Permit, violation of this section may be addressed through any of the enforcement methods in this Code, Section 108.

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 406. MISCELLANEOUS PERMITS

406.8. Garden Plan Permits

A. Intent and Purpose

It is the intent and purpose of this section to provide a safe, efficient and economical method of approving community garden, market garden and community farm.

The Garden Plan Permit is used to:

1. Evaluate in detail the proposed plans for a community garden, market garden or community farm; and
2. Ensure that, if approved, the garden or farm is developed and operated in a safe manner that is consistent with the requirements of this Code and the health, safety, and welfare of Pasco County and its citizens;

B. Applicability

This section shall apply to all community garden, market garden and community farms.

C. Exemptions

The following are exempt from the requirements of a Garden Plan Permit:

1. Agricultural classified lands that are exempt under Florida Statutes, Chapter 193.461(3).
2. Home Gardens/Vegetable Gardens on residential properties

D. Application Requirements

1. Applicant Information
 - a. Name, Address, Phone, E-Mail of Applicant
 - b. Engineer of Record, If Any
 - c. Application Fee
2. General Information
 - a. Type of Garden

- (1) Community Garden
- (2) Market Garden
- (3) Community Farm

b. Garden Location

- (1) Street Address and Parcel Identification Number
- (2) Market Area

- (a) The Harbors

- (i) Anclote East District
- (ii) Anclote West District
- (iii) Elfers District
- (iv) Spring District
- (v) River District
- (vi) Central District
- (vii) Gulfview District
- (viii) Embassy District
- (ix) Hudson District
- (x) Hill District
- (xi) Sunwest District
- (xii) Aripeka District

- (b) Central Market

- (i) Midlands

- (c) South Market Area

- (i) Gateway Crossings

- (d) North Market Area

- (i) Countryside

c. Garden Management

- (1) Garden Sponsor, if applicable

- (a) Name of Garden Sponsor

- (b) Email of Garden Sponsor
 - (c) Phone Number of Garden Sponsor
- (2) Garden Manager
- (a) Name of Garden Manager
 - (b) Email of Garden Manager
 - (c) Phone
 - (d) Paid or Volunteer
- (3) Licensing of Garden Manager and/or owner. If there will be sales to the public, the garden/farm owner or manager must participate in an annual food safety program as recommended by the University of Florida's Institute of Food and Agricultural Sciences (UF/IFAS) and produce a certification of such participation to the Pasco County Food Policy Advisory Council annually.
3. Narrative. A description of the overall proposed activities including the scope, the location and the nature of the proposed garden/farm. The narrative shall include:
- a. An estimated duration of any gardening activity;
 - b. Hours of operation;
 - c. If for educational or charitable use;
 - d. If on-site structures, parking or irrigation are proposed;
 - e. Number of projected daily vehicle trips generated by garden activities;
 - f. If aquaponics and/or hydroponics operations are planned;
 - g. Number of full-time and part-time employees and volunteers anticipated on a typical harvest day;
 - h. If selling or bartering of raw or processed produce is planned;
 - i. Garden maintenance plan, including trash and waste removal;
 - j. Plans for on-site tools and equipment storage; and
 - k. Lockable storage plans for fertilizers and pesticides.
4. Garden Plan Drawing(s): The application shall include a readable, dimensioned drawing(s) showing the details and location of the proposed garden including:

- a. Location map. An aerial or survey shall be required for proposed uses involving the installation or removal of structures;
- b. Proposed work to be done in the garden area;
- c. Location of any proposed driveway cuts shall be clearly marked on the plan;
- d. Location of any tree(s) five (5) inches dbh that is/are proposed for removal;
- e. Proposed parking area, if any;
- f. Proposed buffers, if any;
- g. Site drainage plan; and
- h. Signage, if any.

Gardens without New Structures:

- a. Show the property size with readable dimensions
- b. Reflect existing streets (label), easements or land reservations within the site;
- c. Include proposed fencing and screening, if any;
- d. Show setbacks to all structures and from adjoining property lines;
- e. Show existing driveways and any changes proposed to said driveways;
- f. Label adjacent property owners; and
- g. Identify the source of water that will be used for irrigation purposes.

Gardens with Structures:

- a. If new structures are proposed, a Site Plan is required, consistent with this Code, Section 530.23.
- b. Show gates, fences, walls, accessory structures such as farm stands, hoop houses, green houses, storage shed, hydroponic and aquaponics systems enclosures, irrigation systems, composting bin, parking.

5. Other Required Approvals

The following approvals may also be required in addition to a Garden Plan Permit:

- a. A right-of-way permit
- b. Tree replacement in accordance with this Code, Section 802
- c. Timing and Phasing Analysis and Substandard Roadway Analysis or, if completed, the applicable approval statement
- d. Access management application or, if completed, the applicable approval statement

E. Application Processing

1. An application or a Garden Permit shall be reviewed by all appropriate review agencies as determined by the County Administrator or designee.
2. The County Administrator or designee shall evaluate the request for Conditional Use Permit and shall:
 - a. Approve the application as proposed;
 - b. Approve the application with conditions; or
 - c. Deny the application

The approval of a Garden Plan Permit shall be subject to specific conditions deemed necessary by the County Administrator or designee and appropriate for the fulfillment of the purposes of this Code. The Conditions of Approval shall be stated on the face of the permit or may be incorporated by reference into any document which shall be attached to the permit.

3. Garden Use Permits shall be evaluated with action determined pursuant to Subsection E Application Processing, Item 2 within 10 business days of application submittal for gardens without permanent structures absent extenuating circumstances.

CHAPTER 500. ZONING STANDARDS

SECTION 511. R-MH MOBILE HOME DISTRICT

511.1. Purpose

The purpose of an R-MH Mobile Home District is to provide for the development of areas with individual mobile homes within planned mobile home projects, including mobile home parks, condominiums, and subdivisions, for persons desiring the unique environments characteristic of mobile home living. It is the further purpose of this district to ensure the provision of adequate infrastructure facilities and community services necessary for such mobile home development.

511.2. Establishment Procedure

- A. Mobile home projects developed under single ownership or mobile home condominiums not considered to be a subdivision shall be considered mobile home parks.
- B. New or revised mobile home subdivisions or condominium projects, if appropriate, shall be required to comply with all provisions of this Code.
- C. Developers of mobile home parks shall file an application using the appropriate zoning amendment form, supplemented with a legal description of the property to be included, and a conceptual sketch plan showing the intended overall development plan.

511.3. Permitted Uses

A. Principal Uses

1. Dwellings:
 - a. mobile homes, single-family detached modular, or factory built dwellings.
 - b. Single-family detached dwellings on individual lots on parcels zoned R-MH prior to December 8, 2020.
2. Noncommercial boat slips, piers, or private, residential docking facilities with the approval of various State and/or local agencies where appropriate.
3. Public schools.
4. Community Gardens and Community Farms in accordance with this Code, Section 530.23.

B. Accessory Uses

1. Minor home occupations (unless a special exception per Section 530.21.1.D.5).

2. Private garages and parking areas.
3. Private or community swimming pools and cabanas in accordance with this Code.
4. Signs in accordance with this Code.
5. Management and maintenance offices and private recreational facilities including, but not limited to, golf courses and laundry facilities, provided that:
 - a. Such facilities shall be restricted to the use of the occupants and guests.
 - b. Such facilities shall be accessible only from a street within the development.
6. Other accessory uses customarily incidental to an allowed principal use.
7. Model mobile homes or mobile home sales offices within a mobile home park or condominium. However, after ninety (90) percent occupancy of the park or condominium, model mobile homes and sales offices shall have one (1) year to convert to residential uses unless extended by the Board of County Commissioners. Rental offices or homes sales offices shall be permitted as an accessory use within a mobile home park.

511.4. **Special Exception Uses**

All structures used for special exception uses must meet the State building construction standards set forth in Chapter 553, Florida Statutes.

- A. Public or private utilities: electrical, gas, telephone, water or sewage, and railroad rights-of-way.
- B. Private utility substations, provided there is not storage of trucks or materials on site.
- C. Private schools or day-care centers.
- D. Public or private parks, playgrounds, and recreation areas.
- E. Golf courses open to nonresidents, provided the clubhouse and other structures are located over 150 feet from an abutting lot or parcel.
- F. Governmental buildings or churches.
- G. Professional services, such as medical, dental, legal, and engineering, excluding the parking and storage of commercial vehicles or commercially related equipment.

H. Accessory uses customarily incidental to an allowed special exception use.

511.5. **Area and Density Requirements**

Mobile homes and modular or factory built dwelling units:

- A. Minimum site area: ten (10) acres, inclusive of right-of-way dedication by deed, grant, or plat.
- B. Minimum lot area: 4,000 square feet.
- C. Maximum gross density: 8.8 dwelling units per acre, subject to compliance with the Comprehensive Plan Future Land Use Map classification.

511.6. **Coverage Regulations**

All buildings, including accessory buildings, shall not cover more than sixty-five (65) percent of the total lot area.

511.7. **Yard Regulations**

- A. The minimum building line setbacks, measured from the front, side or rear property lines, are required in yard areas listed below within a mobile home subdivision, condominium, or park, unless otherwise specified:
 - 1. Front (within subdivisions): twenty (20) feet from right-of-way.
 - 2. Front (within rental parks or condominiums): A setback of fifteen (15) feet in width from the edge of pavement of all private streets and all property lines of parcels of different uses, except for public streets, shall be provided and maintained. Such setbacks from property lines of parcels of different uses shall not be considered to be part of an abutting mobile home space nor shall the said setback be used as part of the recreation area.
 - 3. A side and rear setback of five (5) feet in width, measured from the property lines of individual lots, shall be provided and maintained.
- B. Development of recreational and open space areas shall be in accordance with the requirements established in this Code; however, in no case shall any part of such recreation and open space areas be less than 10,000 square feet.

511.8. **Height Regulations**

Single-family detached dwellings, single-family detached modular, and factory built dwellings: forty-five (45) feet maximum; however, no dwelling shall be less than ten (10) feet in height.

Mobile and manufactured homes: fifteen (15) feet maximum.

For exceptions, see this Code, Chapter 500, Supplemental Regulations.

511.9. **Streets and Roads**

Roadways or streets within a mobile home park or condominium shall be private, but the following requirements shall apply:

- A. Internal collector streets shall be thirty (30) feet in width, with a minimum of twenty-four (24) feet of paved surface.
- B. Internal local streets shall be twenty-five (25) feet in width, with a minimum of twenty (20) feet of paved surface. Roadways or streets within a mobile home park subdivision may be private, but shall comply with the requirements of this Code.

511.10. **Existing Parks and Subdivisions**

Those mobile home parks or subdivisions approved at the time of adoption of this Code shall be zoned in accordance with the above criteria as practicable as possible provided; however, that such parks or subdivisions may be completed and operated in accordance with plans for development as previously approved.

511.11. **On-Site Parking Regulations**

On-site parking shall be provided in accordance with this Code.

511.12. **Development Plan**

A development plan that substantially conforms with the conceptual sketch plan shall be submitted in accordance with this Code.

511.13. **Neighborhood Park(s)**

Neighborhood park(s) shall be provided and maintained in the same manner as a subdivision, pursuant to this Code.

CHAPTER 800. NATURAL AND CULTURAL RESOURCES PROTECTION

SECTION 803. LISTED SPECIES

803.1. Intent and Purpose

It is the intent and purpose of this section to implement Comprehensive Plan Policies CON 1.1.2 and 1.5.5, by requiring that proposed development site be examined for the presence of plant and animal species listed as threatened, endangered, or of special concern or protected by the Florida Fish and Wildlife Conservation Commission (FFWCC) or the United States Fish and Wildlife Service (USFWS) or other appropriate agency.

803.2. Impacts to Listed and Protected Species

- A. All applications for zoning amendments to MPUD and site development where listed or protected species are documented, or have the potential to occur, shall include a preliminary habitat assessment, which at a minimum, shall include: identification of on-site habitats, soils maps, survey methods and/or transects, and direct observations of any listed and protected species. Additional species specific surveys may be required. All surveys shall be conducted in accordance with applicable State and Federal guidelines, technical reports, and recommendations.
- B. Where a listed or protected plant or animal is present on the proposed development site, development applications must be submitted to the FFWCC or USFWS, as appropriate.
- C. Prior to initiating filling, grading, or construction, any permits required for any impacts to habitats occupied by listed or protected species shall be obtained and a copy provided to the County.
- D. Where mitigation or a management plan is required by either the FFWCC or the USFWS for impacts to listed or protected species, the applicant shall copy the County on all correspondence, plans, and resulting mitigation.

CHAPTER 900. DEVELOPMENT STANDARDS

SECTION 901. TRANSPORTATION

901.3. Access Management

A. Intent and Purpose

The intent and purpose of access management is to provide safe access to land development while preserving the flow of traffic in terms of safety, capacity, and speed by:

1. Controlling and regulating the spacing and design of driveways, medians, and traffic signals.
2. Limiting the number of conflict points a vehicle experiences in its travel.
3. Separating conflict points as much as possible where they cannot be completely eliminated.
4. Removing slower turning vehicles which require access to adjacent sites from the traffic lanes of through vehicles.
5. Requiring cross access between development parcels.

B. Applicability

This section shall apply to the following:

1. Any project connecting directly or indirectly to collector, arterial, or controlled access roadways, including projects connecting to roadways on the State highway system, unless compliance with these regulations is specifically prohibited or deemed not permissible by the Florida Department of Transportation (FDOT).
2. This section also applies to projects connecting to County-owned or maintained right-of-way within municipalities in the County. In the case of the State system or municipalities, the County Engineer shall consult with the FDOT and/or any affected municipality in the application of these regulations. In the event of a conflict between these regulations and State or municipal access-management regulations, permits, or approvals, the more restrictive regulations shall apply.
3. Any project connecting to a local roadway, but deemed to require access-management review by the County Engineer. If access-management review is required, standards for collector roads shall apply to local roads.
4. This section shall apply to the following applications and substantial amendments of same filed on or after November 9, 2004:

- a. Development of Regional Impact (DRI)
- b. MPUD Master Planned Unit Development zoning
- c. Preliminary site plans
- d. Preliminary development plans
- e. Right-of-Way Use Permits

In the event of any conflict between these regulations and any prior County approval(s) or permits for a project, these regulations shall govern; however, existing driveways that have been constructed as of November 9, 2004, shall be governed by this Code, Section 901.3.D.

C. Exemptions

This section shall not apply to the following:

- 1. Projects within any municipality in the County that connect only to roadways that are not owned or maintained by the County, unless such municipality enters into an Interlocal Agreement with the County providing for the application of these regulations within the municipality.
- 2. Government owned or leased property that contains fire stations or other emergency response vehicles.
- 3. Utility, government, or government contracted vehicles utilized to construct or maintain collector, arterial, controlled access, or local roadways.
- 4. Utility, government, or government-contracted vehicles utilized for construction or maintenance on utility or government-owned or leased property adjacent to collector, arterial, controlled access, and local roadways.

D. Nonconforming Access/Significant Change

Driveway connections constructed as of November 9, 2004, not conforming with the standards herein shall be designated as nonconforming and shall be brought into compliance when:

New or modified access connection permits are requested.

Substantial improvements are proposed to the nonconforming property that affect the existing driveway connection.

There is a change in the use of the property, including land structures or facilities that results in (a) an increase in the trip generation of the property exceeding twenty-five (25) percent (either peak hour or daily), or exceeding 50 gross peak hour trips, AM or PM, whichever is higher, more than the existing

use; or (b) an increase in truck traffic equal to or greater than ten (10) percent of the total gross trips generated by the site. Trip generation shall be determined in accordance with the *Institute of Transportation Engineers (ITE) Trip Generation Manual (ITE Manual)* trip rate, latest edition, or other trip rate as approved by the County Administrator or designee. When such additional traffic is projected, the County will review data to determine if modifications to an existing connection will be required.

If the principal activity on a property with nonconforming access features is discontinued for a consecutive period of 365 days.

When due to site specific conditions, such as limited sight distance, high-traveling speed (forty-five [45] mph or greater), or the presence of 10% or more heavy vehicles utilizing the access, a modification of access is required by the County Engineer to ensure public safety.

E. Access Management Analysis

All projects subject to this section shall complete the Access Connection Permit Application Form 901.3.A and complete any analysis required pursuant to Form 901.3.A. However, the County Engineer may require more detailed access-management information or a more detailed access-management study where the County Engineer determines:

1. That the information on the Access Connection Permit Application Form 901.3.A is inadequate to determine compliance with these access-management regulations.
2. That the information or study is necessary to ensure the safety of the traveling public.
3. In the event a study is done, the following standards shall be followed:
 - a. The Level of Service standards for through movements on all Major County Road segments (facilities) shall be consistent with the standards in the County's latest adopted Comprehensive Plan.
 - b. The volume/capacity (v/c) ratio of turning movements on Major County Roads cannot exceed 1.2 for Trip-Reducing Projects or exempt uses and 1.0 for other nonexempt uses with a maximum delay of 120 seconds. Delays of up to 150 seconds are acceptable for turning movements with a v/c ratio less than 0.8. However, in all cases, the turn-lane length provided should be long enough to accommodate the forecasted demand.
 - c. For all access driveways and local street connections to Major County Roads, approach delays of up to 150 seconds will be acceptable.

Based on the information or study provided, the County Engineer may impose conditions on any access permit or project approval granted including, but not limited to, conditions requiring improvements, such as turn lanes.

F. Access Order

Every owner of property which abuts a road on the County road system has a right to reasonable access to the abutting County road system if no other access is provided, but does not have the right of unregulated access to such roadways.

The order of preference for providing access to collector, arterial, and controlled access roadways for all land uses shall be as follows:

1. Connections in accordance with corridor access-management plans where adopted and approved by the County or approved by the FDOT for roads on the State highway system.
2. Connections to existing or extended local public streets where such access will not create an operational or safety conflict with residential uses and accesses.
3. Access to collector roadways.
4. Access to arterial roadways.
5. Access to controlled-access roadways.

G. Driveway Design Criteria

The access rights of an owner of property abutting County roads are subject to reasonable regulation to ensure the public's right and interest in a safe and efficient roadway system. For the purposes of determining whether an access is safe and efficient, Section 335.184(3)(a), Florida Statutes, and the FDOT *Driveway Manual*, latest edition, may be used. Property owners are encouraged to use joint access where available.

In addition, driveway design and construction shall be in substantial conformance with the standards outlined in the latest editions of the American Association of State Highway and Transportation Officials manuals, the FDOT *Roadway and Traffic Design Standards Manual*, and the FDOT *Manual on Uniform Minimum Standards* (Green Book).

H. Number and Spacing of Driveways

Every owner of property which abuts a road on the County road system has a right to reasonable access to the abutting County roadway system, but does not have the right of unregulated access to such roadways. No building shall be erected on a lot or parcel of land subject to this Code, nor shall any Building

Permit be issued unless such lot or parcel abuts or has legal access to a street dedicated to and accepted by the Board of County Commissioners, is shown on a legally recorded subdivision plat, or such lot or parcel is authorized pursuant to this Code.

One (1) driveway shall be permitted for ingress/egress purposes to any project. For projects proposing more than one (1) two (2) way driveway based upon parcel size, projected trip generation of the site, amount of roadway frontage, and other design considerations, additional drives may be permitted if approved by the County Administrator or designee.

Notwithstanding the foregoing, the County Administrator or designee may require any project which is permitted one (1) or more driveway connections to provide cross access or a frontage/reverse-frontage road connecting such project to neighboring projects or properties in accordance with Section 901.3.M, and if such project later has reasonable access to a collector or arterial roadway through such cross access or frontage/reverse-frontage road, the County Administrator or designee may terminate the permit(s) for the original driveway(s).

The County Administrator or designee may issue one (1) or more Temporary Access Permits for the project where the County Administrator or designee anticipates that a future access for a project will:

1. Be safer.
2. Create better traffic circulation.
3. Create less traffic conflicts.
4. Be more consistent with these access management regulations, but such future access is not feasible at the time such project is reviewed.

The issuance of any Temporary Access Permit pursuant to these regulations is not a vested right or property right and is subject to modification or termination by the County provided that each project maintains reasonable access.

All accesses shall be functional at the time of development impact. A functional access shall be defined as a constructed two (2) lane connection to a Type 1 street or a street functionally classified as Major County Roads. Unless otherwise approved at the time of preliminary plan approval, an emergency access is a constructed, single-lane connection to a Type 1 street or a street functionally classified as Major County Roads, which may be barricaded.

The following access requirements are established:

TABLE 901.3.A

Number of Dwelling Units Within Development	Developments in Coastal Zones	Developments in Noncoastal Zones
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	Functional Accesses	Emergency Accesses	Functional Accesses	Emergency Accesses
0-50	1	0	1	0
51-100	1	1	1	0
101-200	1	1	1	1
201-400	1	1	1	1
401-600	2	1	1	1
601 or greater	2	2	2	0

Where no feasible alternative exists in the opinion of the County Engineer or designee, an emergency access may be provided by adding a lane to any Type 1, 2, 3, or 4 street. Additional functional accesses shall be preferred in lieu of emergency accesses.

I. Access Control

The following general standards shall be used in evaluating proposed access connections to County and State arterials and collectors:

TABLE 901.3.B

Arterial/Collector Standards

Facility Type	Posted Speed	Corner Clearance/ Connection Spacing (Min.)	Median Opening Spacing (Min.)		Signal Spacing (Min.)
			Directional	Full	
Arterial	>45	660	1,320	2,640	2,640
	≤45	440	660	1,320	2,640
Collector	>45	440	660	1,320	1,320
	≤45	245	330	660	1,320

NOTE 1: Corner clearance and connection spacing are measured from the edge of the pavement on one (1) connection to the closest edge of the pavement of the neighboring roadway or connection.

NOTE 2: Distance between median openings and signals are measured from the center of the opening or intersection to the center of the adjacent opening or intersection.

NOTE 3: If access is on an FDOT controlled roadway then FDOT standards shall apply.

J. Isolated Corner Properties

If, due to a property's size, the County Engineer finds that corner clearance standards cannot meet Table 901.3.A, and where cross access which meets or exceeds the minimum corner clearance standards cannot be obtained with a neighboring property or is not feasible in the opinion of the County Engineer,

then the following minimum corner clearance measurements can be used to permit connections:

TABLE 901.3.C

Corner Clearance for Isolated Corner Properties

Median Type	Position	Access Allowed	Minimum (Feet)
With Restrictive Median	Approaching Intersection	Right-In/Out	115
	Approaching Intersection	Right-In Only	75
	Departing Intersection	Right-In/Out	230
	Departing Intersection	Right-Out Only	100
Without Restrictive Median	Approaching Intersection	Full Access	230
	Approaching Intersection	Right-In Only	100
	Departing Intersection	Full Access	230
	Departing Intersection	Right-Out Only	100

NOTE 1: Corner clearance and connection spacing are measured from the edge of the pavement on one (1) connection to the closest edge of the pavement of the neighboring roadway or connection.

K. Throat Distances

The length of driveways or "throat length" shall be designed in accordance with the anticipated storage length for entering vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

>200,000 GLA	Minimum 100 feet
<200,000 GLA	75-100 feet
Other driveways	40-75 feet

Up to ten (10) percent deviations from these requirements may be permitted for good cause upon approval by the County Engineer. Deviations greater than or equal to ten (10) percent require approval in accordance with this Code, Sections 901.3.T and 407.5.

L. Driveway Width and Radii

The following minimum standards shall be utilized for all driveways:

1. Access width for any type of access with or without curbs shall be measured exclusive of the radii or flared sections.

2. One (1) way access shall have a minimum width of fifteen (15) feet.
3. A minimum twenty-four (24) feet in width shall be used for any two (2) way access.
4. The initial fifty (50) feet of the inbound lane from a County road into the project shall be a minimum fifteen (15) feet in order to facilitate the movement of traffic off high-speed facilities with a posted speed equal to or greater than forty-five (45) miles per hour.
5. A minimum thirty-four (34) feet of width shall be used for any two (2) way access when one (1) or more of the following apply to the access:
 - a. Multiunit vehicles are intended to use the access; or
 - b. Single unit vehicles in excess of thirty (30) feet in length will use the access.
6. Maximum widths shall be determined during the plan review process.
7. No access shall have a turning radius of less than twenty-five (25) feet, when a radial return is required.
8. Radii on collector or arterial roads shall have a minimum radius of thirty-five (35) feet. A fifty (50) foot radius shall be required for an access when multiunit or single unit vehicles exceeding thirty (30) feet in length are intended to use the access or on high-speed facilities with a posted speed equal to or greater than forty-five (45) miles per hour. Wheel-tracking diagrams shall be submitted to determine radii used to support entrance geometrics.

Up to ten (10) percent deviations from these requirements may be permitted for good cause upon approval by the County Engineer. Deviations greater than or equal to ten (10) percent require approval in accordance with this Code, Sections 901.3.T and 407.5.

M. Cross Access/Frontage/Reverse-Frontage Roads

1. General Requirement

To further the goals of reducing conflict points and improving traffic circulation along collector and arterial roadways, each project shall be required to provide one (1) or more minimum twenty-four (24) foot wide travel lane(s) connecting the project to neighboring properties, projects, travel lanes, or roadways in a location to be determined by the County Administrator or designee during the review of the project, except in cases where all neighboring properties or projects are existing, platted, single-family residential subdivisions with no legally available roadway

points of connection. Such travel lane(s) shall be free and clear of buildings, parking spaces (except as permitted by the cross-access/parking standards set forth below), landscaping, retention ponds, or any other obstruction that would prevent the free flow of traffic between the project and neighboring properties, projects, or roadways. The County Administrator or designee may determine that a travel lane or frontage/reverse-frontage road wider than twenty-four (24) feet is required if warranted based on the size and trip generation of the project and adjacent projects, or if required pursuant to an adopted frontage/reverse-frontage road or access-management plan or other approved master roadway plan.

2. Cross Access/Parking Standards

- a. For properties with an existing developable depth less than or equal to 400 feet along arterials and collector roadways, parking spaces may connect to the twenty-four (24) foot travel way, but shall not obstruct the connection point between the properties.
- b. For properties along arterial and collector roadways exceeding a developable depth of 400 feet; or for properties otherwise required to provide for a frontage/reverse-frontage road pursuant to the Comprehensive Plan, zoning amendment, DRI conditions of approval, an approved frontage/reverse-frontage roadway plan, access-management plan, or other approved master roadway plan, parking spaces shall not connect to the twenty-four (24) foot travel way and shall not obstruct the connection point between properties.
- c. For infill development, parking-space connections to the twenty-four (24) foot travel way shall be similar to the adjacent property(ies), but shall not obstruct the connection point between the properties.
- d. When only two (2) adjacent developments can interconnect, parking spaces may connect to the twenty-four (24) foot travel way, but shall not obstruct the connection point between the properties.
- e. If all uses along a proposed/possible interconnect are office and/or industrial, and the combined trip generation rate is less than 600 daily trips, parking spaces may connect to the twenty-four (24) foot travel way, but shall not obstruct the connection point between the properties.

3. Cross-Access/Construction Standards

- a. If the development is located within the RES-3 (Residential - 3 du/ga) or higher Land Use Classification, the cross access shall be constructed with a minimum pavement structural

number of 2.96 with a minimum two (2) inches of asphaltic-concrete surface course.

- b. If the development is located within the RES-1 (Residential - 1 du/ga) Land Use Classification, the cross access shall be stabilized to LBR-40.
- c. If the development is located within the AG (Agricultural) and AG/R (Agricultural/Rural) Future Land Use Classifications, a cross-access easement is only required to be reserved.

N. Median Openings

To ensure traffic safety, capacity, and control, median openings shall be spaced the maximum distance apart that will allow safe and adequate traffic circulation.

Median openings may be permitted only where the need and location is justified in the opinion of the County Engineer, taking into consideration, but not limited to, the following:

1. Potential number of left turns into or out of the driveway.
2. Length of frontage along the street right-of-way line of the property proposed to be developed.
3. Distance of proposed opening from intersections or other openings.
4. Lengths and widths of proposed storage lanes as functions of the estimated, maximum number of vehicles to be in the lane during peak hour.
5. Safety concerns.

O. Requirements for Turning Lanes

Turning lanes for County collector and arterial roadways shall be required in accordance with the standards outlined in Table 901.5.A. In addition, where safety concerns are present, such as limited sight distance, high traveling speed (forty-five [45] mph or greater, posted or operating, whichever is higher), or the presence of 10% or more heavy vehicles, turn lanes shall be required, as determined by the County Engineer.

At the intersection of an arterial/collector road with another arterial, collector or subdivision collector roadway, left and right turn lanes will be required.

Turn lanes shall not be provided along subdivision or local roads unless the County Engineer determines that turn lanes are warranted due to safety concerns. The exception is the intersection of a subdivision collector road with

another subdivision collector/collector/arterial roadway, in which case turn lanes shall be provided if warranted based on Table 901.5.A of this Code.

Roads with a 35 mph speed or less (design or posted, whichever is higher), that are located within the compact area of a MUTRM project, or within a TND or TOD area shall not be required to provide right turn lanes, regardless of whether they are warranted. The intent is to maximize pedestrian safety.

All required turning lanes shall be designed and constructed in accordance with FDOT Indexes 301 and 526.

P. Drainage

1. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway and shall not interfere with the existing drainage system on the right-of-way (FDOT Index 515).
2. The permittee shall provide, at the permittee's expense, drainage structures for the permittee's access which will become an integral part of the existing drainage system. The type, design, and condition of these structures must be in accordance with FDOT standards and meet the approval of the County.
3. The County drainage system is designed for the protection of the County roadway system. It is not designed to serve the drainage requirements of abutting properties beyond that which has historically flowed to the County right-of-way. Drainage to the County system shall not exceed the undeveloped, historical flow.

Q. Other Design Elements

1. Within the right-of-way, maximum grades shall be limited to ten (10) percent, unless the County Engineer finds that significant physical constraints require the use of a steeper grade, the steeper grade is in conformance with FDOT Index 515, and access by the largest anticipated vehicle can be properly accommodated.
2. The horizontal axis of an access to the roadway shall be at a right angle to the centerline of the road. An angle between ninety (90) and sixty (60) degrees may be approved only if the County Engineer finds that significant physical constraints require a skew angle less than ninety (90) degrees.
3. An access that has a gate across it shall be designed so that a minimum three (3) car stack distance (seventy-five [75] feet) is provided between the right-of-way line and the gate.
4. The access shall be designed to facilitate the movement of vehicles off the highway to prevent the queuing of vehicles on the traveled way. An access shall not be approved for parking areas that require backing

maneuvers within the County right-of-way. All off-street parking must include on-site maneuvering areas to permit vehicles to enter and exit the site in a forward gear.

R. Maintenance

The permittee, successors-in-interest, and occupants of the property serviced by the access shall be responsible for the maintenance beyond the edge of the traveled way. The County shall maintain the culverts under the accesses which are an integral part of the drainage system in the right-of-way.

S. Controlled Access Roadways

Notwithstanding anything in these regulations to the contrary, direct access to the following roadways shall be restricted to specific locations approved by all governmental entities with jurisdiction over such roadways:

1. The Suncoast Parkway and the impacted portion of collector/arterial roadways forming the interchanges with the Suncoast Parkway as determined by applicable Florida Turnpike Enterprise (FTE) and FDOT regulations, where access is restricted to those locations approved by the FTE and FDOT, in consultation with the County.
2. I-75 and the impacted portion of collector/arterial roadways forming the interchanges with I-75 as determined by applicable Federal Highway Administration (FHA) and FDOT regulations, where direct access is restricted to those locations approved by the FHA and FDOT, in consultation with the County.

T. Alternative Standard Procedures

If an applicant wishes to deviate from the requirements of this section, an alternative standards request in accordance with Section 407.5 must be submitted and approved by the County Engineer utilizing the criteria in Section 407.5.C. Before making a determination on any alternative standard affecting the State highway system or within any municipality, the County Engineer shall consult with the FDOT and/or the affected municipality, if applicable.

U. Access Violations

1. Violations: At any time under the provisions of this Code, Section 108, the County may elect to cite the owner(s) or occupant(s) of the property or project for any conditions on such property or within the right-of-way that are prohibited by these regulations or applicable permit conditions.
2. Corrective Action: When closure or modification of an access or driveway or other corrective action is required or when the owner(s) and/or occupant(s) of the property in violation has not corrected the condition(s) in violation, the County or other authority may complete the necessary corrective action with public funds or may contract with an

individual, firm, or other legal entity for such services. An invoice shall be submitted to the owner(s) for payment of the costs incurred by the County or its contractor. The owner(s) shall be required to pay all costs incurred, including any administrative costs, within thirty (30) days of the date of the invoice. If payment is not made by the owner(s) within thirty (30) days of the date of the invoice, the County may impose a lien upon the property for the costs of performing the corrective action, administrative costs, interest, and recording fees. The lien shall be of the same priority as liens for ad valorem taxes and, as it represents costs expended for the benefit of the property itself, the lien shall be superior to all other encumbrances, whether secured and regardless of priority. Such lien shall be duly recorded in the official records of the County and shall accrue interest at the rate of eight (8) percent per annum from the date of recording. Upon foreclosure of the lien, the County shall be entitled to all costs and attorney's fees incurred as a result.

