



## MEMORANDUM

**To:** Mayor and Commissioners

**From:** Renea Vincent, Planning Director

**Through:** Mark LeCouris, City Manager

**Date:** September 19, 2023, Regular Session

**Subject:** Land Development Code Amendments, 2<sup>nd</sup> Reading

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At the Sept. 5, 2023, Regular Session the Board reviewed three ordinances with proposed amendments to the Land Development Code. Two of the ordinances (Ord 2022-24 and Ord 2023-09) had considerable discussion and required amendments, based upon Board actions. Ordinance 2023-08 required only minor amendments. The following amended ordinances are provided for 2<sup>nd</sup> reading:

### **ATTACHMENT A : Ordinance 2022-24, Hurricane Shelter Impact Studies and Coastal High Hazard Area Design Requirements**

- The following changes have been made based upon BOC discussion and motion
  - Removed requirement for Pinellas County to review and approve hurricane shelter impact studies and replaced with TRC or outside consultant review
  - Removed direct payment as a shelter mitigation option
  - Incorporated resiliency requirements back into the Ordinance
- The following additional suggested changes have been made by staff
  - Specified that shelter needs analysis methodology must follow Pinellas County or Tampa Bay Regional Planning Council methodology
  - Established a geographic area to be included in all required shelter analysis.

### **ATTACHMENT B (TWO VERSIONS): Ordinance 2023-09 Expiration of Development Orders**

- Two revised versions of the Ordinance are provided for review.
  - One version reflects the BOC's motion at first reading to reduce the time period to obtain a building/site construction permit from 2 years to six months, with a six-month extension provision.
  - A second version reflects a one-year time frame, with a six month extension provision that applies to Site Plans and Final Planned Development orders and establishes a uniform process for review of extensions for both application types. Staff recommends this version for uniformity and ease of administration.

### **ATTACHMENT C: Ordinance 2023-08 Stormwater, Utility and Professional Services Review Fees**

- The following changes have been made based upon BOC discussion and motion
  - 4th Whereas clause stricken.
  - Other Legal/Professional Services added to the table in Section 246.01

ORDINANCE NO. 2022-24

AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA, AMENDING THE CITY OF TARPON SPRINGS CODE OF ORDINANCES, APPENDIX A, COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, ARTICLE VIII AMENDING SECTION 122.12 HURRICANE SHELTER IMPACT STUDY AND ARTICLE IX ADDING SECTION 149.00 COASTAL HIGH HAZARD AREA DEVELOPMENT REGULATIONS AND SECTION 149.01 COASTAL HIGH HAZARD AREA DESIGN STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF THE CITY OF TARPON SPRINGS, FLORIDA; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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**WHEREAS**, the City of Tarpon Springs Board of Commissioners directed staff to evaluate all current policies and regulations related to development within the Coastal High Hazard ~~a~~Area (CHHA); and,

**WHEREAS**, the Planning Department has conducted an evaluation and identified areas where additional clarification to hurricane shelter mitigation analysis is warranted; and,

~~**WHEREAS**, the Planning Department reviewed recent code updates by the City of St. Petersburg regarding specific design criteria for multi-family projects located within the designated Coastal High Hazard Area; and,~~

**WHEREAS**, the City of Tarpon Springs has extensive lands located within the CHHA that are ~~also~~ increasingly vulnerable to inundation during coastal storm events, especially in consideration of future sea level rise;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA:**

SECTION 1. That the above findings are true and correct, and are incorporated as if fully set forth herein.

SECTION 2. That Article VIII, Section 122.12 of the Tarpon Springs Code of Ordinances is hereby amended as follows:

**§ 122.12 Hurricane shelter impact study.**

- (A) All requests for site plan, subdivision, zoning/land use, or conditional use approval which entails residential development of ~~50~~10 or more units, and which involves a site that is wholly or partially located within Pinellas County Evacuation Zone A, B, or C, shall prepare and submit an analysis which indicates that available shelter space will not be exceeded. Shelter analysis shall be performed based upon a Category 3 hurricane impact. and shall be performed based on the area bounded on the south by Nebraska Avenue on the east by East Lake Road and the north by the Pinellas/Pasco County Line.
- (B) Shelter space demand ~~analysis shall be estimated based upon the assumption that 25% of the evacuating population will seek public shelter and~~ shall be based upon the most recent available

data from Pinellas County Emergency Management or the Tampa Bay Regional Planning Council and shall utilize shelter and demand assessment methodology established or accepted by Pinellas County Emergency Management. All assessments must be reviewed and verified for accuracy by the Technical Review Committee. Alternatively, the City may utilize outside professional consultant services for review. ~~Population for an individual project shall be based upon the number of units times the average number of persons per household. The average number of persons per household shall be based upon the most recent U.S. Census or Florida Statistical Abstract.~~ Applicants may utilize alternate shelter utilization and persons per household rates using documented and industry/discipline-acceptable ~~third party~~ data sources such as current State of Florida, local, or regional governmental agency studies; ~~or private industry association reports~~. If alternate data sources are proposed for the study, the applicant shall notify the City Manager or designee in writing of the alternate shelter utilization and persons per household rates intended for use, including citations and copies or links to the data sources.

