

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE TO CHANGE AND CLARIFY THE APPLICABILITY OF THE COUNTY'S CURRENT REGULATIONS CONCERNING THE USE OF DUMPSTERS ON RESIDENTIALLY-ZONED PROPERTIES; ALLOWING RESIDENTIAL PROPERTIES IN A-R, AR-1, AR-5, AR5-MH, E-R, ER-2, A-C, AND AC-1 ZONING DISTRICTS THAT ARE MORE THAN 1 ACRE, OR WHICH THE PASCO COUNTY PROPERTY APPRAISER HAS CLASSIFIED AS BONA FIDE AGRICULTURAL LAND UNDER THE AGRICULTURAL ASSESSMENT PROVISIONS OF F.S. § 193.461, TO USE DUMPSTERS OF 8 CUBIC YARDS OR SMALLER AS THE PRIMARY METHOD OF GARBAGE COLLECTION AND TO USE DUMPSTERS LARGER THAN 8 CUBIC YARDS ON A TEMPORARY BASIS; EXEMPTING PROPERTIES THAT ARE FIVE ACRES OR LARGER IN A-R AND A-C ZONING DISTRICTS FROM THE COUNTY'S CURRENT REGULATIONS REGARDING DUMPSTERS; ALLOWING THE USE OF DUMPSTERS ON ALL OTHER RESIDENTIALLY-ZONED PROPERTIES ONLY ON A TEMPORARY BASIS AND SUBJECT TO THE COUNTY'S CURRENT REGULATIONS; PROVIDING FOR APPLICABILITY, REPEALER, SEVERABILITY, INCLUSION INTO THE CODE, AND AN EFFECTIVE DATE.

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**WHEREAS**, the Pasco County Board of County Commissioners in 2008 imposed limits on the storage of portable storage containers and dumpsters on residential properties, but exempted dumpsters smaller than 8 cubic yards used for regular garbage pickup from those limitations; and

**WHEREAS**, the exemption has produced the unintended result of some small single family residences keeping dumpsters on residential properties for extended periods of time; and

**WHEREAS**, the Board did not intend to approve of the practice of the use of dumpsters for regular garbage service on smaller, residentially-zoned, single-family residences; and

**WHEREAS**, The Board of County Commissioners sitting as the Local Planning Agency has reviewed this ordinance and has determined that it is consistent with the Comprehensive Plan.

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

Section 1. The Pasco County Land Development Code Section 201 (Definitions) is hereby amended as follows:

**DUMPSTER** shall mean 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 and which is used on a permanent basis to store large volumes of refuse and which serves as the primary method of garbage collection and disposal for a residence, and which is 8 cubic yards or less.

Section 2. The Pasco County Land Development Code Section 530.23 is hereby amended as follows:

**530.23. Temporary Use of Dumpsters in Residentially-Zoned Property.** Residential properties in A-R, AR-1, AR-5, AR5-MH, E-R, ER-2, A-C, and AC-1 zoning districts that are more than 1 acre, or which the Pasco County Property Appraiser has classified as bona fide agricultural land under the agricultural assessment provisions of F.S. §

193.461, may use dumpsters of 8 cubic yards or smaller on a permanent basis to store large volumes of refuse as the primary method of garbage collection and disposal for the residence as long as the dumpster is a portable, nonabsorbent, enclosed container with a close fitting cover or doors which is capable of being serviced by mechanical equipment. Dumpsters larger than 8 cubic yards may be used only on a temporary basis, and are subject to the regulations set out in subsections (A)-(E) below. Properties that are five acres or larger in A-R and A-C zoning districts are exempt from the regulations in this section.

Dumpsters are permitted on all other residentially-zoned properties only on a temporary basis, and are subject to the following regulations:

(A) Location and Placement. Dumpsters may be temporarily located on residential property only so long as they do not obstruct vehicular or pedestrian traffic. Such units shall not be placed in such a manner that a person lawfully using the sidewalk must detour into the street in order to go around the unit.

(B) Duration. A dumpster may remain at a site used for residential purposes for up to thirty (30) calendar days, with one dumpster allowed at a site at a time. There will be 2 allowances per calendar year allowed.

(C) Construction

(1) For sites where a dumpster is being used in connection with new construction or extensive renovation or repair of property, dumpsters related to and used for the ongoing construction or demolition during such construction shall be allowed for the period of continuous construction or demolition provided there is an active and valid building or demolition permit for the property. Any dumpster at the site that is not specifically related to and used in connection with the construction or demolition shall be subject to the limits otherwise imposed in this section of the code. Within 5 calendar days of expiration of a building permit, passage of all final inspections, or issuance of a certificate of occupancy (whichever is later), all dumpsters shall be removed.

(2) In the event of fire, hurricane or natural disaster causing substantial damage to the principal structure on the property, a dumpster shall be allowed on site, subject to all applicable sections of this chapter, for 60 calendar days regardless of the existence of a valid building permit.

(D) Violations. It shall be unlawful for a dumpster to remain at a site in excess of the time periods or in violation of the locations permitted under this Section. Each day that any such dumpster remains at a site in violation of the provisions of this Section shall constitute a violation.

(E) High Winds. Within 12 hours after issuance of a hurricane warning including Pasco County, all dumpsters shall be removed or secured in such a manner so as to minimize the danger of such units causing damage to persons or property from high winds.

Section 3. APPLICABILITY.

For purposes of jurisdictional applicability, this Ordinance shall apply in all unincorporated areas of the county. This Ordinance shall apply in a municipality within Pasco County only if the municipality expressly adopts this ordinance and repeals all ordinances inconsistent with these provisions.

Section 4. REPEALER.

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

Section 5. SEVERABILITY.

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of the ordinance shall be construed as not having contained the said section, subsection, sentence, clause, or provision and shall not be affected by such holding. It is further the intent of the Board that if this ordinance is held invalid with respect to a specific use of land and/or a specific property (i.e., the ordinance is

successfully challenged on an "as applied" basis), the ordinance shall remain in effect as to other uses and/or properties where legally appropriate.

Section 6. INCLUSION INTO THE CODE.

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pasco County Land Development Code, and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Section 7. EFFECTIVE DATE.

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

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2009.

(SEAL)

BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

ATTEST:

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PAULA S. O'NEIL, CLERK &  
COMPTROLLER

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JACK MARIANO, CHAIRMAN