3. The authority to correct dangerous conditions provided by this section does not impose any affirmative duty on the County to warn of or to correct such conditions. Making such repairs does not create a continuing obligation on the part of the County to make further repairs or to maintain the property, and does not create any liability against the local governing body for any damages to the property if such repairs were completed in good faith.

FORM 901.3.A

PASCO COUNTY ACCESS CONNECTION PERMIT APPLICATION

The following information is required from all applicants directly or indirectly accessing any collector or arterial road or as otherwise directed by the County Engineer:

Basic Information:

Step 1. Name of Project: _____
County Assigned Project No.: _____
Project Location (road name/vicinity): _____

Speed Limit: _____

Step 2. Existing Property Use (size in square feet and/or the number of units, etc.):

Step 3. Proposed property use, including any interim traffic generating uses such as heavy vehicles in brackets [] (size in square feet and the number of units):

Step 4. Provide the location of all existing and proposed connections to the property. This will include a location map and site plan of any physical features (existing and/or proposed) that will have an impact on traffic circulation and sight distance on the County road system and may include an aerial photograph. Examples of such physical features are walls, fences, trees, gates, utility poles, etc.:

Step 5. Describe any unique traffic-safety issues with the access; i.e., sight-distance problems:

Step 6. Trip Generation Data and Total Trip Generation: The *Institute of Transportation Engineers (ITE) Handbook*, latest edition, is acceptable as a source. Other sources may be required by and/or authorized of the County Engineer. Land excavation and mining (as defined in Appendix A) and removal of more than 30,000 cubic yards, even as an interim use, is presumed to be a separate and distinct land use requiring separate trip-generation estimates. Such land use is also presumed to generate more

than ten (10) percent heavy vehicles. Heavy vehicles adversely affect traffic, because they occupy more roadway space and have poorer operating capabilities than passenger cars, particularly with regard to acceleration, deceleration, and the ability to maintain speed on upgrades. Accordingly, for trip-generation purposes, if heavy vehicles are ten (10) percent or more of the trips generated by the proposed land use, the total estimated trips for heavy vehicles shall be multiplied by two (2) unless ITE heavy vehicle data or other County-approved, heavy vehicle, trip-generation data for the land use support a different multiplier; however, in no event shall the multiplier be less than one (1). Provide trip generation from interim traffic generating uses in brackets [].

Source: _____

ITE code (if used): _____

Existing maximum peak hour trip generation: _____ (1)

Net increase in maximum peak hour trip generation: _____ (2)

Total maximum peak hour trip generation: _____ (Add 1 & 2)

Estimated peak hour trips from heavy vehicles* included in the total maximum:

_____ (a)

Heavy vehicle multiplier _____ (b)

Additional heavy vehicle trips (multiply a X b-1) _____ (c)

If (c) is \geq ten (10) percent of total maximum peak hour trip generation, list additional heavy vehicle trips from (c) _____ (3).

Total maximum peak hour trip generation with heavy vehicles _____ (Add 1, 2, & 3)

If the total maximum peak hour trip generation from Step 6 above does not exceed the thresholds set forth in Exhibit 901.4.A, "Size of Development that Generates 50 Peak Hour Trips," no further information is required. However, a substandard road fair-share payment pursuant to this Code, Section 901.4, as it may be amended from time-to-time, may still be required.

If the total maximum peak hour trip generation from Step 6 above exceeds the thresholds set forth in Exhibit 901.4.A, "Size of Development that Generates 50 Peak Hour Trips," then Steps 7 and 8 are required to be completed. Step 7 is required prior to proceeding with "Turn Lane Warrants and Design Criteria," and Step 8 is required to address any substandard road issues.

The County Engineer may require more detailed access-management information or a more detailed access management study where the County Engineer determines (1) that the information on this form is inadequate to determine compliance with the access-management regulations or (2) that the information or study is necessary to ensure the safety of the traveling public. In such circumstances, the standards of Section 901.3.E.3 shall apply.

Additional traffic data is required for projects exceeding 100 driveway trips per day.

Step 7. Existing counts on the public roadway (www.pascocountyfl.net). Recent data, if available on this website, may be acceptable):

a. P.M. peak

	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	NB	SB	EB	WB

A.M. peak

	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	NB	SB	EB	WB

Date and source of the count: _____

b. Using the *ITE Trip Generation Handbook* or trip rates as approved by the County, provide trip generation of the proposed site during a.m. and p.m. peak periods of the adjacent public road. Provide trip generation from interim traffic generating uses in brackets [].

P.M. peak hour trips: _____

A.M. peak hour trips: _____

If additional heavy vehicle trips from Step 6 are \geq ten (10) percent of the total maximum

Heavy Vehicle Trip Generation: Provide additional a.m. and p.m. peak hour trips for heavy vehicles utilizing the same multiplier and formula from Step 6:

Additional heavy vehicle
p.m. peak hour trips: _____

Additional heavy vehicle
a.m. peak hour trips: _____

Total p.m. peak hour trips
with heavy vehicle trips: _____

Total a.m. peak hour trips
with heavy vehicle trips: _____

c. Provide a sketch illustrating the distribution of the project traffic during the a.m. and p.m. peak periods of the adjacent public road.



Proceed with Warrants and Turn-Lane Design Criteria.

Step 8. Perform a Substandard Roadway Analysis in accordance with this Code, Section 901.4.

TURN-LANE WARRANTS AND DESIGN CRITERIA

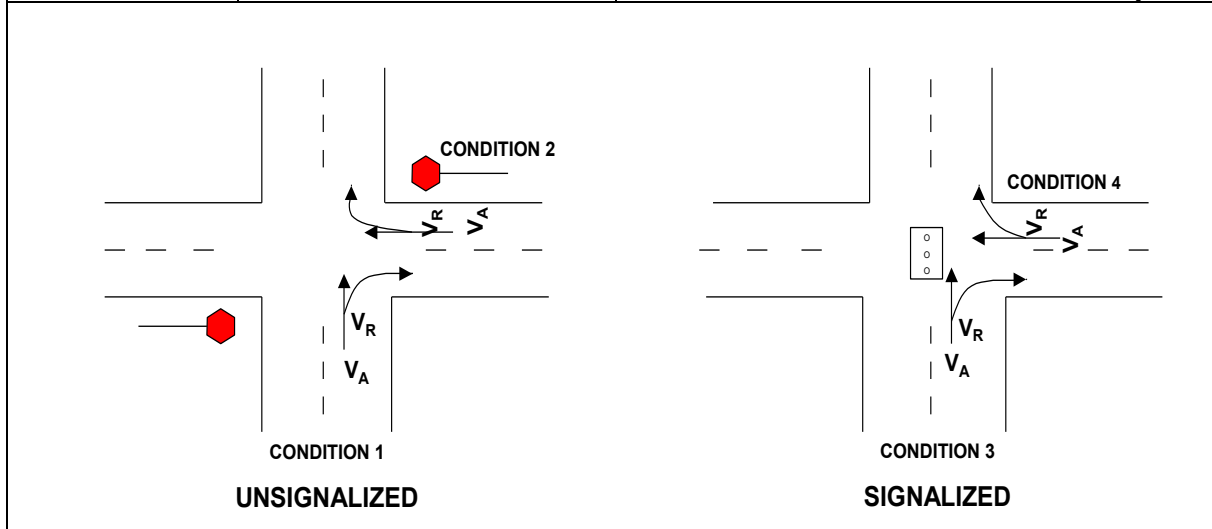
DEFINITIONS OF TERMS

Access Road	Driveways or roads connecting developments, such as shopping centers or office parks, to major roads and do not serve major road through traffic.
Vehicles Per Hour (VPH)	The design hourly volume during the peak fifteen (15) minutes of the highest peak hour expressed in terms of VPH (peak fifteen [15] minute volume times four [4]).
V_A —Approaching Volume (VPH)	Total volume approaching the intersection from the subject direction includes right- and left-turning and through vehicles.
V_O —Opposing Volume (VPH)	Total volume approaching the intersection from the opposite direction.
V_L —Left Turning Volume (VPH)	Volume of vehicles turning left at the subject intersection.
V_R —Right Turning Volume (VPH)	Volume of vehicles turning right at the subject intersection.
% of Left Turns in V_A	Volume of left-turning vehicles divided by the approaching volume at the subject intersection.

TABLE 1

Right-Turn Warrants

Unsignalized		
Condition 1	On major roads without stop control (approach).	See Graph Nos. 1A and 1B
Condition 2	Access roads or major through roads with stop control (approach).	$V_R \geq 150$ OR There are 5 or more related accidents in 1 year.
Signalized		
Condition 3	On major roads (approach).	$V_R \geq 150$ AND The total outside lane approach volume (V_A) is at least 200 VPH (including right turn). OR There are 5 or more related accidents in 1 year.
Condition 4	On access roads approach.	$V_R \geq 150$ OR There are 5 or more related accidents in 1 year.



NOTES:

1. When public safety so requires due to site-specific conditions, such as limited sight distance, high-traveling speed, or the presence of a significant percentage of heavy vehicles, a turn lane may be required by the County Engineer even though the criteria in Graphs 1A and 1B are not met.
2. The provisions of the right-turn warrants may be modified by the County Engineer if it is determined that due to site-specific constraints, the implementation will not be feasible or practical.
3. At high speed (forty-five [45] mph or greater), unsignalized/signalized intersections, a separate right turn lane may be required by the County Engineer for safe operations. A high speed shall be the greater of the posted or operating speed where an operating speed study has been conducted.

TABLE 2

Left-Turn Warrants

Unsignalized		
Condition 1	On major roads without stop control (approach).	See Graph Nos. 2A through 2D
Condition 2	On access roads or through roads (approach).	$V_L \geq 100$ OR There are 4 or more related accidents in 1 year.
Signalized		
Condition 3	On major roads (approach).	$V_L \geq 100$ OR 20 percent or more of the total approach volume in the inside lane is left turn. OR There are 5 or more related accidents in 1 year.
Condition 4	On access roads or through roads approach.	$V_L \geq 100$ OR There are 5 or more related accidents in 1 year.

UNSIGNALIZED

SIGNALIZED

NOTES:

1. An exclusive left-turn lane at signalized intersections or on access roads and through roads with stop control are more often needed to reduce the total delay to the approaching vehicles; therefore, use of traffic engineering software, with the approval of the County Engineer, may be used.
2. When public safety so requires due to site-specific conditions, such as limited sight distance, high-traveling speed, or the presence of a significant percentage of heavy vehicles, a turn lane may be required by the County Engineer even though the criteria in Graphs 2A through 2D are not met.
3. The provisions of the left-turn warrants may be modified by the County Engineer if it is determined that due to site-specific constraints, the implementation will not be feasible or practical.
4. A dual left-turn lane may be required by the County Engineer when the left-turn volume exceeds 300 VPH.
5. At high speed (forty-five [45] mph or greater), unsignalized/signalized intersections, a separate left-turn lane may be required by the County Engineer for safe operations. A high speed shall be the greater of the posted or operating speed where an operating speed study has been conducted.

TABLE 3

**Right-Turn Lane Length
(Deceleration and Storage)**

Unsignalized		
Condition 1	On major roads without stop control and on major through roads with stop control (approach).	Deceleration Length: FDOT Index 301 Storage Length: 25 feet desirable unless there are site-specific conditions that require a longer storage length.
Condition 2	On access roads (approach).	Deceleration Length: Taper only Storage Length = $V_R/2$
Signalized		
Condition 3	On major roads (approach).	Deceleration Length: FDOT Index 301 Storage Length = $V_R/2$
Condition 4	On access roads (approach).	Deceleration Length: FDOT Index 301 Storage Length = $V_R/2$

NOTES:

1. In many instances, the storage length of a right-turn lane at signalized intersections or access/major roads with stop control is dictated by the required storage length for left and/or through movements. Refer to the left-turn section for determining the storage length for a left turn.
2. If the right-turn flow is limited due to heavy volume of conflicting movements, then the storage length shall be based on the left-turn storage length formula.
3. The provision of storage lengths and deceleration lengths may be modified or waived by the County Engineer if it is determined that, due to site-specific constraints, the implementation will not be feasible or practical.
4. Traffic engineering software, with the approval of the County Engineer, may be used to determine the storage length for right turns.

TABLE 4

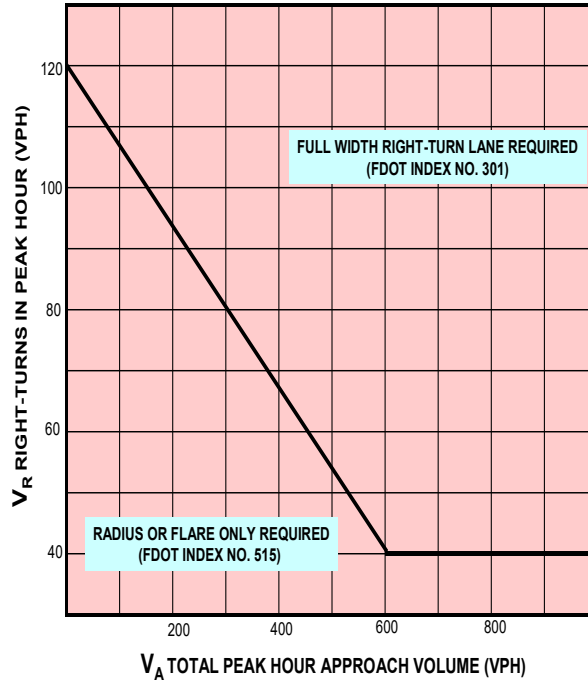
**Left-Turn Lane Lengths
(Deceleration and Storage)**

Unsignalized		
Condition 1	On major roads (approach).	Deceleration Length: FDOT Index 301 Storage Length = $25 \times V_L/30$
Condition 2	On access roads (approach).	Deceleration Length: Taper only Storage Length = $25 \times V_L/30$
Signalized		
Condition 3	On major roads (approach).	Deceleration Length: FDOT Index 301 Storage Length = $2 \times 25 \times V_L/N$
Condition 4	On access roads (approach).	Deceleration Length: FDOT Index 301 Storage Length = $2 \times 25 \times V_L/N$

NOTES:

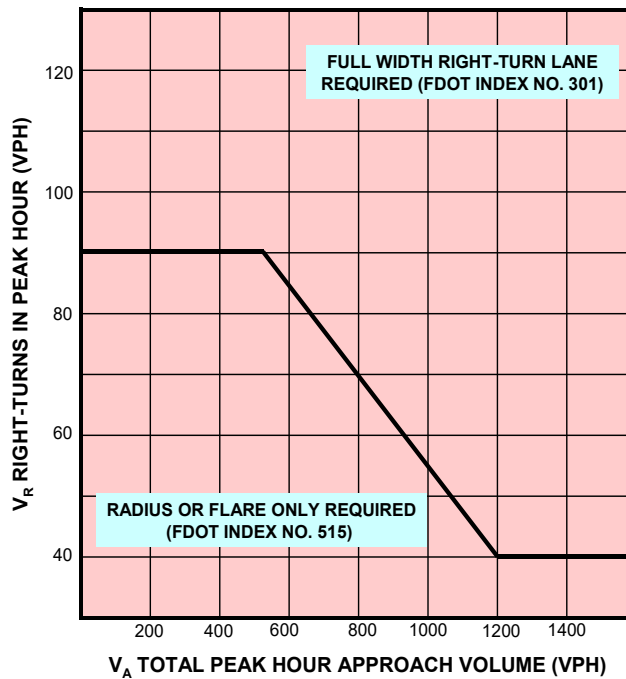
1. N = The number of traffic signal cycles per hour. Use thirty (30) as a default (assumes 120-second cycle length).
2. If the formula yields a storage length of less than fifty (50) feet for unsignalized intersections, then a minimum storage of fifty (50) feet shall be provided.
3. If the formula yields a storage length of less than 100 feet for signalized intersections, then a minimum storage of 100 feet shall be provided.
4. The provision of storage and deceleration lengths may be modified or waived by the County Engineer if it is determined that due to site-specific constraints, the implementation will not be feasible or practical.
5. In some instances at signalized intersections or on access/major roads with stop control, the storage length of the left turn is dictated by the through or right movements. Unless otherwise approved by the County Engineer, the storage length for all movements shall be calculated and the highest length shall be used. For through-storage length, the same formula as the left turn can be used. Refer to right-turn section for determining the storage length for right turns.
6. Traffic engineering software, with the approval of the County Engineer, may be used to determine the storage length for right turns.

GRAPH 1A. RIGHT-TURN LANE WARRANTS – TWO-LANE FACILITIES



NOTE: For posted speeds at or under forty-five (45) mph, peak hour right turns greater than forty (40) VPH, and total peak hour approach less than 300 VPH, adjust right turn volumes. Adjust peak hour right turns = peak hour right turns-twenty (20).

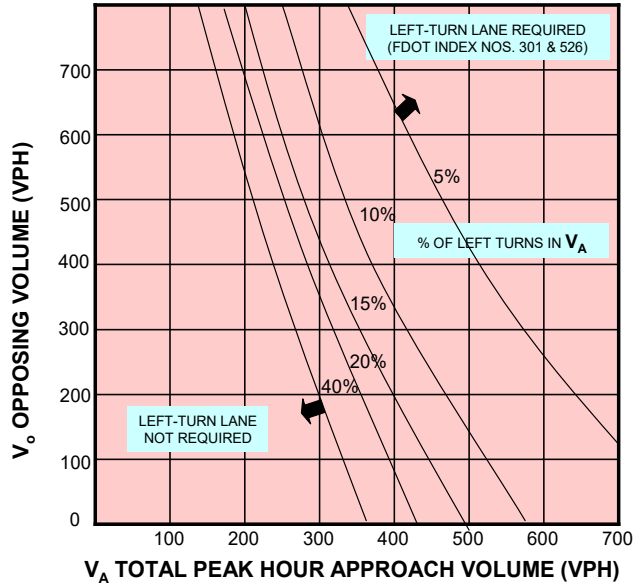
GRAPH 1B. RIGHT-TURN LANE WARRANTS
FOUR- OR SIX-LANE FACILITIES



NOTE: For application on high speed highways.

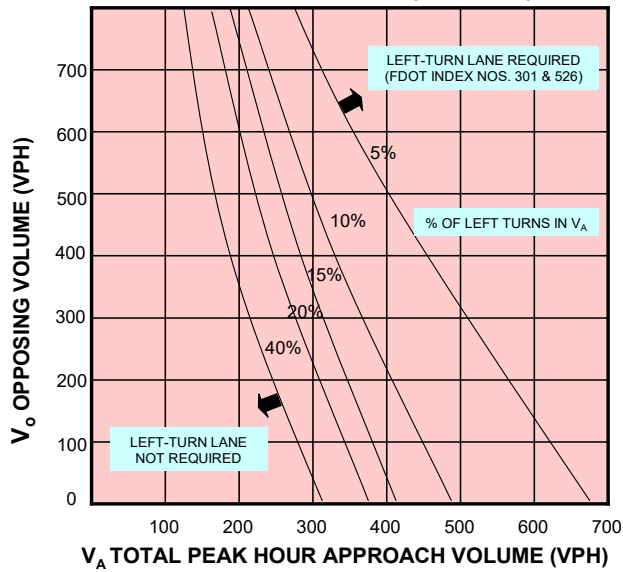
Graphs 1A & 1B Source: National Cooperative Highway Research Program, Report No. 279.

GRAPH 2A. LEFT-TURN LANE WARRANTS – TWO-LANE FACILITIES (≤ 40 MPH)



NOTE: Left-turn lane not required when intersection of V_A and V_O is below the curve corresponding to the % of left turns in V_A .

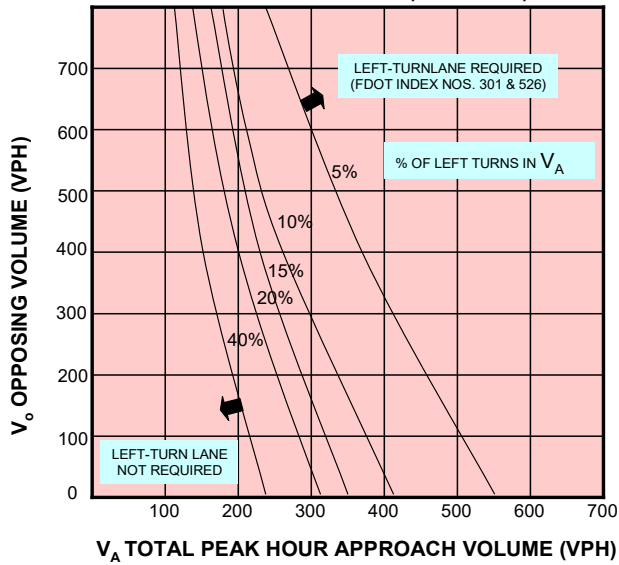
GRAPH 2B. LEFT-TURN LANE WARRANTS – TWO-LANE FACILITIES (45-50 MPH)



NOTE: Left-turn lane not required when intersection of V_A and V_O is below the curve corresponding to the % of left turns in V_A .

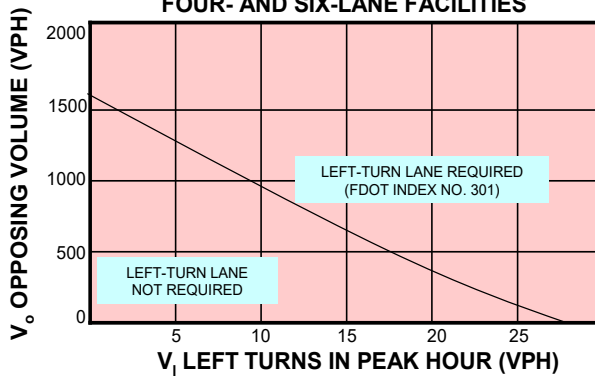
Graphs 2A & 2B Source: National Cooperative Highway Research Program, Report No. 279.

GRAPH 2C. LEFT-TURN LANE WARRANTS – TWO-LANE FACILITIES (55-60 MPH)



NOTE: Left-turn lane not required when intersection of V_A and V_O is below the curve corresponding to the % of left turns in V_A .

GRAPH 2D. LEFT-TURN LANE WARRANTS – FOUR- AND SIX-LANE FACILITIES



NOTE: When $V_O < 400$ VPH, a left-turn lane is not normally warranted unless the advancing volume (V_A) in the same direction as left-turning traffic exceeds 400 VPH. ($V_A > 400$ VPH).

Graphs 2C & 2D Source: National Cooperative Highway Research Program, Report No. 279.

SAMPLE PROBLEM NO. 1

Steps 1-6

1. Ninety-four (94) unit apartment complex. West side of Rowan Road, north of Nebraska Avenue (Main Street). Four (4) lane urban. Speed limit forty-five (45) mph.
2. Existing use—vacant.
3. Proposed use—apartments.
4. Site plan, etc., not included in sample.
5. Proposed access on Rowan Road, west side, at existing median opening, approximately 365 feet north of Indiana Avenue. No existing turn lane facilities north or southbound. No other access to this site is proposed.
6. Source: ITE, 6th Edition
 ITE Code: 220
 Existing Maximum Trip Generation: 0
 Net Increase in Maximum Trip Generation: 698
 From ITE: No. of Trips = (5.994 X 94 units) + 134.114 = 698
Total Maximum Peak Hour Trip Generation: 698

If the total maximum peak hour trip generation is greater than 50 proceed with Step 7.

Step 7

7. From the Pasco County Traffic Operations Division, Traffic Count File for Rowan Road (C.R. 77) (Section 820.1):

P.M. Peak	<u>455</u> NB	<u>385</u> SB	<u>N/A</u> EB	<u>N/A</u> WB
-----------	------------------	------------------	------------------	------------------

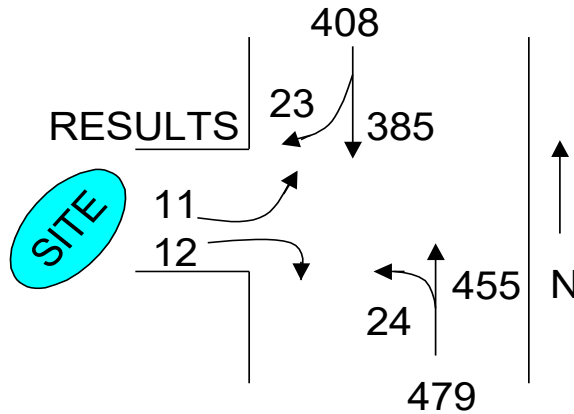
A.M. Peak Not Available

Total Daily Count: 23,624 (ADT) 10/4/01

From ITE Manual, P.M. Peak Hour Trips = (0.541 X 94 units) + 18.744 = 70 trips

A.M. Peak Hour Trips: N/A

From ITE, 67 percent (47) entering and 33 percent (23) exiting. Say 50/50 directional distribution.



Proceed to Warrants and Turn-Lane Design Criteria.

Right-Turn Warrants

From Table 1, Condition 1, see Graph 1B to check warrants for the southbound, right-turn lane on Rowan Road.

$$V_R = 23, V_A = 385 + 23 = 408$$

From Graph 1B, a full width, right-turn lane is not warranted.

Left-Turn Warrants

From Table 2, Condition 1, see Graph 2D to check warrants for the northbound, left-turn lane on Rowan Road.

$$V_L = 24, V_A = 455 + 24 = 479, V_O = 385 + 23 = 408$$

From Graph 2D, the intersection of V_O and V_L is to the right of the curve; therefore, a left-turn lane is required.

Left-Turn Lane Lengths

From Table 4, Condition 1, the required deceleration length is determined by FDOT Index No. 301. A total deceleration distance length of 185 feet is required for the forty-five (45) mph urban condition and includes the fifty (50) foot taper length.

The required storage length (queue) is calculated as follows:

$$\text{Storage Length} = 25 \times V_L / 30 = 25 \times 24 / 30 = 20 \text{ feet}$$

Per Note 1, the required minimum storage length is fifty (50) feet. This is in addition to the 185-foot deceleration, for a total deceleration and storage length of 235 feet.

APPENDIX A

DEFINITIONS

Terms not specifically defined below, in the Comprehensive Plan, in policies issued by the County to implement land development regulations, or specifically defined in a referenced standard, words, phrases, or used in this Code, shall be ascribed a meaning which they have in common usage and which gives this Code its most reasonable application.

Adaptive Re-use. The renovation and reuse of pre-existing structures (such as big box stores) for new purposes.

Access. The most direct method of travel from a public or private right-of-way to a private parcel of land.

Accessory structure.

General. A subordinate structure clearly incidental and related to the principal structure, building, or use of land and located on the same lot as that of the principal structure, building, or use including, but not limited to, swimming pools, pool decks, utility sheds, detached garages, and screened rooms. As it pertains to Flood Damage Prevention, the term includes only detached accessory structures used for parking and storage.

Accessory use. A use on the same lot or within the same building and of a nature customarily or reasonably incidental and subordinate to the principal use.

Addition (to an existing building). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, that is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

Adjacent. To have property lines or portions thereof in common or facing each other across a right-of-way, street, or water body of less than 100 feet in width.

Adverse effect upon a natural community. Direct contamination, destruction, or that which contributes to the contamination or destruction of a natural community or portion thereof to the degree that its environmental benefits are eliminated, reduced, impaired, or where there is a resultant threat to its present or future function.

Agricultural district. An agricultural district is any parcel or parcels of land or water zoned A-C Agricultural, AC-1 Agricultural, A-R Agricultural-Residential, AR-1 Agricultural-Residential, AR-5 Agricultural-Residential, or AR5-MH Agricultural-Mobile Home.

Agricultural structure (as pertains to Flood Damage Prevention). A walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

Agricultural support uses. Establishments primarily engaged in supplying soil-preparation services, crop services, horticultural services, sales and service of agricultural machinery, veterinary and other animal services, farm labor, and management services.

Agriculture. The cultivation of crops and livestock, including crop land, pasture land, orchards, vineyards, nurseries, ornamental horticulture, groves, feedlots, specialty farms, and silviculture.

Airports. For the purposes of this Code, Section 605 Airport Overlay Districts, the following words shall be defined as follows:

1. **Aeronautical Study.** A Federal Aviation Administration study, conducted in accordance with the standards of 14 C.F.R. part 77, subpart C, and Federal Aviation Administration policy and guidance, on the effect of proposed construction or alteration upon the operation of air navigation facilities and the safe and efficient use of navigable airspace.
2. **Airport.** Any area of land or water designed and set aside for the landing and taking off of aircraft and used or to be used in the interest of the public for such purpose.
3. **Airport Elevation.** The highest point of an airport's usable landing area measured in feet above Mean Sea Level.
4. **Airport Hazard.** An obstruction to air navigation which affects the safe and efficient use of navigable airspace or the operation of planned or existing air navigation and communication facilities.
5. **Airport hazard area.** Any area of land or water upon which an airport hazard might be established, if not prevented, pursuant to Chapter 333, Florida Statutes.
6. **Airport Protection Zoning Regulations.** Airport zoning regulations governing airport hazards.
7. **Avigation Easement.** An agreement that compels property owners to surrender their property's air rights to the government.
8. **Bird Balls.** A floating bird and wildlife deterrent that rest on the surface of the water.
9. **CFR.** Code of Federal Regulations.
10. **Decision Height.** The height at which a decision must be made during all ILS instrument approach to either continue the approach or to execute a missed approach.
11. **Educational Facility.** Any structure, land, or use that includes a public or private kindergarten through 12th grade school, charter school, magnet school, college campus, or university campus. The term does not include space used for educational purposes within a multi-tenant building.

12. **FAR.** Federal Aviation Regulations, Title 14, Code of Federal Regulations. FAR Part 77 is entitled "Safe, Efficient Use, and Preservation of the Navigable Airspace".
13. **Minimum Descent Altitude.** The lowest altitude, expressed in feet above Mean Sea Level, to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach where no electronic glide slope is provided.
14. **NAVAID.** Navigational Aids (NAVAIDs) are physical devices on the ground that aircraft can detect and fly to.
15. **Object of Natural Growth.** Any organism of the plant kingdom, including a tree.
16. **Non-Precision Instrument Runway.** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service military airport planning document.
17. **Obstruction.** Any existing or proposed object, terrain, or structure construction or alteration that exceeds the federal obstruction standards contained in 14 C.F.R. part 77, subpart C that obstructs the airspace required for flight of aircraft in landing and takeoff at an airport or is otherwise hazardous to such landing or takeoff of aircraft. The term includes: Any object of natural growth or terrain; Permanent or temporary construction or alteration, including equipment or materials used and any permanent or temporary apparatus; or Alteration of any permanent or temporary existing structure by a change in the structure's height, including appurtenances, lateral dimensions, and equipment or materials used in the structure.
18. **Precision Instrument Runway.** A runway having an instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA-approved airport layout plan; a military service's approved military airport layout plan; any other FAA planning document, or military service's military airport planning document.
19. **Runway.** A defined area on an airport prepared for landing and takeoff of aircraft along its length. Those existing or planned portions of each airport prepared for the landing and takeoff of aircraft, as shown on the approved airport layout plan of each publicly-owned airport, or those portions of each privately-owned airport prepared for the landing and takeoff of aircraft and identified as such by the Florida Department of Transportation.

20. **Utility Runway.** A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

21. **Visual runway.** A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedures and no instrument designation indicated on an FAA approved airport layout plan, a military services approved military layout plan, or by any planning document submitted to the FAA by competent authority.

Alcoholic beverage business establishment. Subject to the exemptions set forth in this Code, Section 402.5.D, any commercial premises including, but not limited to, a golf course clubhouse, grocery store, drugstore, nightclub, hotel, motel, lounge, cafe, bar, restaurant, grill, or filling station:

1. Where, in the ordinary course of business, the proprietor of the premises or his employees sell, or otherwise provide in exchange for consideration, an alcoholic beverage for consumption on or off said premises.
2. Where, in the ordinary course of business, the proprietor of the premises or his employees charge an admission fee of any sort for the purpose, in whole or in part, of allowing persons to consume an alcoholic beverage on the said premises.

Provided, however, that this definition shall not apply to nonprofit establishments, including fraternal lodges, social, and recreational clubs subject to this Code, Article 500, charitable organizations and civic clubs.

Alcoholic beverages. As defined by Florida Statutes.

Alley. A right-of-way providing a primary or secondary means of vehicular access to property.

Alterations. Any construction, modification, or renovation to an existing structure other than repair or addition.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard, or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

American National Standards Institute (ANSI). ANSI is a private, nonprofit organization that administers and coordinates the standardization and conformity assessment system. For the purposes of this Code, ANSI references relate to the American National Standard for Tree Care Operations, Trees, Shrubs, and Other Woody Plant Maintenance, Standard Practices (ANSI A300-2001, as amended), which is incorporated herein by reference.

Amusement facilities. A commercial facility providing recreational activities including, but not limited to, commercial or public swimming pools; public tennis clubs; public gymnasiums; amusement arcades; discotheques; bowling alleys; shuffleboard courts; baseball batting ranges; miniature golf courses; golf driving ranges; billiard or pool halls; dance schools, halls or classes; skating rinks; and indoor movie theaters.