- (C) The study shall provide solutions for mitigation where a shelter deficit is ~~protected~~ projected. The solutions must provide for mitigation equivalent to the proposed development's anticipated hurricane preparedness impacts, and may utilize any single or combination of the following mitigative techniques, subject to review by and concurrence of Pinellas County Emergency Management Department, as applicable:
- (1) The donation of land for public facilities.
  - (2) The donation or use of private structures as hurricane shelter space.
  - (3) The provision of payments to upgrade existing shelters, to include the addition of storm shutters, provision of electric generators, provision of a food supply, provision of potable water storage capacity, and other items which are determined necessary by the Red Cross and Pinellas County Emergency Management ~~Department~~ Division to upgrade existing shelters.
  - (4) The provision of on-site shelter space when the project includes a community center or other suitable facility. The provision of on-site shelter space shall be at the ratio of 10 to 20 square feet per resident, and shall equal the proposed development's anticipated hurricane shelter space demand.
  - (5) The provision of funds to be used for the purpose of training shelter volunteers or for the purpose of enhancing existing public information programs.
  - (6) The provision for a limitation on density, or project phasing.
  - (7) The provision and maintenance of a public information program and hurricane evacuation fund within a homeowner's association.
  - (8) The provision for the elevation of all roads within the proposed development above the flood level of a category three hurricane event, making evacuation more feasible.
  - (9) The provision of improvements to the evacuation routes, including roadway capacity improvements and the provision of funds for the posting of evacuation routes.
  - (10) The provision of funds to be used for the purpose of procuring communication equipment which would upgrade ~~the existing warning and notification capability of the Fire Department~~.
  - (11) Nothing contained in this section shall preclude the use of alternative mitigative techniques.

(12) Any alternative mitigative technique shall provide reasonable assurance regarding the alternative's ability to reduce the development's impact upon demand for hurricane shelter space.

~~(13) Direct Payment of a shelter mitigation fee to the City of Tarpon Springs. This fee shall be based upon the current construction costs per square foot at 20 square feet per person. Costs shall be based upon most recent International Code Council Building Valuation Data for shelter space constructed and equipped to meet the standards of Pinellas County Emergency Management Department for utilization as shelter space.~~

~~(1413) Utilization of Coastal High Hazard Area Design Standards of Section 149.01~~

~~(D) The study shall utilize the most recent available data from the Pinellas County Emergency Management Division and the Tampa Regional Planning Council.~~

SECTION 3. That Article IX, Section 149.00 of the Tarpon Springs Code of Ordinances is created and added as follows:

**§ 149.00 Coastal High Hazard Area Development Regulations.**

A. The Coastal High Hazard Area (CHHA) is the area below the elevation of the Category 1 storm surge line as established by the sea, lake and overland surges from hurricanes (SLOSH) computerized storm surge model. The CHHA is generally shown on the map in the Coastal Management Element of the Comprehensive Plan. Development within these areas shall be consistent with the goals, objectives and policies of the Comprehensive Plan.

B. Solid waste and commercial hazardous waste management facilities including regional storage, treatment or transfer sites are prohibited in the CHHA.

C. New construction of residential dwelling units shall also require a hurricane shelter impact study and mitigation as required by Section 122.12 ~~(A)~~.

D. Construction, expansion or substantial renovations of hotel uses shall provide a mandatory hurricane evacuation and closure plan that complies with all Pinellas County hurricane evacuation plans and procedures to ensure orderly evacuation of guests and visitors pursuant to the Pinellas County Code, Chapter 34, Article III, "Hurricane Evacuation Plan for Recreational Vehicle Parks and Transient Accommodations."

E. New construction of multi-family residential dwelling units shall provide a hurricane evacuation and re-entry plan requiring mandatory evacuation in accordance with emergency management directives. The plan shall include operating procedures for how the project will handle loss of off-site or grid power, transition to a backup source of power (if available), and transition back to normal operation. Such requirements shall be incorporated into a legally binding document such as lease documents, condominium rules, homeowner rules, or other such method approved during the applicable plan review and approval process.

**§ 149.01 Coastal High Hazard Area Design Standards.**

(A) The City of Tarpon Springs is committed to improving the capacity to endure and quickly recover from coastal hazards. This section is intended to ensure that developments are more resilient to storm surge and sea level rise, mitigate for service and infrastructure needs during and immediately following major storm events, and enable safe re-occupation following an evacuation or weather event.

(B) All new construction of multi-family residential dwelling units and single family attached residential dwelling units in the CHHA shall require the higher of three feet above the minimum Federal Emergency Management Agency (FEMA) base flood elevation (BFE) or the FEMA 500-year flood elevation, and the next higher wind zone risk category of the building code. If these requirements conflict with any other regulations, the more restrictive shall apply. In addition, projects containing up to ~~50100~~ units shall provide one of the following items. Projects containing ~~over 50 100 units or greater~~ shall provide two of the following items. Projects containing over ~~100200~~ dwelling units shall provide one additional item for every ~~3050~~ additional units.

