AN ACT TO BE ENTITLED

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE; ORDINANCE NO. 89-21 AS AMENDED; AMENDING SECTION 306 CONTENT REQUIREMENTS; CREATING SECTION 704 TO REQUIRE GEOTECHNICAL/GEOLICALY ENGINEERING REPORTS AND INVESTIGATION OF RISKS PRIOR TO DEVELOPMENT OF GEOLOGICAL HAZARDOUS AREAS; PROVIDING FOR INCREASED STANDARDS FOR DEVELOPMENT ACTIVITIES AND BUILDING PERMIT APPLICATIONS AND INSPECTIONS; PROVIDING FOR EXEMPTIONS, DEFINITIONS, A REVIEW PROCESS, MODIFICATION THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARINGS, SEVERABILITY, REPEALER, INCLUSION INTO THE PASCO COUNTY LAND DEVELOPMENT CODE, APPLICABILITY AND AN EFFECTIVE DATE.

WHEREAS, the legislature of the State of Florida has in Chapter 125, Florida Statutes, delegated to local government units the responsibility to adopt regulations designed to protect the public health, safety and general welfare of its citizenry; and

WHEREAS, due to a large number of ground settlement insurance claims within Pasco County, the County’s property owners have been subjected to increased property insurance rates by insurers; and

WHEREAS, in a continued effort to address the matter of increased property insurance rates due to perceived sinkhole risks, the Board of County Commissioners of Pasco County is of the opinion that the land proposed for placement of structures should be investigated for geologic hazards; and

WHEREAS, said Board is of the opinion that it is in the best interest of the health, safety and welfare of the County’s residents, both current and future, to investigate the potential risk of geologic hazards causing damage to real property and structures built thereon by adopting and implementing additional development submittal requirements.

WHEREAS, the County and the Board understand the inherent restrictions and limitations of underground testing and evaluations, and the subjectivity of data interpretation; and recognizes that all (or potential) buried or covered over geologic hazards may not and/or will not be discovered or found during reasonable investigation practices and techniques in a particular site; it does however recognize the importance of such site testing and it’s impact on development.
NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, as follows:

SECTION 1. Authority and Power.

Pursuant to the Constitution of the State of Florida and through Florida Statutes Chapter 125, the Board of County Commissioners is vested with the authority to adopt the following amendments to the Pasco County Code Land Development Code, as amended.

SECTION 2. Recitals.

The foregoing whereas clauses are true and correct and are incorporated herein.


SECTION 4. Pasco County Land Development Code, Section 704 is hereby created.

704. GEOLOGIC HAZARDS

704.1 General

A. At the time of preliminary plan submittal, areas proposed for development shall be investigated for existing geologic hazards and the presence of poor soil conditions or other factors that may affect the improvements proposed for the site in unincorporated Pasco County on a site by site basis during the development review process.

B. All applications for preliminary plan approval shall include a Geotechnical/Geological Engineering Report containing the information meeting the requirements of this ordinance.

C. No structures built after the effective date of this ordinance and not otherwise exempt by this ordinance shall be built without adherence to this ordinance.

704.2 Exemptions

A. Exemptions from Geotechnical/Geological Engineering Report submittal requirement.
1. Single-family homes which do not require review under Section 306 or for which a Section 306 approval has previously been issued prior to the effective date of this Ordinance. However, this exemption expires with the expiration of said Section 306 approval. Included in this exemption are the alterations of the same to include detached structures such as garages, barns and swimming pools.

2. Class IIILFS development submittals.

3. Developments for which a Section 306 completed application has been submitted prior to the adoption date of this Ordinance. However, this exemption expires with the expiration of said Section 306 application or the expiration of the subsequent approval of the application.

B. Exemption from Land Development Compaction Requirements.

1. Developments where a hard-copy Site Development Permit for a Class I, II or IIIU development approval under Section 306 has been issued. However, this exemption expires with the expiration of said Section 306 approval.