Amusement park. A permanent commercial establishment which has as its principal business the entertainment of its patrons by a combination of activities, such as rides, games, shows, exhibitions, food, and drink. Single-purpose or single-event facilities, such as movie theaters or sports arenas, shall not be considered amusement parks.

Animal hospital/Veterinary Clinic. A building used for the treatment, housing, or boarding, for medical purposes, of domestic animals by a veterinarian.

Animal unit. As defined in Chapter 62-670, Florida Administrative Code (F.A.C.), a unit of measurement for an animal-feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over fifty-five (55) pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

Animal waste. Offal, animal excrement other than human waste, poultry, hog, cow, or horse manure, or other discarded excrement material whether solid, liquid, or gaseous.

Annual beds. Any landscape where the majority of plants are replaced on a regular basis.

Antenna. A device used to send and/or receive electromagnetic waves which is usually constructed of metallic or fiberglass/metal materials and may also include rods, tubing, or wire. This definition shall only include the device or structure that actually is involved in the sending or receiving of such signals and shall exclude any primary antenna support structure. A whip (omnidirectional antenna or "omni"), panel (directional antenna or "dish"), disc (parabolic antenna), or similar device used for transmission and/or reception of radio frequency signals.

Antenna array. An antenna array is one or more whips, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omnidirectional antennas (whips), directional antennas (panels), and parabolic antennas (discs).

Aquifer. A water-bearing layer of rock or soil that will yield water in a usable quantity to a well or spring.

Aquifer recharge area. Portions of the earth's surface where rainwater rapidly percolates through the soil to the aquifer. The actual recharge is the depth of water that enters an aquifer per unit area of the aquifer.

Area, building. The area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building if such areas are included within the horizontal projection of the roof or floor above.

Area, lot. The total square footage within the lot lines.

Arterial, arterial road, or arterial roadway. Those roadways classified as arterial roadways on the Future Traffic Circulation Map series or pursuant to the functional classification or reclassification procedures and criteria established, pursuant to the Comprehensive Plan.

Artificial waterway. A dredge canal created by man in upland or wetland areas.

Art work. Any drawings, symbols, paintings, or sculptures that do not identify a product or business, and which are not displayed in conjunction with a commercial, for-profit or nonprofit enterprise. Drawings, pictures, symbols, paintings, and sculptures which are noncommercial speech, protected by the United States Constitution, Amendment 1, and/or the Florida Constitution, Article 1, Section 4, shall fall within this definition and be considered artwork.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, Virginia.

Automatic irrigation controller. A timer capable of operating valve stations to set days and length of time of a water application.

Automotive service station. An automotive service station is an establishment whose principal business is the retail dispensing of automotive fuel and oil and where grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, principally for automobiles and not for trucks, or in connection with a private operation where the general public is excluded from the use of the facilities, and where in addition, the following services may be rendered and sales made, and no other:

1. Sales and servicing of spark plugs, batteries, distributors, and distributor parts.
2. Tire servicing and repair, but not recapping or regrooving.
3. Replacement of water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, wiper blades, grease retainers, wheel bearings, shock absorbers, mirrors, and the like.
4. Provision of water, antifreeze, and the like.
5. Washing and polishing and the sale of automotive-washing and polishing materials.
6. Providing and repairing fuel pumps and lines.
7. Minor servicing and repairs of carburetors.
8. Emergency wiring repairs.
9. Adjusting and emergency repairing of brakes.
10. Greasing and lubrication.
11. Sales of cold drinks, candies, tobacco, and similar convenience goods for service station customers, but only as accessory and incidental to the principal business operation.
12. Provision of road maps and other information material to customers, and restroom facilities.

Uses permissible at an automotive service station do not include body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, operation of a commercial parking lot or commercial garage as an accessory use, or other work involving undue noise, glare, fumes, smoke, or other characteristics to an extent

greater than normally found in such stations. An automotive service station is not a repair garage or a body shop.

Average daily flow. The average quantity of water consumed and wastewater generated in gallons per day per equivalent residential dwelling unit.

Base flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year, a.k.a. the 100-year flood or "one (1) percent annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).

Basement. (1) General: That portion of a building having its floor subgrade (below ground level) on all sides. A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes, other than a game or recreation room. (2) As it pertains to Flood Damage Prevention, that portion of a building having its floor subgrade (below ground level) on all sides.

Beach. The zone of unconsolidated material that extends landward from the mean low-water line to the place where there is marked change in material or physiographic form or to the line of permanent vegetation, usually the effective limit of storm waves. "Beach" is alternatively termed "shore."

Beacon light. Any light source, whether fixed or activated, that is designed to attract attention to a specific location, place, or thing.

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

Bench sign. A bench whose primary purpose is collateral with providing transportation service to the public upon which a sign is indelibly drawn, painted, or printed.

Best Management Practices (BMP). Method or combination of methods determined after problem assessment, examination of alternative practices, and appropriate public participation to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water-quality goals. These measures could include both structural; e.g., sediment/debris basins, wetland impoundment of agricultural runoff, etc., and nonstructural; e.g., street vacuuming, deferred grazing systems, etc., approaches to abatement of nonpoint source pollution and would vary on a regional and local basis with the nature of the problems, climate, physical characteristics, land use, soil types and conditions, and other factors.

Best possible technology. Best possible technology means the most advanced technology that provides the maximum protection possible for the public health, safety, and welfare. In ascertaining the best possible technology, economic disadvantages shall only be considered

relevant when analyzed in relation to other applicants conducting waste disposal, land spreading, or mining activities under the requirements of this Code.

Bicycle and pedestrian ways. Any road, path, or way that is open to bicycle travel and travel afoot, but which excludes motor vehicles. Bicycle lanes constructed as part of a roadway shall not be considered bicycle ways.

Billboard. For the purposes of Billboards, this Code, Section 406.2, the following words shall be defined as follows.

1. "Billboard, or Static Billboard". A type of off-site sign that is required to be registered with the County, pursuant to the criteria of this Code.
2. "Registered Existing Billboard Structure; Lawfully Existing Registered Billboard Structure". Those billboard structures currently existing and located within Pasco County that were registered with the County as of September 30, 1999. The structure consists of the entire structure, including faces, frames, lighting fixtures, supports, foundations, electrical, etc., manufactured and constructed for the purpose of outdoor advertising.
3. "Tri-Vision Billboard". A billboard composed of mechanically operated louvers or slats containing multiple separate messages, each of which becomes visible when the louvers are synchronically rotated to 1 of a multiple number of positions, providing up to 3 separate billboard faces.
4. "Digital Billboard". Any billboard structure that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. See also Digital Billboard.

Biological treatment. A water-quality treatment system that utilizes a design water pool in association with water-tolerant vegetation to remove pollutants through settling, absorption by soils, and nutrient uptake by the vegetation.

Breakaway wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral-loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Buffer. A strip of land separating adjacent land uses.

Building frontage. The linear length of a building facing a street right-of-way, exclusive of alleys, or the linear length of the street right-of-way which faces the building, whichever is smaller.

Building, front line of. The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed, but does not include steps.

Building, General. Any structure having a roof and used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials, or property of any kind.

Building, height of.

1. The vertical distance measured from the average ground level at the sides of the building to the highest point of the coping in the case of flat roofs, to the point halfway up the roof in the case of pitched roofs, or to the deck line of a mansard roof.
2. The vertical distance measured from the level of the curb or the established street grade opposite the center of the front wall of the building to the highest point halfway up the roof in the case of pitched roofs or to the deck line of a mansard roof for building set fifteen (15) feet or more from the front lot line; the height may be measured from the finished ground surface at the center of the front wall of the building. Where the height is designated in terms of stories, it shall mean the designated number of stories including the first story. Where a building is required to elevate its first habitable floor to or above the base flood elevations, building height shall be measured from the established base flood elevation level to the highest point of the coping in the case of flat roofs, to the point halfway up the roof in the case of pitched roofs, or to the deck line in the case of a mansard roof.
3. Chimneys, spires, towers, tanks, and similar projections shall not be included in calculating height.

Building line. An imaginary line located on the lot at a fixed distance from the street right-of-way line and interpreted as being the nearest point that a building may be constructed to the street right-of-way.

Building Permit. An official document or certificate issued by the authority having jurisdiction authorizing the construction of any building. The term shall also include Tie-Down Permits for those structures or buildings that do not require a Building Permit, such as a mobile home, in order to be occupied.

Bulk electric transmission corridors. Rights-of-way and associated easements used for the placement of an interconnected group of electric lines and associated equipment for the movement or transfer of electricity in bulk between points of delivery, where the bulk transmission voltage is 230 kv or above.

Business services. An establishment primarily offering services to the business community and to individuals. Such services include, but are not limited to, advertising agencies, blueprinting and photocopying services, interior cleaning services, computer and data processing services, detective agencies and security services, insurance agencies, management consulting and public relations services, news syndicates, personnel services, photofinishing laboratories, photography, art and graphics services, financial services (other than banks), and real estate.

Bus stop. A designated stop on an official bus route as designated and approved by the department for buses to stop for the purpose of loading and unloading passengers.

Caliper. Trunk caliper as measured at diameter at breast height.

Canal use rights. Those rights allowing usufructuary rights to the water for recreational and navigational purposes and to wharf out or moor vessels in a manner consistent with this Code, Section 1001.3.

Carport. An open space for the storage of one (1) or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one (1) or more walls may be the walls of the main building to which the carport is an accessory building or extension.

Certificate of Occupancy. A statement based on an inspection, signed by the Building Official, setting forth either that a building or structure complies with the *Florida Building Code* or that a building, structure, or parcel of land may lawfully be employed for specified use or both.

Clean fill. Soil, sand, or other naturally occurring, unconsolidated, or organic or inorganic solid matter.

Clear-sight triangle. The triangular area adjacent to the intersection of any street within which no obstruction may be placed that blocks the sight lines for vehicular traffic.

Closed basin. A watershed in which the runoff does not have a surface outfall up to and including, the 100-year, ten (10) day flood level, or an open basin with a severe discharge restriction.

Clustering, cluster development. A type of residential development approved in the 1980s in the R-4 High Density Residential Zoning District.

Coastal area. Those portions of the County which lie within Hurricane Evacuation Level A, as defined by the County Peacetime Emergency Plan. This area shall include water and submerged lands of oceanic or estuarine water bodies, shorelines adjacent to such water bodies, coastal barriers, living marine resources, main wetland, water-dependent or water-related facilities on oceanic or estuarine waters, public access facilities to oceanic beaches or estuarine shorelines, all lands adjacent to such occurrences where development activities would impact the integrity of the above, and all other occurrences within the County jurisdiction of oceanic or estuarine waters.

Coastal high hazard area. An area of Special Flood Hazard extending from offshore to the inland limit of a primary, frontal dune along an open coast, or any other area subject to high-velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on the FIRM as Zone V1-V30, VE, or V.

Coastal protection structures. Any hardening structure, such as seawalls, bulkheads, revetments, rubble mound structures, groins, breakwaters, aggregates of materials other than natural beach sand used for beach or shore protection, and other structures which are intended to prevent erosion or protect other structures from wave and hydrodynamic forces, including beach and dune restoration.

Coastal water bodies. Surface waters and wetlands within the coastal area.

Coastal zone. Those portions of the County which lie within the hurricane vulnerability area (Evacuation Levels A, B, and C).

Collector, collector road, or collector roadway. Those roadways classified as collector roadways on the Future Traffic Circulation Map series, pursuant to the functional classification or

reclassification procedures and criteria established, the Comprehensive Plan, major collector roadways required, or this Code, Section 901.1.

Commercial. Engaging in a business, enterprise, activity, or other undertaking for profit.

Commercial District. A commercial district is any parcel or parcels of land or water zoned C-1 Neighborhood Commercial, C-2 General Commercial, C-3 Commercial/Light Manufacturing, or any areas designated and used for commercial purposes within a PUD Planned Unit Development/MPUD Master Planned Unit Development District as defined in this Code.

Commercial equipment. Equipment utilized for commercial purposes, designed by the manufacturer to be used primarily for commercial purposes, or altered or converted for the purpose of being so used. Commercial equipment includes, but is not limited to, ladders, pressure washers, cement mixers, generators, mowers, and other lawn equipment used for commercial purposes, utility trailers, chemicals and spray equipment, PVC piping, window/door racks, and scaffolding.

Commercial fertilizer applicator. Any person who applies fertilizer on turf and/or landscape plants in the County in exchange for money, goods, services, or other valuable consideration.

Commercial grower. A grower producing plants, including trees, for resale at retail or wholesale value and registered with the State Department of Agriculture and Consumer Services, Division of Plant Industry.

Commercial-related equipment. Equipment including utility trailers, cement mixers, generators, and other types of trailers when the same are utilized in a commercial endeavor.

Commercial use. An activity carried out for pecuniary gain, excluding the rental or lease of any permanent residential dwelling unit or its equivalent, such as nursing homes, group homes, boarding houses, etc. The term shall include hotels, recreational vehicle (RV) parks, retail, wholesale, and office uses, but specifically exclude those uses described elsewhere in this appendix as agricultural, industrial, or residential.

Commercial vehicle. Any vehicle, whether motorized or not, equipped or utilized for commercial purposes or designed by the manufacturer to be used primarily for commercial purposes, or altered or converted for the purpose of being so used, but not including domestic vehicles as defined by this Code, law enforcement vehicles, or vehicles owned by a governmental entity. Commercial vehicles include, but are not limited to, taxicabs, telephone/cable company vans, airport transportation vans, box trucks, even if used solely for private transportation, and tow trucks. "Wrapped" domestic vehicles or domestic vehicles displaying commercial lettering are not commercial vehicles if both owned and used solely for private transportation by the owner or occupant of the residential lot on which they are stored, and provided the vehicle is not otherwise equipped for commercial purposes.

Committed network. Includes the existing network plus transportation system improvements under construction or scheduled to begin construction in the current fiscal year of the adopted work programs of the County, the Florida Department of Transportation (FDOT), or other agencies with authority and responsibility for providing transportation system capacity, or other improvements that are guaranteed by a security instrument acceptable to the County that ensures construction will begin in the current fiscal year of such work programs.

Common ownership dock. A dock which may extend over side-use lines of adjacent landowners upland of a canal or shoreline that have entered into an agreement of joint access and ownership of the said dock.

Community Development. Community development is a process where community members come together to take collective action and generate solutions to common problems. Community wellbeing (economic, social, environmental and cultural) often evolves from this type of collective action being taken at a grassroots level. Community development ranges from small initiatives within a small group to large initiatives that involve the broader community.

Community Garden. A community garden is a garden used to grow and harvest food crops or ornamental plants (including flowers) with daily vehicle trips of greater than 14 vehicle trips per day and less than 100 vehicle trips per day, with limited use of heavy vehicles. Community gardens may be any size.

Community Farm. A community farm primarily grows produce, fruits, vegetables and other garden derived edibles primarily for distribution off-site with daily vehicle trips of 14 vehicle trips or more daily. Community farms may be any size.

Community residential home.

1. A dwelling unit licensed to serve clients of the Florida Department of Health and Rehabilitative Services that provides a living environment for seven (7) to fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.
2. Homes of six (6) or fewer residents that otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances. Homes of six (6) or fewer residents that otherwise meet the definition of a community residential home shall be allowed in single-family or multiple-family zoning without approval by the local government, provided that such homes shall not be located within a radius of 1,000 feet of another existing such home with six (6) or fewer residents. Such homes with six (6) or fewer residents shall not be required to comply with the notification provisions of this section, provided that the sponsoring agency or the department notifies the local government at the time of home occupancy that the home is licensed by the department.

Community residential home, large. A dwelling unit licensed to serve clients of the Florida Department of Children and Families (FDCF) that provides a living environment for seven (7) to fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

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

Community water system. As defined in Chapter 62-521, F.A.C., a community water system is a public water system that serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents. For purposes of this section, this definition includes any regional water supply system that provides water at wholesale to the County for distribution to retail customers.

Compatibility. A condition in which the uses of land 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.

Compatible Uses. Those uses that are appropriate for a pedestrian scale environment and customarily generate foot traffic for the purpose of active ground floor use for self-storage.

Comprehensive Plan. The County Comprehensive Plan, inclusive of all its elements, goals, objective, policies, maps, and official amendments that have been adopted by the Board of County Commissioners (BCC), pursuant to Chapter 163.3184, Florida Statutes.

Concentrated animal-feeding operation. As defined in Chapter 62-670, F.A.C., a feeding operation where more animals are confined than are specified in the categories listed below:

1. 1,000 slaughter and feeder cattle.
2. 700 mature dairy cattle (whether milked or dry cows).
3. 2,500 swine weighing over fifty-five (55) pounds each.
4. 500 horses.
5. 10,000 sheep or lambs.
6. 55,000 turkeys.
7. 100,000 laying hens or broilers (if the facility has continuous overflow watering).
8. 30,000 laying hens or broilers (if the facility has a liquid manure handling system).
9. 5,000 ducks.
10. 1,000 animal units.

Concurrency. The provision of public facilities necessary to accommodate the impacts of new development such that all adopted levels of service (LOS) are maintained during and following the development of all projects.

Conditionally exempt, small-quantity generator. A conditionally exempt, small quantity generator, as defined by the Resource Conservation and Recovery Act of 1976, Title 40, Code of Federal Regulations, Section 261, is one which in a calendar month generates no more than 100 kilograms (220 pounds or approximately twenty-five [25] gallons) of hazardous waste or less than one (1) kilogram of an acute hazardous waste. Additionally, the generator must never

accumulate more than 1,000 kilograms (2,200 pounds or approximately 250 gallons) of hazardous waste at any time.

Conditional use. A public or private use that is not permitted as a matter of right in a zoning district, but which is permitted only where approved by the BCC, and where such use complies with the conditional use standards set forth in this Code.

Cone of influence. A depression in the potentiometric surface (drawdowns) around a pumping well caused by the withdrawal of water.

Confining unit. As defined in Chapter 40D-3, F.A.C., a body of relatively impermeable material stratigraphically adjacent to one or more aquifers in which hydraulic conductivity may range from nearly zero (0) to some value distinctly lower than that of the aquifer.

Conflict zoning. A lot or parcel having a zoning classification that is not consistent with its Future Land Use (FLU) Classification.

Conservation. The management and use of natural resources to prevent exploitation, misuse, and neglect.

Conservation area. Lands which, due to the presence of nonrenewable natural resources or significant biological productivity, diversity, and scarcity, require special limitations upon development. Some examples include, but are not limited to, natural shoreline, freshwater marshes, alluvial wetlands, shallow grass ponds, freshwater swamps (bay and cypress), Class III waters, and sandpine scrub habitat. Generally, these areas are environmentally sensitive land that must not undergo development.

Construction. The building of or modification of any structure or the clearing, filling, or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, "construction" refers to the act of construction or the result of construction.

Construction and demolition debris. Nonhazardous material generally considered not to be water soluble, including but not limited to, steel, concrete, glass, brick, asphalt material, pipe, gypsum wallboard, and lumber from construction or demolition projects including, rocks, soils, tree remains, trees, and vegetation from land clearing for a construction project. Contamination of construction and demolition debris with any amount of other types of solid waste including material that is not from the actual construction or demolition of a structure, will cause it to be classified as other than construction and demolition debris.

Construction and demolition debris disposal facility. A properly permitted facility receiving construction and demolition debris for disposal.

Control device. The element of a discharge structure which allows the gradual release of water under controlled conditions. This is sometimes referred to as the bleed-down mechanism or "bleeder." Examples include orifices, notches, weirs, and effluent filtration systems.

Control elevation. The lowest elevation at which water can be released through the control device. This is sometimes referred to as the invert elevation.

Controlled access, controlled access road, or controlled access roadway. Those roadways classified as freeways or controlled access on the Future Traffic Circulation Map series or designated as a controlled-access roadway, pursuant to Section 901.3.

Convenience goods. Commercial establishments that generally serve day-to-day commercial needs of a residential neighborhood including, but not limited to, convenience stores, excluding gasoline sales; tobacco shops; newsstands; bakeries; candy; nut and confectionery stores; delicatessens; dairy products; and eating establishments.

Convenience store. Commercial establishments that serve day-to-day commercial needs of a residential neighborhood with or without gasoline sales.

Cost of construction as it is used in Flood Damage Prevention. The actual value, determined by using prevailing normal market values of all labor, materials, service, equipment, overhead, and profit that will be used to improve the structure or is required to fully repair the structure to its before-damaged condition. The County Administrator or designee shall review the said costs to ensure that the estimates are reasonably accurate and that the cost estimate reasonably reflects the actual costs to fully repair any damage and/or make the proposed improvements to the structure.

County Engineer. The appointed head of the County Engineering Services Department or his designee.

Court. An unoccupied open space, other than a yard, on the same lot with a building, that is bound on two (2) or more sides by the walls of such buildings.

Court, inner. A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

Court, outer. A court enclosed on not more than three (3) sides by exterior walls and lot lines on which walls are allowable, with one (1) side or end open to a street, driveway, alley, or yard.

Coverage, lot. That portion or percentage of the plot or lot area covered by the building area.

Critical facility. A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, hospitals, nursing homes, medical service facilities, convalescent and assisted living facilities; police stations, fire stations, storage of critical records; government buildings and law enforcement offices; evacuation shelters and emergency operation centers that are needed for flood response activities before, during, or after a flood; power generating stations and public and private utility (water and wastewater) facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood; radio/cellular/TV towers; schools and universities; landfills; and structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

Critical habitat. Viable areas of habitation for endangered and threatened species as confirmed by appropriate jurisdictional agency documentation or by reports that may be submitted by an applicant requesting a development order on a site containing an area of such habitation by endangered or threatened species. The extent of these areas shall have a definitive boundary which may vary in extent based upon the individual species; e.g., bald eagle's nest or pond harboring a protected turtle.

Critical road. A road designated in the County's Comprehensive Plan as a hurricane evacuation route and is identified in the County's non-de minimis roadway list as having existing plus approved development volumes that exceed the service volume of the road or other Major County Roads that are similarly identified as having existing plus approved development volumes that exceed the service volume of the road by more than ten (10) percent. Concurrency management refers to these roads as "110-percent roadways" and "hurricane evacuation roadways."

Dam. A barrier to the flow of liquids constructed of earth or other materials.

Day-care facility.

1. General. A residence or building in which children or adults are received for full-time or part-time care or training and shall include the terms prekindergartens, nursery schools, preschools, and adult care.
2. For purposes of sexually oriented business, "day-care facility" means any facility, whether operated for profit or nonprofit, that provides supervision and care for minors as its primary function.

Declaration of Land Restriction (Non-Conversion Agreement). A form provided by the Floodplain Administrator to be signed by the owner and recorded on the property deed in Official Records of the Clerk of Courts, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated buildings, crawlspaces more than 5 feet tall, and non-elevated detached accessory structures that are larger than 200 square feet.

Density credit. The additional number of dwelling units assigned to a parcel after the application of all density incentives.

Design flood. The flood associated with the greater of the following two areas:

1. Area with a floodplain subject to a one percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet.

Detention. The delay of storm runoff prior to discharge into receiving waters.

Detention volume. The volume of open-surface storage behind the discharge structure measured between the overflow elevation and control elevation.

Developable acreage. That portion of the total site that can be developed for uses inclusive of street and utility rights-of-way, parks, community facilities, etc., but does not include any acreage classified as wetlands, conservation lands, or water bodies.

Developer. As defined in Florida Statute 380.031, as amended.

Development:

1. The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three (3) or more parcels. "Development" includes but is not limited to the following activities or uses:
 - a. A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
 - b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land, or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land; utilization of a previously undeveloped parcel for any purpose other than passive recreational use that does not alter the physical appearance of the land; a change in use from a passive use, such as storage, to a more intense use, such as a commercial or industrial use, or a use that is specifically regulated by this Code, such as a dealership.
 - c. Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any coastal construction, as defined in Florida Statute 161.021.
 - d. Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
 - e. Demolition of a structure.
 - f. Clearing of land as an adjunct of construction.
 - g. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
 - h. Construction of a building.
 - i. Materially changing the elevation or contour of land, whether through the addition of fill, the on-site movement of earth, grading, tree removal, or otherwise.
2. As it pertains to Flood Damage Prevention: Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.
3. The following operations are not development as defined in this Code:

- a. Work by a highway, road agency, or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.
- b. Work by any utility and other persons engaged in the distribution or transmission of gas, electricity, or water for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like. This provision conveys no property interest and does not eliminate any applicable notice requirements to affected land owners, nor does it waive the requirements for a Right-of-Way Use Permit where otherwise required by this Code.
- c. Work for the maintenance, renewal, improvement, or alteration of any structure if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
- d. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.
- e. The use of or construction on any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products, raising livestock, or for other agricultural purposes.
- f. A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class, except where the new use is specifically regulated by this Code, such as dealerships.
- g. A change in the ownership or form of ownership of any parcel or structure.
- h. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.
- i. Fill or tree removal exempt from the permitting requirements of this Code.

Development, as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, development refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities is not development. Reference to particular operations is not intended to limit the generality of the definition.

Development of Regional Impact (DRI) application. An application for development approval of a DRI submitted, pursuant to Chapter 380, Florida Statutes, as amended.

Development order. Any order granting, denying, or granting with conditions an application for a rezoning, or subdivision approval, Building Permit, certification, special exception, variance, or any other official action of County government having the effect of permitting the development of land.

Development permit. Any Building Permit, floodplain development permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

Development site. The total area of the lot, tract, or parcel that is the subject of an application for a development permit.

Diameter at breast height (dbh). The diameter, in inches, of a tree measured at fifty-four (54) inches above the natural grade. The diameter of multiple-trunked tree(s) shall be added together for this measurement.

Digital Billboard. For the purposes of Digital Billboards, this Code, Section 406.7, the following words shall be defined as follows.

1. "Digital Billboard". Any billboard structure that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. See also Billboard.
2. "Consecutive Message". When a second message/slide displayed on a digital billboard or Tri-Vision billboard answers a question posed on the prior slide, continues or completes a sentence started on the prior slide, or continues or completes a story line started on the prior slide.
3. "Digital display". The digital billboard advertising area or face.
4. "Dwell Time". The minimum duration of a single display on a digital billboard.
5. "Federal-Aid Primary (FAP)". A system of highways or portions thereof, which shall include the National Highway System designated as the federal-aid primary highway system by the Florida Department of Transportation and shall also include the federal interstate highways.
6. "Foot-candles". A measure of illuminance (the amount of light falling onto a surface).
7. "Glare". Any light, either direct or indirect, which is notably more intense than the average illumination of the majority of the field of vision that reduces the ability to see or produces a sensation of ocular discomfort. Glare can occur at any ambient light level, whether it be sunlight glinting off glass in the daytime or intense artificial light sources at night.
8. "Luminance". A measure of the brightness of a surface which is emitting light. The unit of measurement most commonly used is candelas per square meter, often referred to as nits in the U.S. (1 nit = 1 cd/m²).
9. "Nit". Unit of measure of luminance.
10. "Registered Existing Billboard Structure; Lawfully Existing Registered Billboard Structure". Those billboard structures currently existing and located within Pasco County that were registered with the County as of September 30, 1999. The structure consists of the entire structure, including faces, frames, lighting fixtures, supports, foundations, electrical, etc., manufactured and constructed for the purpose of outdoor advertising.

11. "Structure Height". The total vertical distance from the crown of the main-traveled way to the top of the highest sign face, including any border or trim, excluding embellishments.

Directly connected impervious areas. Unless otherwise specifically stated in the basis, directly connected impervious areas as considered in the calculation of volumes for treatment systems are those impervious areas hydraulically connected to the treatment system directly or by pipes or ditches.

Discharge includes, but is not limited to, any release, spilling, leaking, seeping, pouring, emitting, emptying, or dumping of any substance or material.

Discharge structure. A structural device, usually of concrete, metal, etc., through which water is discharged from a project to the receiving water.

Disposal. Disposal means the discharging, depositing, spreading, injection, dumping, spilling, leaking, land application, or placing of any liquid, solid, or semisolid waste material into or upon any land or water, or so that any constituent thereof may enter other lands, be emitted into the air, discharged into any waters, including groundwaters, or otherwise enter the environment.

District or zoning district. All areas of land or water whose boundaries are identified on the official zoning map within which all properties and/or land uses are regulated by the County Zoning Ordinance as enacted November 19, 1975, and as subsequently amended, along with specific regulations of the individual districts.

Disturbed lands. The surface area of the land that is mined and all other land area in which the natural land surface has been disturbed as a result of or incidental to mining activities.

Ditch irrigation. Method of crop irrigation whereby water is applied in small furrows made by cultivation implements.

Dock. A fixed or floating structure including, but not limited to, moorings, piers, wharves, stand-alone pilings and boat-lifting equipment, over or alongside water, which may be used for but not limited to, the purpose of berthing buoyant vessels, fishing, or swimming.

Domestic septage. Domestic septage means all solid wastes containing human feces or residuals of such, which have not been stabilized or disinfected. Not included are food service sludges and industrial wastes.

Domestic vehicle. Any vehicle, other than commercial vehicles and recreational vehicles as defined by this Code, licensed by any state of the United States, Mexico, or province or territory of Canada, as a private vehicle for operation on streets. Provided the vehicle is not equipped or utilized for commercial purposes, domestic vehicles include private passenger vans and automobiles which are designed primarily for the transport of no more than nine (9) passengers including the driver, and private pickup trucks designed for the transport of no more than five (5) passengers including the driver.

Donation Bin (or Box). Any stationary or free-standing container, receptacle or similar device located on property and used for the solicitation and collection of donated items such as clothing, books, shoes or other non-perishable personal property. This term does not include the following:

Bins used for the solicitation and collection of donated items associated with a special event, provided the bin is removed when the special event ends, but in no event later than 48 hours after being placed at the special event site.

Drainage basin. The area defined by topographic boundaries which contributes stormwater to a drainage system, estuarine waters, or oceanic waters, including all areas artificially added to the basin.

Drainage basin of special concern. Drainage basins or subbasins with either inadequate conveyance capacity or excessive ponding.

Drainage facility. A system of man-made structures designed to collect, convey, hold, divert, or discharge stormwater and includes stormwater sewers, canals, detention structures, and retention structures.

Dredge and fill. Dredging is the excavation by any means in the waters of the State or United States. Filling is the deposition, by any means, of materials in waters of the State or United States. The landward extent of waters of the State and United States dredge and fill jurisdictional purposes shall be determined as provided in Section 17-4.022, F.A.C., and the Clean Water Act, Section 404, respectively. Dredge and fill jurisdiction shall be prescribed in Sections 17-4.028 and 17-12.030, F.A.C., and Section 373.414, Florida Statutes, for waters of the State; and in the Clean Water Act, Section 404, for waters of the United States, as amended.

Drip irrigation. Method of irrigation whereby water is applied slowly and under low pressure to the surface of the soil or into the soil through such applicators as emitters, porous tubing, or perforated pipe.

Drought-tolerant plants. Established plants that survive on natural rainfall with occasional irrigation during dry periods.

Dumpster. Portable containers (typically open on top), compactors, roll-offs, and recycling containers used on a temporary basis for the collection and storage of construction waste from ongoing permitted construction projects, house cleans, or temporary uses in residentially zoned districts, but shall not include any portable, nonabsorbent, enclosed container with a close-fitting cover or doors, which is capable of being serviced by mechanical equipment, used on a permanent basis to store large volumes of refuse, serves as the primary method of garbage collection and disposal for a residence and is eight (8) cubic yards or less.

Dwelling, a.k.a. dwelling unit. One (1) or more rooms providing complete living facilities for one (1) family, including kitchen facilities or equipment for cooking or provisions for same and including a room or multiple rooms for living, sleeping, bathing, and eating. The term "dwelling" does not include recreational vehicles or park trailers.

Dwelling type:

1. Dwelling, single-family.
 - a. Single-family detached residence. A site-built dwelling unit designed for a single family or household. Site-built homes can be of modular construction.

- b. Mobile home. Any dwelling unit constructed to standards promulgated by the United States Department of Housing and Urban Development (HUD) which is a minimum of twelve (12) feet wide and forty (40) feet in length and having the HUD insignia.
2. Dwelling, duplex. A building containing two (2) dwelling units.
3. Dwelling, multiple-family. A building containing two (2) or more dwelling units.
4. Dwelling, townhouses. Two (2) or more dwelling units which are attached side by side through the use of common party walls.

Dwelling unit. A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Easement. A retained or acquired right to use that land for a specific purpose, but which does not convey fee-simple title to that real property.

Effluent. Nonpotable water discharged as waste from domestic or industrial sources.

Electric substation. An assemblage of equipment for purposes other than generation or utilization through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public.

Elevation. The measurement of height above sea level. Also above-mean sea level.

Emitter. A device that applies irrigation water. This term is primarily used to refer to the low-flow-rate devices used in microirrigation systems.

Encroachment. The advancement or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain which may impede or alter the flow capacity of a floodplain.

