

## GROWTH MANAGEMENT DEPARTMENT CONSISTENCY REPORT

**PURPOSE:** Review of Proposed Ordinance Amending Article 400, Section 402 Concurrency Management System and Appendix A to Section 618 relating to Access Management of the Pasco County Land Development Code (LDC)

The Growth Management Department staff has reviewed the currently adopted Pasco County Comprehensive Plan (January 2007) as it relates to the proposed amendments to the Pasco County Land Development Code. The findings of the Growth Management Department staff are discussed below.

### **PROPOSED ORDINANCE:**

An ordinance to amend the Pasco County Land Development Code amending Section 402 relating to concurrency management and Section 618 relating to access management; providing for modifications to address amended statutory requirements pursuant to Chapter 2007-204, Laws of Florida (HB 7230); allowing traffic study de minimis projects to pay fees pursuant to the fee schedule adopted by Ordinance No.07-09 (Transportation Impact Fee Ordinance) as the project's proportionate share to address transportation concurrency failures; clarifying the definition of committed transportation facilities; clarifying the applicability of certain concurrency management requirements to Developments of Regional Impact and Florida Quality Developments; adding an additional concurrency exemption for areas subject to a County Commission approved infrastructure financing plan and special district; providing for modifications to Section 402 and Appendix A to Section 618 to ensure consistency with modified Traffic Impact Study Guideline requirements for substandard roads, interim uses and heavy vehicles; and providing for other changes to ensure consistency with the Pasco County Comprehensive Plan, Transportation Impact Fee Ordinance, and County Concurrency Management forms and procedures.

### **PURPOSE:**

The purpose of the ordinance is as follows:

1. Revise the previously adopted concurrency management regulations relating to additional changes to Florida's growth management legislation pursuant to Chapter 2007-204, Laws of Florida (SB 360).
2. Modify the Concurrency Management Ordinance and Appendix A to the County's Access Management regulations (Section 618 of the Land Development Code) to ensure consistency with the proposed changes to the Transportation Impact Study (TIS) Guidelines.
3. Protect the public safety and welfare of the residents of the County.
4. Further the purpose, goals, objectives and policies of the County's Comprehensive Plan.

Pursuant to Florida Statutes (F.S.), Chapter 163, each local government shall prepare a comprehensive plan. The adopted comprehensive plan shall meet the minimum criteria of Chapter 9J-5 which includes Goals, Objectives, and Policies. F.S., Chapter 163, also requires each local government to adopt or amend and enforce Land Development Code regulations that are consistent with and implement the adopted plan. The Local Planning Agency (LPA) must review and make a recommendation to the Board of County Commissioners (BCC) as to the ordinance's consistency relationship with the adopted Comprehensive Plan.

The amendments to the Land Development Code have been reviewed for consistency with the applicable Goals, Objectives, and Policies of the adopted Pasco County Comprehensive Plan and, in particular, the following Goals, Objectives, and Policies:

### **CHAPTER 1: ADMINISTRATION ELEMENT**

The Pasco County Comprehensive Plan is a policy document designed to guide the growth and development of Pasco County to the Year 2025. The authority or mandate, for this Plan comes from the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 and subsequent amendments.

#### **1. Intent**

The Comprehensive Plan shall be construed broadly to accomplish its purpose and its intent. Terms not otherwise defined in the glossary shall be interpreted first, by reference to the relevant provisions of the Local Government Comprehensive Planning and Land Development Regulation Act. Secondly, by reference to generally accepted engineering, planning, or other professional terminology if technical in

nature; and otherwise, according to common usage unless the content clearly indicates otherwise. Any term still in dispute after the above remedies have been exhausted shall be resolved pursuant to the procedure presented below.

Where administration of this Comprehensive Plan includes the interpretation of a specific policy, and where such interpretation is reasonably debatable after considering the language contained in the related objective and goal, an "aggrieved or adversely affected party" (as defined in Section 163.3215(2), Florida Statutes) may request an official interpretation of the policy by the Board of County Commissioners. Any such interpretation shall be rendered by the Board of County Commissioners within thirty (30) days of the receipt of a written request for official interpretation and shall be final. Any such final interpretation shall be subject to further action only as described in Section 163.3215, Florida Statutes.