704.3 Definitions

**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.

**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 unordinary/adverse risk of collapse or significant unacceptable ground settlement (subsidence).

**Geological Hazardous Area**: That portion of a site which an Geotechnical/Geological Engineering Report has concluded is impacted by a known or found geologic hazard(s).

704.4 Geotechnical/Geological Engineering Report

A. Report Requirements
The Report shall be prepared by a qualified professional engineer in accordance with Chapter 471, F.S.

The Report shall be project specific and shall identify, within the scope of this investigation and with reasonable probability, subsurface conditions encountered and recommendations in each of the topic areas. Reports shall be prepared in accordance with the accepted industry standard for evaluation of a site and shall include, at a minimum:

1. Project description and general site information.
2. Map or map series of the area(s) proposed for development depicting site-specific test location performed as part of the geologic evaluation, including soils composition, and locations of features, related to known or found geologic hazards.
3. Evaluation of the site, including, but not limited to, the following:
   a. Evaluation of subsurface, soils and groundwater conditions.
   b. Conclusions as to the presence of known or found geologic hazards.
   c. Subsurface conditions including boring logs along with a map(s) of location of borings overlaid with the proposed development plan. At a minimum, borings appropriate for the proposed development shall be required under areas where roadways, structures and retention/detention areas are proposed to be located.
   d. Pasco County Soil Survey information which at a minimum includes a description of the soils likely to be present on the site or laboratory data substantiating soils characteristics relied upon in the engineering/geological analysis of the site.
   c. Groundwater information which at a minimum includes depth to groundwater, seasonal high water table, and any other pertinent information.
   f. Appendices containing maps, boring logs and other subsurface data collected during the geological analysis of the site.
4. Development and construction recommendations based upon the engineering/geotechnical analysis of the site including, but not limited to, the following:
   a. Site preparation including demucking and deleterious material removal.
   b. Fill placement and subgrade preparation.
   c. Pavement designs consideration.
   d. Foundation construction requirements.
   e. Maximum allowable soil bearing pressure.
   f. Discussion of potential settlement issues.
   g. Soil and groundwater conditions.
   h. Drainage and Groundwater Concerns.
   i. Minimum requirements for construction inspection and testing.
   j. Recommendations for mitigation of known or found geological hazardous areas as necessary for the development proposed.

In the alternative, recommendations for additional or more detailed analysis, as may be necessary to understand or quantify geological hazard(s), whether remediation measures are recommended, and to evaluate remediation options.

704.5 Review Process

The Geotechnical/Geological Engineering Report shall be reviewed in conjunction with the applicable development permit application in accordance with Section 306, of the Land Development Code. All Section 306 development permit applications required to submit an Geotechnical/Geological Engineering Report must also contain a certification of a professional geologist, civil, structural or geotechnical engineer that the proposed project complies with the Geotechnical/Geological Engineering Report recommendations. The County Administrator, or his designee, may request that a consultant review the report and provide recommendations. Any cost for such reviews shall be paid by the applicant.
704.6 Land Development Construction Requirements

A. Appropriate subsurface investigations shall be performed prior to construction of stormwater and/or floodplain compensation ponds to determine proper development scenarios to protect against potential ground settlement damage.

B. Should any noticeable soil slumping or sinkhole formation become evident, the Applicant/Developer shall immediately notify the County, TBW, and SWFWMD, and adopt one (1) or more of the following procedures as determined to be appropriate by the County and SWFWMD:

1. If the slumping or sinkhole formation becomes evident before or during construction activities, stop all work (except for mitigation activities) in the affected area and remain stopped until the County and SWFWMD approve resuming construction activities.

2. Take immediate measures to ensure no surface water drains into the affected areas.

3. Visually inspect the affected area.

4. Excavate and backfill or grout as required to fill the affected area and prevent further subsidence.

5. Use soil reinforcement materials in the backfilling operation, when appropriate.

6. If the affected area is in the vicinity of a water-retention area, maintain a minimum distance of five (5) feet from the bottom of the retention pond to the surface of the limerock or karst connection.