- (1) On-site battery storage of solar generated power to keep critical functions working in the event of power failure;
- (2) Install a cool/high-reflectance roof (coating that is white or has special reflective pigments that reflect sunlight) on at least 75 percent of the total roof area of the development, with a minimum SRI (solar reflectance index value) of 39.
- (3) Install a geothermal energy heating and cooling system that serves as least 75 percent of the project's residential units;
- (4) Pre-wire all units to accept power provided by on-site solar panels;
- (5) Install a 16-20+ SEER HVAC system in each dwelling unit;
- (6) Install efficient, zone-controlled heating and cooling systems in each residential unit (mini-splits, or smart thermostats, etc.);
- (7) Install a solar or tank-less water heating system in each residential unit;
- (8) Install no fewer than two operable windows on no fewer than two exterior walls in each unit;
- (9) Install a generator for power generation to keep critical functions working in the event of power failure;
- (10) Install highly reflective blinds/shades, low-E window film/tint, external/structural shade to reduce solar gain;
- (11) Provide for a resilient common area with back-up power source to provide air-conditioning and power, food, water and emergency supplies to support residents after a storm event;
- (12) Provide for a neighborhood resilience hub to provide on-site and neighborhood residents point of distribution of services before and after storm events;
- (13) Utilize mold-resistant building materials in all kitchens and baths, such as fiberglass-faced drywall, mold-resistant drywall tape, tile, ceramic, terrazzo, or stained concrete, rated "resistant" or "highly resistant" according to UL 2824 and in compliance with ASTM D 3273 standard;
- (14) Protect coastal property with a living shoreline (LSL) per the US Army Corps of Engineers (USACE) Living Shoreline Permit Standard. (LSLs use natural materials to stabilize the shoreline and maintain valuable fish and wildlife habitat; LSLs utilize a variety of materials such as wetland plants, oyster shell, coir fiber logs, sand, wood, and native rock.)

(C) Alternative methods of compliance. In lieu of compliance with subsection (B) above, for large tract planned development projects and projects which are subject to site plan review, an

applicant may propose an alternative method of compliance for review and approval. The applicant will need to demonstrate that the site-specific analysis and wholistic resilient design methods meet or exceed the requirements of the CHHA Design Standards through such methods as follows:

- (1) Provision of a site-specific risk assessment analysis;
- (2) Addressing infrastructure improvements such as-wet/dry flood-proofing, raising streets and flood gates;
- (3) Provision of park/green space which allows for standoff buffer during flood events and can be designed in tiers to provide flood capacity; and.
- (4) Inclusion of an operations/maintenance component where the development/users actively prepare for an event (e.g., down draining ponds/basins, closing flood gates, etc.).

SECTION 3. That the provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Tarpon Springs, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbers system of the Code.

SECTION 4. That if any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 5. This Ordinance shall become effective upon final passage and adoption, in the manner provided by law.

First reading on September 5, 2023.

Passed and adopted at second reading upon a motion by \_\_\_\_\_, seconded by \_\_\_\_\_ at a regular meeting of the City of Tarpon Springs Board of Commissioners, this 19th day of September, 2023.

Vote on Motion:

Commissioner Koulias

Commissioner Eisner

Commissioner ~~Koulianos~~

Vice Mayor Lunt

Mayor Vatikiotis

Attest:

\_\_\_\_\_  
IRENE S. JACOBS, CMC  
CITY CLERK & COLLECTOR

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

**ORDINANCE NO. 2023-09**

**AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA, AMENDING THE CITY OF TARPON SPRINGS CODE OF ORDINANCES, APPENDIX A, COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, SECTIONS 82.00 FINAL DEVELOPMENT PLAN REVIEW, 210.05 SITE PLANS, EXPIRATIONS AND EXTENSIONS AND SECTION 241.00 DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF THE CITY OF TARPON SPRINGS, FLORIDA; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE**

**WHEREAS**, the City of Tarpon Springs requires development projects to be reviewed through either a Planned Development or Site Plan Review process in accordance with Sections 82.00 and 210.05 of the Land Development Code; and,

**WHEREAS**, these code sections currently provide for expiration of associated development orders unless a building permit has been applied for; and,

**WHEREAS**, it is in the City's interest to amend these sections of the code to prevent "unexpired" development orders to last in perpetuity by the act of applying for a building permit; and,

**WHEREAS**, it is preferable for the expiration of development orders to be based upon the actual issuance of a construction permit or building permit, which must be kept active;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA:**

SECTION 1. That the above findings are true and correct, and are incorporated as if fully set forth herein.

SECTION 2. Sections 82.00, 210.05, and 241.00 of Appendix A, Land Development Code, of the Tarpon Springs Code of Ordinances is hereby amended as follows:

**§ 82.00 FINAL DEVELOPMENT PLAN REVIEW.**

- (A) Within 1 year of Preliminary Development Plan approval, the developer shall ~~obtain~~submit the Final Development Plan approval for either the entire project, or by phase, in accordance with the approved phasing plan, for review and approval by the Board of Commissioners.
- (B) The Final Development Plan shall include construction drawings for streets, drainage, sewer, and other required public improvements.