Encumber. An irrevocable commitment through an agreement, purchase order, or contract.

Encumbered. Monies committed by contract or purchase order in a manner that obligates the County, the District School Board of Pasco County (School Board), or the cities to expend the encumbered amount upon delivery of goods, the rendering of services, or the conveyance of real property by a vendor, supplier, contractor, or owner.

Environmentally sensitive. Lands which, because some qualifying environmental characteristics are regulated by either the Florida Department of Environmental Protection (FDEP), the Southwest Florida Water Management District (SWFWMD), or any other governmental agency empowered by law for such regulation.

Equivalent residential connection. A unit of measurement representing the average amount of water consumed and/or the amount of wastewater produced by a single-family dwelling unit.

Equivalent residential unit (ERU) or unit for purposes of hurricane hazard mitigation. A single-dwelling unit; mobile home; manufactured home; space or lot in a trailer, mobile home, or RV park; individual guest room in a hotel, motel, or rooming house; or a tourist cabin.

Evacuation routes. Routes designated by the County civil defense authorities or the regional evacuation plan for the movement of persons to safety in the event of a hurricane.

Existing building and existing structure (as it pertains to Flood Damage Prevention). Any buildings and structures for which the "start of construction" commenced before November 8, 1981, the effective date of the floodplain management regulations adopted by the County.

Existing manufactured home park or subdivision (as it pertains to Flood Damage Prevention). A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed before the effective date, November 18, 1981, of the floodplain management regulations adopted by the County.

Existing network. Includes major roads that exist in the field and are open to use by the public.

Expansion to an existing manufactured home park or subdivision (as it pertains to Flood Damage Prevention). The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

External trip. Any trip which either has its origins from or its destination to the development site and which impacts the major road network system.

Facade. The face(s) of a building that is/are visible to the public.

Facility. All buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person or by any person who controls, is controlled by, or under common control with, such person.

Family. Shall mean one (1) or more persons living together on a non-transient basis as a single, housekeeping unit in a dwelling unit, which group is comprised of:

- A. A natural family of one (1) or more persons who are all related to each other by law, blood, marriage or adoption.
- B. Two (2) or more persons so related (the natural family) and not more than six (6) persons who are not so related.
- C. A group of not more than six (6) persons who are not so related.

For purposes of this definition, related by blood, marriage, or adoption shall mean father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, or step great grandchild.

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

Farm. The land, buildings, and support facilities used in the production of farm or aquaculture products.

Farm operation. All activities by the owner, lessee, agent, independent contractor, or supplier which occur on a farm in connection with the production of farm products.

Farm product. Any plant or animal useful to humans including, but not limited to, any product derived there from.

Fast-food restaurant with drive-through. A land use including fast-food restaurant with drive-through windows. This type of restaurant is characterized by a large carry-out clientele; long hours of service (some are open for breakfast; all are open for lunch and dinner; some are open late at night or twenty-four [24] hours); and high turnover rate for eat-in customers.

Fertilize, fertilizing, or fertilization. The act of applying fertilizer to turf, specialized turf, or landscape plant.

Fertilizer. Any substance or mixture of substances, except pesticide/fertilizer mixtures, such as "weed and feed" products, that contain one (1) or more recognized plant nutrients and promotes plant growth, controls soil acidity or alkalinity, provides other soil enrichment, or provides other corrective measures to the soil.

Fill. Off-site, imported material deposited in or on real property by artificial means. "Fill" does not include material composed entirely of clean organic mulch.

Final cover. Clean fill used to cover the top of a solid waste disposal site when fill operations cease.

Final inspection. The last inspection performed by the County, or a city where applicable, for structures or site improvements to ensure that all improvements were completed in accordance with the applicable conditions of a permit for development.

Final local development order. The final approval issued by the County prior to the permit which allows commencement of construction of physical activity on the land and/or an order or permit which allows commencement of construction or physical activity on the land, so long as the project has commenced and is continuing in good faith.

Fire combat and rescue service facilities and equipment. Those facilities and equipment owned or operated by the County which a need is created for by new building construction. The fire combat and rescue service facilities and equipment include, but are not limited to:

1. Fire/Rescue Stations
2. Fire Combat Stations
3. Rescue Stations

4. Operations Center
5. Training Center
6. Supply Center
7. Communications/Dispatch Center
8. All other capital equipment including, but not limited to, vehicles, fire combat equipment, rescue equipment, and communications.

Fire combat and rescue service impact fee. An impact fee which is imposed on new building construction in connection with and as a condition of the issuance of a Certificate of Occupancy or final inspection and which is calculated to defray all or a portion of the costs of the fire combat and rescue service facilities and equipment required to accommodate the impact to the fire combat and rescue service system of that new building construction, and which fee is applied to fire combat and rescue service facilities and equipment which reasonably benefit the new building construction.

Fire combat and rescue service system. The fire combat or rescue service land and fire combat or rescue service facilities and equipment owned or operated by the County that are used to provide fire combat and emergency medical services.

Fire combat land or rescue service land. The fire combat or rescue service land owned or operated by the County required for the development or expansion of fire combat and rescue service facilities and equipment identified in the Fire Combat and Rescue Service Impact Fee Study.

Fire flow. The rate of water flow from a hydrant, expressed in gallons per minute, needed to extinguish fires.

Fire protection water system. A water distribution system with fire hydrants for the purpose of supplying water for fire protection use, including both publicly and privately owned utility systems.

Fitness center. Recreational facilities that may include, but are not limited to, swimming pools, whirlpools, saunas, exercise classes, racquetball, handball and tennis courts, and weightlifting and cardiovascular equipment. Locker rooms and/or a snack bar may also be available.

Fixed boundary. A line separating two (2) or more land use categories that is geographically fixed as represented on the official FLU Map and not subject to administrative modification.

Flag. A sign made of material secured on one (1) side from a flagpole such that the sign material hangs when not set in motion by the movement of the air.

Flagpole. A freestanding, ground-mounted structure or a structure mounted to a building or to the roof of a building and used for the sole purpose of displaying a flag.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

Flood Hazard Area. The greater of the following two areas:

1. The area within a floodplain subject to a one (1) percent or greater chance of flooding in any year, which is the Special Flood Hazard Area.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of Special Flood Hazard and the risk-premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study. The official report provided by FEMA that contains the FIRM, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain. Any land area susceptible to flooding (see definition of flood or flooding).

Floodplain; 25-year; 100-year. Land elevations which would become inundated by a storm that occurs with a frequency of once every twenty-five (25) years and 100 years, respectively.

Floodplain development permit or approval. An official document or certificate issued by the County, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this Code.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations. The evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Floor. The top surface of an enclosed area in a building, including the basement; i.e., top of slab in concrete slab construction or top of wood flooring in wood-frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor area. The sum of the gross horizontal areas of all floors of a structure, including interior balconies and mezzanines, measured from the exterior face of exterior walls or from the centerline of a wall separating two (2) structures; shall include the area of roofed porches having more than

one (1) wall and of accessory structures on the same lot. Stairwells and elevator shafts shall be excluded.

Floor area ratio (FAR). A formula for determining permitted building area as a multiple of the area of the lot. For example, a floor area ratio of one (1) applied to a 20,000-square-foot lot would permit a single-story building of 20,000 square feet (20K/20K = 1) or a building of any number of floors whose cumulative square footage does not exceed 20,000 square feet.

Florida Building Code. The family of codes adopted and amended by the Florida Building Commission, including *Florida Building Code*, Building; Residential; Existing Building; Mechanical; Plumbing; Fuel Gas.

Floridan aquifer. The specific geologic formation of water bearing layers of rock, also known as the upper Floridan aquifer which is the principal source of water supply in most of north and central Florida, including the County, and the source of many springs.

Food. A raw, cooked or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

Food service sludge. Food service sludge means oils, greases, and grease trap pumpings generated in the food service industry.

Foster care facility. A facility which houses foster residents and provides a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional, and social needs of the residents and serving either children or adult foster residents.

Free-Standing Recreational Vehicle/Boat Storage. Open Covered, Semi-enclosed, or Fully enclosed storage of recreational vehicles, travel trailers, other vehicles, and un-stacked dry, storage of pleasure boats of the type customarily maintained by persons for their personal uses.

Frontage. The length of the property line for a single parcel which runs parallel to and along each right-of-way, exclusive of alleys, it borders.

Frontage road. A collector public or private road which has as its specific function, the diversion of traffic from a parallel facility serving the same area.

Front yard (see yard, front.)

Functional classification. The assignment of roads into a classification system by the FDOT or local government according to the character of the service they provide in relation to the total road network. Arterial, collector, and local streets are examples of functional class and may be further subdivided into principal, major, or minor levels and into urban or rural categories.

Functionally dependent use (as it pertains to Flood Damage Prevention). A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship-building and ship-repair facilities. The term does not include long-term storage or related manufacturing facilities.

Future Traffic Circulation Map series. The map series established pursuant to the County Comprehensive Plan, as it may be amended from time to time, consistent with Objective TRA 2.1, presently Future Number of Lanes (Map 7-22), Future Roadway Functional Classification (Map 7-24), Corridor Preservation (Map 7-35), and Highway Vision Plan (Map 7-36).

Garage, private. A fully enclosed structure for the storage of one (1) or more motor vehicles by the resident of the premises.

Garage, public. A fully enclosed structure where motor vehicles can be temporarily stored or parked by the public.

Garden Plan. An informal readable plan that: a) shows the property size with readable dimensions; b) show existing streets (label), easements or land reservations within the site; c) includes proposed fencing and screening, if any; d) indicates any buildings to be removed or demolished; e) shows setbacks to all structures and from adjoining property lines; g) shows existing driveways and any changes proposed to said driveways; f) labels adjacent property owners; and h) identifies the source of water that will be used for irrigation purposes.

Gardening (see home gardening).

General merchandise store. Commercial establishments that supply personal consumer goods to the community and/or region.

Geologic hazard. A condition found to exist in the soil strata or underlying bedrock that renders the area incapable of providing adequate and reliable support for the type of improvement to be constructed upon it or that would otherwise render an area unsafe for public access due to an elevated extraordinary/adverse risk of collapse or significant unacceptable ground settlement (subsidence).

Geological hazardous area. That portion of a site which a geotechnical/geological engineering report has concluded is impacted by a known or found geologic hazard(s).

Geotechnical engineering. The application of engineering principles and interpretation so that geological factors affecting planning, design, construction, and maintenance of engineered public and private works and buildings are properly recognized and adequately designed.

Grade, establishing. The elevation of the centerline of the streets as officially established by the governing authorities.

Grade, finished. The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

Greenhouse. A building made of glass, plastic, or fiberglass, etc. where plants are cultivated.

Group Living Arrangement (GLA). A facility or dwelling that provides a living environment for a group that does not constitute a Family, which may or may not include such supervision and care as may be necessary to meet the physical, emotional, and social needs of the residents. GLA shall include, but not be limited to, rooming or boarding homes; clubs; fraternities; monasteries; convents; homes for the physically, developmentally, or mentally disabled; home for abused children or spouses; runaway shelters; foster-care facilities; dormitory, student housing; halfway

house; or other similar arrangement of unrelated persons not normally employing skilled or licensed health practitioners. GLA shall not include Residential Treatment and Care Facilities or Independent Living Facilities.

Gross acreage, CS-MPUD Conservation Subdivision-Master Planned Unit Development (CS-MPUD). The total number of acres on a site including, but not limited to, all internal streets, easements, rights-of-way, water and wetlands, environmental and conservation areas, open space, and stormwater facilities.

Gross floor area. The sum of the gross horizontal areas of the floors of a nonresidential-use building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings with a common wall, and including outside decks and/or patios used for commercial purposes, including waiting areas, but excluding covered parking areas. All accessory nonresidential-use buildings, not otherwise exempted by this division, shall be included in the calculation of the gross floor area.

Gross residential acre. Includes land committed to the explicit use of residential buildings or contributory uses and structures, such as streets, parks, or common accessible open space. However, sewer and water treatment plants, utility substations, solid waste facilities, or similar uses and structures may not be included in the calculation of gross residential acre.

Ground cover. Plants, other than turf grass, which reach a mature height of twenty-four (24) inches or less.

Groundwater. Water beneath the surface of the ground within a zone of saturation, whether or not flowing through known and definite channels.

Grubbing. The removal of brush and vegetation where no tree ten (10) inches dbh or greater shall be removed from the site. Grubbing does not include any cut and/or fill.

Guaranteed analysis. The percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.

Heavy vehicle. A vehicle that has more than four (4) tires touching the pavement, including trucks, buses, and RVs. Trucks cover a wide range of vehicles from lightly loaded vans and panel trucks to the most heavily loaded coal, timber, and gravel haulers. RVs also include a broad range, including campers, both self-propelled and towed, motor homes, and passenger cars or small trucks towing a variety of recreational equipment, such as boats, snowmobiles, and motorcycle trailers. Heavy vehicles adversely affect traffic, because they occupy more roadway space and have poorer operating capabilities than passenger cars, particularly with regard to acceleration, deceleration, and the ability to maintain speed on upgrades. Accordingly, for trip generation purposes, if heavy vehicles are ten (10) percent or more of the trips generated by the proposed land use, the total estimated trips for heavy vehicles shall be multiplied by two (2), unless the Institute of Transportation Engineers (ITE) heavy-vehicle data or other County-approved, heavy vehicle, trip-generation data for the land use support a different multiplier; however, in no event shall the multiplier be less than one (1).

Hazardous waste. Wastes which have one (1) or more of the following properties: ignitable, corrosive, reactive, or toxic.

High-hazard hurricane evacuation area. The areas identified in the most current regional hurricane evacuation study as requiring evacuation during a Category 1 hurricane event (Evacuation Level A).

High-volume recharge. Addition of water to the upper Floridan aquifer that is equal to ten (10) inches per year per unit area of the aquifer.

Highest adjacent grade (as it pertains to Flood Damage Prevention). The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic basin storage. The depression storage available on the site in the predevelopment condition. The volume of storage is that which exists up to the required design storm.

Historic discharge. The peak rate and/or amount of runoff that leaves a parcel of land from an undisturbed/existing site or the legally allowable discharge at the time of permit application.

Historic resources or historic properties. Any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned watercraft, engineering works, treasure troves, artifacts, or other objects or features with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the State and the County.

Historic structure (as it pertains to Flood Damage Prevention). Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings.

Historic Structure. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the United States Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior.
 - b. Directly by the Secretary of the Interior in states without approved programs.

Home Garden/Vegetable Garden. Means a plot of ground where herbs, fruits, flowers, or vegetables are cultivated for human ingestion, in accordance with the definition in Chapter 604.71, Florida Statutes.

Home occupation. Any activity conducted by a resident within a dwelling unit which results in a product or service for financial gain. A home occupation is an incidental, accessory use to the primary residential use of the parcel and is categorized as either minor or major as defined below. (Please note that kennels and stables are not considered to be home occupations, but are individually reviewed as businesses, where applicable, per subject zoning district.) Supplemental regulations for home occupations are addressed in this Code, Section 530.21.

Home Occupation - Minor: A minor form of home occupation that is conducted as an accessory use in a dwelling unit or accessory building.

Home Occupation - Major: A major, more-intensive form of home occupation which may include nonresident employees, more floor area used for the business, or other signs of greater use of a dwelling unit or accessory building for business purposes.

Hoophouse. A structure made of PVC piping or other material covered with translucent plastic, constructed in a “half-round” or “hoop shape” that functions as a greenhouse.

Hospital. A building or group of buildings having facilities for overnight care of human patients, providing primary and urgent care treatment for injuries and trauma, services to inpatients, and medical care to the sick and injured. The term "hospital" may include related facilities, such as laboratories, outpatient services, training facilities, central service facilities, and staff facilities; provided that any related facility is incidental and subordinate to the use and operation of the principal hospital. A hospital is an institutional use and does not refer to medical offices or clinics.

Hotel. A facility offering transient lodging accommodations normally on a daily rate to the general public and typically providing accessory uses, such as restaurants, meeting rooms, and recreational facilities. Entry to each room is gained through the interior of the building through a lobby.

Housing cooperatives. A form of housing ownership in which a cooperative association of leaseholders actually owns and manages all of the units.

Hurricane evacuation clearance. The amount of time specified in the County *Hurricane Evacuation Plan Implementation Guide* produced by the Tampa Bay Regional Planning Council (TBRPC) for the safe evacuation of hurricane-vulnerable areas.

Hurricane evacuation routes. The routes designated by the County Office of Emergency Management that have been identified with standardized, Statewide directional signs by the FDOT or are identified in the regional hurricane evacuation study for the movement of persons to safety in the event of a hurricane. Pursuant to Paragraph 9J-2.0255(4)(d), F.A.C., the former Florida Department of Community Affairs (n.k.a. FDEO) considers hurricane evacuation routes to be regionally significant roadways.

Hurricane Preparedness Plan. A document which specifies the safe and orderly evacuation of residents and employees when an evacuation order is issued including, the closing of all buildings for the duration of the hurricane evacuation order; prior identification of evacuation routes out of

the area; appropriate on-site preparations; and coordination with the Office of Emergency Management for building closings, security, and safety measures.

Hurricane vulnerability area. An area delineated by the County *Hurricane Evacuation Plan Implementation Guide* produced by the TBRPC, which will require evacuation in the event of a Category 3 storm event.

Hydric soil. Soil that retains moisture for a sufficient amount of time to periodically produce anaerobic conditions and is conducive for the growth of hydrophytic vegetation as specifically listed in the publication, *Hydric Soils of Florida*, Florida Bulletin No. 430-6-2, published by the United States Department of Agriculture, Soil Conservation Service (1986).

Idle speed zone. A designated area within which it has been established that manatees frequently visit or reside and within which all motorboat operations shall exercise a high degree of care for manatee presence, and shall not, unless authorized by a valid Federal or State permit, either intentionally or negligently annoy, molest, harass, disturb, collide with, injure, or harm manatees, and shall proceed at the minimum speed that will maintain safe steerageway.

Illicit connections. Point source discharges to the County's municipal separate storm sewer system or to waters of the United States, that are not composed entirely of stormwater and are not authorized by a National Pollutant Discharge Elimination System (NPDES) Permit.

Illicit discharge. Any discharge to a municipal separate storm sewer system or to waters of the United States that is not composed entirely of stormwater with the exception of discharges which are exempt pursuant to this Code, Section 902.1.C.

Impact fees. Fees charged concurrent with new development and designated for infrastructure to serve the new development.

Impervious. Land surfaces that do not allow or minimally allow the penetration of water; examples are buildings, nonporous concrete and asphalt pavements, and some fine-grained soils, such as clays.

Impervious surface. Surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including surfaces, such as compacted sand, limerock, shale, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

Incompatible land use. The use of a parcel of land in a manner which interrupts, conflicts, or otherwise interferes with the use of a neighboring parcel of land, such that the neighboring land is impaired for its original intended use.

Incorporation into the soil. Incorporation into the soil means either the injection of waste material beneath the surface of the soil or the mixture of waste material with the surface soil.

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

Industrial. The manufacturing, compounding, assembling, processing, packaging, or treatment of raw material or other products.

Industrial district. An industrial district is any parcel or parcels of land or water zoned I-1 Light Industrial Park, I-2 General Industrial Park, or any areas designated and used for industrial purposes within a PUD Planned Unit Development/MPUD Master Planned Unit Development District as defined by the County Zoning Ordinance, enacted November 19, 1975, and as subsequently amended.

Industrial flex space. Flex-type or incubator tenant space that lends itself to a variety of uses. The proportion of office versus light industrial/warehouse space in each tenant space is not determined until the user occupies the space. The space may subsequently be proportioned to accommodate the current occupant or a new occupant's changing needs. The space may include manufacturing, light industrial, or scientific research functions as well as accessory-type uses, such as office, wholesale stores, and warehousing.

Industrial park. An industrial park is three (3) or more parcels of land zoned I-1 Light Industrial Park, I-2 General Industrial Park, or designated for industrial purposes within an MPUD Master Planned Unit Development District as defined by the County Zoning Ordinance enacted November 19, 1975, as subsequently amended, and designed, structured, and located so as to result in an integrated industrial subdivision, development, or center. Areas containing a number of industrial facilities characterized by a mix of manufacturing, service, and warehouse facilities.

Industrial service establishment. Any premises where the principal use is the provision of maintenance, cleaning, supply, repair or similar services, such as linen suppliers, or building maintenance where customer visits to the establishment are not commonly necessary.

Industrial/technical or trade school. A school primarily devoted to giving instruction in vocational, technical, or industrial subjects. Offices and classroom facilities are permitted; however, laboratory or other specialized training facilities are required to be located and permitted in accordance with restrictions in zoning districts in which the underlying activities may be conducted.

Industrial use. An activity carried out for pecuniary gain that involves the extraction, processing, manufacture, compounding, fabrication, packaging, or assembly of raw materials into finished goods and the temporary storage of such goods until sale.

Infill development. The development of vacant parcels of land in an urbanized area with complementary land uses; that is, uses of like kind and character.

Infrastructure. Those man-made structures that serve the common needs of the population, such as, but not limited to, sewage disposal systems, potable water systems, solid waste disposal systems, stormwater systems, utilities, causeways, bridges, streets, wells, piers, docks, breakwaters, bulkheads, seawalls, channels, and roadways.

Inordinate burden, inordinately burdened. An action of one (1) or more governmental entities that has directly restricted or limited the use of real property such that the property owner is permanently unable to attain the reasonable, investment-backed expectation for the existing use of the real property or a vested right to a specific use of the real property with respect to the real property as a whole, or that the property owner is left with existing or vested uses that are unreasonable such that the property owner bears permanently a disproportionate share of a burden imposed for the good of the public, which, in fairness, should be borne by the public at

large. Inordinate burden or inordinately burdened does not include temporary impacts to real property; impacts to real property occasioned by governmental abatement, prohibition, prevention, or remediation of a public nuisance at common law or a noxious use of private property; or impacts to real property caused by an action of a governmental entity taken to grant relief to a property owner. However, a temporary impact on development, as defined in Section 380.04, Florida Statutes, that is in effect for longer than one (1) year may, depending upon the circumstances, constitute an "inordinate burden" as provided in this paragraph.

Intensity. The degree to which a parcel of land is developed based upon use, size, or trip (traffic) generation (see floor area ratio).

Interceptor. That part of a sanitary sewer system which forms the junction of branch lines and trunk lines.

Interchange. The intersection of two (2) limited access highways in which a traveler is able to change from one highway to the other. An interchange may be "full" or "partial" depending upon whether the traveler is afforded the option to move freely from one highway to the other in either direction of only one (1) way.

Interim use. A use of the land in the transportation corridor prior to the date of conveyance of such land to the County for right-of-way, whether such conveyance is by dedication, acquisition, or other means.

Internal trip. A trip that has both its origin and destination within the development site.

Irrigation. The controlled application of water to the soil for the purpose of sustaining agriculture, landscape plants, or vegetative ground cover.

Irrigation system. A permanent watering system designed to transport and distribute water to plants as a supplement to natural rainfall.

Irrigation zone. A control-valve circuit containing emitters and/or sprinklers with consistent application rates.

Junk. Any worn, cast-off, or discarded article or material that is ready for destruction or that has been collected or stored for sale, resale, salvage, or conversion to some other use. Any such article or material which, unaltered, not needed to be disassembled or unfastened from, or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

Junkyard. The use of more than 3,000 square feet of the area of any lot for the storage, keeping, or abandonment of junk, including scrap material from the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof. A "junkyard" shall include an automobile graveyard or motor vehicle graveyard.

Kennel. Any building or land used for the boarding, breeding, housing, training, or care of more than nine (9) dogs, cats, or other domestic animals kept for purposes of show, hunting, sale, or personal use. This definition does not include riding stables.

Land application. Land application means a process whereby waste material is spread mechanically across or incorporated into the soil or a specific area referred to as the land application area.

Landfarming. A process for treating contaminated soil by spreading the contaminated soil in a thin layer over an impermeable liner or surface. Contaminant reduction is achieved through a combination of volatilization, biodegradation, and photo-degradation.

Landscape plant. Any tree, shrub, or ground cover, excluding turf.

Landscape plant zone. A grouping of plants with similar water and cultural (sunlight, soil, etc.) needs. Plant groupings based on water use are as follows: drought-tolerant plants, natural plants, and oasis plants.

Large-scale, commercial, retail building: A commercial building whose total gross building area, including outdoor display and sales areas, is equal to or exceeds 25,000 square feet. For determining building area, buildings located closer than 20 feet apart shall be considered one (1) building.

Large scale, commercial retail, development project: A commercial development project where the project is developed as a common plan of development and contains a large-scale, commercial-retail building.

Launderette. A business premises equipped with individual clothes-washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

Leaching. The removal of water-soluble compounds by the percolation of water.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

1. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was inadvertently included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
2. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
3. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
4. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP

requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Level of Service (LOS). The performance level of a public facility as determined by its use-capacity ratio.

Level of Service standard. The use-capacity ratio determined by the County to be the minimum acceptable standard of facility performance.

Library facilities. Those facilities owned or operated by the County which a need is created for by new residential construction. Library facilities include, but are not limited to:

1. Buildings and Associated Site Development
2. Print/Audio/Video/Software Materials
3. Library Equipment
4. Computers/Technology
5. Furniture

Library impact fee. An impact fee imposed on new residential construction that is calculated to defray all or a portion of the costs of the library facilities required to accommodate the impact to the library system of that new residential construction and which fee is applied to library facilities that reasonably benefit the new residential construction.

Library land. The land owned or operated by the County necessary for the development or expansion of libraries.

Library system. The library land and library facilities owned or operated by the County that are used to provide library services.

Lighting.

1. Diffused. That form of lighting wherein the light passes from the source through a translucent cover or shade.
2. Direct or flood. That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
3. Indirect. That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.
4. Full-cutoff, light fixture. A light fixture designed such that no light is projected at or above a ninety (90) degree plane running through the lowest point on the fixture where the light is emitted and less than ten (10) percent of the rated lumens are projected between ninety (90) degrees and eighty (80) degrees.

5. Outdoor, light fixtures. All outdoor, illuminating devices, reflective surfaces, lamps, and other devices, either permanently installed or portable, that are used for illumination or advertisement.
6. Semicutoff, light fixture. A fixture that projects no more than five (5) percent of the rated lumens above a ninety (90) degree plane running through the lowest point on the fixture where the light is emitted and less than twenty (20) percent of the rated lumens are projected between ninety (90) degrees and eighty (80) degrees.

Lighting, outdoor (see outdoor lighting)

Line, building (see building line).

Line, building setback. A building line that determines the location of a building or structure with respect to any street lot line.

Listed species. Those species of flora and fauna as identified in Rules 5B-40 and 68A-27, F.A.C., as endangered, threatened, or of special concern.

Littoral zone. The littoral zone is that part of a sea, lake, or river that is close to the shore. In coastal environments, the littoral zone extends from the high water mark, which is rarely inundated, to shoreline areas that are permanently submerged.

Local Comprehensive Emergency Management Plan (CEMP). Those plans developed by the County according to the provisions of Rules 9G-6 and G-7, F.A.C., as authorized by Section 252.38, Florida Statutes.

Local development agreements. An agreement pursuant to this Code, Section 406.3.

Local road or local roadways. Those roads in the County not defined as collector roads, arterial roads, or controlled-access roads.

Lot. Land occupied or to be occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Code and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a Building Permit for a building on such land.

Lot area. The area of a horizontal plane measured at grade and bounded by the front, side, and rear lot lines.

Lot, corner. A parcel of land at the junction of and abutting on two (2) or more intersecting streets.

Lot depth. The average horizontal distance between the front and rear lot lines.

Lot, double frontage. A lot with frontage on two (2) generally parallel streets.

Lot, flag. A lot having access from the building site to a street by means of a private right-of-way strip.

Lot frontage. The horizontal distance measured along the front lot line between the side lot lines.

Lot, interior. A lot other than a corner lot.

Lot lines. Lines that mark the boundary of a lot.

Lot, platted. Tract or parcel of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified and having its principal frontage on a street or on such other means of access lawfully adequate to allow the issuance of a Building Permit.

Lot width. The width of a lot as measured horizontally along the front building line.

Lot, zoning. A lot or combination of lots shown on an application for a zoning compliance permit which together meet all applicable requirements for development.

Lot of record. Either a lot or contiguous lots that exist as a single ownership at the time of adoption of the Comprehensive Plan and that are part of a subdivision; the plat of which has been recorded in the Clerk & Comptroller's Office; or any parcel of land not part of a subdivision that has been officially recorded by deed in the Clerk & Comptroller's Office, provided such platted lot or parcel was of a size which met the minimum lot area requirement in the zoning district in which the lot or parcel was located at the time of recording or was recorded prior to the effective date of zoning in the area where the lot is located.

Low-moderate income household. Households whose annual income is less than or equal to eighty (80) percent of the median household income for the County as measured by the latest available decennial census.

Lowest adjacent grade. The lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor (as it pertains to Flood Damage Prevention). The lowest floor of the lowest enclosed area of a building or structure, including the basement. An unfinished or flood-resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the nonelevation design standards of this Code, the *Florida Building Code*, or ASCE 24.

Maintain. Maintain shall include general servicing and upkeep in a safe, operable, and attractive condition.

Major County Roads.

1. Roadways classified as collector, arterial, controlled access, or freeway roadways on the Comprehensive Plan Future Traffic Circulation Map series, presently Maps 7-22, 7-24, 7-35, and 7-36.

2. Roadways classified as collector, arterial, controlled access, or freeway roadways pursuant to the functional classification or reclassification procedures and criteria established pursuant to the Comprehensive Plan.
3. Major collector roadways required, pursuant to this Code, Section 901.1.

Major Public/Semipublic Facilities. Those used to designate major existing and planned government owned (Federal, State, and Local, including public authorities) facilities. Power plants that are subject to the Power Plant Siting Act (generate 75 megawatts or more), sanitary landfills, wastewater treatment plants larger than four (4) million gallons per day, major utilities transmission corridors occupied by transmissions lines of 240 KV or more, other similarly scaled uses, and accessory uses that are customarily incidental.

Mangrove stand. An assemblage of mangrove trees that is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (*Avicenna nitida*), red mangrove (*Rhizophora mangle*), white mangrove (*Languncularia racemosa*), and buttonwood (*Conocarpus erecta*).

Manufactured home (as it pertains to Flood Damage Prevention). A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term refers to a manufactured home meeting the United States Department of Housing and Urban Development (HUD) standards (also defined in Section 15C-1.0101, F.A.C.) The term "manufactured home" does not include a "recreational vehicle," "park trailer," or "park model."

Manufactured home, a.k.a. mobile home. Those dwelling units a minimum of twelve (12) feet wide and forty (40) feet long, fabricated in an off-site manufacturing facility and built to the Manufactured Home Construction and Safety Standards of the United States Department of Housing and Urban Development, which is evident by the display of a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one (1) or more sections on a permanent chassis.

Manufactured home park or subdivision (as it pertains to Flood Damage Prevention). A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Marina. An establishment with a waterfront location which may provide for the refueling of watercraft used for recreation or commercial purposes and providing repair services for such craft. A marina may also provide covered or uncovered storage. A marina may include on-shore, as accessory service uses, a food service establishment, laundry or sanitary facilities, sundries store, boat sales, and other customary accessory facilities.

Market Garden. A market garden primarily sells and buys produce grown on-site or off-site including fruits, vegetables and other garden derived edibles with daily vehicle trips of 14 vehicle trips or more daily, and is less than 5 acres.

Market Value (as it pertains to Flood Damage Prevention). The building value, excluding the land and other improvements on the parcel, as would be agreed to between a willing buyer and seller, as established by what the local real estate market will bear. Market value is the Actual Cash

Value (like-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser. The final determination of Market Value shall be made by the County Building Official in accordance with the market value resources set forth above.

Mass transit. Passenger services such as the following surface transit modes: commuter rail, rail rapid transit, light rail transit, light guideway transit, express bus, bus rapid transit, and local fixed-route bus.

Master meter. A single meter or series of meters that supply multiple units for a single customer.

Master mining plan. A description of proposed mining activities over the life of the mine, so to allow overall review of the applicant's mining activities.

Master plan. A conceptual plan of a proposed development delineating general locations for uses, such as streets; residential, single and multiple; commercial; industrial; and recreational.

Material alteration or change. A proposed alteration or change to a development approval shall be considered material when such change is cumulatively greater than five (5) percent or the size of residential lots on the periphery of the site or if adjacent to platted lots under individual ownership are reduced from the size approved by the BCC.

Mean annual flood. A naturally occurring inundation of land along the periphery of water bodies or courses at a frequency of once every 2.5 years as defined by the United States Geological Survey (USGS).

Mean high-water line. The intersection of the tidal plane of mean high water with the shore. It shall also mean the ordinary high water line of non-tidal natural water bodies. The precise delineation of the ordinary high water line or mean high water line shall be determined through site specific studies and field determinations by the applicant and the Southwest Florida Water Management District (SWFWMD), the Florida Department of Environmental Protection, and/or the Army Corps of Engineers, as applicable, prior to construction plan approval.

