

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 ENGINEERING GEOLOGICAL REPORTS AND INVESTIGATION OF RISKS PRIOR TO DEVELOPMENT OF GEOLOGICAL HAZARDOUS AREAS; PROVIDING FOR 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.

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 3. Section 306 of the Land Development Code is amended as follows, creating new subsections 306.3.C.33., 306.3.D.3.gg. and 306.6.D.1.q.:

306.3.C.33. Engineering Geological Report.

306.3.D.3.gg. Engineering Geological Report.

306.6.D.1.q. Engineering Geological Report.

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

704. GEOLOGIC HAZARDS

704.1.1 General

- A. Prior to final development approval, 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 final development approval shall include an Engineering Geological 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 Engineering Geological 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 IIIMRS and 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.

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 existing in the soil strata or underlying bedrock that renders the soil 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 unordinary risk of collapse, landslide, avalanche or liquefaction.

Geological Hazardous Area: That portion of a site which an Engineering Geological Report has concluded is impacted by geologic hazards or has the potential for geologic hazards to be present.

704.4 Engineering Geological Report

A. Report Requirements

The Report shall be prepared by either a qualified professional geologist in accordance with Chapter 492, F.S. and a professional engineer in accordance with Chapter 471, F.S. or a 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 scientific probability, any 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:

4. Project description and general site information.
5. Map or map series of the area(s) proposed for development depicting site-specific mapping performed as part of the geologic evaluation, including soils composition, boundaries, features, related to any geologic hazards, and topography and drainage as such pertains to identified or potential geologic hazards. The map(s) must show the

location and boundaries of identified or potential geologic hazard(s), the nature of the said geological hazard, the delineation of any recommended setback distances from said geologic hazard(s), and recommended location(s) for structures and road pavement.

6. 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 for geologic hazards originating on-site.
 - 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.
 - e. Groundwater information which at a minimum includes depth to groundwater, seasonal high water table, estimated depth to surgical aquifer or Floridan aquifer, any confined aquifer potentiometer surface, percolation tests and any other pertinent information relied upon by the developments professional engineer.

- f. Appendices containing maps, boring logs and other subsurface data collected during the geological analysis of the site
7. Development and construction recommendations based upon the engineering/geological 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 and construction.
 - d. Foundation construction requirements.
 - e. Maximum 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 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 Engineering Geological 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 Engineering Geological Report must also contain a certification of a professional geologist, civil, structural or geotechnical engineer that the proposed project complies with the Engineering Geological 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.

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 relettered 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 _____, 2007.

(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