Other specific Comprehensive Plan interpretation procedures, including procedures for interpretation of the Future Land Use Map, are contained in the **Future Land Use** Appendix.

## **2. Conflicting Policies**

The Comprehensive Plan has been written in order to achieve internal consistency between the goals, objectives and policies; however, circumstances may arise in which the application of two or more statements result in a conflict or uncertainty as to which statement most appropriately applies. The problem may be resolved by the Pasco County Growth Management Administrator using the following methods in order of priority:

- a. The more specific statement shall have preference over the more general.
- b. The more stringent statement, from the perspective of the Pasco County Growth Management Administrator, shall have preference over the less stringent.
- c. If the conflict remains unresolved after Paragraph Nos. 2.a and 2.b, the Pasco County Board of County Commissioners shall decide the matter in the same manner as an Official Interpretation.

## **Land Development Code Update**

There are several Elements in the 2025 Comprehensive Plan that provide for proposed changes to the County's Land Development Code to further implement the goals, objectives and policies in the Plan. These proposed changes can be found in the policies of the Elements. These policies provide a target completion date.

## **CHAPTER 2: FUTURE LAND USE ELEMENT**

### **FUTURE LAND USE GOALS, OBJECTIVES AND POLICIES**

#### **GOAL 1: FOUNDATION FOR GROWTH MANAGEMENT**

**Implement the County's Future Land Use Plan to achieve an appropriate balance between public and private interests in the:**

- **Protection of the environment;**
- **Creation of favorable economic conditions;**
- **Provision of affordable housing;**
- **Provision of adequate services and facilities;**
- **Maintenance of established residential neighborhoods;**
- **Protection of rural and agricultural areas;**
- **Provision of high quality, aesthetically designed roadways; and**
- **Protection of private property rights.**

## **Policy FLU 1.4.1 Subdivision Standards**

Pasco County shall maintain the viability of established and future residential neighborhoods by continuing to enforce Land Development Code provisions relating to:

- k. Arterial and collector design and spacing standards; and
- m. Access Management;
- n. Concurrency;

#### **Policy FLU 1.4.5 Roadway Compatibility**

Pasco County shall encourage the viability of future residential neighborhoods adjacent to collector and arterial roadways by:

- (1) Continue to require additional setbacks and buffers for residential development and redevelopment adjacent to future major collector and arterial roadways to minimize the impacts of future roadway improvements;
- (2) Enforcing existing Land Development Code provisions, or creating when necessary additional standards, providing when and where pedestrian, bicycle and vehicular linkages between abutting residential areas are required to provide convenient access to recreation, schools, libraries, and shopping.

#### **Policy FLU 1.4.10 On-Site Traffic Flow**

Pasco County shall continue to establish and enforce policies, standards and regulations which provide safe and convenient on-site traffic flow, considering site access, traffic circulation and parking for both motorized and non-motorized movement of vehicles and pedestrians.

### **OBJECTIVE FLU 1.9 PROTECTION OF PRIVATE PROPERTY RIGHTS**

The County shall not intentionally enact or impose a land development regulation or intentionally apply a land development regulation that would violate the Bert J. Harris, Jr. Private Property Rights Protection Act or amount to a taking under applicable law.

#### **Policy FLU 1.9.1 Private property rights act**

Pasco County recognizes the provisions of the Bert J. Harris, Jr. Private Property Rights Protection Act, Florida Statutes Section 70.001, as amended, and shall consider the provisions of that Act and other general principles of law when preparing recommendations for land use decisions.

#### **Policy FLU 1.9.2. Administrative Remedies To Protect Private Property Rights**

Pasco County shall consider adoption of, through the Land Development Code, administrative remedies which are designed to protect private property rights and address potential Harris Act and takings claims.