Medical Marijuana Treatment Center Dispensing Facility. Means the retail sales component of a Medical Marijuana Treatment Center that has been licensed by the Florida Department of Health Office of Medical Marijuana Use pursuant to Section 381.986, Florida Statutes and is authorized by the State to dispense marijuana, but does not include the cultivation, processing or distribution facilities of the Medical Marijuana Treatment Center.

Medical office. Office space utilized for providing diagnoses and administering human medical and health-related services on a routine basis, including outpatient clinics, but is unable to provide prolonged inpatient medical and surgical care. Medical office uses shall include medical doctors, dentists, psychiatrists, optometrists, osteopaths, chiropractors, naturopaths, nurse practitioners, health maintenance organizations, and similar professional and group practices which are regulated by the State of Florida. Also included are diagnostic centers providing radiology, medical screening, and related testing services, outpatient surgery and endoscopy centers, oncology centers, outpatient laboratory centers, physical therapy practices, and other related ambulatory care services.

Meter equivalents. Those equivalents based on methodologies recommended by the American Water Works Association (AWWA) as follows:

Meter Size*	ERU Equivalent
5/8", 3/4"	1.00
1"	2.50
1.5"	5.00
2"	8.00
3"	15.00
4"	25.00
6"	50.00
8"	80.00

*Based on displacement type meters, using standard, maximum meter flows capacity ratios per AWWA standards.

Microirrigation. An irrigation system with a maximum flow rate per emitter of thirty (30) gallons per hour or less. These systems are not approved for turf grass applications.

Mine. An area of land on which mining operations have been conducted, are being conducted, or are planned to be conducted, as the term is commonly used in the trade.

Mineral extraction. Mineral extraction shall include all activity which removes from the surface or beneath the surface of the land, some material mineral resource, natural resource, or other element of economic value by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of sand, gravel, topsoil, limestone, sandstone, clay, and oil.

Mining. All functions, work, facilities, and activities in connection with development extraction, whether primary or secondary (e.g. debris mining or reworking tailings), or processing of mineral deposits on land when the excavation will breach the aquitard, and all uses reasonably incident thereto, such as the construction of roads or other means of access, pipelines, waste disposal and storage, and recirculating water systems. The term "processing" shall not include rock drying or the processing of rock in a chemical processing plant.

Mining unit. A specified area of land from which minerals are extracted in a specified period of time.

Minor land excavation. Any land excavation within the unincorporated areas of the County where the excavation is equal to or less than 30,000 cubic yards and the excavation does not breach the aquitard.

Minor Public/Semipublic Facilities. Those facilities with frequent or regular use by residents of the community and have an essential purpose for the health, safety, and welfare of the community, particularly major health care and educational facilities. These facilities include, but are not limited to roads, sidewalks, libraries, parks, governmental office complexes, sports stadiums, parks, athletic fields, post offices, street lights, lift stations, transfer stations, pumping stations, fire stations, police/sheriffs' stations, places of religious assembly, cemeteries, essential

services, electric substations, solar facilities) , transportation corridors, public or private colleges and universities, public or private hospitals, or health care complexes including a hospital, which are subject to the requirements by the State of Florida including the issuance of a Certificate of Need, and other similar public or semi-public uses and schools, other similarly scaled uses, and accessory uses that are customarily incidental.

MU (Mixed Use) development. MU developments are a special class of MPUD Master Planned Unit Development in which two (2) or more different land uses are physically and functionally integrated on the same site and which demonstrate conformance with a coherent overall development plan.

Mobile Food Operations. Mobile Food Service Operations and Mobile Food Sales Operations.

Mobile Food Sales Operations. The sale of products limited to live plants and produce that are conducted from a portable stand, vehicle or trailer. Each such stand, vehicle or trailer shall be considered a mobile food sales operation. Mobile food sales operations are often referred to as “veggie vans” or “produce trucks.”

Mobile Food Service Operations. The preparation/cooking, serving and/or sale of food from a portable stand, vehicle or trailer. Each such stand, vehicle or trailer shall be considered a mobile food service operation. Some forms of Mobile Food Service Operations are commonly referred to as “food trucks.” For the purposes of consistency with the Florida State Regulations, the term Mobile Food Service Operations shall encompass both mobile food establishments (MFEs) regulated by the Department of Agriculture and Consumer Services, Division of Food Safety and mobile food dispensing vehicles (MFDVs) regulated by the Department of Business and Professional Regulation, Division of Hotels and Restaurants.

Mobile home park. A mobile home development consisting of a parcel of land under single ownership which has been or is proposed to be planned and improved for the placement of mobile homes for nontransient use.

Mobile home, subdivision. A mobile home development consisting of a parcel of land not under single ownership which has been or is proposed to be divided into three (3) or more parcels improved for placement of mobile homes for nontransient use. A mobile home subdivision may include a mobile home condominium.

Mobility Fee Definitions

For the purposes of this Code, Section 1302.2, Mobility Fees, the following words shall be defined as follows:

1. "Accessory building or structure" shall mean a subordinate building, or portion of a building, the use of which is clearly incidental and related to that of the principal building or use of the land and which is located on the same parcel, or in the same building, as that of the principal building or use. A building or portion of a building that is constructed prior to the principal building or use, or that has its own outdoor signage, shall not be considered an accessory building or structure, and shall be considered a freestanding independent building for purposes of Section 1302.2.

2. "Accessory Dwelling Unit or ADU" shall mean an ancillary or secondary living unit, not to exceed nine hundred (900) square feet in size, that has a separate kitchen, bathroom and sleeping area, existing either within the same structure, or on the same lot as the primary dwelling unit.
3. "Active Warehouse" (Fulfillment Center/Parcel Hub Warehouse)" shall mean a building that serves as a regional or local freight forwarder facility for time-sensitive shipments, and local distribution of products to end-users.
4. "Administration fee" shall mean the fee for the administration and implementation of mobility fees as set forth in Section 1302.2.G.2(c).
5. "Administrative Procedures Manual" shall mean the Administrative Procedures Manual adopted by Resolution No. 07-226, and which may be amended in the future by resolution.
6. "Age Restricted" shall mean a community or subdivision providing housing for persons who are fifty-five (55) years of age or older, and that has satisfied the requirements of Section 1302.1.D of the Land Development Code.
7. "Airport Hangar" shall mean routine maintenance and minor repair facilities specifically designed for servicing aircrafts.
8. "Alteration" shall mean the alteration, expansion, addition to, or replacement of a use, building or dwelling unit, or the construction of an accessory building or structure.
9. "Assessment districts" shall mean the urban, suburban, and rural districts utilized to calculate the mobility fee that a Building Permit or development permit is required to pay, as established in Section 1302.2.F.2.
10. "Auto Repair/Body Shop" shall mean an establishment that houses a business or numerous businesses that provide automobile related services, such as repair and servicing, stereo installation, and seat covering/upholstering.
11. "Bank/Savings (w/drive-in)" shall mean banks, which provide banking facilities for the motorist while in a vehicle, and may also serve patrons who walk into the building. The drive-in lanes may or may not provide automatic teller machines. The mobility fee for a bank is charged on the gross floor area of the building.
12. "Bicycle/pedestrian facilities" shall mean transportation facilities that are primarily intended to be utilized by pedestrians and bicycles, including sidewalks, multiuse paths, and trails, as well as the necessary infrastructure to support the construction of such facilities, such as drainage areas, wetland/floodplain mitigation areas, boardwalks, landscaping, bike racks, shelters/kiosks, benches, and signage. For purposes of this division, a bicycle/pedestrian crossing area or bicycle lane constructed contiguous to or within a vehicular travel lane shall be considered a roadway facility and not a bicycle/pedestrian facility.
13. "Bicycle/pedestrian mobility fee" shall mean the portion of the mobility fee for bicycle/pedestrian facilities, which is in the "bike/ped share" column of the mobility fee schedule.

14. "Bowling Alley" shall mean recreational facilities that include bowling lanes. A small lounge and/or snack bar, video games, and pool tables may also be available.
15. "Breakfast and Lunch Restaurant" shall mean a restaurant that serves breakfast and lunch meals only, in a sit-down/order through wait-staff environment. A breakfast and lunch restaurant does not include drive-through service. Typical ordering hours are from 6:30 to 7:00 a.m. until 2:00 to 2:30 p.m.
16. "Budgeted" or "budgeting" shall mean that funds are allocated or appropriated within the Capital Improvement Plan (CIP).
17. "Building" shall mean any structure having a roof and used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials, or property of any kind for a period of time in excess of four (4) weeks in any one (1) calendar year. This term shall include tents, trailers, mobile homes, or any vehicles serving in any way the function of a building. This term shall also include outdoor patio seating provided as part of a restaurant or bar, whether such seating is covered by a roof or not.
18. "Cemetery" shall mean a place for burying the deceased, possibly including buildings used for funeral services, a mausoleum, and a crematorium.
19. "Church" shall mean an institution that people regularly attend to participate in or hold religious services and other related religious activities. Other religious activities that may be conducted by churches or places of religious worship include on-site child care for use during religious services, and studies involving religious instruction, but shall not include schools, temporary or permanent dwellings, or other activities not directly related to religious practices.
20. "CIP" shall mean a multiyear schedule of transportation capital improvements, including priorities and cost estimates, budgeted to fit the financial resources of the County. This plan is incorporated into the Comprehensive Plan as part of the Capital Improvements Element (CIE).
21. "Collector and arterial roadways" shall mean those roadways classified as collector, arterial, controlled access, or freeway roadways on the Comprehensive Plan Future Traffic Circulation Map series, presently Maps 7-22, 7-24, 7-35, and 7-36; or classified as a collector, arterial, controlled-access, or freeway roadway pursuant to the functional classification or reclassification procedures and criteria established, pursuant to the Comprehensive Plan.
22. "Collection/benefit districts" shall mean the mobility fee expenditure districts established in Section 1302.2.
23. "Community Center/Gymnasium" shall mean a stand-alone public facility similar to and including YMCAs. These facilities often include classes for adults and children, day care, meeting rooms, swimming pools, saunas, athletic courts, weightlifting and gymnastic equipment, lockers, and a restaurant or snack bar.

24. "Condominium" shall mean a single family ownership dwelling unit that has at least one other similar unit within the same building structure.
25. "Connected City" shall mean the Connected City Stewardship District, a dependent special district. The boundaries of the Connected City Stewardship District are established in this Code, Section 603.
26. "Connected City Financial Plan" shall mean the Financial Plan for Connected City adopted pursuant to Policy IIC 8.4 of the Connected City Comprehensive Plan Amendment (as such policy may be renumbered in the future).
27. "Connected City Mobility Fees" shall mean those roadway mobility fees and bicycles/pedestrian mobility fees collected within Connected City.
28. "Convenience/Gasoline/Fast Food Store" shall mean a convenience store which sells gasoline, convenience foods, newspapers, magazines, and often beer and wine. This land use includes convenience markets with gasoline pumps where the primary business is the selling of convenience items, not the fueling of motor vehicles. This includes a service station with a convenience store that sells gasoline and convenience store items, with or without a car wash.
29. "Corporate Headquarters Building" shall mean a building that contains offices, meeting rooms, and space for file storage and data processing of a single business or company, and possibly other service functions including a restaurant or cafeteria.
30. "County" shall mean the unincorporated area of Pasco County, a political subdivision of the State of Florida.
31. "County Administrator" shall mean the Pasco County Administrator or designee.
32. "Dance Studio" shall mean facilities offering professional instruction for all types of dances. They offer classes, workshops, private lessons and also host dance parties.
33. "Day Care" shall mean an establishment which provides for the care, protection, and supervision of at least three (3) children for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his individual needs, and for which a payment, fee or grant is made for care. The facility generally includes classrooms, offices, eating areas, and a playground. The definition includes such terms as day nurseries, day care service, day care agency, nursery school, or play school. The term does not include summer camps or family day care homes.
34. "Development" shall mean the carrying out of any building activity or the making of any material change in the use or appearance of any structure or land that attracts or produces vehicular or person trip(s) over and above that produced by the existing use of the land.
35. "Development approval" shall mean a DRI Development Order, development agreement, PUD approval, MPUD approval, preliminary plan approval, or concurrency Certificate of Capacity.

36. "Development permit" shall mean an official document or certificate, other than a Building Permit, issued by the authority having jurisdiction, authorizing commencement of development. This term includes any Site Development Permit, Mining Permit, Land Filling Permit, or other final plan approval for development not involving construction of a building.
37. "Dwelling Unit" means a single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.
38. "Elementary School" shall mean a school typically serving students attending kindergarten through the fifth or sixth grade. Elementary schools are usually centrally located in residential communities in order to facilitate student access, and they have no student drivers. This land use consists of public schools where bus service is usually provided to students living beyond a specified distance from the school.
39. "Encumber" or "encumbered" shall mean an irrevocable commitment through an agreement, purchase order, or contract.
40. "External trip" shall mean any vehicular or person trip which either has its origins from or its destination to the development site and which impacts transportation capital improvements.
41. "Fast-Casual Restaurant" shall mean a sit-down restaurant with no wait staff or table service. Customers typically order off a menu board and seat themselves. The menu generally contains made to order food items with fewer frozen or processed ingredients than fast food restaurants. Unlike fast food restaurants, fast-casual restaurants are generally not open late at night, or 24 hours, and any drive-through service, if provided, is secondary to the primary dine-in service.
42. "Fast Food Restaurant w/Drive-Thru" shall mean a land use including fast-food restaurants with drive-through windows. This type of restaurant is characterized by a large carryout clientele; long hours of service (some are open for breakfast, all are open for lunch and dinner, some are open late at night or 24 hours); and high turnover rate for eat-in customers.
43. "Free-Standing Recreational Vehicle/Boat Storage". Shall mean Open, Covered, Semi-enclosed, or Fully enclosed storage of recreational vehicles, travel trailers, other vehicles, and un-stacked dry storage of pleasure boats of the type customarily maintained by persons for their personal uses.
44. "Furniture Store" shall mean a store that specializes in the sale of furniture, and often carpeting. They are generally large and include storage areas.
45. "Gasoline Station" shall mean a land use generally located near intersections or freeway interchanges and having facilities, such as gas pumps, for fueling motor vehicles. They may also have facilities for servicing and repairing motor vehicles. This land use includes service stations without convenience stores or car washes.

46. "Gas tax revenues" shall mean the portion of the gas and fuel taxes expended by the County during a fiscal year for transportation capital expenses, excluding the portion of such taxes for which a revenue credit was given to the development paying a mobility fee.
47. "General Heavy Industrial" shall mean industrial facilities that have a high number of employees and are limited to the manufacturing of large items.
48. "General Light Industrial" shall mean industrial facilities that employ fewer than 500 employees and have an emphasis on activities other than manufacturing and typically have minimal office space. Typical light industrial activities include printing plants, material testing laboratories, assemblers of data processing equipment, and power stations.
49. "General Recreation" shall mean a variety of recreational uses that are generally characterized by large sites with limited buildings. They may include county parks, amphitheaters, amusement parks, go-cart and other vehicle parks, drive-in mall theatres, outdoor facilities including swimming pools, tennis courts, racquetball facilities, among others.
50. "Golf Course" shall mean an area designed for playing the game of golf, including any clubhouse, with or without bar and banquet facilities.
51. "Government buildings" shall mean public schools, including charter schools; schools that receive 90 percent or more of their funding from the State or Federal government (as evidenced by yearly financial statements provided to the County); and buildings or developments leased or owned by the Federal government, the State of Florida, a State or Federal government agency, the County, or a participating municipality. For buildings or developments with multiple tenants or uses, only the portion of such buildings or developments owned or leased by a governmental entity shall be considered a government building.
52. "Gross Floor Area" shall mean the sum (in square feet) of the area of each floor level, including cellars, basements, mezzanines, penthouse, corridors, lobbies, stores, and offices, that are within the principal outside faces of exterior walls. If a ground-level area, or part thereof, within the principal outside faces of the exterior walls is not enclosed, this gross floor area is considered part of the overall square footage of the building. Unroofed areas and unenclosed roofed over spaces, except those contained within the principal outside faces of exterior walls, should be excluded from the area calculations.
53. "Hardware/Paint" shall mean a free-standing building with off-street parking that sells paint and general hardware.
54. "High School" shall mean a school, which serves students who have completed middle or junior high school. The high schools are generally separated from other land uses and have exclusive access points and parking facilities.
55. "High Turnover Restaurant" shall mean a land use consisting of sit-down eating establishments with turnover rates of approximately one hour or less. This type of restaurant is usually moderately priced and frequently belongs to a restaurant chain. Generally, these restaurants serve lunch and dinner; they may also be open for breakfast

and are sometimes open 24 hours a day. Some facilities contained within this land use may also contain a bar for serving food and alcoholic drinks. \

56. "Home Improvement Superstore" shall mean a freestanding warehouse type facility with off street parking. Home improvement superstores generally offer a variety of customer services and centralized cashiering, and they specialize in the sale of home improvement merchandise. They typically maintain long store hours seven days a week. Examples of items sold in these stores include lumber, tools, paint, lighting, wallpaper and paneling, kitchen and bathroom fixtures, lawn equipment, and garden plants and accessories. The stores included in this data are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center. Home improvement superstores are also sometimes found as separate parcels within a retail complex with their own dedicated parking. The buildings contained in this land use usually range in size from 25,000 to 150,000 square feet of gross floor area. Building materials and lumber store is a related field.
57. "Hospital" shall mean a building or group of buildings having facilities for overnight care of one or more human patients, providing primary and urgent care treatment for injuries and trauma, services to inpatients, and medical care to the sick and injured. The term "hospital" may include related facilities such as: laboratories, outpatient services, training facilities, central service facilities, and staff facilities; provided, however, that any related facility shall be incidental and subordinate to the use and operation of the principal hospital. A hospital is an institutional use under these zoning regulations. The term "hospital" does not refer to medical offices or clinics.
58. "Hotel" shall mean a facility offering transient lodging accommodations normally on a daily rate to the general public and typically providing accessory uses, such as: restaurants, meeting rooms and recreational facilities. Hotels are different than motels in that each room does not have a separate entry directly from the outside of the building but rather entry is gained through the interior of the building through a lobby.
59. "Independent mobility fee study or studies" shall mean a study or studies conducted, pursuant to Section 1302.2.G.3, to calculate the mobility fee for a particular land use.
60. "Industrial Park" shall mean areas containing a number of industrial facilities. They are characterized by a mix of manufacturing, service, and warehouse facilities. Many industrial parks contain highly diversified facilities, some with a large number of small businesses and others with one or two dominant industries. All industrial land uses located within an identified industrial park are assessed at the rate under the industrial park land use in the mobility fee schedule.
61. "Internal trip" shall mean a vehicular or person trip that has both its origin and destination within the development site without impacting transportation capital improvements.
62. "ITE Manual" shall mean the most recent edition of the ITE *Trip Generation Report*.
63. "Junior College" shall mean two-year junior, community, or technical colleges, which are generally separated from other, land uses and have exclusive access points and parking facilities.

64. "Living Area" shall mean an area under roof, including but not limited to, bedrooms, bathrooms, dining rooms, dens and any other floor commonly used by occupants.
65. "Long-Range Transportation Plan (LRTP)" shall mean the County Metropolitan Planning Organization's most recently adopted LRTP adopted, pursuant to Section 339.175(7), Florida Statutes.
66. "Manufacturing" shall mean facilities where the primary activity is the conversion of raw materials or parts into finished products. In addition to the actual production of goods, manufacturing facilities generally also have office, warehouse, research, and associated functions.
67. "Marina" shall mean a boating facility, chiefly for recreational boating, located on navigable water frontage, and providing all or any combination of the following: boat slips or dockage, dry boat storage, small boat hauling or launching facilities, marine fuel and lubricants, marine supplies, bait and fishing equipment, restaurants, boat and boat motor sales, and rentals. Minor boat, rigging and motor repair which is incidental to the principal marina use is generally permitted, and no boat construction or reconstruction is permitted. A boat sales lot is not a marina.
68. "Master developer" shall mean the primary person responsible for the planning and implementation of a PD (Planned Development). If more than one (1) person claims to be the master developer of a PD or the master developer for a PD cannot be easily determined, the master developer shall be the person that has taken the most of the following actions with regard to the PD:
 - a. Filed any required annual or biennial reports for the PD.
 - b. Requested the most recent modification, change, or amendment to the PD.
 - c. Established an impact fee credit account with the County for any required mitigation performed for the PD.
 - d. Paid the property taxes for the majority of the vacant land in the PD.
 - e. Exercised majority voting control of any Community Development District, property owners association, or other entity responsible for maintaining any common areas utilized by the entire PD.

If the master developer cannot be determined based on the actions set forth above, the master developer shall be the owner of the majority of the vacant land in the PD, as determined by the Property Appraiser's records.

69. "Medical Office" shall mean office space utilized for providing diagnoses and administering human medical and health related services on a routine basis, including outpatient clinics, but is unable to provide prolonged in-patient medical and surgical care. Medical office uses shall include medical doctors, dentists, psychiatrists, optometrists, osteopaths, chiropractors, naturopaths, nurse practitioners, health maintenance organizations and similar professional and group practices, which are regulated by the State of Florida. Also included are diagnostic centers providing radiology, medical screening and related testing

services, outpatient surgery and endoscopy centers, oncology centers, outpatient laboratory centers, physical therapy practices and other related ambulatory care services. "Clinic" is a related land use.

70. "Middle School" shall mean a school serving students who have completed elementary school and have not yet entered high school.
71. "Miniature Golf Course" shall mean an area designed for playing the game of golf, consisting of one or more individual putting courses. This land use is a stand-alone facility and is not part of a larger multipurpose use.
72. "Mixed-Use Trip Reduction Measures (MUTRM)" or "MUTRM Project" - the Compact Development Area portion of a Trip-Reducing Project (TRP) that adheres to the development standards in this Code, Section 901.13.
73. "Mobile Home" shall mean a detached dwelling unit with all of the following characteristics: (a) designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; (b) designed for transportation after fabrication on streets or highways on its own wheels; and (c) arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connection to utilities and the like. A travel trailer/RV is not to be considered as a mobile home. For the purposes of computing the mobility fee, a mobile home on a single family lot (i.e., not located in a mobile home park) shall be considered a Single Family Detached House.
74. "Mobility fee" or "mobility fees" shall mean the multimodal impact fees adopted and required to be paid in accordance with Section 1302.2. The mobility fee is made up of three (3) parts: (1) the roadway mobility fee; (2) the transit mobility fee; and (3) the bicycle/pedestrian mobility fee. Any reference to the mobility fee or mobility fees in this Code that does not specifically reference one of the parts shall be considered a reference to the total of all three (3) parts.
75. "Mobility fee funds" shall mean the funds created pursuant to Section 1302.2.H.
76. "Mobility fee schedule" shall mean the fee schedule shown in Figure 1302.2-A.
77. "Mobility fee study" shall mean the study adopted, pursuant to Section 1302.2.D, that supports the imposition of mobility fees.
78. "Mobility fee subsidy" shall mean the amount of tax increment revenues to be transferred from the County Multimodal Transportation Fund into the mobility fee funds to ensure payment for the portion of the mobility fees that were subsidized or bought down with other revenue sources during the prior fiscal year. The mobility fee subsidy is calculated for each collection/benefit district as the difference between the total amount of all mobility fees collected in the collection/benefit district during the prior fiscal year, not including any administration fees, and the amount of mobility fees that would have been collected in the collection/benefit district during the prior fiscal year, not including any administration fees, had there not been any subsidy or buy down, plus the interest on such difference, less

(1) the repayment of any bonds issued for transportation capital expenses in the collection/benefit district during the prior fiscal year, and (2) gas tax revenues and sales tax revenues expended in the collection/benefit district during the prior fiscal year.

79. "Mobility fee subsidy deficiency" or "deficiency" shall mean there are insufficient tax increment revenues in the Multimodal Transportation Fund during any fiscal year to make a mobility fee subsidy transfer to any of the mobility fee funds.
80. "Motel" shall mean a facility offering transient lodging accommodations normally on a daily basis and at a daily rate for automobile travelers and typically providing parking adjacent to each sleeping room. Accessory uses may be provided, such as: restaurants, meeting rooms and recreational facilities. Motels are different than hotels, in that each motel room has a separate entry directly from the outside of the building while hotel guests gain entry to their room through the interior of the building through a lobby.
81. "Movie Theater" shall mean a building with an area of audience seating, single or multiple screens and auditoriums, a lobby, and a refreshment stand.
82. "Multimodal Tax Increment Ordinance" shall mean the County ordinance, adopted concurrently with the ordinance adopting Section 1302.2, as it may be amended from time to time, which creates the Multimodal Transportation Fund, and which provides for the funding of such fund from tax increment revenues.
83. "Multimodal Transportation Fund" shall mean the fund created pursuant to the Multimodal Tax Increment Ordinance and which is funded from the tax increment revenues.
84. "Multi-Use Building" shall mean a development project in which more than one mobility fee land use category is contemplated to be constructed. For multi-use buildings, parcels, office/industrial parks and shopping centers, if one (1) use occupies thirty-five (35) percent or more of the total, gross square feet of the building, parcel, office/industrial park or shopping center or one use is 30,000 square feet or more, that use shall be assessed at its specific-use rate. All uses that do not exceed thirty-five (35) percent or more of the total gross square feet of the building, parcel or shopping center and that do not exceed 30,000 square feet or more shall be assessed the applicable retail (ITE LUC 820 or 826) rate based on the gross square footage of the entire building, parcel, or shopping center. This rule does not apply to outparcels or residential uses, which shall be assessed the applicable rate for the specific single use, and which shall not be used in the calculation of the size of the entire building, parcel, office/industrial park or shopping center. This rule also does not apply to uses classified in the mobility fee schedule as Recreation, Institutions or Retail if the most predominate use of the remainder of the building, parcel or office/industrial park is Lodging, Office or Industrial; in such cases the Recreation, Institutions or Retail use shall be assessed at its specific-use rate, regardless of the size of such use, unless the use is an accessory building or structure.
85. "Multi-Family Apartments" shall mean a group of two or more Dwelling Units within a single conventional building, attached side by side or one above the other, or both, and wherein each Dwelling Unit may be individually owned or leased mutually on land, which is under common or single ownership. For purposes of determining whether a lot is in multi-family uses, the following considerations shall apply:

- a. Multi-Family Dwelling uses may involve Dwelling Units intended to be rented and maintained under central ownership and management, or cooperative apartments. It may include the fee ownership of land beneath each Dwelling Unit following development from a common base of ownership.
- b. Any Multi-Family Dwelling in which Dwelling Units are available for rental for periods of less than one week shall be considered a tourist home, a motel, motor hotel or hotel, as the case may be, and shall only be permitted in districts where specifically designated.
86. "New/Used Autos Sales" shall mean a land use providing for automobile mechanical services, automobile body repair, parts, and sales. Used car sales, leasing options and truck sales and servicing may also be available.
87. "Non-Veterinary Kennels" shall mean facilities that provide daily or longer-term pet boarding and grooming services ancillary to the boarding of pets, but do not provide veterinary or professional medical care of pets. This facility, which is commonly known as "doggy day-care" or "pet day-care", is similar to a day-care facility for human children, except pets sometimes stay for a multi-day period.
88. "Nursing Home" shall mean a facility whose primary function is to care for persons who are unable to care for themselves, including rest homes (primarily for the aged), chronic, and convalescent homes.
89. "Office" shall mean a building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations. It is a characteristic that retail or wholesale goods are not shown to or delivered from the premises to customers.
90. "Office Park" shall mean suburban subdivisions or planned unit developments containing general office buildings and support services such as banks, savings and loan institutions, restaurants, and service stations, arranged in a park or campus like atmosphere. All office land uses located within an identified office park are assessed at the rate under the office park land use in the mobility fee schedule.
91. "Out-parcel" shall mean a parcel that is separate from, but contiguous to, a primary commercial development. The parcel may or may not share common access and/or common parking areas with the primary commercial development. Mainly consisting of a single freestanding unit, an out-parcel often is considered secondary in nature to the primary commercial development. Out-parcels typically involve high convenience land uses, such as banks, high-turnover or fast-food restaurants, or gas stations. However, extensions of specific land uses already in existence within the primary commercial development would not be considered "out-parcels"; e.g., a freestanding Sears automotive repair shop located at a shopping mall that contains a Sears retail store.
92. "Participating municipality" shall mean those County municipalities that have opted into the County mobility fee program by (1) adopting a mobility fee ordinance, (2) repealing any inconsistent municipal ordinances, and (3) entering into an interlocal agreement with the County governing collection and expenditure of mobility fees and tax increment revenues.

93. "Participating municipality mobility fees" shall mean those mobility fees collected within a participating municipality.
94. "Participating municipality tax increment revenues" shall mean the portion of the tax increment revenues that is generated from the real property in the participating municipality, excluding any community redevelopment areas, and calculated in accordance with the Multimodal Tax Increment Ordinance.
95. "Participating municipality transportation capital improvements" shall mean transportation capital improvements that benefit the participating municipality, as determined by the Interlocal Agreement between the County and the participating municipality.
96. "Passive Warehouse (Storage Warehouse)" shall mean a building used primarily for the storage and/or consolidation manufactured foods or raw materials with infrequent distribution to other locations.
97. "PD (Planned Development)" shall mean a development under unified control designed and planned to be developed in a single operation or by a series of prescheduled development phases according to an officially approved final master land use plan, including DRI, PUD Planned Unit Developments, MPUD Master Planned Unit Developments, PD Land Use Classifications or other land use classifications with subarea policies, and other planned developments under a common preliminary site plan (PSP) approval, plat, or unified plan of development. If a PD is part of a larger PD; e.g., a PSP approval or plat within a larger DRI, the term PD shall mean the larger PD.
98. "PD (Planned Development) with credits" shall mean a PD that owns or that is entitled to transportation impact fee credits or mobility fee credits based on a development approval.
99. "Pharmacy/Drug Store with and without Drive-Thru" shall mean retail facilities that primarily sell prescription and non-prescription drugs. These facilities may also sell cosmetics, toiletries, medications, stationary, personal care products, limited food products, and general merchandise. The drug stores in this category may contain drive-through windows.
100. "Quality Restaurant" shall mean eating establishments of high quality and with turnover rates usually of at least one hour or longer. Generally, quality restaurants do not serve breakfast, some do serve lunch, but all serve dinner. Often they do not belong to a chain of restaurants and generally require reservations.
101. "Quick Lube" shall mean a quick lubrication vehicle shop where the primary activity is to perform oil change services for vehicles. Other ancillary services provided may include preventative maintenance, such as fluid and filter changes. Automobile repair service is generally not provided.
102. "Racquet Club" shall mean privately-owned recreational facilities that include racquetball and handball courts, tennis courts, swimming pools and whirlpools, saunas, exercise classes, and weightlifting equipment.
103. "Recreational Vehicle (RV)" shall mean a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling.

104. "Recreational Vehicle (RV) Park" shall mean a facility for the temporary sitting of recreational vehicles and may have community facilities such as recreational rooms, swimming pools, and laundry facilities.
105. "Regional transit facilities" shall mean light rail, commuter rail, express bus, or bus rapid transit capital facilities included in the most recently adopted Tampa Bay Area Regional Transportation Authority Master Plan or LRTP.
106. "Research and Development Center" shall mean facilities or group of facilities devoted almost exclusively to research and development activities. They may contain office and light fabrication areas.
107. "Resort Hotel" shall mean a place providing a wide variety of recreational facilities/programs (golf courses, tennis courts, beach access, or other amenities) rather than convention and meeting business. Resort hotels are normally located in suburban or outlying locations on larger sites than conventional hotels. Resort hotels are similar to hotels in that they provide sleeping accommodations, restaurants, cocktail lounges, retail shops, and guest services. The primary difference is that resort hotels cater to the tourist and vacation industry.
108. "Retail" shall mean one or more establishments devoted to selling merchandise goods and products to consumers.
109. "Right-of-way" shall mean land, property, or interest therein that is necessary to accommodate all of the required elements for and to support the construction and/or improvement of transportation capital improvements.
110. "Roadway facility" or "roadway facilities" shall mean collector and arterial roadway through lanes, turn lanes, bridges, curbs, gutters, medians, and/or shoulders; the construction of drainage facilities and/or mitigation areas for collector and arterial roadways; and the installation of signage, advanced traffic management systems, and/or traffic signalization for collector and arterial roadways. For purposes of this division, the term roadway facilities shall not include bicycle/pedestrian facilities and transit facilities. However, bicycle/pedestrian crossing areas and bicycle lanes constructed contiguous to or within a vehicular travel lane shall be considered a roadway facility and not a bicycle/pedestrian facility.
111. "Roadway mobility fee" shall mean the portion of the mobility fee assessed for impacts to roadway facilities that is identified on the mobility fee schedule as "road share."
112. "Sales tax revenues" shall mean the portion of the local government infrastructure surtax, Penny for Pasco, expended by the County during a fiscal year for transportation capital expenses, excluding the portion of such taxes for which a revenue credit was given to development paying a mobility fee.
113. "Self-Service Car Wash" shall mean a land use that allows the manual cleaning of vehicles by providing stalls for the driver to park and wash the vehicle.