- (C) The Final Development Plan shall be accompanied or followed by a Final Subdivision Plat for those areas to be subdivided.
- (D) Final Development Plans shall consist of the following minimum information:
- (1) Accurate survey of boundary, existing conditions, existing and proposed rights-of-way.
  - (2) Title of the project.
  - (3) Date, scale (1" = 60 or larger), north arrow, legend, location map.
  - (4) Sheet size 24 x 36 inches maximum.
  - (5) Multiple sheets if necessary with match lines clearly shown.
  - (6) Total site acreage:
    - (a) Upland acreage.
    - (b) Submerged acreage.
  - (7) Existing contours at 1 foot intervals.
  - (8) Proposed contours at 1 foot intervals.
  - (9) All required drainage and utility construction drawings.
  - (10) Tree survey with overlay at proposed development indicating size, type, location of trees to remain and to be removed.
  - (11) Open space calculations.
  - (12) Buildings, major structures, and outside display areas, including their general use, gross floor areas, floor area ratio for nonresidential buildings, number of floors, height, and where applicable, the number, size, type and gross density of all dwelling units, or lodging units. First floor elevations of all structures within the 100 year flood plain and subject to applicable flood plain regulations.
  - (13) Streets, travelways, pedestrian walkways, and bikeways, including their type, name, width, street center lines, construction, and whether they are to be public or private, showing the boundaries of all rights-of-way or easements. The location, type, and dimension of all driveways.
  - (14) Off-street parking and loading areas, including their size, widths of aisles and stalls, construction, and a specific schedule comparing the number of parking and loading spaces provided, their basis of calculation, and the minimum required.
  - (15) Yards, limited to the location and dimensions of all yards and/or buffers provided to satisfy any yard requirements, and the distance between buildings where such minimums are required.



- (16) Open space, recreation, and public areas, including the location, type, and area of all open spaces, parks, recreational areas, school sites and similar areas or facilities on the property, including the percent of open space provided.
  - (17) Landscape plan, including dimensions, and the location, spacing, type, size, method of irrigation, and maintenance, and description of all proposed plant materials; the results and basis of calculation of all required landscaping; the proposed limits of clearing and tree protection plan.
  - (18) Screening, fences or walls, including location, type, height, width, and the location, type, size, method of irrigation, and maintenance, and description of all associated landscaping.
  - (19) Plans for signs, if any, including the location, type, height, area, and proposed lighting.
  - (20) Pedestrian/bike path facilities.
  - (21) Documents for maintenance of common improvements and open space.
  - (22) Final Subdivision Plat indicating:
    - (a) The dimensions of all lot lines.
    - (b) Designation of all required minimum yards.
    - (c) Designation of all zero lot lines.
    - (d) The designation of all building envelopes.
    - (e) The designation of all distances between structures where applicable.
  - (23) Architectural renderings.
- (E) Unless a phasing plan is specifically approved by the Board of Commissioners, the applicant has ~~12 years~~ six months from the date of approval to ~~apply for obtain a Construction Permit or Building Permit, which must remain in an active status. Where an application for a Construction or Building Permit has been applied for, which application is active and under review, one six-month extension may be granted by the City Manager for good cause.~~ Otherwise, the Final Development Plan shall expire. ~~If a~~ phasing plan is approved by the Board of Commissioners, ~~the applicant has 1 year from the date of approval to apply for a building permit for Phase I, 2 years to apply for a building permit for Phase II, and a like period for each additional phase, unless an alternate schedule is approved by the Board of Commissioners at the time of Preliminary Plan approval shall include defined time periods to obtain required Construction or Building permits for each proposed phase of construction. Any extensions to an approved phasing plan must be approved by the Board of Commissioners.~~

**§ 210.05 Site plan expirations, extensions, and revisions.**

- (A) Approval of a site plan shall expire in one year ~~on~~ from the date of original approval unless a Construction Permit or Building Permit has been applied for or is obtained and kept active, except that the Board of Commissioners may approve an alternate phasing plan at the time of site plan approval. If the Building Permit or Construction Permit does not remain in an active status the Site Plan shall expire and must be re-approved in accordance with Section 210.03.
- (B) Where an application for a Construction Permit or Building Permit has been applied for, which application is active and under review, ~~One~~ extension for up to one additional year to obtain a permit may be granted by the Board of Commissioners for good cause. The review of extension requests shall include an evaluation of the effect of new or current regulations on the project. Requests for a time extension shall be submitted a minimum of 30 days prior to the expiration date in writing.
- (C) Minor revisions to an approved site plan may be authorized by the Technical Review Committee (TRC) upon the review of a revised site plan submitted by the original applicant. Major revisions shall only be authorized in the same manner as originally approved. The following criteria shall identify a major modification:
- (1) Any increase in density.
  - (2) Any increase in floor area exceeding 500 square feet or the threshold for Board of Commissioners approval under § 210.03.
  - (3) Any change in land use.
  - (4) Any change in project phasing.
  - (5) Any change which would require an amendment to approval conditions.
  - (6) Structural alterations significantly affecting the basic size and form of the building(s).
  - (7) Any reduction in the amount of open space of more than five percent or any substantial change in the location or characteristics of open space.
  - (8) Any increase in traffic generation by more than ten percent.
  - (9) Any change in structure height.
  - (10) Any change in the number of vehicular access points.