#### **Policy FLU 1.9.3 Relationship Of Land Use To Zoning Classifications**

The Pasco County Comprehensive Plan sets forth the long range potential uses of property in the context of a lawful planning horizon and provides for a wide array of potential zoning classifications within each land use designation. A property owner is not entitled to all zoning classifications or the most potentially dense or intense zoning classification within a land use designation. Numerous planning, timing, compatibility, public facility and other generally acceptable planning issues affect the appropriateness of assigning a particular zoning classification or approving a particular land use with regard to a particular parcel of property.

## **Chapter 7 Transportation Element**

### **Access Management Ordinance**

Pasco County, through the adoption of an access management ordinance, has developed a policy regarding the location, control, and design of site access connections to public streets.

## **Objective TRA 1.2 ACCESS MANAGEMENT**

Minimize the conflict between local and non-local traffic through access management.

### **Policy TRA 1.2.2 County Access Management Standards**

Pasco County shall maintain and enforce development regulations for the control of access points, including the spacing and location of driveways and median cuts onto County and State roadways.

### **Policy TRA 1.2.3 Development Regulations and Design Standards for On-Site Parking, Vehicle Circulation Systems, & Access Points**

Pasco County shall maintain and update, as necessary, development regulations for on-site motorized and non-motorized parking, safe and convenient on-site vehicle circulation systems, and access points. The development review process shall ensure adequate vehicular, bicycle, and pedestrian site access and discourage use of single-occupant vehicles.

### **Policy TRA 1.2.4 Shared Access Points**

Pasco County shall require, through its Land Development Regulations, shared access points, in order to minimize access points.

### **Policy TRA 1.2.5 Interconnection of Parking Lots**

Pasco County shall require, through its Land Development Regulations, the interconnection of adjacent properties, including parking lots.

### **Policy TRA 1.2.6 Cross Access between Subdivisions**

Pasco County shall require, through its Land Development Regulations, appropriate cross access between subdivisions.

## **OBJECTIVE TRA 2.5 CONCURRENCY AND SITE DEVELOPMENT REVIEW PROCESS**

Ensure that off-site transportation facilities for circulation are available concurrent with the impacts of development in a manner consistent with State law and the concurrency provisions of the Pasco County Land Development Regulations and the Administration Element of the Pasco County Comprehensive Plan.

### **Policy TRA 2.5.1 Adopt Concurrency Regulations**

By December 2006, Pasco County shall adopt Concurrency Management Regulations (Pasco County Land Development Code Section 402) to be consistent with State law and Pasco County Traffic Impact Study guidelines for the purpose of regulating the development review and approval process in Pasco County.

### **Policy TRA 2.5.2 Permit Proportionate-Share Contributions**

Pasco County may permit the payment of proportionate-share contributions to mitigate local and regionally significant traffic impacts consistent with Chapter 163.3180(12), Florida Statutes, for Developments of Regional Impact and Chapter 163.3180(16) for other developments, and consistent with the Pasco County Land Development Code.

### **Policy TRA 2.5.3 Implement and Update Traffic Study Guidelines**

Pasco County will implement written procedures outlining the requirements for traffic impact studies for development proposals and approaches for mitigating transportation impacts, and ensuring that access to new development is provided via roads meeting Pasco County minimum design standards.

### **Policy TRA 2.5.4 Transit Concurrency**

Pasco County shall, by 2007, evaluate and consider the integration of Transit Concurrency into the County's concurrency management system, especially along severely congested corridors where fixed-route bus service is currently operated, e.g., US 19.

### **Policy TRA 2.5.5 Long-Term Concurrency Management**

Pasco County shall, by 2007, evaluate and consider future amendments to the Comprehensive Plan to adopt a long-term concurrency management system for those roadways where funding is inadequate in the first five years of the Capital Improvements Element to ensure that the adopted LOS standard is maintained.

STAFF FINDINGS:

The Growth Management Department staff finds the proposed revisions to Section 618 relating to access management, amending the Pasco County Land Development Code, to be consistent with the adopted Pasco County Comprehensive Plan based upon the Goals, Objectives, and Policies cited above and recommends that the LPA incorporate this finding as its recommendation to the BCC as to the ordinance's consistency with the Pasco County Comprehensive Plan.

Samuel P. Steffey II

Samuel P. Steffey II  
Growth Management Administrator

12/06/07

Date