114. "Self-Storage Facility" shall mean a building or buildings consisting of individual, small, self-contained units that are leased for the storage of goods.
115. "Single-Family (Detached)" shall mean a home on an individual lot or parcel of land intended, designed, used and/or occupied by no more than one family, excludes duplex, triplex, and quadruplexes.
116. "Site-access improvements" shall mean roadway facility improvements at or near the development site which are necessary to interface the development's external trips with collector and arterial roadways or which are necessary to interface the development's internal trips with collector and arterial roadways where a portion of such roadways is included within the development, i.e., project drives, turn lanes, signalization, etc. It shall also include improvements designed to ensure safe and adequate ingress and egress to a development site. For purposes of this division, site-access improvements include, but are not limited to, improvements required by the County's access management regulations and any right-of-way dedications necessary to construct the first four (4) lanes of collector and arterial roadways within the development site and design and construction of any portion of the first two (2) lanes of collector and arterial roadways within the development site, including all roadway facilities necessary for the design and construction of collector and arterial roadways. Site-access improvements also include bicycle/pedestrian facilities and transit facilities at or near the development site that are necessary to interface the development's external trips or internal trips with bicycle/pedestrian facilities and transit facilities located outside the development site, including, but not limited to, sidewalks, multiuse paths, bike racks, and transit shelters/kiosks located internal or adjacent to the development site; however, park and ride lots and regional transit facilities shall not be considered site-access improvements.
117. "Spa" shall mean recreational facilities that include swimming pools, whirlpools, saunas, exercise classes, racquetball, handball and tennis courts, and weightlifting and gymnastics equipment. Locker rooms and a restaurant or snack bar may also be available.
118. "Specialty Retail" shall mean small high end clustered and/or strip center like retail stores of less than 5,000 square feet each and where the total square footage of the entire cluster and/or strip center is less than 50,000 square feet. Stores in the cluster and/or strip center might include, but not be limited to, jewelry, luggage, china and silverware, crystal, artwork, leather goods, and fine apparel.
119. "Square feet" or "square footage" shall mean the area of a parcel upon which a land use required to pay a mobility fee is proposed for occupancy or storage, and which is used to calculate the square footage of the building, including the gross area measured in square feet from the exterior faces or exterior walls or other exterior boundaries of the building, excluding areas within the interior of the building which are utilized for parking. With respect to dwelling units, the square footage shall be calculated as the living area under heat/air conditioning.
120. "Strategic Intermodal System (SIS)" shall mean those transportation facilities identified in the SIS Plan adopted, pursuant to Section 339.64, Florida Statutes, and located within the County.

121. "Supermarket" shall mean a departmentalized self-service retail market, which primarily sells food items, but also may sell household items, personal items and other merchandise. A supermarket is to be distinguished from a grocery store on the basis of scale, being usually 20,000 square feet or larger in size, and the broader mix of goods and services.
122. "SIS mobility fee" shall mean the portion of the roadway mobility fee assessed for impacts to interstate/freeway roadway facilities in the County, excluding freeways with tolls, and which has been reserved for transportation capital improvements that benefit the SIS. The SIS mobility fee is identified in the mobility fee schedule as the "interstate share." The SIS mobility fee shall be considered a component of the roadway mobility fee, except where this division specifically references the SIS mobility fee.
123. "Tax increment revenues" shall mean the tax increment revenues calculated, generated, and expended, pursuant to the Multimodal Tax Increment Ordinance.
124. "Tire Store" shall mean a land use primarily involved in the business of sales and marketing of tires for automotive vehicles. Services usually include tire installation and repair as well as other automotive maintenance or repair services.
125. "TND (Traditional Neighborhood Design)" shall mean development in accordance with this Code, Chapter 600. TND shall also include the TND portions of the Longleaf MPUD Master Planned Unit Development and any portion of a participating municipality that satisfies the traditional neighborhood development design principles in the TND Ordinance as determined by the County and participating municipality in the Interlocal Agreement between the County and participating municipality.
126. "Transit facilities" shall mean transit capital infrastructure including, but not limited to, buses, park and ride lots, bicycle racks, shelters/kiosks, and regional transit facilities, as well as the necessary infrastructure to support the construction of such facilities, such as drainage areas, wetland/floodplain mitigation areas, landscaping, benches, signage, and bicycle/pedestrian facilities constructed to provide direct access to a transit stop.
127. "Transit mobility fee" shall mean the portion of the mobility fee assessed for impacts to transit facilities, and which is identified in the mobility fee schedule as "transit share."
128. "Transit-oriented development (TOD)" shall mean development in areas identified in the Comprehensive Plan that are reserved for existing or planned regional transit facilities. These areas must be compact, have moderate to high density developments, be of MU (Mixed Use) character, interconnected, bicycle and pedestrian friendly, and designed to support frequent transit service operating through regional transit facilities.
129. "Transportation capital expenses" shall consist of the following expenditures for transportation capital improvements:
 - a. The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness then outstanding.

- b. Administrative and overhead expenses necessary or incidental to the implementation of the transportation capital improvements.
 - c. Expenses of planning, corridor and alternatives analysis, route studies and pond-siting analysis reports, soil borings, tests, surveys, construction plans, and legal and other professional advice or financial analysis relating to transportation capital improvements, including the reimbursement of the County for such expenses incurred before the transportation capital improvements were approved and adopted into the CIP.
 - d. The acquisition of right-of-way for the transportation capital improvements, including the costs incurred in connection with the exercise of eminent domain.
 - e. The clearance and preparation of any transportation capital improvement site, including the demolition of structures on the site.
 - f. All expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of bonds, bond anticipation notes, or other form of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes, or other form of indebtedness.
 - g. Costs of design and construction, including maintenance of traffic during construction.
130. "Transportation capital improvements" shall mean roadway facilities, transit facilities, and bicycle/pedestrian facilities.
131. "Transportation impact fee" or "transportation impact fees" shall mean the transportation impact fees in effect prior to the adoption of the Mobility Fee Ordinance, and which were adopted, pursuant to the Transportation Impact Fee Ordinance.
132. "Transportation impact fee credits" shall mean credits against transportation impact fees issued by the County, pursuant to the Transportation Impact Fee Ordinance.
133. "Transportation Impact Fee Ordinance" shall mean Ordinance No. 07-09, as it existed prior to the adoption of Ordinance No. 11-08, the Mobility Fee Ordinance.
134. "Transportation operation and maintenance expenses" shall mean expenses associated with the operation and maintenance of transportation capital improvements, including cleaning, repairs, mowing, landscape maintenance, resurfacing that does not expand transportation capacity, and fuel and salary costs for the operation of transit systems.
135. "University" shall include four-year universities that may or may not offer graduate programs.
136. "Veterinarian Clinic" shall mean facilities where diagnosis and treatment of sick, deceased or ailing animals, primarily domestic pets, are performed. Veterinarian clinics do not include non-veterinary kennels.

137. "Villages of Pasadena Hills (VOPH)" shall mean the J. "Ben" Harrill Villages of Pasadena Hills Stewardship District, a dependent special district. The boundaries of the VOPH District are established in this Code, Section 602.
138. "VOPH Financial Plan" shall mean the Financial Plan for the Villages of Pasadena Hills adopted pursuant to Policy FLU 6.5.10 of the Comprehensive Plan, as amended.
139. "VOPH Mobility Fees" shall mean those roadway mobility fees and bicycle/pedestrian mobility fees collected within the VOPH.
140. "VOPH Tax Increment Revenues" shall mean the portion of the Tax Increment Revenues that is generated from the real property in the VOPH, and calculated in accordance with the Multimodal Tax Increment Ordinance.
141. "VOPH Transportation Capital Improvements" shall mean transportation capital improvements that benefit the VOPH, as determined by the VOPH Financial Plan.

Modular homes. Those dwelling units that consist of multiple modules or sections that are manufactured in a remote facility and then delivered to their intended site for use where they are assembled on a permanent, fixed foundation and constructed to the same Florida, local, or regional building codes as site-built homes.

Monitor. To inspect, review, or supervise on a regular periodic basis.

Motel. A facility offering transient lodging accommodations normally on a daily basis and at a daily rate and typically providing parking adjacent to each sleeping room. Accessory uses such as restaurant, meeting rooms, and recreational facilities may be provided. Motels are different from hotels in that each motel room has a separate entry directly from the outside of the building.

Mulch. Any material applied to the soil surface to retain soil moisture, control erosion, inhibit weeds, and/or regulate soil temperatures.

Multimodal transportation. Pertaining to several modes of transportation including, but not limited to, travel by single-occupant car, car or van pools, demand-response paratransit, and fixed-route and fixed-schedule mass transit.

Multiple-occupancy parcel. Any parcel of property, or parcels of contiguous property, existing as a unified or coordinated project, with a multitenant structure or structures, proposed or existing, or multiple structures, proposed or existing, on the property.

Multitenant structure. A building used, designed, or constructed for occupation by more than one tenant, business, or entity, including multistory buildings with a residential component.

Municipal-separate storm sewer system. A conveyance or system of conveyances including, but not limited to, roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, owned or operated by a local government that discharges to waters of the United States or connects to other municipal-separate storm sewer systems that is designed solely for collecting or conveying stormwater, and that is not part of a publicly owned treatment works as defined by 40 CFR 122.2 or any amendment thereto.

Musical entertainment festival. Any overnight gathering of groups or individuals exceeding 500 people on private property for the purpose of listening to, watching, or participating in entertainment which consists primarily of musical renditions conducted in open space not within an enclosed building.

MUTRM (Mixed-Use Trip Reduction Measures) Definitions

For the purposes of this Code, Section 901.13, Mixed-Use Trip Reduction Measures (MUTRM), the following words shall be defined as follows:

1. Block Size - the linear distance that coincides with the perimeter of a development block. When measuring block size, the edge of right-of-way shall be used, when public streets are planned. When private streets are proposed, the measurement shall coincide with the residential property line, exclusive of any easement provided for roadway purposes.
2. Block Structure - the combination of the size, configuration, and general layout of blocks located within a specified area, generally within a grid, radial, or organic form or pattern.
3. Civic Use Open Space Area - an open space area designed for public gatherings or functions.
4. Civic/Public Serving Land Use - a land use specifically designed for locating buildings or spaces for civic or public uses. Examples of civic/public serving land uses include: schools, libraries, civic or cultural assembly buildings, places of worship, or other similar recreational, educational, or public/semi-public uses. HOA/POA neighborhood amenity centers, which provide these uses, qualify as a required civic use.
5. Complete Streets - a transportation policy and design approach that requires streets to be planned, designed, operated, and maintained to enable safe, convenient and comfortable travel and access for users of all ages and abilities regardless of their mode of transportation. Complete Streets create an interconnected street system that prioritizes pedestrian and bicycle movement to allow for the safe travel by those walking, bicycling, driving automobiles, riding public transportation, or delivering goods. Implementation is achieved through the incorporation of roadway standards for compact development as specified in Chapter 19 of the FDOT *Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways*;
6. Compact Development Area (CDA) - a specifically designated area in which established development standards shall apply to ensure that the area functions as a walkable place, as determined by area, street dimensions, block sizes, and the inclusion of a comprehensive pedestrian network of sidewalks, bikeways, and trails throughout, and the inclusion of one or more neighborhood centers.
7. Connectivity - the provision of direct links among all project areas, where feasible, through accessibility and easy, safe movement for pedestrians, bicyclists, and motorists, from one area to another.
8. Gross Leasable Area (GLA) - the total floor area designed for tenant occupancy and exclusive use.

9. Local-Serving Commercial Uses - land uses primarily comprised of retail and personal service businesses that directly serve the day-to-day needs of local residents. These uses include those businesses that typically serve as satellite uses located within grocery-anchored neighborhoods and community-scale shopping centers. The most common of these businesses include restaurants; ethnic food sales; liquor stores; card and gift shops; ice cream shops; dry cleaners; small fitness facilities; hair, nail and beauty salons; real estate agents; insurance agents; dentists; pool supply sales; and other similar uses.
10. Mixed Use Trip-Reduction Measures (MUTRM) - an optional land development regulatory procedure by which an applicant may be permitted to apply a higher Vehicle to Capacity Ratio (V/C Ratio), (a less stringent standard), during the preparation of a traffic analysis for a development project, or solely to obtain an adopted mobility fee reduction (as applied to the Compact Development Area only) even if a higher V/C Ratio is not sought, for that applicant's commitment to adhere to development standards, in accordance with Section 901.13, that result in a Trip Reducing Project (TRP).

These standards have been identified in the County's mobility fee study and supporting appendices, which are based on jobs to housing ratios, availability of locally serving commercial, intersection density or maximum block size, and the availability of a complete streets including sidewalk and bicycle facility networks.

Any portion of a MUTRM Project that meets the Traditional Neighborhood Development Standards (TND) as per this Code, Section 601, or approved Transit-Oriented Development (TOD) standards will also be eligible for the applicable Mobility Fee rate.

11. Multimodal (or multi-modal) - a connected transportation system that supports several modes of transportation including, but not limited to, travel by single-occupant car, car or van pools, demand-response par transit, and fixed-route and fixed-schedule mass transit, bicycles, and pedestrians.
12. Multi-purpose Path (a.k.a Shared Path, Multiuse Path) - a paved, linear surface intended for the combined use of both pedestrians and bicyclists.
13. MUTRM Master Plan - a plan that graphically depicts the overall MUTRM project area, including the project's Compact Development Area and associated neighborhood center(s), providing general block configuration, location and mix of uses, residential density, square footage and location of commercial uses and other CDA-required uses. This plan shall include the step-by-step calculations for the required CDA area (including any employment adjustment credits), the minimum number of CDA residential units, and the minimum neighborhood-serving commercial square footage.
14. Neighborhood Center - a designated area comprising a minimum amount of required park area and some combination of local-serving commercial/retail, office, and civic/public serving land uses (i.e. public school, community park, library, civic or cultural assembly building or programmed areas, place of worship, or other similar recreational, educational, or public/semi-public uses) in accordance with Section 901.13.E.1.a.(8); and the inclusion of transit-friendly design features to support and encourage the use of existing and future transit opportunities to provide an alternative to automobile use.

15. Neighborhood Plan - a required plan that graphically depicts a designated CDA and demonstrates compliance with Section X4.A.1, in accordance with Section X5.B.
16. Pedestrian Scale (a.k.a Human Scale) - pertaining to the relationship between pedestrians and the structures and objects that they encounter within an urban environment. Achieving a desirable pedestrian scale is accomplished through the varied massing and interplay of solid and void spaces within architectural structures at the pedestrian or street level. The incorporation of street furnishings, as defined below, within the "public" areas of sidewalks, plazas, galleries, and courts is strongly encouraged.
17. Street Furnishings - a collective term for objects and pieces of equipment installed on streets and roads for various purposes. It includes benches, traffic barriers, bollards, kiosks, streetlights, traffic lights, traffic signs, bus stops, taxi stands, fountains, memorials, public sculptures, and trash receptacles.
18. Street Type - the classification of a vehicular travelway designed as either an: "Alley", "Yield Street", "Slow Street", or "Low Street", as specified in Chapter 19 of the FDOT *"Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways"*, Chapter 19; and collector and arterial streets designed in accordance with the Land Development Code, or as otherwise approved by the Board of County Commissioners. Street types shall be consistent with the anticipated traffic volumes, design speed, and adjacent land uses associated with each street.
19. Transit-Friendly Design Feature - any design element or land use that encourages the use of public transit; the most common being frequent bus stops with adequate permanent structures that provide shelter from inclement weather.
20. Trip Reducing Project (TRP) - a development project determined by the County to comply with Comprehensive Plan Policy TRA 2.4.1, and Section 901.12 of this Code. TRP Level of Service Standards are as set forth in Policy TRA 2.4.1.
21. Urban Park - a public open space within an urban area that provides either active or passive recreational opportunities for local residents and shoppers. Urban parks may range from treed and landscaped areas with seating for quiet thought (passive) to areas designed for structured play (active).
22. Walkability - a measure of how convenient and appealing an area is to support pedestrian activity. Factors influencing walkability include the presence and quality of footpaths; sidewalks or other pedestrian rights-of-way; traffic and road conditions; land use patterns; building accessibility; safety (real or perceived); etc.

National Ambient Air Quality Standards (NAAQS). Restriction established by the United States Environmental Protection Agency (USEPA), pursuant to the Clean Air Act, Section 109, to limit the quantity or concentration of an air pollutant that may be allowed to exist in the ambient air for any specific period of time. Those air pollutants for which standards exist are carbon monoxide, lead, nitrogen dioxide, ozone, sulfur dioxide, and total suspended particulate.

National Pollutant Discharge Elimination System (NPDES). The Federal program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and

enforcing pretreatment requirements under the Clean Water Act, Sections 307, 402, 318, and 405.

Native plants. A plant species that was present in the State in 1513 when Europeans arrived, or if the plant species arrived after 1513 by nonhuman means, such as air, animal, or sea drift.

Native vegetation. Established native plants that survive on natural rainfall without irrigation.

Natural ground. The surface of the earth as it exists prior to the commencement of mining or land excavation, including the surface of any land previously mined by earlier operators, whether reclaimed or not.

Navigable water body. A water body in which a small pleasure craft with an outboard motor can be piloted. This definition does not include man-made stormwater ponds not platted as lakes.

Near-Critical Road, a.k.a. 90-Percent Roadway. A Major County Road that is identified in the County's de minimis road list as having existing, but approved development volumes that exceed ninety (90) percent of the service volume of the road.

Neighborhood park. A park designed to serve the population of a single neighborhood and generally accessible by bicycle or by foot.

New construction (as it pertains to Flood Damage Prevention and the flood resistant construction requirements of the *Florida Building Code*). Any structure for which the "start of construction" commenced on or after November 8, 1981, the effective date, of the floodplain management regulations adopted by the County. The term also includes any subsequent improvements to such structures.

New manufactured home park or subdivision (as it pertains to Flood Damage Prevention). A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after November 18, 1981.

Nonattainment. Any area not meeting ambient air quality standards and designated as a nonattainment area under Section 17-2.410, F.A.C., for any of the National Ambient Air Quality Standards (NAAQS) listed pollutants.

Noncommencement. Notice to the County of intent not to commence development or the date of expiration of a Building Permit.

Nonconforming structure. A structure meeting the standards in this Code, Chapter 1200.

Nonconforming use. The use of land in a nonconforming manner as described in this Code, Chapter 1200.

Nonhabitable major structure. Includes but is not limited to, swimming pools, parking garages, pipelines, piers, canals, lakes, ditches, drainage structures, and other water-retention structures; water and sewage treatment plants; electrical power plants; transmission and distribution lines;

transformer pads, vaults, and substations; roads, bridges, streets, and highways; and underground storage tanks.

Nonpoint source pollution. Any source of air or water pollution that is not attributable to a discernible, confined, or discrete conveyance.

Nonresidential district. A nonresidential district is any parcel or parcels of land or water zoned other than E-R Estate-Residential, ER-2 Estate-Residential, R-MH Mobile Home, R-1MH Single-Family/Mobile Home, R-2MH Rural Density Mobile Home, R-1 Rural Density Residential, R-2 Low Density Residential, R-3 Medium Density Residential, R-4 High Density Residential, MF-1 Multiple Family Medium Density, MF-2 Multiple Family High Density, MF-3 Multiple Family High Density, or any areas designated and used within a PUD Planned Unit Development/MPUD Master Planned Unit Development District for residential purposes.

Nonresidential use. Any use of property other than a residential use as defined by this Code. Nonresidential uses include, but are not limited to, commercial, office, institutional, and industrial uses.

Normal water level. The design starting water elevation used when determining stage/storage design computations in a retention or detention area. A retention or detention system may have two (2) designated "normal water levels" associated with it if the system is designed for both water quality and water quantity.

North American Vertical Datum of 1988 (NAVD88). The NAVD88 is the vertical control datum of orthometric height established for vertical control surveying in the United States of America based upon the general adjustment of the North American Datum of 1988.

Nuisance. A violation of the provisions of this Code that becomes detrimental to health or threatens danger to the safety of persons or property; or gives offense to, is injurious to, or endangers the public health and welfare; or prevents the reasonable and comfortable use and enjoyment of property by the public.

Oasis plants. Established plants that require frequent irrigation.

Obstruction. Includes but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across, or projecting into any watercourse which may alter, impede, retard, or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Odor. Odor means that property of a substance which materially offends the sense of smell.

Office park. Developments containing general office buildings for professional and medical offices and support services, such as banks, savings and loan institutions, restaurants, and service stations arranged in a park or campus-like setting.

Off-line treatment system. A system only for water-quality treatment that collects project runoff and has no direct discharge capability other than percolation and evaporation. A system utilizing detention with effluent filtration is not an off-line treatment system.

On-line treatment system. A dual-purpose system that collects project runoff for both water-quality and water-quantity requirements. Water-quality volumes are recovered through percolation and evaporation while water-quantity volumes are recovered through a combination of percolation, evaporation, and surface discharge.

One-hundred year storm or 100-year storm. A shore-incident hurricane or any other storm with accompanying wind, wave, and storm surge intensity having a one (1) percent chance of being equaled or exceeded in any given year during any 100-year interval.

Open drainage basin. Open drainage basins are all watersheds not meeting the definition of closed drainage basin.

Open space. Land or water body that provides for physical movement, free of structures and equipment. Open space can be of any size, treed, or open grassland. Functions include the providing of flood protection, creating a sense of spatial separation for incompatible land uses, the provision of passive recreation or conservation uses, and historical site preservation.

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

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

Open space, rural land use classifications. Includes land designated AG/R (Agricultural/Rural) and RES-1 (Residential - 1 du/ga) with less than 300 acres. Consists of undeveloped land, wetlands, or water body which is free of structures and equipment, except that incidental to the land's open-space uses. Open space can be any size, treed, open, grassland, or water bodies. Functions include the providing of flood protection; creating a sense of spatial separation for incompatible land uses; the provision of passive recreation, active recreation, or conservation uses; historical site preservation; and areas for agricultural operations. Such open space may be part of an individual residential lot and is not required to be under common ownership. Open space easements and/or buffers will be required and count toward the open-space requirement. These easements shall restrict and reserve, in perpetuity, the open space from further development.

Open space, urban land use classifications. Includes lands designated RES-3 (Residential - 3 du/ga) and higher, TC (Town Center), nonresidential land use classifications, MU (Mixed Use) Land Use Classification, and RES-1 (Residential - 1 du/ga) Land Use Classification; and where acreage is greater than 300 and is developed as a cluster residential subdivision MPUD Master Planned Unit Development). Undeveloped land or water body that is free of structures and equipment, except that incidental to the land's open space uses. Open space must be common area under common ownership that may include flood protection; creating a sense of spatial separation for incompatible land uses; the provision of passive recreation, active recreation, or conservation uses; historical-site preservation; archaeological sites; and areas for agricultural operations. (Also see "open space, PD [Planned Development] land use" for projects utilizing the PD (Planned Development) provisions of the Comprehensive Plan and this Code.)

Operating Permit. Written authorization to commence specified minor land excavation, land excavation, mining, land spreading, construction and demolition debris disposal, and yard trash-processing activities for a specified period of time, and generally requiring information and analysis.

Operator. A person or business entity engaged or seeking to be engaged in a minor land excavation, mining, land excavation, construction and demolition debris disposal, land spreading, or yard trash-processing operation.

Ordinary Repair and Maintenance. Means any work to maintain, or minor repairs of a non-structural nature, or repairs necessary to meet the Florida Building Code. Adding square-footage shall not be deemed to be ordinary repair and maintenance. Structures in the flood zone shall meet all requirements in Section 1104, Flood Damage Prevention.

Outdoor Lighting. The nighttime illumination of an outside area or object by any fixed luminaire. Vehicle lights and flashlights are not included in this definition.

1. **Foot-candle.** The unit for measurement of illumination received by a surface located at a distance from a source of visible light. Typically calculated for a lighting plan and measured with a light meter.
2. **Full Oblique Shielding.** A design for a fixture that does not emit light above the line of sight to the light source when viewed from protected property. The shield blocks direct illumination of protected property. The fixture completely conceals and recesses the light source from all viewing positions except those positions permitted to receive illumination.

An observer can establish a sight line at any location where the observer can see only a small part of the fixture until the light source no longer appears, the observer will cross the sight line. Where the observer's eyes coincide with the sight line, the observer can project the sight line to the ground. The sight line coincides with the oblique line along the bottom of the shielding angle. If the sight line falls on protected property, then the fixture does not provide adequate full oblique shielding.

3. **Light fixtures.** All outdoor, illuminating devices, reflective surfaces, lamps, and other devices, either permanently installed or portable, that are used for illumination or advertisement.

4. **Light Source.** The medium producing the visible light or changing the direction of the light. Such media may include bulbs, lenses, refractors, reflectors, diffusers, or any emitter of visible light either directly from the material discharging the visible radiant energy or indirectly from material that redirects the illuminating light.
5. **Lumen.** The unit of measurement of the total visible light produced by a light source. Typically published in specifications by the manufacturer.
6. **Protected Area.** An area intended for protection from outdoor lighting including any property: 1) in residential use, 2) in a residential district, or in a public street right-of-way.

Out-parcel. A parcel that is separate from, but contiguous to, a multioccupancy parcel or a large-scale commercial retail building. The out-parcel may or may not share common access and common parking areas with the multioccupancy parcel or a large-scale, commercial, retail building. However, for locating a multioccupancy or large-scale commercial retail building sign on an out-parcel, the out-parcel must be associated with the multioccupancy parcel or the large-scale commercial retail building, as evidenced by shared common access.

Overburden. The collective term for all earth materials overlying the area to be mined.

Overflow elevation. The design elevation of a discharge structure at or below which water is contained behind the structure, except for that which leaks or bleeds out, through a control device down to the control elevation.

Overspray. Water that is delivered beyond the landscape area; wetting pavements, walks, structures, or other nonlandscaped areas.

Package plant. A small, usually temporary, wastewater treatment facility.

Parcel. Any quantity of land capable of being described with such definiteness that its location and boundaries may be established and which is designated by its owner or developer as land to be used or developed as a unit.

Parent parcel. A parent parcel is:

1. Any unplatted parcel of land recorded by deed as of June 16, 1989.
2. Any parcel recorded by plat prior to May 1, 1974.
3. Any lot of unrecorded plat that existed as of June 16, 1989.

Parking lot. An open area or plot of land used exclusively for the temporary storage or parking of motor vehicles. Does not include an area used exclusively for the display of motor vehicles for sale as part of a vehicle dealership.

Parking space. A paved or unpaved area for the storage of a single motor vehicle.

Park land. The land owned or operated by the County required for the development or expansion of County parks as identified in the Parks and Recreation 2022-2045 Capital Plan. The term "park land" specifically excludes land for neighborhood parks required by this Code, Section 905.1.

Park land acquisition. The portion of the parks and recreation impact fee that is earmarked for acquiring real property, or interest therein, for park land, including the purchase price, closing costs, title or survey costs, appraisal costs, due diligence costs, and, where applicable, eminent domain or condemnation related costs.

Parks. Areas dedicated for passive and active recreational use, that are characterized by natural and landscape features. They may provide user-oriented and resource-based recreation depending on size, site characteristics, and use.

Parks and recreation facilities. The following facilities on or adjacent to park land: baseball, softball, soccer, football and multi-purpose fields, and tennis, basketball, volleyball, and other outdoor courts, including ground covering (natural or artificial turf), goals/uprights, nets, seating, fencing, lighting, scoreboxes, scoreboards, shade structures, and any other amenities directly associated with fields, multi-purpose rooms, gymnasium(s), fitness equipment, kitchens, office, storage facilities and restrooms/locker rooms, and any other amenities directly related associated with recreation centers, park pavilions and shelters, storage facilities, concession buildings, maintenance buildings, restrooms, splashpads, playgrounds, bike parks, skate parks, dog park space, landscaping and hardscaping, signage, seating, picnic tables, trash/recycling receptacles, boat ramps, motor boat launch lanes, docking facilities, piers, ingress/egress traffic lanes, canoe/kayak launches, parking, site security residences, campgrounds, RV sites, cabins, wells, bird blinds, bath houses, amphitheaters, trails, walking paths, and any other amenities that support the parks and recreation facilities identified above.. The term “parks and recreation facilities” specifically excludes facilities placed on neighborhood parks required by this Code, Section 905.1. Additional facilities may be added pursuant to Section 1302.4.B.3.

Parks and recreation impact fee study. The 2022 study updating the parks and recreation impact fee.

Parks and recreation impact fee. An impact fee that is imposed on new residential construction which is calculated to defray all or a portion of the costs of the parks and recreation facilities required to accommodate the impact to the parks and recreation system of that new residential construction and which fee is applied to parks and recreation facilities that reasonably benefit the residents of the new residential construction.

Permanent control point. A secondary horizontal control monument consisting of a metal pin or pipe not less than three-fourths-inch diameter and at least twenty-four (24) inches in length, or a concrete monument four (4) inches by four (4) inches at a minimum of twenty-four (24) inches long. The point of reference and the registration number of the surveyor filing the plat of record shall be marked thereon.

Permanent reference monument. A monument consisting of a metal rod of 1.5 inches minimum diameter, metal pipe at a minimum of twenty-four (24) inches long, encased in a solid block of concrete or set in natural bedrock at a minimum of eighteen (18) inches below the top of the monument, or a concrete monument four (4) inches by four (4) inches, a minimum of twenty-four (24) inches long, with the point of reference marked thereon. A metal cap marker, with the point of reference, the registration number of the surveyor certifying the plat of record, and the letters "PRM" marked thereon shall be placed on the top of the monument as required by Chapter 177, Florida Statutes, as amended.

Person. A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, state, all political subdivisions of a state, or any agency or instrumentality thereof, whether singular or plural, as the context may require.

Personal services. An establishment that primarily provides services generally involving the care of a person or a person's apparel including, but not limited to, barber shops, beauty salons, seamstress shops, shoe-repair shops, dry cleaning, and laundry-pickup facilities.

Physical contact establishment. A site or premises or portion thereof, upon which any person who is an owner, proprietor, employee, or independent contractor in exchange for payment manipulates the superficial tissues of the body of another person with any portion of the torso, hand, foot, leg, arm, or elbow, whether or not aided by any device. The definition of physical contact establishment does not include the following:

1. Licensed health-care facilities.
2. Licensed physicians or nurses engaged in the practice of their profession.
3. Educational or professional athletic facilities, if massage is a normal and usual practice in such facility.
4. Establishments exempted under Section 480.034, Florida Statutes.
5. Massage establishments licensed under Chapter 480, Florida Statutes.

Place of religious worship. Any building or structure used primarily and regularly for religious services or education of any denomination, and the title, lease, or rental agreement of such building or structure is owned or held by a nonprofit organization devoted to religious services or education.

Planned Unit Development (PUD). An inactive zoning district.

Plat. As defined in Chapter 177, Florida Statutes, as amended.

Point source discharge. Release of degraded water through a discernible, confined, or discrete conveyance including, but not limited to, pipes, ditches, channels, tunnels, conduits, or wells. This term does not include return flows from irrigated agriculture.

Pollutant. Any dredged spoil; solid waste; incinerator residue; filter backwash; sewage; garbage; sewage sludge; munition; chemical wastes; biological materials; radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended, 42 (U.S.C. 2011 et. seq.); heat; wrecked or discharged equipment; rock; sand; and industrial, municipal, and agricultural waste discharged into water.

Pollution. The presence of contaminants in the air, water, or soil that is known to be harmful or potentially harmful to the health of living beings.

Porch or stoop. A covered or uncovered area with floor at a front, side, or rear door.

Portable storage unit. Any container designed or is used for the outdoor storage of personal property, including those which are typically rented to owners or occupants of property for their temporary use, and which is typically delivered and removed by vehicle. Containers that are less

than 500 cubic feet are not portable storage units within the meaning of this definition. Shipping containers or semi-trailers, shipping containers, or semi-trailer boxes shall not be considered "portable storage containers" in locations and/or zoning districts that otherwise prohibit commercial vehicles or equipment.

Potable water. Water which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the FDEP.

Potbellied pig. Commonly referred to as the Vietnamese, Oriental, or Chinese potbellied pig (*sus scrofa vittatus*) or (*sus scrofa domestica*).

Potentiometric surface. The elevation to which water will rise in a tightly cased well.

Premises. Any lot, parcel, or tract of land, and any building constructed thereon.

Primary tributaries. Water bodies shown on the most recent United States Geological Survey quadrangle sheets as having perennial flow which eventually drain into any permanent open water body.

Principal building. A building in which is conducted the dominant use of the lot on which it is situated.

Principal use. The major dominant use of the lot on which it is located.

Private water system. A well, spring, cistern, or other similar source of water and appurtenances of piped water for human consumption and other domestic purposes used only by individual family living units, including private homes, duplexes, or multiple-family dwellings.

Processing. Processing means the transporting, washing, sizing, flotation, storage, drying, grinding, and shipping of mined material and all activities reasonably related thereto. Processing also includes activities such as washing, packaging, chopping, drying, freezing, or otherwise preparing food.