**§ 241.00 DEFINITIONS.**

(42) (A)—Unless specifically defined below, words or phrases used in this Code shall be ascribed a meaning which they have in common usage and which gives this Code its most reasonable application:

(19) BUILDING PERMIT—Any building ~~or construction~~ permit required by the City to develop property. Tree removal permits, clearing and grubbing permits, dock permits, and dredge/fill permits are not considered building permits for the purpose of meeting expiration deadlines associated with approved Conditional Uses, Site Plans, Planned Developments and similar development orders. Building Permits shall expire in accordance with the requirements of the Florida Statutes and the Florida Building Code.

(42) CONSTRUCTION PERMIT—A type of building permit required for the alteration of land or extension or installation of infrastructure. Tree removal permits, clearing and grubbing permits, dock permits, and dredge/fill permits are not considered ~~Construction Permits~~ building permits for the purpose of meeting expiration deadlines associated with approved Conditional Uses, Site Plans, Planned Developments, and similar development orders. Construction Permits shall follow the same requirements as a Building Permit to remain active.

SECTION 3. That the provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Tarpon Springs, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbers system of the Code.

SECTION 4. That if any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 5. This Ordinance shall become effective upon final passage and adoption, in the manner provided by law.

**ORDINANCE NO. 2023-09**

**AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA, AMENDING THE CITY OF TARPON SPRINGS CODE OF ORDINANCES, APPENDIX A, COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, SECTIONS 82.00 FINAL DEVELOPMENT PLAN REVIEW, 210.05 SITE PLANS, EXPIRATIONS AND EXTENSIONS AND SECTION 241.00 DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF THE CITY OF TARPON SPRINGS, FLORIDA; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE**

**WHEREAS**, the City of Tarpon Springs requires development projects to be reviewed through either a Planned Development or Site Plan Review process in accordance with Sections 82.00 and 210.05 of the Land Development Code; and,

**WHEREAS**, these code sections currently provide for expiration of associated development orders unless a building permit has been applied for; and,

**WHEREAS**, it is in the City’s interest to amend these sections of the code to prevent “unexpired” development orders to last in perpetuity by the act of applying for a building permit; and,

**WHEREAS**, it is preferable for the expiration of development orders to be based upon the actual issuance of a construction permit or building permit, which must be kept active;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA:**

SECTION 1. That the above findings are true and correct, and are incorporated as if fully set forth herein.

SECTION 2. Sections 82.00, 210.05, and 241.00 of Appendix A, Land Development Code, of the Tarpon Springs Code of Ordinances is hereby amended as follows:

**§ 82.00 FINAL DEVELOPMENT PLAN REVIEW.**

- (A) Within 1 year of Preliminary Development Plan approval, the developer shall ~~obtain~~submit the Final Development Plan approval for either the entire project, or by phase, in accordance with the approved phasing plan, for review and approval by the Board of Commissioners.
- (B) The Final Development Plan shall include construction drawings for streets, drainage, sewer, and other required public improvements.

- (C) The Final Development Plan shall be accompanied or followed by a Final Subdivision Plat for those areas to be subdivided.
- (D) Final Development Plans shall consist of the following minimum information:
- (1) Accurate survey of boundary, existing conditions, existing and proposed rights-of-way.
  - (2) Title of the project.
  - (3) Date, scale (1" = 60 or larger), north arrow, legend, location map.
  - (4) Sheet size 24 x 36 inches maximum.
  - (5) Multiple sheets if necessary with match lines clearly shown.
  - (6) Total site acreage:
    - (a) Upland acreage.
    - (b) Submerged acreage.
  - (7) Existing contours at 1 foot intervals.
  - (8) Proposed contours at 1 foot intervals.
  - (9) All required drainage and utility construction drawings.
  - (10) Tree survey with overlay at proposed development indicating size, type, location of trees to remain and to be removed.
  - (11) Open space calculations.
  - (12) Buildings, major structures, and outside display areas, including their general use, gross floor areas, floor area ratio for nonresidential buildings, number of floors, height, and where applicable, the number, size, type and gross density of all dwelling units, or lodging units. First floor elevations of all structures within the 100 year flood plain and subject to applicable flood plain regulations.
  - (13) Streets, travelways, pedestrian walkways, and bikeways, including their type, name, width, street center lines, construction, and whether they are to be public or private, showing the boundaries of all rights-of-way or easements. The location, type, and dimension of all driveways.
  - (14) Off-street parking and loading areas, including their size, widths of aisles and stalls, construction, and a specific schedule comparing the number of parking and loading spaces provided, their basis of calculation, and the minimum required.
  - (15) Yards, limited to the location and dimensions of all yards and/or buffers provided to satisfy any yard requirements, and the distance between buildings where such minimums are required.