7. If the affected area is in the vicinity of a water-retention area and the above methods do not stabilize the collapse, relocate the retention area.

C. Discharge of stormwater into depressions with direct or demonstrated hydrologic connection to the Floridian Aquifer shall be prohibited.

D. Test or foundation holes as defined in the SWFWMD Rules shall be drilled by an appropriately bonded, licensed test or foundation hole contractor.

E. All existing wells which have no planned future use or attempted wells or test foundation holes shall be properly abandoned in accordance with the SWFWMD Rules.
F. Fill proposed for the development site in the building pad areas shall be installed to within twelve (12) inches of the final grade prior to record plat approval or prior to issuance of the building permit where a record plat is not required. The fill shall be of an appropriate quality and composition containing less than 12% fines passing the No. 200 sieve. Fill soils shall be free of organic materials, clays and construction debris. Use of fill material with fines up to 20% passing the No. 200 sieve can be used with special precautions. The fill shall be placed in compliance with the Geotechnical/Geological Engineering Report recommendations and compacted to a minimum density of 95% of the modified Proctor maximum dry density. Density tests to confirm compaction shall be required on each proposed lot, within the building pad area, before the next lift is placed. Upon completion of the land development construction, a civil, structural or geotechnical engineer shall provide a certification to Pasco County that the project, including each building pad area, complies with the recommendations of the Geotechnical/Geological Engineering Report. The requirements of this section cannot be bonded.

704.7 Building Permit Application Requirements

Prior to the issuance of any building permit, evidence must be provided that compressible/collapsible material has been excavated and removed or recompacted, the site is free from the presence of organic materials, construction debris and/or clay soils, to prevent ground settlement in all areas of project development or, in the alternative that proper foundations have been designed for use with the compressible/collapsible materials. The type and size of all foundations for structures in the area of the project development will be designed in accordance with the design recommendations of the project geotechnical engineer to minimize the potential for ground settlement impacts. The requirements of this section cannot be bonded.

704.8 Building Permit Inspection Requirements

All building permit inspection requirements shall be in accordance with the technical standards adopted in Chapter 18, Building Regulation, of the Pasco County Code of Ordinances and per density testing/certification as required by the Building Official.
SECTION 5. MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk of the Board pursuant to Section 10.

SECTION 6. REPEALER.

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

SECTION 7. 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 said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

SECTION 8. INCLUSION INTO THE PASCO COUNTY LAND DEVELOPMENT CODE.

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

SECTION 9. APPLICABILITY.

For purposes of jurisdictional applicability, this Ordinance shall apply to all development on land within the jurisdiction of the County which requires a Class I, II or IIIU development permit in accordance with Section 306 of the Land Development Code.

For purposes of timing applicability, this Ordinance shall apply to Section 306 Class I, II or IIIU development approvals, or substantial modifications thereof, for which a complete application has been filed or for which a Section 306 Class I, II, or IIIU
development approval has expired, been withdrawn or been denied, after the effective date of this Ordinance, unless the applicant agrees to an earlier application date. In addition, the County may apply this Ordinance to other Class I, II or IIIU development permits/orders, or substantial modification thereof, for which a complete application has been filed, or for which the development permit or order has expired, been withdrawn or been denied, after the effective date of this Ordinance, unless the County and applicant agree to an earlier application date. For Section 306 Class I, II, or IIIU development approvals, this ordinance shall govern in the event of a conflict between this Ordinance and prior development permits/orders.

SECTION 10. EFFECTIVE DATE.

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

ADOPTED this __________ day of __________________, 2008.

( S E A L )                         BOARD OF COUNTY COMMISSIONERS
                                    PASCO COUNTY, FLORIDA

ATTEST:

JED PITTMAN, CLERK                   ____________________________  CHAIRMAN

APPROVED AS TO LEGAL FORM AND SUFFICIENCY
OFFICE OF THE PASCO COUNTY ATTORNEY

________________________________________
ATTORNEY