Professional Office District. A Professional Office District is any parcel or parcels of land or water zoned PO-1 Professional Office, PO-2 Professional Office, or any areas designated and used for professional office purposes within a PUD Planned Unit Development/MPUD Master Planned Unit Development District, as defined by the County Zoning Ordinance enacted November 19, 1975, and as subsequently amended.

Professional offices or services. Office uses principally dedicated to the provision of professional services including, but not limited to, accounting, medical, legal, dental, engineering, land surveying, clerical/bookkeeping, consultant, drafting, research, real estate, investment, tax and financial, title and abstract, stock brokerage, bonding, and other similar services not principally involving the wholesale or retail sale of personal property stored or displayed on the premises.

Programmed. A facility which has been officially scheduled for construction in the CIP and budget.

Project. For purposes of the definition of "project," the term shall include any development, parcel of land, lot, and tract, any contiguous or nearby (within one-quarter mile) developments, parcels,

lots, or tracts that are (1) developed by the same or related development or landowner; or (2) developed as part of the same zoning plan, preliminary development plan, PSP, plat, or other unified plan of development as determined by the County Administrator or designee. However, parcels of land, lots, or tracts legally subdivided, or that filed a complete application to legally subdivide prior to June 4, 2004; or that are otherwise exempt from Section 901 and not presently owned by a related developer or landowner shall not be aggregated as a "single development" for purposes of transportation-related requirements of this Code. For purposes of this definition, a related developer or landowner shall include a partnership in which any of the same persons or entities are partners and a corporation in which any of the same persons are officers or directors. If an applicant is in doubt as to whether a particular development, parcel of land, lot, or tract will be aggregated with another development, parcel, lot, or tract pursuant to this definition, the applicant may request a written determination from the County Administrator or designee. The term "project" shall be liberally construed in favor of the applicable requirements of this Code to all development within the County.

Public park. A park, playground, swimming pool, reservoir, golf course, or athletic field within the County that is under the control, operation, or management of the County or any other governmental entity.

Public place. Public rights-of-way, any river, channel, lake, bay, body of water, public park, or any adjacent parcel under separate ownership.

Public school. Public school shall consist of kindergarten classes, elementary, and secondary school grades, university and community colleges, and special classes authorized by law to be operated under the control of the State system of public education.

Public/semipublic facilities. Those traditional, essential facilities and municipal services which may or may not be provided by the government including, but not limited to, fire protections; law enforcement; recreation service and facilities; utilities including electric and gas; water supplies including, but not limited to, reclaimed water and water from aquifer storage and recovery and desalination systems; garbage and trash collection and disposal; waste and sewage collection and disposal; drainage; transportation; education; and healthcare services. Uses that are conducted entirely by the public sector shall be considered public; uses not entirely public shall be considered semipublic. Public/semipublic facilities are classified as either major or minor depending upon scale and intensity. See definition of Major Public/semipublic Facilities and Minor Public/Semipublic Facilities.

Public service. Services provided by the County which may or may not be associated with capital infrastructure, such as but not limited to, police, fire, health, education, library, and social service.

Public water system. A system for the provision to the public of piped water for human consumption if such system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) individuals daily for at least sixty (60) days out of the year.

Pump stations. Generally, those components of a water and/or sanitary sewer system that place pipe contents (water or wastewater) under pressure in order to facilitate its travel.

Radial point. The center point within the dead end or bend of a canal, equally distant from the shoreline or upland within the dead end or bend.

Rain sensor device. A calibrated device that is designed to measure rainfall and override the irrigation cycle of the irrigation system when a predetermined amount of rainfall has occurred. The suggested setting of the rain sensor device for shutoff, per the University of Florida's Institute of Food and Agricultural Sciences, is one-half to three-quarters inch.

Rational nexus test. The legal test established by the Florida Supreme Court upon which all impact fee ordinances in the State are based. This complex test of constitutionality, which has been explained in greater detail by various court opinions, requires in summary that in order to be constitutional, an impact fee ordinance must provide that:

1. The amount of impact fees charged bears a reasonable relationship to the cost of providing public facilities necessitated by new development; and
2. The impact fees collected are earmarked and spent to construct public facilities reasonably benefiting the new development paying the fee.

Raw. Any unprocessed natural product in a natural, unrefined state not yet changed by process, by manufacture, or by preparation for consumption.

Reasonable access. The minimum number of connections, direct or indirect, necessary to provide safe ingress and egress to the collector and arterial roadway system based on projected connection and roadway traffic volumes and the type and intensity of the land use.

Reasonable, beneficial use. The use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner that is both reasonable and consistent with the public interest.

Receiving water. The surface water area into which an industrial, domestic, or stormwater pollution-point source enters after appropriate water quality treatment.

Recharge area. Any area of porous, permeable geologic deposits, such as deposits of stratified sand and gravel, and sinkhole areas, through which water from any source drains into an aquifer, and including wetlands or water bodies, together with the watershed.

Reclaimed water. Water that has received at least secondary treatment, basic disinfection, and is reused after flowing out of a domestic wastewater treatment facility as defined in Rule 62-610, F.A.C., as amended.

Reclamation. Reclamation is the restructuring, reshaping, and restoration of mined or excavated lands to a form in which the lands are able to be put to a beneficial use as provided within this Code.

Recorded, County-observed, flooding elevation. A flooding elevation surveyed by the County and adopted as a standard by the BCC by resolution.

Recreation. Leisure activities or pursuits, especially those that are conducted outdoors.

Recreational vehicle. A noncommercial transportation structure or device, self-propelled or towed, that is used or designed to be used for recreational purposes. Vehicles are recreational vehicles when designed or constructed to be towed, or are towable by passenger cars, station

wagons, or light pickup or panel trucks, or similar motor vehicles, and are used or intended to be used for recreational purposes. Recreational vehicles include, but are not limited to, the following vehicles: utility-type trailers; boat trailers; trailer coaches; camping trailers; motor homes; pickup (slide-in) campers; chassis mounts; converted vans; chopped vans; minimotor homes; fifth-wheel trailers of recreational vehicle construction, design, and intent; utility trailers; carry-on trailers, with and without a structure mounted thereon; boats, jet skis, airboats, swamp buggies; unlicensed or unregistered dune buggies, racing cars and stock cars; park trailers; and motorized vehicles converted from their original intended use and presently designed and used for recreational purposes. The requirements of this section apply to such vehicles whether or not such vehicles are motorized, operable, licensed, or otherwise usable, or in use for a different purpose for which they were designed; i.e., a "nonrecreational" use.

1. A camping trailer is a portable vehicular unit mounted on wheels and constructed with collapsible partial sidewalls which fold or collapse for towing by another vehicle to provide temporary living quarters for recreational, camping, or travel use.
2. Pickup (slide-in) campers are recreational vehicles when designed to be mounted temporarily or permanently in the beds of light trucks or in trucks having either single- or double-rear wheels and with or without an assisting, extra tag axle, and wheels mounted either on the camper chassis or the truck chassis behind the truck's rear wheels and is used or intended to be used for recreational purposes. These campers can be readily demountable from truck beds. When removed from their respective truck beds, pickup campers are called unmounted campers.
3. Chassis mounts, motor homes, and minimotor homes are vehicular units built upon a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use. The chassis may have single- or double-rear wheels.
4. Converted and chopped vans are recreational vehicles when created by altering or changing an existing auto van for recreational purposes.
5. A carry-on trailer is a recreational vehicle when constructed in such a manner as to place thereon a boat, airboat, swamp buggy, dune buggy, racing cars or stock cars, aircraft, golf carts, or vehicles converted for recreational storage or transportation, and which is towable by a passenger car, station wagon, pickup truck, or other mobile recreational vehicle as defined herein.
6. A park trailer "park model" is a vehicle having a body width not exceeding fourteen (14) feet, built upon a single chassis design to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances (also defined in Section 320.01, F.S.).

Regional Attractor. An existing facility, public or private, located within the unincorporated area of Pasco County having all of the following characteristics and meeting the applicable criteria of Section 406.1 of this Code: (a) is a tourist destination as evidenced by the facility or events at the facility being promoted to tourists as defined by Section 125.0104(2)(b)2., Florida Statutes; and (b) the use of the facility is programmed to host a large variety of uniquely different events throughout the calendar year.

Regional shopping center. A commercial center providing shopping goods, general merchandise, apparel, furniture, and home furnishings in full depth and variety. Such center shall contain thirty (30) or more acres and a minimum gross, leasable area of 400,000 square feet.

Regulated substance. Any substance, including petroleum or derivatives thereof, or combination of substances which, because of their quantity, concentration, physical, chemical, infectious, flammable, combustible, radioactive, or toxic characteristics, may cause or significantly contribute to a present or potential risk to human health, safety, welfare, to groundwater resources or to the natural environment that are regulated by Federal, State, or local law.

Regulatory floodway (see floodway).

Repeat violation. A violation of a provision of a code or ordinance by a person whom was previously found to have violated the same provision within five (5) years prior to the violation.

Residential District. A residential district is any parcel or parcels of land or water zoned E-R Estate-Residential, ER-2 Estate-Residential, R-MH Mobile Home, R-1MH Single-Family/Mobile Home, R-2MH Rural Density Mobile Home, R-1 Rural Density Residential, R-2 Low Density Residential, R-3 Medium Density Residential, R-4 High Density Residential, MF-1 Multiple Family Medium Density, MF-2 Multiple Family High Density, MF-3 Multiple Family High Density, or any areas designated and used within a PUD Planned Unit Development/MPUD Master Planned Unit Development District for residential purposes as defined by this Code, Chapter 500, and as subsequently amended.

Residential treatment and care facilities. Any nongovernmentally owned and operated facility, whether operated for profit or not, which undertakes through its ownership or management to provide for a period exceeding twenty-four (24) hours, housing and food services, personal services, and physical or mental health-care services for a group of persons who do not constitute a Family and who require such services. Where consistent with this definition, residential treatment and care facilities shall include, but not be limited to, adult congregate-living facilities, skilled nursing facilities, convalescent homes, centers for drug treatment and rehabilitation, and other similar facilities, all of which normally employ the services of skilled and licensed health practitioners. Residential treatment and care facilities shall not include Independent Living Facilities.

Residential Street Tree. Those trees planted in accordance with a subdivision development plan and to single and two (2) family residential lots along streets and roadways, which are located within the designated right-of-way.

Residential use. Any occupied structure or part thereof which is designed exclusively for human habitation on a continuous basis; i.e. having hot and cold running water and adequate facilities for heating, cooking, sleeping, and the sanitary elimination of waste. Hotels, motels, and temporary lodging facilities are specifically excluded.

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

Retention. The prevention of direct discharge of storm runoff into receiving waters; included as examples are systems that discharge through percolation, exfiltration, and evaporation processes and that generally have residence times less than three (3) days.

Right-of-way. Means land in which the state, the Florida Department of Transportation (FDOT), a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility and includes the land, air space over the land, and area below the land to the extent the entity holds a property interest therein.

Roof line. The top edge of the roof or parapet that forms the top line of the building silhouette when viewed from ground level.

Runoff. Water that is not absorbed by the soil and flows from the area.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Sanitary landfill. Any solid waste land-disposal area for which a permit other than a general permit is required by Section 403.707, Florida Statutes, and which receives solid waste for disposal in or upon land. The term does not include a land-spreading site, an injection well, a surface impoundment, or a facility for the disposal of construction and demolition debris.

Sawmills or planing mills. Mills intended for the primary processing of timber or saw logs into lumber and shall exclude any secondary processing of the lumber thus produced.

School, General. Any use, building, or structure, that is held, used, or controlled exclusively for (1) public educational purposes by the School Board or other governmental entity; (2) a "charter school" as defined by the Florida K-20 Education Code as it may be amended with a valid charter; or (3) a private school, authorized by the Board of Education, which is defined as an individual, association, copartnership, or corporation, or department, division, or section of such organizations that designates itself as an educational center that includes kindergarten, elementary, or secondary schooling below college level and that provides instructional services that meet the intent of Sections 1003.01(13)(a-d) and 1003.21 of the Florida K-20 Education Code, as it may be amended. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school.

School facilities. Those facilities of the school system, including auxiliary facilities, educational facilities, core facilities, educational facilities, and educational plants as defined in Section 1013.01, Florida Statutes, as amended, which a need is created for by new residential construction.

School impact fee. An impact fee that is imposed on new residential construction that is calculated to defray all or a portion of the costs of the school facilities, school sites and school buses required to accommodate the impact to the school system of that new residential construction and which fee is applied to school facilities, school sites, and school buses that reasonably benefit the new residential construction.

School system. The school facilities, school sites and school buses that are used to provide instruction within, or transport to and from, the public schools operated by law under control of the School Board.

Screen. Fences, walls, berms, trees, shrubs, or a combination of these located within a buffer to serve as a visual barrier.

Season high-water level. The elevation to which the ground or surface water can be expected to rise due to a normal wet season.

Seasonal high-water line. The line formed by the intersection of the rising shore and the elevation of 150 percent of the local tidal range above-mean high water.

Seawall. Man-made wall or embankment, except riprap, that is made to break the force of waves and to protect the shore from erosion.

Self-Storage Facility. A building or buildings consisting of individual, small, self-contained units that are leased for the storage of goods.

Septage. Domestic septage which has been properly stabilized.

Septic tank. A watertight receptacle constructed to promote separation of solid and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil-absorption system.

Setback. Physical distance which serves to minimize the effects of development activity from a structure or natural resource and for which it may be necessary to restrict activities for the area; or the physical distance between structure and the property line or edge of ingress/egress easement as applicable.

Sewerage system. A network of drains and sewers used to collect liquid and solid wastes for subsequent treatment or disposal.

Sewerage system, central. Includes pipe, pumps, tanks, treatment plants, and all other appurtenances which serve three (3) or more lots, or which serve any multiple-family, commercial, industrial, instructional, or other use where the total sewage flow exceeds 2,000 gallons per day.

Sewerage system, individual. A system of piping, tanks, or other facilities serving only one (1) lot.

Sexually oriented business:

1. Any physical contact establishment.
2. Any premises where members of the public or any person for consideration are offered any live or recorded performance, or any visual images tangibly fixed in any medium, which performance, image, or recording has as its primary or dominant theme, subject matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
3. Any premises where the presentation or distribution of any performance, recording, or visual image requires the exclusion of minors from the premises, pursuant to Chapter 847, Florida Statutes.

4. Any premise where a member of the public or any person for consideration, including a membership or entry fee, is permitted to view or engage in sexual acts.

Shellfish-harvesting area. Coastal waters classified, pursuant to Rule 5L-1, F.A.C., based upon bacteriological and sanitary surveys which define levels of bacteriological pollution and document all possible sources of pollution, both actual and potential.

Shooting range or firing range. A specialized indoor or outdoor facility designed for firearms practice.

Shoreline. Interface of land and water in oceanic and estuarine conditions that follows the general configuration of the mean high-water line (tidal water) and the ordinary high-water mark (freshwater).

Side-use lines. Lines extending into the water from the property lines of upland owners adjacent to the water. Side-use lines begin at the waterfront property corner and generally extend out perpendicular to the canal centerline, except that side-use lines extend to the radial point at dead ends and bends of canals. Along with the waterward-use line, side-use lines mark the area, the "canal-use zone," where upland property owners may exercise canal-use rights in a manner consistent with this Code.

Sight triangle (see clear-sight triangle).

Sign. For the purposes of Signs, this Code, Section 406.1, the following words shall be defined as follows.

1. "Sign." Any visual medium that communicates information to the public, regardless of purpose, includes any symbols, letters, figures, illustrations, graphics, or other forms affixed to any structure or device or land.
2. "Activated sign." Any sign that contains or uses for illumination any light, lighting device, or lights that change color, flash, or alternate or change appearance of the said sign or any part thereof automatically; any sign that contains moving parts as part of its normal operation, such as rotating signs, shall be considered an activated sign. Additionally, a sign that depicts or contains copy that moves or appears to be moving; emits audible sound, vapor, smoke, odor particles, or gaseous matter; or electronic message center(s) a.k.a. reader boards, or similar technology.
3. "Advertiser." Any person who is a lessee or owner of a sign, an agent of the same, or anyone who has beneficial use of a sign.
4. "Advertising balloon." A sign constructed from nonporous material that is inflated and is designed to rise and float in the atmosphere. Included in this definition are those advertising balloons that represent the form of a person, place, or thing. Aircraft that may meet this definition are not considered advertising balloons. Advertising balloons may be tethered or tied to the ground or may be designed to float freely in the atmosphere or may be activated material shaped in tubes, puppets, people and the like that are intended to be inflated and may or may not wave, dance or move. Included in this definition are those

balloons that represent the form of a person, place, or thing that are anchored to the ground. Aircraft that may meet this definition are not considered balloons.

5. "Advertising device." Any structure or device erected or intended for the purpose of displaying advertising situated upon or attached to real property so as to be visible to the public. For purposes of this Appendix and Section 406.1, an advertising device is a "sign."
6. "Air-blown device." Any device not otherwise specifically defined in this Appendix, that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by mechanically forced air. This definition specifically includes but is not limited to those devices referred to commercially as "air puppets" and "air dancers." For purposes of this Appendix and Section 406.1, air-blown devices are advertising devices.
7. "Architectural feature." Any construction attending to but not an integral part of a sign, such as, by way of example not limitation, landscape, building, or structural forms that enhance the site in general; it also includes graphic stripes and other architectural painting techniques applied to a structure that serves a functional purpose, or when the stripes or other painting techniques are applied to a sign, provided such treatment does not include lettering, logos, or pictures.
8. "Art." Consists of paintings, sculpture, and other pictures or objects that are created for people to look at and admire or think deeply about.
9. "Awning sign." A shelter supported entirely from the exterior wall of a building and composed of nonrigid materials, except for the supporting framework, upon which a sign is indelibly drawn, painted, or printed.
10. "Banner sign." Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to plastic, or fabric of any kind. "Banner" does not include ground signs or pole signs regardless of whether the ground signs or pole signs are on-site or off-site.
11. "Canopy sign." A roof-like cover, attached or unattached, extending from the exterior wall of a building and composed of supporting framework of rigid materials upon which a sign is indelibly drawn, painted, or printed.
12. "Changeable copy sign." Any framed sign, illuminated or not, that is principally devoted to and designed for changeable text and graphics. This definition shall not include activated signs.
13. "Colonnade sign." A sign suspended below the roof of a covered walkway, perpendicular to the facade of the structure, oriented to pedestrians.
14. "Copy." The letters, colors, text, or other graphics that comprise the message displayed upon the sign copy area.
15. "Copy area." The area on a sign containing the copy. The copy area of a sign shall be measured from the outside edges of the copy area frame should such a frame be used.

16. "Digital Display." A portion of a sign face emitting an illuminated message created electronically by a light source.
17. "Digital Sign." A sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means. See also electronic message center.
18. "Double-faced sign." A sign having two (2) display surfaces not necessarily displaying the same copy, which are parallel, back-to-back, and not more than forty-eight (48) inches apart.
19. "Electronic Message Center." A sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means. See also digital signs.
20. "Entrance sign." A sign located at the entrance to a residential or nonresidential development.
21. "Exempt sign." A sign for which a permit is not required, but which must conform to the requirements of this Code.
22. "Feather banner." A vertical sign, made of lightweight material that is prone to move in the wind, and that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand. This definition includes such signs of any shape including flutter, bow, teardrop, rectangular, shark, feather, and U-shaped. For purposes of this Appendix and Section 406.1, a feather banner is an advertising device and sign.
23. "Festoon." Fabric, paper, plastic, or foil draped and bound at intervals.
24. "Flag." A piece of cloth or similar material, typically oblong or square, and designed or intended to be hung from a flagpole by being tethered along one attachable by one edge to a wall-mounted pole or to a free-standing pole by a rope.
25. "Government Sign." Any temporary or permanent sign erected by or on order of a public official at the federal, state or local government level in the performance of any duty including, but not limited to, designated wayfinding signs, noncommercial signs identifying a government building or service, traffic control signs, street name signs, warning signs, safety signs, informational signs, traffic signs, public notices of events, public notices of governmental actions, proposed changes of land use, any proposed rezoning, or any other governmental speech.
26. "Graffiti." Writing or drawings scribbled, scratched, or sprayed illicitly on a wall or other surface in a public place.
27. "Ground sign/monument sign." Any sign other than a pole sign that is placed upon or supported by structures, or supports in or upon the ground and independent of support from any building that has the vertical structural supports concealed within an enclosed base. The width of such enclosed base shall be equal to at least two-thirds of the width of the sign structure measured at its widest point. The finish shall be consistent with

materials used on the building that the sign serves. "Ground signs" shall include monument signs.

28. "Illuminated sign." An illuminated sign is one which either:
 - a. Provides artificial light through exposed bulbs, lamps, or luminous tubes on the sign surface;
 - b. Emits light through transparent or translucent material from a source within the sign; or
 - c. Reflects light from a source intentionally directed upon it.
29. "Inflatable sign." Any sign, advertising device, or balloon that is or can be filled with air or gas. This includes any three-dimensional ambient air-filled in the shape of a container, figure, or product. For purposes of this Appendix and Section 406.1, inflatable signs and balloons are considered advertising devices.
30. "Interior sign." A sign that is located in the interior of a structure or is located outside a structure but, because of the sign's placement, design, or orientation, is not visible to passersby.
31. "Marquee sign." Any sign that is attached to or hung from a permanent, roof-like structure or marquee that is supported by a building wall and that projects out from the building line usually, but not necessarily over a public right-of-way, such as a sidewalk.
32. "Multioccupancy sign." A ground sign/monument sign on a multioccupancy parcel or an out-parcel that is part of a common plan of development.
33. "Multiprism sign." Signs made with a series of triangular vertical sections that turn and stop to show three (3) pictures or messages in the sign surface area.
34. "Nonconforming sign." Any sign lawfully in existence within the County on December 10, 2002, that does not conform to the requirements of this Code.
35. "Off-site sign." A sign that is displayed for a building, structure, or use that is located on another premise. A registered billboard is an off-site sign.
36. "On-site sign, a.k.a. on-premises sign." A sign displayed on a premises, or in the case of a multioccupancy parcel, on a contiguous parcel or on another parcel located in the area covered by an approved Uniform Sign Plan and specified within that plan. Any sign containing noncommercial speech is an on-site sign.
37. "Pennant." A small, triangular or rectangular flag or multiples thereof, made of lightweight plastic, fabric, or other material, individually supported or attached to each other by means of a string, rope, or other material and meant to be stretched across or fastened to buildings, or between poles and/or structures, and which is designed to move in the wind. For purposes of this Appendix and Section 406.1, pennants are "advertising devices" and "windblown devices." This term does not include a "banner" or a "flag" as defined and regulated by Section 406.1.

38. "Permanent sign." A sign which is constructed of rigid material and is securely attached to a building, wall, or sign structure and is designed for and intended to be on display long term in accordance with the requirements of this Code and any other applicable Federal, State, or local laws, and in such a manner as to be immobile without the use of extraordinary means, such as disassembly.
39. "Pole sign." A sign independent of support from any building that is mounted on freestanding poles or other supports.
40. "Portable sign." Any sign other than a sandwich-style sign, double- or single-faced, that is not permanently erected on the site and which may readily be moved from place to place; except that this definition shall not apply to signs painted directly on vehicles.
41. "Projecting sign." Any sign that is attached to and that projects from the outside wall of any building or structure, excluding wall signs as defined herein.
42. "Revolving sign, a.k.a. rotating sign." Any sign so erected or constructed as to periodically or continuously change the direction toward which any plane containing the display surface area is oriented.
43. "Roof sign." Any sign erected, constructed, or maintained on the roof of any building, above the eaves or above mansards, parapets, or other similar architectural features of buildings or structures that are capable of supporting signs.
44. "Rotating sign" (see "revolving sign").
45. "Sandwich board/sidewalk/sandwich-style sign." A sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of the letter "A" when viewed from the side.
46. "Sign face." The part of a sign on which the copy or message is or could be placed.
47. "Sign structure." Any structure that is designed specifically for the purpose of supporting a permanent sign, has supported, or is capable of supporting a sign and/or its copy area. This definition shall include any architectural features, decorative covers, braces, wires, supports, or components attached to or placed around the copy area. This definition shall not include a building or buffer wall to which a sign is attached.
48. "Sign structure area." The entire area of the sign including the copy area, the sign surface area, and the sign structure. The structure area of the sign shall be measured from the outside edges of the sign structure.
49. "Sign surface area." The surface area of a sign is the entire area within the periphery of a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed, but not including the sign structure bearing no copy. The surface area of the sign shall be measured from the outside edges of the sign or the sign frame, whichever is greater. The sign surface area shall include the aggregate sign area upon which copy could be placed

and shall include the total of a single side of a sign surface upon which copy could be placed.

50. "Snipe sign." A sign made of any material when such sign is tacked, nailed, posted, glued, or otherwise attached to any pole, tree, or other natural feature, fence, fence post, bench, stakes, other sign, or other similar objects located on public or private property.
51. "Temporary sign." A sign which is not designed, constructed, or intended to be permanent. This definition shall not include prohibited signs. Temporary signs are banners, feather banners, posters, flags, and similar styles of signage.
52. "Vehicle signs." Any commercial sign attached to, placed on, or wrapped or painted on a vehicle, including automobiles, trucks, boats, campers, and trailers, that is parked in a manner that indicates it is intended to be viewed from a vehicular right-of-way. This includes signs on vehicles that are 1) parked on a public right-of-way, or public property, and/or 2) parked on the same parcel of private property for 24 hours or longer. This definition is not to be construed to include those commercial signs on vehicles, when and during that period of time such vehicles are traversing the public highways during the normal course of business.
53. "Wall sign." A sign which is painted on, fastened to, or erected against the wall of a building with its face in a parallel plane to the plane of the building facade or wall and which does not project more than eighteen (18) inches from such building.
54. "Wind-blown device." Any device, whether or not specifically defined in this Appendix, that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by wind. Such devices include banners (except as may be specifically authorized), pennants, streamers, ribbons, or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind. A "flag" is defined separately and is not considered a "windblown device" for purposes of this Appendix and Section 406.1. See also "air-blown device" which is defined separately.
55. "Window sign." A window sign is one that is intended to be viewed from a right-of-way and excludes displays of merchandise

Significant habitat of listed species. Areas, which due to its function and character, provide viable nesting, foraging, or other critical component of a listed species lifecycle.

Silviculture. Forestry agriculture, tree farming, or harvesting activities that are conducted for commercial use or conservation management.

Single boat-docking facility. Structure for the uncovered storage of watercraft that serves a single, residential building containing only one (1) dwelling unit on a single building lot.

Single-family detached house (as it pertains to school impact fee). A detached dwelling unit and which is not considered to be a mobile home as mobile home is defined by the State.

Single-family dwelling unit. A structure designed for occupancy by a single family or household. Single-family dwelling units may be attached to one another as in a row or townhouses or detached from one another as by side yards. All single-family units are characterized by a ground-

floor entrance, except where flood regulations specify otherwise, and the absence of another dwelling unit above.

Single occupancy parcel. Any parcel that is occupied by a single establishment.

Site. Land and all structures and articles appurtenant or attached thereto that are owned, leased, occupied, or controlled by a person.

Site area. The total area of a lot, tract, or parcel that is developed or intended for development for a specific, integrated purpose and shall include all streets and other public rights-of-way and common open space.

Site Development Placard. A document issued by the County upon satisfactorily resolving any conditions imposed by a permit approval, which may also include the receipt of other governmental approvals or permits. The issuance of the placard allows site construction to commence. The placard must be kept on site at all times.

SLOSH (Sea, Lake, and Overland Surges from Hurricane [Program]). The storm-surge heights resulting from tropical storms and hurricanes.

Small-quantity generator (SQG). As defined by the Resource Conservation and Recovery Act of 1976, 40 Code of Federal Regulations 260, is one which generates less than 1,000 kilograms (2,200 pounds or approximately 250 gallons) of hazardous waste in a calendar month.

Solar Facility (Solar Electric Power Collection Facility or Solar Farm). Means a production facility for power which a) uses photovoltaic modules to convert solar energy to electricity that may be stored on site, delivered to a transmission system, and consumed primarily off site; b) consists primarily of photovoltaic modules, a mounting or racking system, power inverters, transformers, collection systems, battery systems, fire suppression equipment, and associated components; c) may include accessory administration or maintenance buildings, electric transmission lines, substations, energy storage equipment, and related accessory uses and structures.

Solid waste:

1. As it pertains to waste spreading, sludge from a waste treatment works; water supply treatment plant; air pollution-control facility; or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Solid waste does not include scrap or new or used material separated at the point of generation and held for purposes of recycling.
2. As it pertains to groundwater protection, solid waste includes garbage, refuse, white goods, special waste, ashes, wastewater residuals, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. For purposes of this Code, solid waste does not include:

- a. Disposal by persons of solid waste resulting from their own activities on their own property, provided such waste is either from their residential property and is not a regulated substance or is rocks, soils, trees, tree remains, and other vegetative matter which normally result from land-development operations.
- b. Storage of solid waste in containers by persons where such solid waste results from their own activities on their property, leased or rented property, or property subject to a homeowners' or maintenance association for which the person contributes association assessments, if the solid waste in such containers is collected at least once a week.

Solid waste facility. Structures or systems designed for the collection, processing, or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.

Special exception. An approval pursuant to this Code, Section 402.4.

Special Flood Hazard Area An area in the floodplain subject to one percent or greater chance of flooding in a given year. An area having Special Flood Hazard and shown on an FHBM or FIRM as Zone "A," "AO," "A1-A30," "AE," "A99," "AH," "V1-30," "VE," or "V."

Special protection areas. Zones delineated around vulnerable features, such as sinkholes, excavations, or caves within which land uses are regulated to protect the quality of the groundwater resource.

Specialty school. A school primarily devoted to giving instruction in musical, dancing, dramatic, artistic, linguistic, athletic, or other similar special subjects.

Specified anatomical area. Any of the following, alone, or in combination:

1. Any less than completely or opaquely covered portion of:
 - a. The human genitals or the pubic region.
 - b. The cleavage of the nates.
 - c. That portion of the human female breast directly or laterally below a point immediately above the top of the areola; this definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed.
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
3. Any covering, tape, pastie, latex spray or paint, or other device that simulates or otherwise gives the appearance of the display or exposure of any of the specified anatomical areas listed in Subsections 1. and 2. of this definition.

Specified sexual activity. Any of the following:

1. Human genitals in a state of sexual stimulation, arousal, or tumescence.
2. Acts of anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, fetishism, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, sodomy, urolagnia, or zooerasty.
3. Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast.
4. Excretory functions as part of or in connection with any of the activities set forth in Subsections 1. through 3. of this definition.

Specimen tree. A tree which has been determined by the judgment of a professional forester, horticulturist, or other professional plantsman of high value, because of its type, size, age, or other professional criteria, and has been officially made and promulgated as part of the official records of the County.

Spill. The unpermitted release or escape of a regulated substance directly or indirectly to the ground surface, soils, surface waters, or groundwater.

Square feet or square footage. The area under roof used for occupancy or storage that is used to calculate the square footage of the development, including the gross area measured in square feet from the exterior faces or exterior walls or other exterior boundaries of the building, excluding areas within the interior of the building which are utilized for parking. With respect to dwelling units, the square footage shall be calculated as the living area under heat/air conditioning.

Stabilization, sludge. Stabilization means the use of a treatment to render sludge or septage less odorous and putrescible and to reduce the pathogenic content as described in Chapter 6 of EPA 625/1-79-011, *Process Design Manual for Sludge Treatment and Disposal*.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act, Public Law 97-348). Includes substantial improvement and means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or improvement was within 180 days of the permit issuance date. The actual start means the first placement of permanent construction of a building, including a manufactured home, on a site such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stormwater. Surface runoff and drainage of water resulting from rainfall.

Stormwater management system. All natural and artificial drainage facilities which convey, store, or control the flow of stormwater runoff from one (1) or more drainage basins.

Stormwater runoff. That portion of precipitation which is not passed into the soil by infiltration, evaporated into the atmosphere, or entrapped by small surface depressions and vegetation, and which flows over the land surface during and for a short duration following any rainfall.

Story. A complete horizontal section of a building having one (1) continuous floor and ceiling, including a basement, but not including a cellar and including an attic, if habitable.

Story, half. A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor area immediately below it.

Story, height of. The vertical distance from top to top of two (2) successive tiers of beams or finished floor surfaces, and for the topmost story, from the top of the floor finish to the top of the ceiling joists or where there is no ceiling, to the top of the roof rafters.

Street. A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, freeway, road, avenue, boulevard, lane, place, court, or easement for purposes of vehicular traffic or traffic circulation, or however designated, when any part thereof is used for purposes of vehicular traffic and traffic circulation. The term "street" as defined above, shall include streets created by physical improvement to or alteration of land and shall include streets which are or may be reasonably construed as having been created by any instrument reciting a conveyance, dedication, reservation, limitation, or other means of establishing a street. However, the term street shall not include easements, private driveways, or parking lots; the sole function of which is to provide off-street access and parking. The term "street" shall also not include limited-purpose easements designed to provide access for maintenance functions, such as, but not limited to, the cleaning of drainage ditches.