- (16) Open space, recreation, and public areas, including the location, type, and area of all open spaces, parks, recreational areas, school sites and similar areas or facilities on the property, including the percent of open space provided.
  - (17) Landscape plan, including dimensions, and the location, spacing, type, size, method of irrigation, and maintenance, and description of all proposed plant materials; the results and basis of calculation of all required landscaping; the proposed limits of clearing and tree protection plan.
  - (18) Screening, fences or walls, including location, type, height, width, and the location, type, size, method of irrigation, and maintenance, and description of all associated landscaping.
  - (19) Plans for signs, if any, including the location, type, height, area, and proposed lighting.
  - (20) Pedestrian/bike path facilities.
  - (21) Documents for maintenance of common improvements and open space.
  - (22) Final Subdivision Plat indicating:
    - (a) The dimensions of all lot lines.
    - (b) Designation of all required minimum yards.
    - (c) Designation of all zero lot lines.
    - (d) The designation of all building envelopes.
    - (e) The designation of all distances between structures where applicable.
  - (23) Architectural renderings.
- (E) Unless a phasing plan is specifically approved by the Board of Commissioners, the applicant has ~~12 years~~ one year from the date of approval to ~~apply for obtain a Construction Permit or Building Permit, which must remain in an active status. Where an application for a Construction or Building Permit has been applied for, which application is active and under review, one six-month extension may be granted by the City Manager for good cause. The review of extension requests shall include an evaluation of the effect of new or current regulations on the project. Requests for a time extension shall be submitted a minimum of 30 days prior to the expiration date in writing.~~ Otherwise, the Final Development Plan shall expire. ~~If a~~ phasing plan is approved by the Board of Commissioners, ~~the applicant has 1 year from the date of approval to apply for a building permit for Phase I, 2 years to apply for a building permit for Phase II, and a like period for each additional phase, unless an alternate schedule is approved by the Board of Commissioners at the time of Preliminary Plan approval.~~ shall include defined time periods to obtain required Construction or Building permits for each proposed phase of construction. Any extensions to an approved phasing plan must be approved by the Board of Commissioners.

### § 210.05 Site plan expirations, extensions, and revisions.

- (A) Approval of a site plan shall expire in one year ~~on~~from the date of original approval unless a Construction Permit or Building Permit has been applied for is obtained and kept active, except that the Board of Commissioners may approve an alternate phasing plan at the time of site plan approval. If the Building Permit or Construction Permit does not remain in an active status the Site Plan shall expire and must be re-approved in accordance with Section 210.03.
- (B) Where an application for a Construction Permit or Building Permit has been applied for, which application is active and under review, One six-month extension for up to one additional year to obtain a permit may be granted by the ~~Board of Commissioners~~City Manager for good cause. The review of extension requests shall include an evaluation of the effect of new or current regulations on the project. Requests for a time extension shall be submitted a minimum of 30 days prior to the expiration date in writing.
- (C) Minor revisions to an approved site plan may be authorized by the Technical Review Committee (TRC) upon the review of a revised site plan submitted by the original applicant. Major revisions shall only be authorized in the same manner as originally approved. The following criteria shall identify a major modification:
- (1) Any increase in density.
  - (2) Any increase in floor area exceeding 500 square feet or the threshold for Board of Commissioners approval under § 210.03.
  - (3) Any change in land use.
  - (4) Any change in project phasing.
  - (5) Any change which would require an amendment to approval conditions.
  - (6) Structural alterations significantly affecting the basic size and form of the building(s).
  - (7) Any reduction in the amount of open space of more than five percent or any substantial change in the location or characteristics of open space.
  - (8) Any increase in traffic generation by more than ten percent.
  - (9) Any change in structure height.
  - (10) Any change in the number of vehicular access points.

### § 241.00 DEFINITIONS.

(42) (A)—Unless specifically defined below, words or phrases used in this Code shall be ascribed a meaning which they have in common usage and which gives this Code its most reasonable application:

(19) BUILDING PERMIT—Any building ~~or construction~~ permit required by the City to develop property. Tree removal permits, clearing and grubbing permits, dock permits, and dredge/fill permits are not considered building permits for the purpose of meeting expiration deadlines associated with approved Conditional Uses, Site Plans, Planned Developments and similar development orders. Building Permits shall expire in accordance with the requirements of the Florida Statutes and the Florida Building Code.

(42) CONSTRUCTION PERMIT—A type of building permit required for the alteration of land or extension or installation of infrastructure. Tree removal permits, clearing and grubbing permits, dock permits, and dredge/fill permits are not considered ~~Construction Permits~~ building permits for the purpose of meeting expiration deadlines associated with approved Conditional Uses, Site Plans, Planned Developments, and similar development orders. Construction Permits shall follow the same requirements as a Building Permit to remain active.

SECTION 3. That the provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Tarpon Springs, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbers system of the Code.

SECTION 4. That if any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 5. This Ordinance shall become effective upon final passage and adoption, in the manner provided by law.



**ORDINANCE NO. 2023-08**

**AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA, AMENDING THE CITY OF TARPON SPRINGS CODE OF ORDINANCES, APPENDIX A, COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, ARTICLE XV FEES AND CHARGES, SECTIONS 246.00 FEES AND 247.00 CHARGES TO UPDATE EXISTING FEES AND ESTABLISH NEW FEES FOR PROFESSIONAL REVIEW SERVICES, DRAINAGE AND STORMWATER REVIEW, UTILITY SERVICE REVIEW AND TEMPORARY USE FEES FOR MOBILE FOOD VENDORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF THE CITY OF TARPON SPRINGS, FLORIDA; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the City of Tarpon Springs has established fees and charges to recoup costs associated with development review processes; and,

**WHEREAS**, the current fees and charges do not address professional reviews associated with drainage, stormwater and utilities review processes; and,

**WHEREAS**, the City wishes to establish new review fees to offset a portion of these costs and discourage developers from submitting unsatisfactory plan sets requiring multiple rounds of review by city sponsored engineer of record services; and,

~~**WHEREAS**, the City previously established a new review fee for temporary mobile food vendors at 25% of the Temporary Use Fee;~~

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA:**

**SECTION 1.** That Appendix A of the Land Development Code of the City of Tarpon Springs Code of Ordinances, Article XV Fees and Charges is hereby amended to read as follows:

**ARTICLE XV. FEES AND CHARGES**

**§ 246.00 FEES.**

~~The following processing fees are hereby established~~purpose of this section is to establish fees and charges associated with required review and processing of development applications, including outside costs of professional review services such as engineers, surveyors, and other industry specialists.:

**246.01 Application Review Fees, including advertising and public notice service fees.**

<b>Type of Application or Service</b>	<b>Fee</b>
Annexation	No application fee; \$500.00 advertising costs
Appeal of Administrative Decision (BOA)	\$250.00
Concurrency Determination Appeal	\$250.00 application fee plus \$500.00 deposit, balance of actual cost of hearing paid on a 50/50 basis between applicant and the City
Conditional Use	\$500.00
Construction Permit Review Site Reinspection Fee—Site/Engineering All reinspections after the initial reinspection for the same noted violation or deficiency will be charged at three (3) times the normal reinspection fee.	\$250.00, <u>plus applicable fees in 246.02</u> \$40.00 each

Declaration of Restrictions, Covenants, Easements, etc.	\$250.00 or actual cost, whichever is greater
Development Agreements:	
Request to Negotiate	\$250.00
Development Proposal	\$2,500.00
Agreement Modification	\$1,000.00
Agreement Extension	\$250.00
Historic Preservation:	
Application for Designation	\$250.00
Appeals	\$50.00 each
Certificate of Approval	\$50.00 each
Certificate of Approval For Signs	\$50.00 each
Economic Hardship Exceptions	\$50.00 each
Land Use Change Only (PPC or City)	\$750.00, plus advertising costs, plus TBRPC fee paid prior to adoption, if applicable
Minor Subdivision	\$250.00
Final Subdivision Plat	\$750.00, plus review costs by City surveyor
Planned Development:	
Conceptual Development Plan	\$250.00
Preliminary Development Plan	\$750.00, plus advertising costs, <del>plus TBRPC fee paid prior to adoption, if applicable, plus applicable fees in 246.02</del>
Final Development Plan	\$500.00, <del>plus applicable fees in 246.02</del>
Minor Modifications	\$250.00 each, <del>plus applicable fees in 246.02</del>
Time Extension	\$100.00 each
Major Modifications or Amendment	Same as Preliminary Development Plan Fees
Rezoning and Land Use Change (PPC or City)	\$1,250.00, plus advertising costs, plus <del>TBRPC-PPC</del> fee paid prior to adoption, if applicable
Rezoning Only	\$750.00, plus advertising costs
Sidewalk Cafe Uses	\$250.00 each, plus rental fees
Site Plan Extension Request	\$100.00 each
Site Plan:	
0—5 acres	\$500.00, <del>plus applicable fees in 246.02</del>
5.01—10 acres	\$750.00, <del>plus applicable fees in 246.02</del>
10.01—15 acres	\$1,000.00, <del>plus applicable fees in 246.02</del>
15.01—20 acres	\$1,500.00, <del>plus applicable fees in 246.02</del>
20.01 acres or more	\$2,000.00, <del>plus applicable fees in 246.02</del>
TBRPC Review Fee	Established by TBRPC, payable upon receipt of bill from TBRPC and prior to adoption, if applicable
Temporary Use	\$100.00 each
<u>Mobile Food Vendor Temporary Use</u>	<u>\$25.00</u>
TRC Review for Day Care Centers, Family Care Homes, Community Residential Homes, Emergency Shelters, Residential Treatment Facilities, Recovery Homes, Lodging Facilities, and Private Clubs	\$250.00 each
Tree Removal Permits and Inspections:	
Existing Single Family or Two Family Residence	\$25.00 each application
Existing Multifamily Residence	\$50.00 each application
Existing Commercial, Industrial or Other Nonresidential Structure	\$50.00 each application

New Construction (Residential or Nonresidential)	\$100.00 each application
Land Clearing or Grubbing	\$50.00 each application
Initial Inspection	No charge
Reinspection Fee	\$40.00 each
Vacation of Property	One-half of appraised value of vacated property. (See Section 216.00(f)).
Variance Request	\$250.00 each, plus advertising costs
Fees for All Types of Services, As Required;	
Mailing and Postage	To be determined by staff in accordance with prevailing postage rates
Placards	To be determined by staff based on posting requirements
<u>Legal Notice/Advertising Costs</u>	<u>To be determined by staff based on actual costs</u>
<u>Other Legal/Professional Services</u>	<u>100% of actual costs</u>

#### **246.02 City Engineer/Engineer of Record/Utility Review Service Fees**

<u>Drainage/Stormwater Permit Reviews</u>	<u>Initial Submittal</u>	<u>2nd Submittal</u>	<u>Each Additional Resubmittal</u>
<u>Site Plan, Non-Residential</u>	<u>\$675</u>	<u>no cost</u>	<u>\$350</u>
<u>Preliminary Planned Development for a Residential Subdivision (Single Family Detached, Single Family Attached, Single Family Semi-Detached)</u>	-	-	-
<u>(1-50 Lots)</u>	<u>\$500</u>	<u>no cost</u>	<u>\$200</u>
<u>(over 50 Lots)</u>	<u>\$750</u>	<u>no cost</u>	<u>\$300</u>
<u>Preliminary Planned Development (Multi-Family/Apartment Site)</u>	<u>\$600/Bldg.</u>	<u>no cost</u>	<u>\$200/Bldg.</u>
<u>Site Plan / Final Planned Development- Residential (Single Family Detached, Single Family Attached, Single Family Semi-Detached)</u>			
<u>(1-50 lots)</u>	<u>\$1,500</u>	<u>no cost</u>	<u>\$500</u>
<u>(over 50 lots)</u>	<u>\$1,750</u>	<u>no cost</u>	<u>\$600</u>
<u>Site Plan/Final Planned Development (Multi-Family/Apartment Site)</u>	<u>\$600/Bldg.</u>	<u>no cost</u>	<u>\$300/Bldg.</u>
<u>Preliminary Planned Development- Commercial</u>	<u>\$1,000</u>	<u>no cost</u>	<u>\$500</u>
<u>Site Plan / Final Planned Development- Commercial</u>	<u>\$2,000</u>	<u>no cost</u>	<u>\$1,000</u>
<u>Preliminary Planned Development- Industrial</u>	<u>\$1,500</u>	<u>no cost</u>	<u>\$750</u>
<u>Site Plan / Final Planned Development- Industrial</u>	<u>\$3,000</u>	<u>no cost</u>	<u>\$1,500</u>
<u>Site Construction Permit, Non-Residential</u>	<u>\$375</u>	<u>no cost</u>	<u>\$250</u>
<u>Site Construction Permit-Multi-Family</u>	<u>\$315/Bldg.</u>	<u>no cost</u>	<u>\$175/Bldg.</u>
<u>Site Construction Permit- Residential Subdivision</u>	<u>\$375</u>	<u>no cost</u>	<u>\$225</u>
<u>Building Permit, 1-2 Family Residential Lot</u>	<u>\$75</u>	<u>no cost</u>	<u>\$50</u>
<u>As-Built Verification</u>	<u>\$250</u>	<u>no cost</u>	<u>\$250</u>
<b><u>Utility Review Fees</u></b>	-	-	-

<u>Preliminary/Final Planned Dev / Site Plan Review</u>	<u>\$250.00</u>	<u>no cost</u>	<u>\$250.00</u>
<u>Downstream Analysis Review (as necessary)</u>	<u>100% of Actual Costs</u>		
<u>Site Construction Permit Review</u>	<u>\$400.00</u>	<u>no cost</u>	<u>\$400.00</u>
<u>As-Built Site Plan Verification</u>	<u>\$250.00</u>	<u>no cost</u>	<u>\$250.00</u>
<u>Building Permit Review (One &amp; Two Family)</u>	<u>\$50.00</u>	<u>no cost</u>	<u>\$50.00</u>
<u>Building Permit Review (All other)</u>	<u>\$200.00</u>	<u>no cost</u>	<u>\$200.00</u>
<u>Utility Availability Statement (One &amp; Two Family)</u>	<u>\$50.00</u>		
<u>Utility Availability Statement (All Other)</u>	<u>\$250.00</u>		
<u>All Other City Engineer/Engineer of Record Review Services</u>	<u>100% of Actual Costs</u>		

**§ 247.00 CHARGES.**

The following charges for printing and copying services are hereby established:

Type of Service	Charges
Comprehensive Plan:	
Future Land Use Map Series (Bound)	\$100.00 each
Individual Element (Unbound)	\$0.15 per page (\$0.05 extra for two-sided)
Entire Plan Package (Bound)	\$300.00 each
Policy Document (Bound)	\$60.00 each
Copying:	
8½" × 11"	\$0.15 per page (\$0.05 extra for two-sided)
8½" × 14"	\$0.15 per page (\$0.05 extra for two-sided)
11" × 17"	\$0.25 per page (\$0.10 extra for two-sided)
Microfilm or Microfiche	\$1.00 per page
Notary Public Services	\$1.00 per document
Land Development Code:	
Unbound	\$50.00 each
Bound	\$100.00 each
Individual Article	\$0.15 per page (\$0.05 extra for two-sided)
Zoning District Schedule	\$10.00 each
Miscellaneous Maps	\$5.00 each
Official Zoning Atlas:	
Bound Set	\$40.00 each
Individual Page	\$1.00 each
Overall Zoning Map	\$25.00 each

**§ 248.00 FEE WAIVERS.**

No waiver of the review fees established herein shall be authorized, except that the City Manager shall be authorized to waive the required fee where the review involves an application or submittal by another governmental entity.

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SECTION 2.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 3.

This Ordinance shall become effective upon final passage and adoption, in the manner provided by law.