Street frontage. The length of the property line for a single parcel that runs parallel to and along each public right-of-way, exclusive of alleys, it borders.

Street grade. The official established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

Street line. A dividing line between a lot, tract, or parcel of land and a contiguous street.

Street, marginal access. A frontage road parallel and adjacent to an arterial street which serves primarily to provide access to abutting property.

Structure.

1. That which is built or constructed.
2. As it pertains to Flood Damage Prevention. A walled and roofed building, including a gas or liquid storage tank, and manufactured homes that are principally above ground.

Subdivision. The division of a parent parcel into three (3) or more parcels, or any division of lands platted on or after May 1, 1974, or any division of lands previously divided in accordance with a local development order, for the purpose, whether immediate or future, of transfer of ownership or building development. Subdivision, when appropriate to the context, shall mean the process of subdivision or the land subdivided. When appropriate to the context, subdivision shall include the creation of a street, right-of-way, or public easement.

Substantial damage.

1. As it pertains to Flood Damage Prevention: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
2. As it pertains to Dock Construction: Damage of any origin sustained by a dock whereby the cost of restoring the dock to its predamaged condition would equal or exceed fifty (50) percent of the market value of the dock before the damage occurred.

Substantial improvement.

1. As it pertains to Flood Damage Prevention: Any one or more, or any combination thereof, of repair, reconstruction, rehabilitation, addition, alteration, or other improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds forty-nine percent of the market value of the structure before the "start of construction" of the improvement. The period of accumulation begins when the permit for the first improvement or repair of each building is issued and extends for one (1) year or until the permit is closed.

This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.

The term does not, however, include either:

- a. Any project for improvement of a building required to comply with existing health, sanitary, or safety code violations which have been identified prior to permit issuance by the County Administrator or designee, and which are solely necessary to ensure safe living conditions except when damages are caused by willful intent or cumulative neglect by the owner or owners; or
 - b. Any alteration of a "historic structure" provided that the alteration would not preclude the structure's continued designation as a "historic structure."
2. As it pertains to Dock Construction: The replacement of more than fifty (50) percent of the structure, or the lateral or lineal extension of any dock.

Supermarket. A retail store and whose primary business is the retail sale of food products, apart from alcoholic beverages, where such business is located in a building, or portion thereof, greater than 20,000 square feet in size.

Supercenter. A physically large retail establishment in excess of 100,000 square feet in size, typically part of a chain. Examples include large home improvement centers, such as a Lowe's or Home Depot or Department Stores, such as Wal-Mart, Costco, or Target.

Support commercial/office uses. Retail and professional office uses that are designed to support the primary businesses and residential that are located within an EC-MPUD Employment Center Master Planned Unit Development. Commercial and retail uses that serve as regional scale uses, such as department stores, theaters, home improvement centers, and automobile sales, are expressly prohibited in an EC-MPUD; shall not be permitted as support office/commercial uses; and are subject to the restrictions in this Code.

Surface water.

1. General: A recognizable permanent body of water, including swamp or marsh areas, contained within a discernible boundary or bank created naturally or artificially. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.
2. As it pertains to water supply: Fresh water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.

Swimming pool, private. Any reasonably permanent pool or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than 1.5 feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

Ten (10) year storm. As defined in the FDOT *Drainage Manual, Second Edition*, for the Tampa Bay Area.

Theater. A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

Theater, outdoor drive-in. An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

To plat. In whatever tense used, to divide or subdivide lands into lots, blocks, parcels, tracts, sites, or other divisions, however designated, and the recording of the plat in the office of the Clerk & Comptroller's Office in the manner authorized by Chapter 177, Florida Statutes, and the land development regulations of the County and other laws regulating the platting of land in the County.

Topping. The cutting back of tree branches to stubs or lateral branches that are not large enough to assume the terminal role. Other names for topping include heading, tipping, hat-racking, and rounding over.

Tourist home. A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

Transmissivity. The rate at which water of the prevailing kinematic viscosity is transmitted through a unit width of the aquifer under a unit hydraulic gradient.

Transfer station. A site where used or waste materials are collected and stored for relocation or sale on another site.

Transportation analysis. For purposes of transportation analysis and access management, the following definitions shall apply:

1. Exempt Uses. Uses in the EC-MPUD Employment Center Master Planned Unit Development, PO-1 Professional Office, I-1 Light Industrial Park, and I-2 General Industrial Park Zoning Districts. Uses in MPUDs located in the following land use classifications: OF (Office), EC (Employment Center), IL (Industrial - Light) and IH (Industrial - Heavy). Portions of MPUDs which are government buildings, offices, corporate business parks, hotel, industrial or transit-oriented design.
2. Existing Entitlements.
 - a. For a new rezoning, DRI, special exception, or conditional use: The number of units and/or square feet as expressed in gross p.m. peak-hour trips permitted by the existing zoning, after the application of the reduction factors, pursuant to Section 901.12.
 - b. For a previously approved MPUD or DRI: The number of units and/or square feet permitted by any unexpired PSP approval, construction plan approval, Building Permit, final plat, Certificate of Occupancy, or the number of units and/or square feet for which transportation mitigation has already been provided or for which no transportation mitigation (other than payment of transportation impact or mobility fees) was required.
 - c. For a FLU Map Amendment: The number of units and or square feet as expressed in gross p.m. peak-hour trips permitted, pursuant to the existing FLU Map classification, after the application of the reduction factors, pursuant to Section 901.12.
3. Existing Network. Major County Roads in existence and open to use by the public.
4. Existing Scenario. Analysis of existing traffic on the existing network.
5. Future Scenario. Analysis of existing traffic, plus reasonable background traffic, plus project traffic on the committed network.
6. Major Intersection. All signalized and/or unsignalized intersections formed by two (2) or more Major County Roads.

7. Mixed-Use Trip-Reduction Measures (MUTRM). The MU (Mixed Use), street-network density and sidewalk/bicycle network completeness trip-reduction measures initially identified in the County's mobility fee study and supporting appendices, which are quantified based on jobs to housing ratios, availability of locally serving retail, intersection density or maximum block size, and the availability of a complete sidewalk and bicycle facility network.
8. Nonexempt Uses. Those uses not qualifying as exempt.
9. Project Traffic. Trips generated by nonexempt uses in a proposed development.
10. Road Facility. The minimum length of road for which LOS analysis is undertaken. For interrupted flow facilities, it will often consist of several contiguous road segments.
11. Road Segment. In an interrupted flow facility, a road segment is the piece of road from one traffic signal to the next traffic signal, and is usually considered to include the traffic signal at the "downstream" end of the segment.
12. Trip-Reducing Projects (TRP). Projects incorporating Traditional Neighborhood Design (TND), TC (Town Centers) meeting the design requirements of the TND ordinance and projects using Mixed-Use Trip-Reduction Measures (MUTRM).
13. Volume/Capacity (v/c) Ratio. The traffic demand volume divided by the physical capacity of the road, including the intersection.

Transportation corridors. All land occupied or used or intended to be occupied or used as a street or roadway and shown on the County Comprehensive Plan, Transportation Element, Transportation Corridor Preservation Map and Table, as amended, which may include areas for medians, shoulders, frontage roads, drainage, buffers, landscaping, sidewalks, bike paths, utilities, and other roadway-related improvements.

Transportation facility. Means any means for the transportation of people or property from place to place which is constructed, operated, or maintained in whole or in part from public funds. The term includes the property or property rights, both real and personal, which have been or may be established by public bodies for the transportation of people or property from place to place.

Travel time. The time required for groundwater to move from a specific point to the well.

Travel trailer park/recreational campground. A tract of land developed under single ownership for the purpose of short-term or temporary use by individually owned recreational vehicles.

Travel trailer/recreational vehicle subdivision. A tract of land divided into three (3) parcels or more, or individual lots or parcels that are developed for the purpose of sales or leasing in excess of one (1) year, allowing the placement of park trailers and RVs for long-term or seasonal occupancy.

Treatment. Treatment means the process of altering the character, physical, or chemical condition of waste to prevent pollution of the water, air, or soil to safeguard the public health or to enable the waste to be recycled.

Tree. A perennial, woody plant.

Residential Street Tree. Those trees planted in accordance with a subdivision development plan and to single and two (2) family residential lots along streets and roadways which are located within the designated right-of-way.

Tree location inventory. A readable, scale drawing or accurate sketch that provides at a minimum, the following information: the approximate location of trees, identifying species, size measured by dbh, and whether a tree is to remain or is proposed for removal.

Trip. A one (1) way movement of vehicular travel from an origin, one (1) trip end, to a destination, the other trip end. For the purpose of this Code, trip shall have the meaning that it has in commonly accepted, traffic engineering practice and which is substantially the same as that definition in the previous sentence.

Trip generation. The attraction or production of trips caused by a given type of land development.

Truck. Any motor vehicle designed or used principally for the carriage of goods and includes a motor vehicle to which has been added a cabinet box, platform, rack, or other equipment for the purpose of carrying goods other than the personal effects of the passengers. This definition is adopted from Section 320.01(9), Florida Statutes. Any subsequent changes or amendments to the definition of truck found in Section 320.01, Florida Statutes, are hereby incorporated into this definition.

Truck tractor. A motor vehicle that has four (4) or more wheels and is designed and equipped with a fifth wheel for the primary purpose of drawing a semitrailer that is attached or coupled thereto by means of such fifth wheel and which has no provision for carrying loads independently. This definition is adopted from Section 320.01(11), Florida Statutes. Any subsequent amendments or changes to the definition of truck tractor found in Section 320.01, Florida Statutes, are hereby incorporated.

Turf and/or turf grass. Continuous plant coverage consisting of grass species appropriately suited to the site where it is planted.

Turf, sod, or lawn. A piece of grass-covered soil held together by the roots of the grass.

Twenty-four (24) hour/twenty-five (25) year storm. A storm of twenty-four (24) hours duration which has a probability of occurring at least once in a twenty-five (25) year period.

Unconfined aquifer. An aquifer that has the water table as its upper boundary and a confining unit as a lower boundary. It is also an aquifer under atmospheric conditions at the water table.

Unity of title. A document recorded in the official records with the Clerk & Comptroller's Office that combines the use of two (2) or more lots, parcels, or portions thereof, in conjunction with each other as if they consisted of one (1) overall parcel of land under the County land use regulations so that the development can be reviewed for compliance under and be subject to, regulation as if the same were a single-combined parcel, rather than separate lots or parts thereof.

Upland. Land at a higher elevation in general than the alluvial plain or stream terrace; land above the lowlands along streams; land absent of wetlands.

Use. The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Use development, mixed. MU (Mixed Use) developments are a special class of PUD Planned Unit Development in which two (2) or more different land uses are physically and functionally integrated on the same site and which demonstrate conformance with a coherent overall development plan. Such districts provide the ultimate in flexibility and design.

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

Utilities, minor. Facilities, such as pumping and switching stations.

Utility structure. Telephone poles, utility distribution and transmission poles, streetlights, and traffic signal stanchions.

Veterinary Clinic. See Animal Hospital.

Vacation rental. A dwelling unit that has been advertised as available more than three (3) times per year for periods of fewer than thirty (30) days at a time for use, occupancy, or possession by persons other than the owner, regardless of the form of ownership of the unit. Dwelling units commonly referred to as timeshares, vacation rentals, and holiday rentals which possess the above characteristics are included within this definition. Bed and breakfast establishments are excluded from the definition and shall not be required to comply with Section 1103. Also excluded from the definition are multiple-family dwellings, other than condominiums, the individual units of which are offered exclusively for rent. The exemption of multiple-family dwellings from the definition of vacation rental shall not be construed as authorizing multiple-family dwellings to be operated as hotels, motels, or other transient-lodging establishments.

Vacation rental management company. Any person, firm, partnership, corporation, or other entity that manages or is otherwise responsible for the local operation and maintenance of a vacation rental. This definition shall include the owner of a vacation rental if the owner does not contract with another for the operation and maintenance of the rental.

Variance

1. (as it pertains to Flood Damage Prevention). A grant of relief from all or some of the requirements of this Code, Section 1104 or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this Code, Section 1104, and/or the *Florida Building Code*.
2. A request for relief from the strict requirements of this Code.

Vegetable Garden/Home Garden. Means a plot of ground where herbs, fruits, flowers, or vegetables are cultivated for human ingestion, in accordance with the definition in Chapter 604.71, Florida Statutes, with less than 14 vehicle trips daily, with limited heavy vehicle use.

Vehicle dealerships. A land use providing for automobile mechanical services, automobile body repair, parts, and sales. Used car sales, leasing options, and truck sales and servicing may also be available.

Vehicular use area. All areas used for the circulation, parking, and/or display of any and all types of vehicles, boats, or heavy construction equipment, whether self-propelled or not, and all land upon which vehicles traverse, including parking lot driveways. This shall include, but is not limited to, areas used to accommodate drive-through service. Only driveways and parking spaces serving single and two (2) family uses shall be an exception to this definition.

Vulnerable feature. A natural or man-made feature of the land that has the potential to discharge directly to the Floridan aquifer. These features include excavations and solution features such as sinkholes, caves, and mine pits that expose the top of the Floridan aquifer.

Warehouse. Any premises where the principal use is the storage of merchandise, products, or materials in bulk for a fee or charge or for distribution to other establishments operated by the same business enterprise or establishment. A warehouse may include accessory wholesale sales, but shall not be deemed to include retail sales establishments, miniwarehouses, Self-Storage Facilities, or bulk storage of flammable, explosive, toxic, or noxious materials as a principal use.

Waste material. Waste material means sludge, septage, or animal waste material, whether solid, liquid, semisolid, or contained gaseous material, resulting from domestic, industrial, commercial, mining, or agricultural operations.

Wastewater service facilities. Those facilities owned or operated by the County which a need is created for by new service connections. The wastewater service facilities include, but are not limited to:

1. Wastewater treatment facilities that generally consist of treatment, reclaimed water, production effluent disposal, associated equipment, and the land on which the facilities are located.
2. Wastewater transmission facilities that consist of interceptor (trunk) gravity lines, pumping stations, and selected force mains serving as the backbone piping transferring wastewater from localized collection facilities to the treatment facilities.

Water and wastewater service facilities. Both wastewater service facilities and water service facilities. These facilities do not include the distribution/collection facilities, such as the localized piping and equipment that serve as a conduit for water and wastewater services between the customer's point of connection and the County's transmission facilities.

Water and/or wastewater service connection fees. Connection fees which are imposed on new service connections and which are calculated to defray all or a portion of the costs of the water and/or wastewater service facilities required to provide capacity in water and/or wastewater

service systems to serve those new service connections, and which fee is applied to water and/or wastewater service facilities which reasonably benefit the new service connections.

Water body. For the purpose of determining permitted density, these shall be defined as those naturally occurring water covered lands shown and described in the official soil survey of the County as perennial streams, or those waters listed in Appendix A of the Conservation Element section of the technical support document. The water-covered areas listed above shall extend to the ordinary high-water line. This definition shall not apply to coastal shoreline areas because, in these areas only, those areas above the mean high-water-tide line are considered for density purposes. In those cases where a question arises regarding the accuracy of the soil survey or any other water boundary, the question shall be referred to the SWFWMD for final resolution.

Watercourse. Hydrologic connections including, but not limited to, water bodies shown on the most recent USGS quadrangle sheets as having perennial flow.

Water dependent. Activities that can be carried out only on, in, or adjacent to water bodies, because the use requires access to the water for waterborne transportation, including ports or marinas, recreation, electrical-generating facilities, or water supply.

Water enhanced. Uses that are not water-dependent, but whose value is increased due to location along the water, unrelated to increased property values of waterfront property.

Water features. Features of a site that hold water temporarily or permanently. These may include both natural features; i.e., lakes, wetlands, rivers, creeks, etc., and artificial features; i.e., retention and detention ponds, fountains, ditches, and canals.

Waterfront property. Property that abuts a “navigable water body” as that term is defined in this Code.

Water pollution. The presence of any substance or condition in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

Water quality. The physical, chemical, and biological characteristics of water which interrelate with the propagation of fish, wildlife, and all aquatic life.

Water related. Activities that are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses.

Water resource. Any and all water on or beneath the surface of the ground, including natural or artificial watercourses, lakes, ponds, or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.

Waters of the United States. As defined by the United States Environmental Protection Agency (USEPA) in Title 40, Section 122 of the Code of Federal Regulations, or any amendments thereto.

Water-service facilities. Those facilities owned or operated by the County which a need is created for by new service connections. The water facilities include, but are not limited to:

1. Water treatment facilities that generally consist of source of supply, raw water transmission, treatment, storage, and high-service pumping, associated equipment, and the land on which the facilities are located.
2. Water-transmission facilities that consist of selected water mains serving as the backbone piping providing services to the localized distribution facilities.
3. Reclaimed water storage facilities and reservoirs and transmission facilities that consist of selected reclaimed water mains serving as the backbone piping providing services to the localized distribution facilities

Water-shortage condition. Sufficient water is not available to meet present or anticipated needs of persons using the water resource or conditions are such as to require temporary reduction in total water usage within a particular area to protect the water resource from serious harm. A water shortage usually occurs due to drought.

Water supply. Any and all fresh water on or beneath the surface of the earth, including fresh water in natural or artificial watercourses, lakes, ponds, and fresh water percolating, standing, or flowing beneath the surface of the ground.

Water supply well. Water-supply well means a potable water well which pumps water from an unconfined water table aquifer.

Water surface elevation. The height in relation to the NGVD of 1929, or other datum where specified, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Water system. Within the framework of this Code, water system shall mean public or municipal water facilities or a commonly or cooperatively owned central water facility.

Water system, central. Includes the water source, pumps, treatment plants, distribution pipes, and other appurtenances that serve three (3) or more lots or that serve any multiple-family, commercial, industrial, institutional, or other use.

Water system, individual. A water source, distribution system, and other appurtenances supplying only one (1) lot.

Watershed. The land area which contributes to the flow of water into a receiving body of water.

Waterward-use line. A line generally parallel to the shoreline located a distance of one-third of the total width of the canal as measured, pursuant to Section 1001.5.B.1. Waterward-use lines shall not extend beyond side-use lines. Waterward-use lines and side-use lines shall be referred to collectively as canal-use lines and together create the canal-use zone for an upland owner.

Wellhead Protection Areas (WPA). Zones delineated around a supply well, group of supply wells, and/or wellfields within which land uses are regulated to protect the quality of the groundwater resource.

Wet detention system. A water-quality treatment system that utilizes a design water pool in association with water-tolerant vegetation to remove pollutants through settling, absorption by

soils, and nutrient uptake by the vegetation. The bottom elevation of the pond must be at least one (1) foot below the control elevation.

Wetland survey. Approximate delineation of the extent of wetlands as approved by the appropriate jurisdictional government agency.

Wetlands. Those areas defined as Class I, II, or III wetlands in the Comprehensive Plan. Lands that are transitional between terrestrial (upland) and aquatic (open water) systems where the water table is usually at or near the surface, or where the land is covered by shallow water; lands which are predominately characterized by hydrophytic vegetation identified in Section 17-4.022, F.A.C.

Window. An opening to the outside other than a door that provides all or part of the required natural light, natural ventilation, or both to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window in regard to the provision of natural light.

Wireless Communications Facilities (WCF). For the purposes of this Code, Section 1002, wireless facilities are physical structures, equipment, and antennas associated with the provision of wireless communications. This definition of wireless facility does not include personal wireless facilities as defined in Section 1002.17.A. Placing a wireless facility on a structure/building built primarily for a purpose other than supporting antennas does not cause the structure/building to become a wireless facility. Wireless facility related definitions are as follows:

1. "Antenna." A device used for the transmission and/or reception of wireless communications, which may include objects commonly known as a whip (omni-directional antenna, "omni"), panel, or disc (directional antennas).
2. "Antenna array." A collection of antenna devices used for a single purpose.
3. "Coapplicant." Any person and/or entity joining with an applicant for a permit for a wireless communications facility (WCF), including the owners(s) of the PWCF, owner(s) of the subject property, and any proposed tenants for the WCF.
4. "Close-mount antenna." An antenna that is mounted flat against or within eighteen (18) inches or less of the surface of a tower.
5. "Collocation or Collocate or Attach". Means the placement or attachment of a Wireless Communications Facility on any Existing Structure or Authority Utility Pole, regardless of whether or not there is an existing Communications Facility located upon the Existing Structure or Authority Utility Pole. Collocating or Attaching a Wireless Communications Facility onto an Existing Structure or Authority Utility Pole does not automatically transform the Existing Structure or Authority Utility Pole into a Wireless Support Structure. The term Collocation includes the ground or platform installation of equipment enclosures, cabinets, or buildings, and cables, brackets, and any other equipment association with the location and operation of the Wireless Communications Facility.
6. "Collocation of Tier Two and Tier Three." The sharing of a tower or other structure by two (2) or more communications providers.

7. "Communications provider." For purposes of Tier Two and Tier Three, a communications provider is a communications service provider, authorized by the Federal Communications Commission (FCC) to provide commercial wireless communications, such as broadcasting, mobile, paging, cellular, WiMax, and other such uses or a communications facilities provider based upon the context in which the term is used in this Code.
8. "Design." The appearance of wireless communications facilities (WCF), such as their materials, colors, and shape.
9. "Designed service." The configuration and manner of deployment of the service the communications provider has designed for an area as part of its network. The type and LOS to be provided is not part of "designed service" and is not part of the County's review of the WCF.
10. "Equipment building/equipment shelter/equipment facility." An enclosed structure or cabinet within which houses the equipment for the WCF.
11. "FCC." Means the Federal Communications Commission.
12. "Guyed tower." A type of mount tower that is anchored to the ground or to another surface and stabilized by diagonal cables.
13. "Height or Height AGL (above ground level) of Wireless Facility". The distance measured from ground level to the highest point of the wireless facility, primary antenna support structure, or utility structure, including the antenna array. For purposes of measuring height, all antennas, lightning rods, or other attachments mounted on a structure shall be included in the measurements to determine overall (i.e. combined) height.
14. "Lattice tower." A type of mount tower that consists of multiple legs and cross bracing.
15. "Location." The area where a WCF is located or proposed to be located.
16. "Mitigation" or "Mitigated." The reduction or elimination of adverse visual impacts of a WCF by:
 - a. Enclosing, obscuring, or blocking the view or character of the WCF within a natural or man-made feature, object, or device (concealing).
 - b. Creating the effect that the WCF is part of or similar to its surroundings (camouflaging).
 - c. Designing the WCF to appear to be something other than a WCF (disguising), such that the WCF is not readily identifiable as a WCF or is not aesthetically incompatible with nearby uses. Mitigated WCFs can be mitigated towers, with the antennas hidden or obscured, which include, but are not limited to, structures that are or look like a church steeple, bell tower, spire, religious symbol, clock tower, light standard, windmill, wind turbine, silo, flagpole with or without a flag or a tree; and mitigated antennas that are located wholly within the structure so as not to be visible, located behind screening, or otherwise located in such a manner that the antenna and ancillary appurtenances are not readily identifiable as such.

17. "Monopole." One type of self-supporting tower consisting of a single shaft of wood, steel, or concrete and unmitigated external antennas at the top and/or along the outside of the shaft.
18. "Radius." The maximum distance from the center of a tower to a circumference line set by the farthest point of any attachment(s) or antenna array, not including peripheral anchors and guy wires.
19. "Search Ring." The geographic area in which and the height at which the communications provider's antennas are to be located to provide the communications provider's designed service.
20. "Site, WCF." That portion of a subject property where a WCF is to be placed, and which contains all associated towers, equipment, equipment buildings and shelters, security fencing, landscaping, access and utility easements, and any guy wires and anchors.
21. "Siting." The method and form of placement of WCFs on a specific area of a subject property.
22. "Standards." Guidelines or measures provided in this section by which acceptability of a WF application is determined. WCFs are measured by standards measuring visual impact or safety. Wireless planning generally regulates WCFs on three (3) levels: location (where the WCF site can go), siting (how the WCF is placed within its setting), and design (what the WCF looks like).
23. "Subject property." The parcel of land within which the site is located.
24. "Tower." A structure constructed for the primary purpose of supporting antennas and other WCF components.
25. "Wireless communications." The transferring of data and information through the air using wireless facilities.
26. "Unlicensed wireless services." Commercial mobile services that operate on frequencies that require no FCC license.

Withdrawal. Any and all methods of taking water from a water supply.

Xeriscape or Florida-friendly landscape (as provided for in Section 373.185, Florida Statutes). Quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and are drought tolerant. The principles of Xeriscape include planning and design, appropriate choice of plants, soil analysis (which may include the use of solid waste compost), efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.

Yard. A required open space, unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided, however, that fences and walls and accessory structures and buildings may be permitted in any side- or rear-yard subject to height limitations and setbacks as allowed by this Code.

Yard, front. The required open space extending across the entire width of the lot between the front-building line and the street right-of-way line. Where double-frontage lots exist, the required front yard shall be provided on both streets.

Yard, rear. The required open space extending from the rear of the main building to the rear lot line throughout the entire width of the lot.

Yard, side. The required open space extending from the side of any building to the side lot line throughout the entire depth of the building.

Yard trash facility. A facility for the processing of vegetative matter resulting from landscaping, maintenance, or land-clearing operations, including materials, such as tree and shrub trimming, grass clippings, palm fronds, trees, and tree stumps.

Zero lot line. A development in which one (1) or more sides of each structure rests directly upon the property line.

Zone. Those geographical areas as identified by the applicable map.

Tampa Bay Times
Published Daily

STATE OF FLORIDA
COUNTY OF Pinellas, Hillsborough, Pasco,
Hernando Citrus

} ss

Before the undersigned authority personally appeared **Deirdre Bonett** who on oath says that he/she is **Legal Advertising Representative** of the **Tampa Bay Times** a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter **RE: PEG 24-049** was published in said newspaper by print in the issues of: **3/ 6/24** or by publication on the newspaper's website, if authorized, on

Affiant further says the said **Tampa Bay Times** is a newspaper published in **Pinellas, Hillsborough, Pasco, Hernando Citrus** County, Florida and that the said newspaper has heretofore been continuously published in said **Pinellas, Hillsborough, Pasco, Hernando Citrus** County, Florida each day and has been entered as a second class mail matter at the post office in said **Pinellas, Hillsborough, Pasco, Hernando Citrus** County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid not promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Signature Affiant

Sworn to and subscribed before me this **03/06/2024**

Signature of Notary Public

Personally known X or produced identification

Type of identification produced _____



NOTICE OF AMENDMENTS TO THE LAND DEVELOPMENT CODE FOR PASCO COUNTY

The Pasco County Board of County Commissioners proposes to adopt the following:

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE; SECTION 304.1 TYPES OF PUBLIC NOTICE, TABLE 304-1 REQUIRED PUBLIC NOTICE FOR DEVELOPMENT APPROVAL APPLICATIONS; SECTION 402.1.B ZONING AMENDMENTS - EUCLIDEAN, SUBMITTAL REQUIREMENTS; SECTION 404.3.D MINING OPERATING PERMITS, APPLICATION REQUIREMENTS; SECTION 404.4.D CONSTRUCTION AND DEMOLITION DEBRIS DISPOSAL FACILITIES OPERATING PERMITS, APPLICATION REQUIREMENTS; SECTION 404.6.C YARD TRASH PROCESSING FACILITIES, APPLICATION REQUIREMENTS; SECTION 406.1.6 PERMANENT SIGNS EXEMPT FROM OBTAINING SIGN PERMITS AND TEMPORARY SIGNS; SECTION 406.5.D RIGHT-OF-WAY USE PERMIT, APPLICATION REQUIREMENTS; SECTION 406.8.D GARDEN PLAN PERMITS, APPLICATION REQUIREMENTS; SECTION 511.6 R-MH MOBILE HOME DISTRICT, YARD REGULATIONS; SECTION 511.8 R-MH MOBILE HOME DISTRICT, STREETS AND ROADS; SECTION 803.2 LISTED SPECIES, IMPACTS TO LISTED AND PROTECTED SPECIES; SECTION 901.3.E ACCESS MANAGEMENT, ACCESS MANAGEMENT ANALYSIS/TRAFFIC IMPACT STUDY; 901.3 ACCESS MANAGEMENT, SAMPLE PROBLEM NO. 1; APPENDIX A DEFINITIONS; AND OTHER SECTIONS, AS NECESSARY, FOR INTERNAL CONSISTENCY; PROVIDING FOR APPLICABILITY; REPEALER; PROVIDING FOR SEVERABILITY; INCLUSION INTO THE LAND DEVELOPMENT CODE, AND AN EFFECTIVE DATE.

On **Thursday, March 21, 2024, at 1:30 p.m.**, the Pasco County Planning Commission convened as the Local Planning Agency will hold a public hearing at the **West Pasco Government Center, Board Room, 8731 Citizens Drive, New Port Richey, Florida.**

On **Wednesday, April 10, 2024, at 1:30 p.m.**, the Board of County Commissioners will hold a public hearing at the **Historic Pasco County Courthouse, Board Room, 2nd Floor, 37918 Meridian Avenue, Dade City, Florida.**

On **Tuesday, April 23, 2024, at 1:30 p.m.**, the Board of County Commissioners will hold a hybrid virtual public hearing at the **West Pasco Government Center, Board Room, 8731 Citizens Drive, New Port Richey, Florida.**

Information concerning this matter will be on file and available for examination by appointment only in the office of the Pasco County Planning and Economic Growth Department, West Pasco Government Center, 8731 Citizens Drive, Suite 360, New Port Richey, Florida 34654, or anytime on our website: www.pascocountyfl.net. To make an appointment or for further information, you may call 727-847-8140. All interested parties may participate in the public hearing and be heard. To learn how to participate in this hearing virtually, which requires advance registration, please visit https://www.pascocountyfl.net/government/agendas_minutes.php.

Any person desiring to appeal any decision made by the Pasco County Local Planning Agency and/or Board of County Commissioners with respect to any matter considered at any hearing will need a record of the proceedings and may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based. Persons may obtain a verbatim record of the proceeding by contacting the Clerk and Comptroller's Office, East Pasco Government Center, 14326 6th Street, Suite 201, Dade City, Florida 33523-3414; or at (352) 521-4345.

For questions or inquiries about this meeting, members of the public can reach out to the County's Customer Service Center (727) 847-2411 or County Administration (727) 847-8115 or visit www.mypasco.net. To view the Local Planning Agency and Board of County Commissioners Agenda, please visit https://www.pascocountyfl.net/government/agendas_minutes.php

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact County's Human Resources Department, Internal Services Building, 7536 State Street, New Port Richey, FL 34654, (727) 847-8030 (V) at least 7 days before the public hearing, or immediately upon receiving this notification if the time before the public hearing is less than 7 days; if you are hearing or voice impaired, call 711.

PASCO COUNTY LOCAL PLANNING AGENCY
PASCO COUNTY BOARD OF COUNTY COMMISSIONERS
PEG24-049

COMMISSION DISTRICT: 1 **FILE NO.:** PEG24-7639 **DATE:** 4/10/2024

SUBJECT: Zoning Amendment (Continuance) Timber Ridge MPUD Master Planned Unit Development – Timber Ridge Dade City, LLC – A Rezoning Petition from R-3 Medium Density Residential District to an MPUD Master Planned Unit Development to Allow a Maximum of 190 Single-Family Detached Units on Approximately 48.42 Acres

REFERENCES: All Planning Commission (PC) and Board of County Commissioners (BCC) public hearings at 1:30 p.m. in New Port Richey (NPR) or Dade City (DC): PC at DC 3/7/24

AGENDA SECTION: Public Hearings

THRU: Roy Mazur, Assistant County Administrator

FROM: David Engel, Director Planning and Economic Growth

RECOMMENDED BOARD ACTION:

Recommend approval of the continuance to the May 7, 2024 BCC Meeting at 1:30 p.m. in Dade City.

BACKGROUND SUMMARY/ALTERNATIVE ANALYSIS:

Land Development Code (LDC) Section 402.2, Zoning Amendment – Master Planned Unit Development (MPUD); Section 522 – MPUD Zoning District.

Proposed is a Rezoning Request from an R - 3 Medium Density Residential District to an MPUD Master Planned Unit Development District to Allow for the Maximum Development of 190 Single-Family Detached Units.

This project is on approximately 48.42 acres, on the west side of US Highway 301, specifically west of 14th Street (PID's: 22-24-21-0000-00900-0000 and, 01100-01A0)

Commission District:	The Honorable Ron Oakley
Project Name:	Timber Ridge MPUD
Applicant Name:	Blanton Creek Development Corporation
Current Zoning District:	R-3
Proposed Zoning District:	MPUD
Future Land Use (FLU):	RES - 6
Water/Sewage:	Dade City
Flood Zone:	X
Entitlements:	190 single-family detached units
Roads/Access:	14th Street(public)

FISCAL IMPACT/COST/REVENUE STATEMENT:

No funding is required for this action.

DISTRIBUTION: