



City of Tarpon Springs, Florida

PLANNING AND ZONING DEPARTMENT
324 EAST PINE STREET
P.O. BOX 5004
TARPON SPRINGS, FLORIDA 34688-5004
(727) 942-5611
FAX (727) 943-465

PLANNING & ZONING BOARD AGENDA

JANUARY 22, 2024

324 EAST PINE STREET, CITY HALL AUDITORIUM, 6:30 P.M.

- 1. PLEDGE OF ALLEGIANCE AND INVOCATION (Option of Chair)**
- 2. PURPOSE/MISSION (Option of Chair)**
- 3. CALL TO ORDER/ROLL CALL**
- 4. ORGANIZATIONAL MEETING**
 - a. Election of officers
- 5. APPROVAL OF MINUTES – consent agenda**
 - a. December 19, 2022
 - b. December 18, 2023
- 6. QUASI-JUDICIAL ANNOUNCEMENT AND SWEARING IN OF SPEAKERS**
- 7. APPLICATION #22-89** for property located at 1125 West Curlew Place:
 - a. **Ordinance 2023-25** for Annexation (Quasi-Judicial)
 - b. **Ordinance 2023-27** for Future Land Use Map amendment (Legislative)
 - c. **Ordinance 2023-26** for Rezoning (Quasi-Judicial)
- 8. APPLICATION #23-137, Ordinance 2023-29** Rezoning of property located at 1201 Gulf Road (Quasi-Judicial)
- 9. APPLICATION #23-123** Conditional Use Approval and Site Plan Approval for property located at 512, 514, 515 and 516 Island Drive (the landings)
Deferred to a date/time to be readvertised
- 10. DISCUSSION ITEM:** Discussion and direction regarding processing of a Land Development Code amendment to Article VI. Development Agreements.
- 11. STAFF COMMENTS**
- 12. BOARD COMMENTS**

13. ADJOURNMENT

Planning and Zoning Board Regular Session: If a person decides to appeal any recommendation made by the Planning & Zoning Board with respect to any matter considered at these meetings or hearings, they will need a record of the proceedings, and that, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. You are invited to attend the meeting to express your views or to present facts in regard to the case. Written comments may be addressed to the Planning & Zoning Department, P.O. Box 5004, Tarpon Springs, Florida 34688-5004, and will become part of the record. All documents submitted with the applications are on file and available for inspection in the Planning & Zoning Department, City Hall. Further information may be obtained from the Planning & Zoning Department, (727) 942-5611. Said hearing may be continued from time-to-time pending adjournment. Any person with a disability requiring reasonable accommodation in order to participate in these meetings should call (727) 942-5611 or FAX a written request to (727) 943-4651.

MINUTES*
PLANNING & ZONING BOARD
CITY OF TARPON SPRINGS, FLORIDA
DECEMBER 19, 2022

THE PLANNING & ZONING BOARD OF THE CITY OF TARPON SPRINGS, FLORIDA
MET IN THE CITY HALL AUDITORIUM, ON MONDAY, DECEMBER 19, 2022, AT 6:30
P.M. WITH THE FOLLOWING PRESENT:

Merlin Seamon	Chairperson
N. Mike Kouskoutis	Vice-Chairperson
Justin Vessey	Member
Nick Zembillas	Member
Georganna Frantzis	Member
Robert Rockelein	Member
Derla Early	Alternate Member

ALSO PRESENT:	Patricia McNeese	Principal Planner
	Allie Keen	Senior Planner
	Kim Yothers	Recording Secretary

1. PLEDGE OF ALLEGIANCE AND INVOCATION (OPTION OF CHAIR)

Chairperson Seamon called the meeting to order and asked everyone to stand for the Pledge of Allegiance.

2. PURPOSE/MISSION (OPTION OF CHAIR)

Chairperson Seamon read the purpose/mission of the Planning and Zoning Board

Mr. Vessey led the invocation.

3. CALL TO ORDER/ROLL CALL

Recording Secretary Yothers called the roll.

4. MINUTES

a. May 16, 2022

Motion:	Mr. Kouskoutis
Second:	Mr. Zembillas

To approve minutes from May 16, 2022, as presented.

Ms. Early	Yes
Mr. Rockelein	Yes
Ms. Frantzis	Yes
Mr. Zimbillas	Yes
Mr. Vessey	Yes
Mr. Kouskoutis	Yes
Mr. Seamon	Yes

5. QUASI-JUDICIAL ANNOUNCEMENT AND SWEARING IN OF SPEAKERS

Ms. Kardash read the quasi-judicial statement, Board's procedures, and swore in all who planned to testify.

6. RESOLUTION 2023-04; APPLICATION #22-91: SITE PLAN APPROVAL FOR A TOWNHOME PROJECT LOCATED AT THE NORTHWEST CORNER OF EAST LIME STREET AND SOUTH GROSSE AVENUE.

Staff:

Mrs. Keen gave background information and noted that Staff found the application for site plan approval consistent with both the conditional use approval (Resolution 2022-09) and with the applicable review criteria and recommended approval of Resolution 2023-04, subject to the following conditions:

1. Site construction plans shall be consistent with the approved site plan. All requisite fees attendant to the project shall be paid in accordance with the Land Development Code.
2. Details for all site lighting, including product sheets showing shielded fixtures, shall be provided with the building permit application showing compliance with Land Development Code Section 127.06.
3. The developer must comply with the Public Art Program requirements of Land Development Code Section 296.00, if the aggregate job value is equal to or exceeds \$1,000,000.00.
4. The site plan shall expire at one year from the effective date unless an application had been filed for a building permit with construction plans signed and sealed by a registered engineer licensed in the State of Florida

Applicant:

Samir Ghafari, 2166 West Bush Boulevard, Tampa, Florida, noted that he did not have anything to add to the presentation.

Motion: Mr. Vessey
Second: Mr. Kouskoutis

To approve Resolution 2023-04, Application 2022.91, as presented.

Ms. Early	Yes
Mr. Rockelein	Yes
Ms. Frantzis	Yes
Mr. Zimbellas	Yes
Mr. Vessey	Yes
Mr. Kouskoutis	Yes
Mr. Seamon	Yes

7. RESOLUTION 2023-05; APPLICATION #22-128: SITE PLAN APPROVAL FOR AN ADDITION TO AN EXISTING COMMERCIAL BUILDING LOCATED AT 501 SOUTH PINELLAS AVENUE.

Staff:

Mrs. Keen gave background information and noted that Staff found the application for site plan approval consistent with the applicable review criteria and recommended approval of Resolution 2023-05, subject to the following conditions:

1. Construction plans shall be consistent with the approved site plan. All requisite fees attendant to the project shall be paid in accordance with the Land Development Code.
2. Details for any new site lighting, including product sheets showing shielded fixtures shall be provided with the building permit application showing compliance with Land Development Code Section 127.06.
3. The site plan shall expire at one year from the effective date unless an application has been filed for a building permit with construction plans signed and sealed by a registered engineer in the State of Florida.

Applicant:

John Scribner, 1236 New York Avenue, Dunedin, noted that there were soil samples taken on site so they were exploring the soil to ensure that they could build on it.

Public:

Andrea Bolander, 258 Banana Road, Ozona, noted that they had the building next door, and she was in support of the application.

Motion: Mr. Rockelein
Second: Mr. Kouskoutis

To approve Application 2022.128, Sponge City Brewing, overhang addition, with the conditions recommended by Staff.

Ms. Early	Yes
Mr. Rockelein	Yes
Ms. Frantzis	Yes
Mr. Zimbellas	Yes
Mr. Vessey	Yes
Mr. Kouskoutis	Yes
Mr. Seamon	Yes

8. RESOLUTION 2023-02; APPLICATION #22-29: CONDITIONAL USE AND SITE PLAN APPROVAL FOR A SURFACE PARKING LOT. (CONTINUED TO JANUARY 23, 2023)

9. RESOLUTION 2023-01; APPLICATION #22-105: CONDITIONAL USE APPROVAL FOR A DOG TRAINING AND BOARDING LOCATED AT 136 EAST OAKWOOD STREET.

Staff:

Mrs. McNeese gave background information and noted that because the project is not proposed as a stand-alone boarding kennel, but also presents a primary “training” purpose with limited boarding, staff was processing this project as a conditional use request for the Board of Commissioners’ consideration. If the project was recommended for approval, staff recommended that the following conditions be included as a part of Resolution 2023-01:

1. Overnight boarding shall be limited to a maximum of ten (10) dogs.
2. Overnight boarding shall be supervised 24 hours a day by on-site personnel.
3. A six-foot solid fence shall be installed along the south and east property lines behind the front yard setback.

Applicant:

Andrea Bolander, 258 Banana Road, Ozona, noted that they would not present a noise issue because they had a trainer with the dogs all day and night.

Motion: Mr. Kouskoutis
Second: Mr. Zembillas

To approve Application 2022-105, including Staff’s recommended conditions, that the conditional use shall be nontransferable, and that the applicant was required to produce a contract for a veterinarian to provide 24-hour on call services.

Ms. Early	Yes
Mr. Rockelein	Yes
Ms. Frantzis	No
Mr. Zembillas	Yes
Mr. Vessey	No
Mr. Kouskoutis	Yes
Mr. Seamon	No

A 5-MINUTE RECESS WAS CALLED AT 9 P.M.

THE MEETING RESUMED AT 9:05 P.M.

10. ORDINANCE 2023-01; APPLICATION #22-113: AMENDMENT TO THE TARPON SPRINGS MUNICIPAL CODE APPENDIX A COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE ARTICLE XVII PUBLIC ART PROGRAM.

Staff:

Mrs. McNeese gave background information and noted that this draft ordinance was presented for consideration by the Planning and Zoning Board. Staff recommended that the Planning and Zoning Board review the draft ordinance and make a recommendation to the Board of Commissioners.

Diane Wood, Cultural & Civic Services Department, Heritage Center, Director, noted that she was available to answer questions.

Motion: Mr. Koulianos
Second: Mr. Rockelein

To approve Ordinance 2023-01 with the following recommendations: 1. There would be a requirement for the owner of landscape artwork to record a document that indicated that they would maintain the artwork. 2. That ownership of the artwork be reviewed by a copyright/patent attorney to ensure legality. To include the specific section that would provide for severability and to add severability to the Ordinance Title.

Ms. Early	Yes
Mr. Rockelein	Yes
Ms. Frantzis	Yes
Mr. Zembillas	Yes
Mr. Vessey	Yes
Mr. Kouskoutis	Yes
Mr. Seamon	Yes

11. ORDINANCE 2023-02; APPLICATION #22-131: AMENDMENT TO TARPON SPRINGS MUNICIPAL CODE: ORDINANCE NO. 2023-02, CONCERNING APPLICATION FEE FOR RIGHT-OF-WAY VACATION.

Staff:

Mrs. McNeese gave background information and noted that this draft ordinance was presented for consideration by the Planning and Zoning Board at the request of the Board of Commissioners. Staff recommended that the Planning and Zoning Board review the draft ordinance and make a recommendation to the Board of Commissioners. The Board of Commissioners should direct the City Attorney to draft the final form of an adopted ordinance.

Motion: Mr. Vessey
Second: Mr. Kouskoutis

To approve Ordinance 2023-02 as presented.

Ms. Early	Yes
Mr. Rockelein	Yes
Ms. Frantzis	Yes
Mr. Zembillas	Yes
Mr. Vessey	Yes
Mr. Kouskoutis	Yes
Mr. Seamon	Yes

12. STAFF COMMENTS

Mrs. McNeese noted that she provided the 2023 meeting schedule to the Board for their review and comment. She further noted that Mr. Koulianos was now Commissioner Elect and that he would no longer serve on the Planning and Zoning Board.

13. BOARD COMMENTS

Mr. Kouskoutis noted that he was unhappy that Staff did not call out density on a project that they presented to the Planning and Zoning Board, however the Board of Commissioners picked up on the density issue and they denied the application, which made the Planning and Zoning Board look bad.

Mrs. McNeese noted that she remembered the application and that she asked the Board to read the 15-page staff report well, because it was a lot of information but that she would work to improve Staff's presentation of materials in the future.

Mr. Kouskoutis noted that he would not read a 15-page report, but that Staff should point out the issues during their presentation.

Ms. Frantzis indicated that she thought that the staff report was sufficient and that it was important for the Planning and Zoning Board to read the reports, so they could make an effective decision.

(Continued)

BOARD COMMENTS (CONTINUED)

Mr. Vessey noted that he thought that it was odd that there was an enclave at the southern end of the city and that the County approved a seven story 82-unit multifamily complex by using density averaging. He found it problematic that parts of the southern gateway of our city were County enclaves and that the city had no say in what was approved on the property.

14. ADJOURNMENT

Mr. Seamon adjourned the meeting at 10:00 pm.

Merlin Seamon, Chairman

***SECRETARY'S NOTE:** The preceding are action minutes and are not the official meeting record.

MINUTES*
PLANNING & ZONING BOARD
CITY OF TARPON SPRINGS, FLORIDA
DECEMBER 18, 2023

THE PLANNING & ZONING BOARD OF THE CITY OF TARPON SPRINGS, FLORIDA MET IN THE CITY HALL 2ND FLOOR MEDIA ROOM, ON MONDAY, DECEMBER 18, 2023, AT 6:30 P.M. WITH THE FOLLOWING PRESENT:

Merlin Seamon	Chairperson
Nick Zembillas	Member
Robert Rockelein	Member
Georganna Frantzis	Member
Derla Early	Alternate Member

ABSENT/PRIOR NOTICE PROVIDED:	N. Mike Kouskoutis	Vice-Chairperson
	Justin Vessey	Member

ALSO PRESENT:	Renea Vincent	Planning and Zoning Director
	Patricia McNeese	Planning and Zoning Supervisor
	Caroline Lanford	Principal Planner
	Allie Keen	Principal Planner
	Regina Kardash	Board Attorney
	Kimberly Creighton	Planning and Zoning Coordinator

1. PLEDGE OF ALLEGIANCE AND INVOCATION (OPTION OF CHAIR)

Chairperson Seamon called the meeting to order at 6:30 P.M. and opted not to say the pledge of allegiance or the invocation.

2. PURPOSE/MISSION (OPTION OF CHAIR)

Chairperson Seamon opted to forgo the purpose and mission.

3. CALL TO ORDER/ROLL CALL

Recording Secretary Creighton called the roll.

4. APPROVAL OF MINUTES

- (a) July 18, 2022
- (b) August 22, 2022 (Form 8B Available upon request)
- (c) October 17, 2022
- (d) November 21, 2022

Motion: Mr. Rockelein
Second: Mr. Zembillas

To approve July 18, August 22, October 17, and November 21, 2022, as presented.

Vote: Upon a roll-call vote, the motion passed as follows:

Ms. Early	Yes
Mr. Rockelein	Yes
Ms. Frantzis	Yes
Mr. Zembillas	Yes
Mr. Seamon	Yes

5. QUASI-JUDICIAL ANNOUNCEMENT AND SWEARING IN OF SPEAKERS

The Chairperson Seamon opted to forgo the quasi-judicial statement, since there were no quasi-judicial applications.

6. APPLICATION #22-89 FOR PROPERTY LOCATED AT 1125 WEST CURLEW PLACE:

Deferred to January 22, 2024, 6:30 pm

- a. **Ordinance 2023-25** for Annexation (Quasi-Judicial)
- b. **Ordinance 2023-27** for Future Land Use Map Amendment (Legislative)
- c. **Ordinance 2023-26** for Rezoning (Quasi-Judicial)

7. APPLICATION #23-123 CONDITIONAL USE APPROVAL AND SITE PLAN APPROVAL FOR PROPERTY LOCATED AT 512, 514, 515 AND 516 ISLAND DRIVE (THE LANDINGS)

Deferred to January 22, 2024, 6:30 pm

8. APPLICATION #23-137, ORDINANCE #2023-28 FUTURE LAND USE MAP AMENDMENT FOR PROPERTY LOCATED AT 1201 GULF ROAD (LEGISLATIVE)

Staff:

Mrs. McNeese gave background information and indicated that Staff recommended approval of Ordinance 2023-28 amending the Future Land Use Map (FLUM) from Commercial Neighborhood (CN) to Institutional (I).

(Continued)

APPLICATION #23-137 (CONTINUED)

Motion: Mr. Rockelein
Second: Mr. Zembillas

To approve Ordinance 2023-28, for the Future Land Use Amendment of 1201 Gulf Road from Commercial Neighborhood (CN) to Institutional (I).

Vote: The motion failed upon a roll call vote as follows:

Ms. Early	Yes
Mr. Rockelein	Yes
Ms. Frantzis	Yes
Mr. Zembillas	Yes
Mr. Seamon	Yes

9. ADJOURNMENT

Mr. Seamon adjourned the regular session meeting at 6:51 pm.

Merlin Seamon, Chairman

***SECRETARY'S NOTE:** The preceding are action minutes and are not the official meeting record.

JANET ROMAN

#22-89

Planning & Zoning Board – December 18, 2023

Board of Commissioners – January 9, 2024

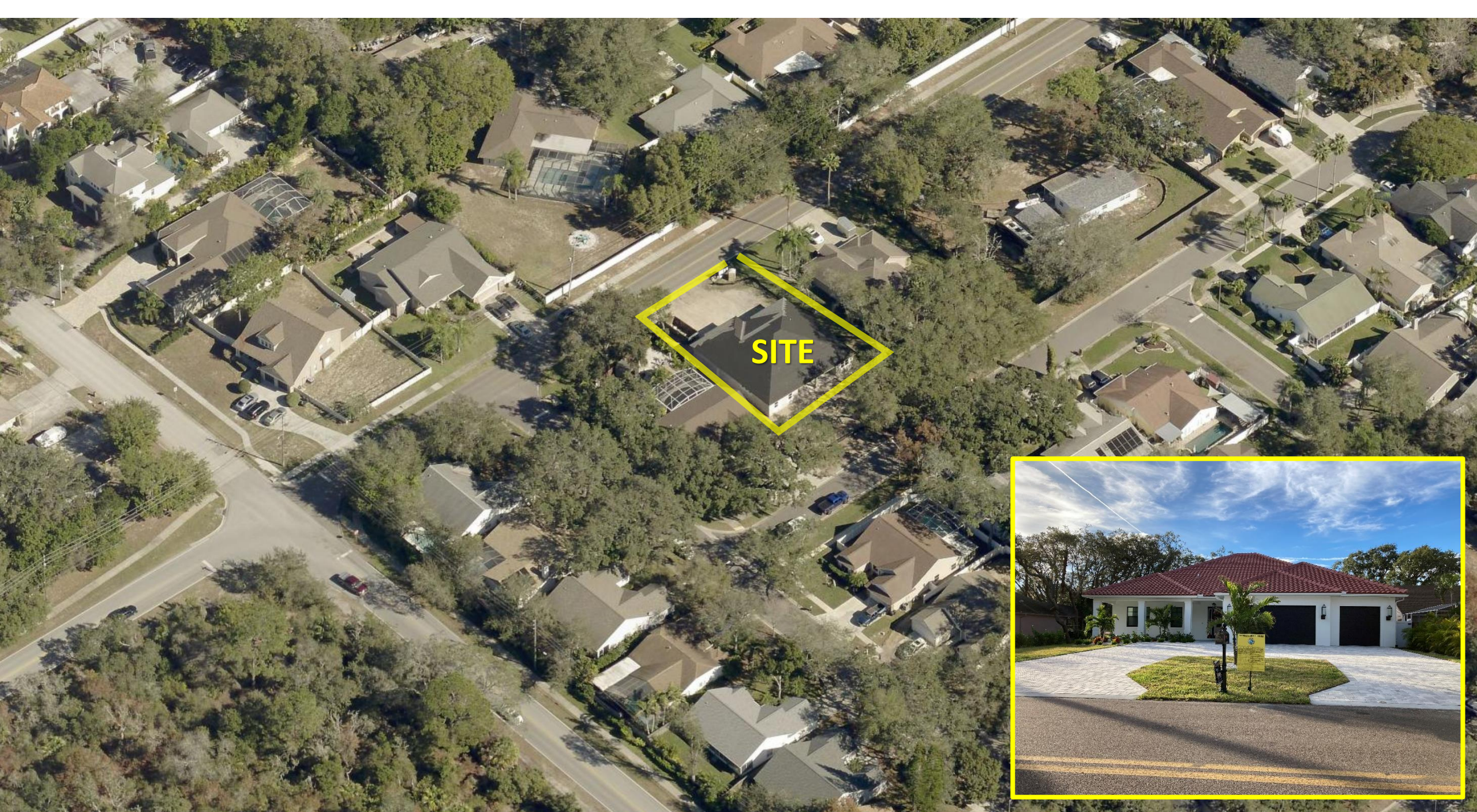
January 16, 2024



SITE LOCATION, LAND USE, ZONING

CURRENT CITY LIMITS
within shaded areas







SUMMARY OF REQUESTS

#22-89 – 1125 West Curlew Place

1. Annex - Ordinance 2023-25

- 0.26 acres into City of Tarpon Springs

2. Future Land Use Map Amendment (FLUM) – Ordinance 2023-27

- Current: RL (Pinellas County – Residential Low)
- Proposed: RL (City of Tarpon Springs – Residential Low)

3. Rezoning – Ordinance 2023-26

- Current: R-3 (Pinellas County – Single Family Residential)
- Proposed: R-70A (Tarpon Springs – Single Family Residential)

- **Applicant / Owner**: Janet Roman
- **Current Use**: Developed with a single family residence; Property received a Certificate of Occupancy from Pinellas County on September 6, 2023.

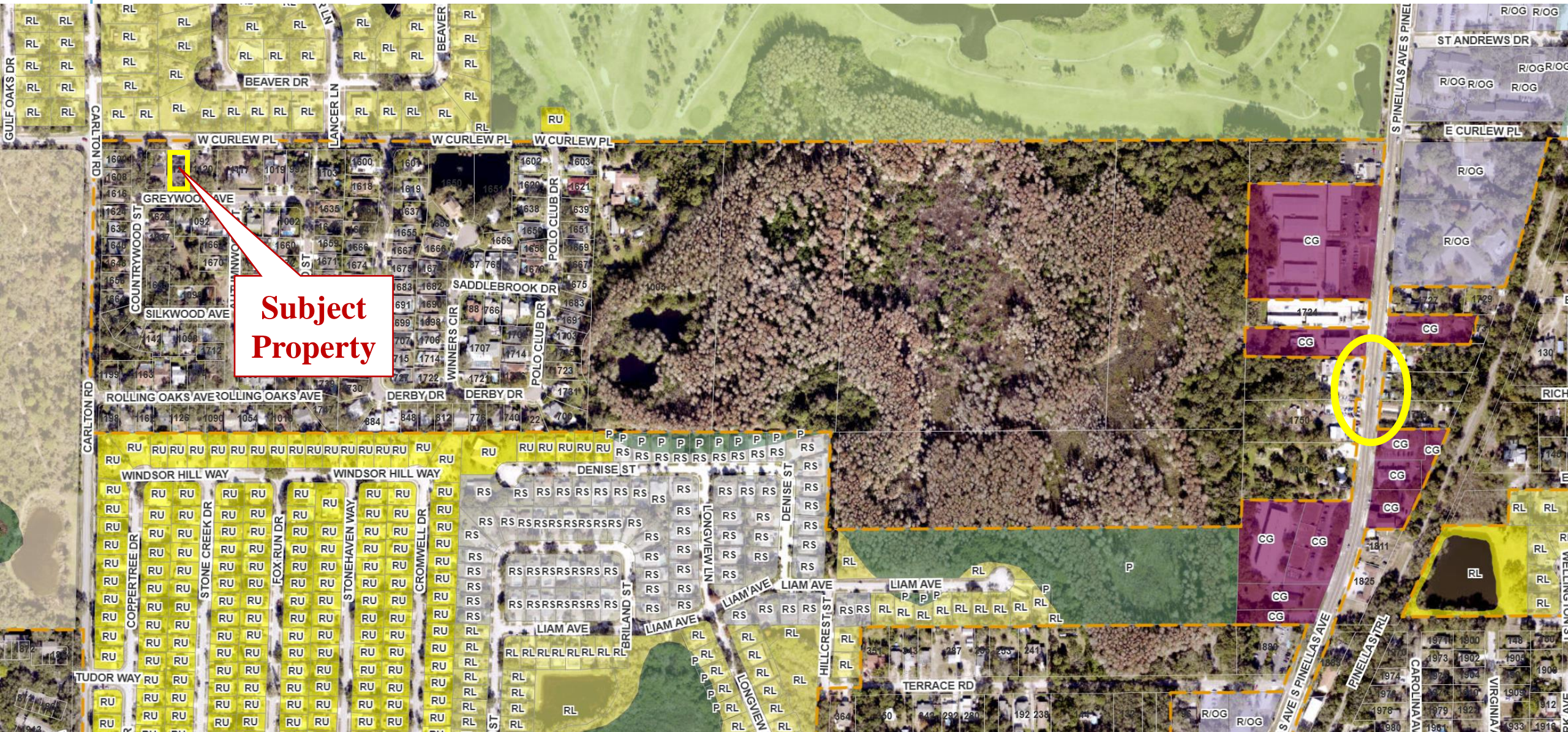


REVIEW CRITERIA - ANNEXATION

- 1) Annexation of the property would not create a municipal or county enclave, is contiguous to the City's boundaries, and, is reasonably compact.
- 2) This property is technically not within a "Type A" enclave, lacking about 200 feet. However, the property is also contiguous with the municipal boundaries.
- 3) City public facilities are serving the property now with potable water, wastewater and fire/emergency services. The City has the capacity and ability to supply all additional services (e.g., law enforcement, parks, library).
- 4) The minimum front, rear and side yard setbacks would not comply with the proposed City zoning of R-70A. The property would be annexed with a legal nonconforming structure and would be required to develop any future features to City standards. This condition will not place undue burden on the City.
- 5) The Residential Low Future Land Use Map designation is consistent with the City's Comprehensive Plan.

TECHNICALLY NOT A "TYPE A" ENCLAVE

CURRENT CITY LIMITS
within shaded areas



REVIEW CRITERIA – FLUM AMENDMENT

- 1) The proposed RL (Residential Low) Future Land Use Map (FLUM) designation is consistent with applicable Comprehensive Plan policies and the City and County FLUM designations of the surrounding area. The property is in the Coastal High Hazard Area. Density will not be increased and the parcel size (0.26 acres) will limit the property to one unit.
- 2) The proposed RL (Residential Low) FLUM designation is consistent with the current Countywide Map designation of Residential Low Medium (RLM).
- 3) The proposed RL (Residential Low) FLUM designation is consistent with the City's Comprehensive Plan.

REVIEW CRITERIA - REZONING

- 1) The R-70A (Single Family Residential) zoning is consistent with the RL (Residential Low) FLUM designation and Comprehensive Plan policies.
- 2) The allowable uses to which the property may be put are appropriate to the property and are compatible with the existing and planned uses in the area. The property is developed with a single family detached dwelling meeting County standards that are compatible with the existing neighborhood.
- 3) The amendment would provide for efficient and orderly growth as it would bring this parcel into the City under the appropriate long-term designation on both the FLUM and the Zoning Atlas. The existing residence constitutes an appropriate infill of an existing established single family neighborhood.
- 4) The amendment will not adversely impact nor exceed the capacity or the fiscal ability of the City to provide public facilities, including transportation, potable water, solid waste, drainage, law enforcement and fire protection. The setback nonconformity will not place undue burden on City resources.



PRELIMINARY STAFF RECOMMENDATION

- **#22-89** – The Board should note that the existing minimum yard setbacks do not conform with the proposed City zoning of R-70A and that the property would be annexed into the City with a legal nonconforming structure. The nonconformity will not place undue burden on the City. Staff recommends **approval** of the following:
 - **Ordinance 2023-25** – Annexation of +/- 0.26 acres into Tarpon Springs
 - **Ordinance 2023-27** – Amending Future Land Use Map from Pinellas County RL (Residential Low) to City of Tarpon Springs RL (Residential Low)
 - **Ordinance 2023-26** – Amending Zoning Atlas from Pinellas County R-3 (Single Family Residential) to City of Tarpon Springs R-70A (Single Family Residential).

Public Notice – This item was advertised as required. No responses were received.



CITY OF TARPON SPRINGS
PLANNING & ZONING BOARD / BOARD OF COMMISSIONERS
[DECEMBER 18, 2023 / JANUARY 9, 2024 & JANUARY 16, 2024]

STAFF REPORT – DECEMBER 11, 2023

Application No. / Project Title: #23-89

Staff: Patricia L. McNeese, AICP, Planning Supervisor

Applicant / Owner: Janet Roman

Property Size: 0.26 acres (11,195 square feet)

Current Land Use: Pinellas County – RL (Residential Low)

Proposed Land Use: RL (Residential Low)

Current Zoning: Pinellas County – R-3 (Single Family Residential)

Proposed Zoning: R-70A (Single Family Residential)

Location / Parcel ID: 1125 West Curlew Place / 23-27-15-00000-120-1300

BACKGROUND SUMMARY:

The applicant is requesting annexation of approximately 0.26 acres of developed property in conjunction with a proposed Future Land Use Map (FLUM) amendment from Pinellas County RL (Residential Low) to City of Tarpon Springs RL (Residential Low), and, a rezoning of the property from Pinellas County R-3 (Single Family Residential) to City of Tarpon Springs R-70A (Single Family Residential). The stated purpose of the annexation is to connect to the City's potable water and wastewater services, as the property is in the City's service area.

PRELIMINARY STAFF RECOMMENDATION:

The Board should note that the minimum yard setbacks do not conform to the standards of the City zoning district proposed for this property (R-70A Single Family Residential). If annexed, the property would come into the City with a legal nonconforming structure. Staff does not feel that the nonconformity will place undue burden on the City. Staff recommends **approval** of the following ordinances:

1. **Ordinance 2023-25** annexing approximately 0.26 acres into the City of Tarpon Springs municipal boundary (Quasi-judicial decision of the Board).
2. **Ordinance 2023-27** amending the Future Land Use Map (FLUM) from Pinellas County land use designation RL (Residential Low) to City of Tarpon Springs land use designation RL (Residential Low) (Legislative decision of the Board).
3. **Ordinance 2023-26** amending the Official Zoning Atlas from Pinellas County zoning designation R-3 (Single Family Residential) to City of Tarpon Springs zoning designation R-70A (Residential Single Family) (Quasi-judicial decision of the Board).



CURRENT PROPERTY INFORMATION:

Use of Property:	Developed with a single family residence
Site Features:	Developed with a single family residence
Vehicle Access:	The property is accessed from West Curlew Place

SURROUNDING ZONING & LAND USE:

	Zoning:	Land Use:
North:	R-100 Single Family Residential	Residential Low
South:	Pinellas County R-3 Single Family Residential	Residential Low
East:	Pinellas County R-3 Single Family Residential	Residential Low
West:	Pinellas County R-3 Single Family Residential	Residential Low

PLANNING CONSIDERATIONS:

When considering this application, the following general site conditions, planning concepts, and other facts should be noted:

1. The subject property is located in unincorporated Pinellas County. The applicant is seeking voluntary annexation into the City of Tarpon Springs to connect to City potable water and wastewater facilities to serve a new single family residence.
2. The subject property is contiguous to the City's municipal boundary along the north side.
3. The applicant applied for annexation on August 3, 2022. The applicant obtained a building permit from Pinellas County to build a single family residence (Permit #CBP-22-00870). Construction was completed and a Certificate of Occupancy was issued on September 6, 2023.
4. The applicant executed a Declaration of Covenants and Restrictions and Annexation Agreement with the City in order to connect to City utilities. This document requires the owner to request annexation into the City upon issuance of a Certificate of Occupancy by Pinellas County.
5. The property is located in the Residential Low (RL) category on the Pinellas County Future Land Use Map (FLUM) and in the Pinellas County R-3 Single Family Residential zoning district. The applicant has not requested City FLUM or City zoning designations. The current Pinellas County designations most closely align with the City's RL (Residential Low) FLUM category and the City's R70A Single Family Residential zoning designation. Although this property consists of an unplatted parcel of over 11,000 square feet in size with a metes and bounds description, the predominant lot size in this unincorporated residential area is 6,000 square feet.
6. The current Pinellas County R-3 zoning district and the proposed City R-70A zoning district both allow detached dwellings and accessory uses by right. The property complies with the proposed City R-70A zoning standards with the exception of the minimum yard (setback) standards (see zoning comparison table in this report).



REVIEW STANDARDS / STAFF ANALYSIS - ANNEXATION:

Section 208.00 of the City of Tarpon Springs Comprehensive Zoning and Land Development Code and Chapter 171.043, Florida Statutes provide standards for annexations. These standards, along with planning staff's analysis are provided below:

- 1. Whether the property in question would create a municipal or county enclave upon annexation; i.e.: whether the area to be annexed is contiguous to the City's boundaries and is reasonably compact.**

Staff Analysis: The property is contiguous to the existing Tarpon Springs municipal boundaries on the north side, will not create an enclave, and is reasonably compact.

- 2. Whether the property in question would reduce a "Type A" enclave as identified in the City's Interlocal Service Boundary Agreement with Pinellas County.**

Staff Analysis: Florida Statutes Section 171.031(13)(a) defines an enclave as "Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality." This is referred to as a "Type A" enclave per the Interlocal Service Boundary Agreement (ISBA) with Pinellas County. The ISBA was executed to provide flexibility with regard to statutory annexation processes in order to promote sensible service boundaries within the highly urban character of Pinellas County. The flexibility provided allows the City to annex noncontiguous properties that are in a Type A enclave notwithstanding the statutory annexation standards.

The unincorporated area where the subject property is located is entirely bounded by City jurisdiction on the north, west and south sides, and by all but about 200 feet on the east side. This area is currently served by the City with potable water, and some portions of it are served with sanitary sewer and reclaimed water as well. Although the area is not technically bound entirely by City jurisdiction, annexation would preemptively begin to reduce a future "Type A" enclave should the remaining 200 feet to the east be annexed. In addition, the subject property already qualifies for annexation because it is contiguous with the municipal boundaries.

- 3. The impact of the property in question upon public facilities and the ability of the City to serve the property in question with public facilities upon annexation.**

Staff Analysis: The property has the following public facilities service characteristics:

- Potable water capacity and infrastructure to serve the property are available from the City. The property is currently being served based on the execution of a Declaration of Covenants and Restrictions and Annexation Agreement.
- Sanitary sewer capacity and infrastructure to serve the property are available from the City. The property is currently being served based on the execution of a Declaration of Covenants and Restrictions and Annexation Agreement.
- Fire/emergency services are currently being provided by Tarpon Springs Fire Rescue. The property is in the Tarpon Springs Fire Taxing District.
- This portion of West Curlew Drive and all of Greywood Avenue are Pinellas County maintained roadways.



- The property is within the City's solid waste service area. The City has the ability to provide solid waste service to this property.
- It is not known whether any on-site stormwater handling facilities exist on the site. Future redevelopment of the site would be required to provide stormwater handling in compliance with the City standards.
- The City has the capacity and ability to provide other City services (law enforcement, library, parks and recreation) for this property.

4. The history or status of any Pinellas County code enforcement actions or violations that may cause an undue burden on the City. Such actions include, but are not limited to unpermitted construction, FEMA violations, nonconforming uses and illegal or prohibited uses.

Staff Analysis: Pinellas County issued a Certificate of Occupancy for the newly constructed single family residence on September 6, 2023. There are no outstanding code violations associated with the property. The property is in compliance with the City's R-70A Single Family Residential zoning standards (see zoning comparison table below) with the exception of the minimum yard (setback) standards. The property would come into the City with a legal nonconforming structure if annexed. However, the nonconforming features (front, rear and side yard setbacks) would not place undue burden on City resources or services. If the property is annexed all future applications for any development activity (e.g., additions, accessory uses, etc.) would be required to comply with City standards.

5. Whether the property in question is consistent with the City's Comprehensive Plan.

Staff Analysis: The owner has voluntarily agreed to the proposed RL (Residential Low) FLUM designation. This designation matches the Pinellas County FLUM designation of RL (Residential Low) in terms of allowable density and allowable primary use (residential). The property is 0.26 acres in size and can only accommodate one dwelling unit. The proposed annexation, FLUM and rezoning are consistent with the Comprehensive Plan.



REVIEW STANDARDS / STAFF ANALYSIS – COMPREHENSIVE PLAN MAP AMENDMENT

The Future Land Use Map amendment is a legislative decision of the Board of Commissioners. The standards for the current and proposed future land use categories are summarized below:

	Current FLU: Pinellas County – Residential Low (RL)	Proposed FLU: Tarpon Springs – Residential Low (RL)
INTENT:	It is the purpose of this category to depict those areas of the County that are now developed, or appropriate to be developed, in a low-density residential manner; and to recognize such areas as primarily well-suited for residential uses that are consistent with the low-density, non-intensive qualities and natural resource characteristics of such areas.	The Residential Low Land Use Category is intended for areas outside urban activity centers, and is generally intended for areas that are to be developed in a low density residential manner. This category is generally intended to serve as a transition between suburban and rural residential areas.
PRIMARY USES:	Residential	Residential
MAX. DENSITY:	5 dwelling units / acre	5 dwelling units / acre
MAX. FLOOR AREA RATIO:	0.40	0.40
MAX. IMPERVIOUS SURFACE:	0.65	0.65

Staff Analysis: The proposed FLUM designation is essentially identical to the existing FLUM designation. At 0.26 acres, the property can accommodate one dwelling unit. The property is developed with a single family detached dwelling and is currently served, or can be served by all City facilities and services. The property is located in the Coastal High Hazard Area. The current assigned density under the Pinellas County RL designation is 5 dwelling units per acre. The proposed City category of RL will maintain the current density and will remain consistent with the current Countywide Map designation of Residential Low Medium (RLM). The proposed RL designation is appropriate for this property and consistent with the surrounding low-density pattern of residential development.



REVIEW STANDARDS / STAFF ANALYSIS - REZONING:

A summary comparison of the zoning district standards is provided below. Bold italicized items indicate standards that do not conform with proposed City zoning:

	Current Zoning: Pinellas County – R-3	Proposed Zoning: City – R-70A
Permitted/Conditional Uses:	See attached “Pinellas County R-3 Zoning Allowable Uses.”	See attached Section 25.02 of the Land Development Code. The subject property is currently developed with a single family detached dwelling.
Max. Density	5 dwelling units per acre	5 dwelling units per acre The subject property is 0.25 acres in size which allows one dwelling unit.
Non-Residential Max. Floor Area / Max. Impervious Surface Ratio	0.40 / 0.65	0.40 / 0.65
Lot Standards:		
Min. Lot Area	6,000 square feet	6,500 square feet The subject property is 11,156 square feet in size.
Min. Lot Width	60 feet	60 feet The subject property is 80 feet wide.
Min. Lot Depth	80 feet	80 feet The subject property is 140 feet deep.
Max. Height	35 feet	35 feet The existing residence is 18 feet in height.
Setbacks:		
Front Yard	20 feet	25 feet <i>The existing front yard setback is 20 feet.</i>
Side Yard	6 feet	7.5 feet <i>The existing side yard setback is 6 feet.</i>
Side Street	10 feet	15 feet The subject property does not have a side street.

continued next page



	Current Zoning: Pinellas County – R-3	Proposed Zoning: City – R-70A
Rear Yard	10 feet	20 feet <i>The existing side yard setback is 10 feet.</i>
Minimum Net Floor Area	n/a	1,000 square feet (s.f.) The existing residence has a net floor area of 2,645 s.f.

Section 207.03(A) of the Tarpons Springs Comprehensive Zoning and Land Development Code provides standards for zoning map amendments. These standards, along with planning staff's analysis are provided below:

1. The amendment is consistent with the goals, objectives and policies of the Tarpon Springs Comprehensive Plan.

Staff Analysis: See the above analysis of the FLUM amendment to City RL (Residential Low). The proposed R-70A Single Family Residential zoning is consistent with the RL category and the goals, objectives and policies of the Comprehensive Plan.

2. The available uses to which the property may be put are appropriate to the property in question and are compatible with the existing and planned uses in the area.

Staff Analysis: The surrounding area is predominantly developed with lower density suburban single family residential development laid out in platted lot and parcel configurations. The property has been developed with a single family detached dwelling. This use is appropriate to this parcel which is configured as a metes and bounds parcel of only one-quarter acre in size located on an improved roadway and served with public facilities. The development of the single family residence is also consistent with the immediate and wider surrounding development pattern of single family dwellings on single lots. The proposed zoning and size of the property will ensure the continued stability of this neighborhood by limiting the type and scope of the property's use. Although the front, rear and side yard setbacks do not conform with the proposed City R-70A zoning, they do conform with the Pinellas County R-3 zoning of this neighborhood and are therefore compatible with it. The City zoning designation in closest proximity to this parcel is the R-100 (Single Family Residential) designation located to the north on the opposite side of West Curlew Place.

3. The amendment shall provide for efficient and orderly development considering the impact upon growth patterns and the cost to the City to provide public facilities.

Staff Analysis: The proposed amendment will continue to allow an existing use where public infrastructure is already in place and serving the property. The property has developed with appropriate infill in an existing single family residential neighborhood. The R-70A zoning will preserve the developed character of this area going forward should additional properties annex into the City. It will also provide for an appropriate transition between the R-100 (Single Family Residential) zoning to the north and the R-70 (One and Two Family Dwelling) zoning to the south.



- 4. The amendment will not adversely impact nor exceed the capacity or the fiscal ability of the City to provide public facilities, including transportation, waste and sewer, solid waste, drainage, recreation, education, fire protection, library service and other similar public facilities. Compliance with the adopted Levels of Service standards can be demonstrated if necessary.**

Staff Analysis: The City has the capacity and ability to serve this parcel with all public facilities. Potable water service, wastewater service and fire/emergency service are already being provided. The proposed annexation will not adversely affect the City's ability to provide standard public facilities and will not degrade levels of service for any facilities. The nonconforming minimum yards are not expected to place undue burden on City resources. If annexed any further development or redevelopment of the property would be required to comply with City standards.

TECHNICAL REVIEW COMMITTEE:

The Technical Review Committee (TRC) reviewed this project on August 11, 2022 for completeness and conformance to the Comprehensive Zoning and Land Development Code and the Comprehensive Plan. The TRC determined that the application was complete and ready for processing. There were no further comments from the TRC.

PUBLIC CORRESPONDENCE:

The property owners within 500 feet were sent written notification in accordance with Section 206.00(J)(4) of the City of Tarpon Springs Comprehensive Zoning and Land Development Code and Chapter 166.041, Florida Statutes. The mailed notice was sent to 79 addresses. The property was posted and notice was advertised in the *Tampa Bay Times*. Staff has not received any responses to these notices.

ATTACHMENTS:

1. Slide Presentation
2. Pinellas County R-3 Zoning Allowable Uses
3. City R-70A Zoning Standards
4. Annexation Standards (Ordinance 2022-22)
5. Application, Restrictive Covenant/Annexation Agreement, Survey
6. Draft Ordinances 2023-25, 2023-27 and 2023-26



Pinellas County R-3 Zoning Allowable Uses

Permitted Uses:

- Community Residential Home 1-6 units
- Single Family Detached Dwelling
- Single Family Zero Lot Line Dwelling
- Modern Manufactured Home
- Short-Term Vacation Rental
- Natural Resources and Wildlife Management
- Parks and Recreation Areas
- Family Day Care
- Wireless Communication Tower
- Utilities Class I and II
- Community Gardens

Board of Adjustment Review:

- Affordable housing development
- Assisted living facility
- Live/Work Dwelling
- Bed and Breakfast
- Club, Community Service and Fraternal
- Golf Course
- Cemetery
- Day Care Facility
- Environmental Education Facility
- Government Building or Use
- Library
- Meeting Hall, Community Assembly Facility
- Elementary Schools and High Schools
- Surface Parking (Principal Use)
- Radio/TV Transmitting Stations
- Wind Energy Conservation System
- Land Filling

Board of County Commissioners Review:

- Shelter/Transitional Housing
- Utilities Class III
- Excavation Pits

§ 25.02 Single Family Residential Districts R-100, R-100A, R-70A

- (A) The single family residential districts are established to provide for detached dwellings in a variety of districts with a full range of dimensional and density standards compatible with the established development of the area.
- (B) Permitted Uses
 - (1) Community Assembly
 - (2) Community Gardens
 - (3) Emergency Service Facilities
 - (4) Family Care Homes (Not within 1,000 feet of a pre-existing Family Care Home)
 - (5) Public Parks and Recreation Facilities
 - (6) Schools of General Education
 - (7) Sewage Treatment Plants
 - (8) Single Family Detached Dwellings
- (C) Conditional Uses
 - (1) Agriculture (Limited to the Residential Rural, Residential Estate, Residential Suburban, Residential Low, and Residential Urban Future Land Use Map Designations)
 - (2) Community Residential Homes
 - (3) Congregate Care Facilities up to 20 residents (R-70A only)
 - (4) Day Care Centers
 - (5) Day Care Homes
 - (6) Family Care Homes (Within 1,000 feet of a pre-existing Family Care Home)
 - (7) Government Offices and Related Facilities
 - (8) Home occupations (Pursuant to §§ 51.00 through 51.03 of this Code)
 - (9) Light Utility Service
 - (10) Nursing Homes
 - (11) Schools of Special Education
- (D) R-100 District Dimensional Regulations
 - (1) Maximum Density = Four dwelling units per acre
 - (2) Minimum Lot Area = 10,000 square feet
 - (3) Minimum Lot Width = 75 feet
 - (4) Minimum Lot Depth = 100 feet
 - (5) Maximum Height = 35 feet
 - (6) Minimum Yards:
 - (a) Front = 25 feet

-
- (b) Side = A minimum of ten feet with a total of 25 feet for both side yards
 - (c) Side Street = 15 feet
 - (d) Rear = 30 feet
 - (7) Minimum Net Floor Area = 1,200 square feet
 - (E) R-100A District Dimensional Regulations
 - (1) Maximum Density = Five dwelling units per acre
 - (2) Minimum Lot Area = 7,000 square feet
 - (3) Minimum Lot Width = 60 feet
 - (4) Minimum Lot Depth = 100 feet
 - (5) Maximum Height = 35 feet
 - (6) Minimum Yards:
 - (a) Front = 25 feet
 - (b) Side = Ten feet
 - (c) Side Street = Ten feet
 - (d) Rear = 25 feet
 - (7) Minimum Net Floor Area = 1200 square feet
 - (F) R-70A District Dimensional Regulations
 - (1) Maximum Density = Six dwelling units per acre
 - (2) Minimum Lot Area = 6,500 square feet
 - (3) Minimum Lot Width = 60 feet
 - (4) Minimum Lot Depth = 80 feet
 - (5) Maximum Height = 35 feet
 - (6) Minimum Yards:
 - (a) Front = 25 feet
 - (b) Side = Seven and one-half feet
 - (c) Side Street = 15 feet
 - (d) Rear = 20 feet
 - (7) Minimum Net Floor Area = 1,000 square feet
 - (G) Public/Semi-Public, Ancillary Non-Residential Uses: Shall not exceed a maximum area of three acres. Such use or contiguous like uses in excess of this threshold shall require an appropriate future land use plan amendment and corresponding zoning map amendment.
 - (H) Intensity Standards: Non-Residential use shall not exceed a Floor Area Ratio (FAR) of .40, nor an Impervious Surface Ratio (ISR) of .65.
 - (I) Residential Equivalent Use Standards: Shall not exceed an equivalent of three beds per permitted dwelling units per acre (DUPA) at four DUPA in (R-100), five in DUPA (R100A), six in DUPA (R-70).

-
- (J) The permitted uses, densities, and intensity standards in this district shall be limited by the parcel's designation on the future land use map.

(Ord. 90-10, passed 5-1-90; Am. Ord. 91-14, passed 5-7-91; Am. Ord. 92-28, passed 12-1-92; Am. Ord. 93-31, passed 11-16-93; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 94-18, passed 5-17-94; Am. Ord. 96-07, passed 5-7-96; Am. Ord. 2009-03, passed 8-18-09; Am. Ord. 2011-08, passed 9-6-11)

ORDINANCE NO. 2022-22

AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA, AMENDING THE CITY OF TARPON SPRINGS CODE OF ORDINANCES CHAPTER 20, SECTION 20-23 CONNECTIONS TO PUBLIC WATER, RECLAIMED WATER, AND SEWER SYSTEMS; ANNEXATION REQUIRED, AND, THE COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE (APPENDIX A), ARTICLE XII SECTION 208.00 ANNEXATIONS, AND, SECTION 208.01 COMPLIANCE OF ANNEXATIONS WITH CITY/COUNTY INTERLOCAL PLANNING AGREEMENT; 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 (the City) requires annexation of lands adjacent to the municipal boundary of the city when served by city water, sewer, and reclaimed water; and,

WHEREAS, the current regulations established in Section 20-23 requiring annexation do not adequately address timing and procedures for annexing lands under development in unincorporated Pinellas County that also require city utility services; and,

WHEREAS, the Board of Commissioners of the City of Tarpon Springs has determined that amendments to Chapter 20 Section 20-23 of the Code of Ordinances are necessary to address timing and procedures for annexations; and,

WHEREAS, additional review criteria are desired to be added to Article XII Section 208.00, Appendix A, of the Comprehensive Zoning and Land Development Code to render fully informed decisions regarding annexations;

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

SECTION 1. That Chapter 20, Section 20-23 of the Tarpon Springs Code of Ordinances is hereby amended as follows:

§ 20-23. CONNECTIONS TO PUBLIC WATER, RECLAIMED WATER, AND SEWER SYSTEMS; ANNEXATION REQUIRED.

Property owners requesting to have either water, reclaimed water, or sewer service from the City of Tarpon Springs Public Sewer System, Public Water System, or Public Reclaimed Water System will be provided such services conditioned upon and subsequent to the following being accomplished:

- (1) Undeveloped lands abutting the city limits shall apply for voluntary annexation into the corporate limits of the city and be developed or improved in accordance with all existing city regulations prior to either water, reclaimed water, or sewer service being provided to such lands.
- (2) In lieu of the requirement set forth in paragraph (1) above, property owners may enter into a binding annexation agreement with the city that will allow connections to water, reclaimed water, or sewer service and those lands may be developed under the applicable regulations of Pinellas County. At such time the development is certified as complete by Pinellas County the property owners shall voluntarily annex into the corporate limits of the city.

- (3) Lands being redeveloped from an existing use, even though such lands presently have either water, reclaimed water, or sewer service, or both, provided by the city shall be required to annex into the city if such water, reclaimed water, or sewer requirements shall be increased over presently existing use, or if there is a reasonable probability that such use will increase. In the event that such redevelopment occurs without the knowledge of the city or without contact by the property owner with the city to ensure that sufficient water, reclaimed water, and sewer capacity exists to serve such redevelopment, the property owner shall voluntarily annex into the city. If the property owner fails to annex into the city on a timely basis, existing water, reclaimed water, and sewer services to such property shall be discontinued after reasonable notice.
- (4) Undeveloped lands not abutting the city limits shall be developed in accordance with city requirements, with the exception that should a record plat be involved, the plat shall require approval by the Board of Commissioners. However, the plat shall not require the signature of the Mayor, the chair of the local planning agency, the City Clerk, or the City Manager. City development requirements shall include, but not be limited to, meeting park land dedication requirements. In addition, either the record plat, deed covenants, or other legally binding instrument approved by the City Attorney as being legally sufficient to comply with the requirements of this subsection, shall obligate the property owner and all future owners to annex into the city if and when the city so desires. If any of the city requirements are not met, water, reclaimed water, and sewer service shall not be provided or, if temporarily connected, shall be disconnected. The property owner shall execute and record a covenant running with the land that will require the property owner upon said property becoming contiguous to the city and all other legal requirements for annexation being met to annex into the city as a condition of being provided city water, reclaimed, water or sewer services.
- (5) The requirements of F.S. § 171.044 and all other applicable and legally binding local ordinances and state statutes shall be followed by the property owner and the city when a property owner annexes into the City of Tarpon Springs in order to receive sewer, reclaimed water, or water services under any subsection of this section.

(Ord. 2006-03, passed 1-31-06; Am. Ord. 2006-33, passed 9-19-06)

SECTION 2. That Article XII, Section 208.00 of Appendix A, Comprehensive Zoning and Land Development Code, is hereby amended as follows

§ 208.00 ANNEXATIONS.

- (A) This section is intended to supplement the requirements of F.S. Ch. 171.
- (B) Voluntary applications to annex shall be filed by the property owner of record and shall be filed with the Planning and Zoning Department on forms provided by the Director and shall include the required fee established by this Code.
- (C) The Director shall forward all applications to the City's Technical Review Committee (TRC) for an administrative and completeness review.
- (D) Upon receiving a determination from the Technical Review Committee (TRC) that the application is complete and ready for processing the Director shall notice the application for public hearing before the Planning and Zoning Board and Board of Commissioners.

- (E) Notice for public hearing shall constitute written legal notice in accordance with the requirements of this Article.
- (F) The Planning and Zoning Board shall hold a public hearing on the application for the purpose of submitting a written recommendation to the Board of Commissioners.
- (G) The Board of Commissioners shall review the application and recommendation of the Planning and Zoning Board and render a decision based upon the following factors and approval shall be in the form of an ordinance:
 - (1) Whether the property in question would create a municipal or County enclave upon annexation.
 - (2) Whether the property in question would reduce a "Type A" enclave as identified in the City's Interlocal Service Boundary Agreement with Pinellas County.
 - (3) The impact of the property in question upon public facilities and the ability of the City to serve the property in question with public facilities upon annexation.
 - (4) The history or status of any Pinellas County code enforcement actions or violations that may cause an undue burden on the City. Such actions include, but are not limited to unpermitted construction, FEMA violations, nonconforming uses and illegal or prohibited uses.
 - (5) Whether the property in question is consistent with the City's Comprehensive Plan.
- (H) Upon annexation the area annexed shall be subject to all laws, ordinances, and regulations in force in the City and shall be entitled to the same privileges and benefits of other parts of the City.
- (I) The area annexed shall be subject to the regulations of the Pinellas County land use plan and zoning code until the area is zoned and designated with a land use district by the City to comply with its Comprehensive Plan.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93)

§ 208.01 Designation of zoning and future land use upon annexation.

- (A) The property subject to an annexation may be zoned and designated with a land use district at the time of annexation provided the district shown in the City's Future Land Use Map Series and proposed zoning is equal to or less intensive than the restrictions of the current County designations for same property.
- (B) Existing or proposed designations more intensive than the restrictions of the current County designations shall require the processing of a zoning and land use plan amendment in accordance with the procedures contained in this Article.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93)

SECTION 3.

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 4.

This Ordinance shall become effective upon approval and adoption in the manner provided by law.


PASSED and ADOPTED this 13th day of June, 2023.


COSTA S. VATIKIOTIS, MAYOR


CRAIG K. LUNT, VICE MAYOR


MIKE EISNER, COMMISSIONER


PANAGIOTIS KOULIAS, COMMISSIONER



JOHN M. KOULIANOS, COMMISSIONER

MOTION BY: COMMISSIONER EISNER
SECOND BY: COMMISSIONER KOULIANOS

VOTE ON MOTION

COMMISSIONER KOULIANOS	<u>Yes</u>
COMMISSIONER KOULIAS	<u>Yes</u>
COMMISSIONER EISNER	<u>Yes</u>
VICE MAYOR LUNT	<u>Yes</u>
MAYOR VATIKIOTIS	<u>Yes</u>

ATTEST:


IRENE S. JACOBS, CMC
CITY CLERK & COLLECTOR

FIRST READING: May 9, 2023

SECOND READING: June 13, 2023

APPROVED AS TO FORM:


ANDREW SALZMAN
ATTORNEY

CITY OF TARPON SPRINGS, FLORIDA
Annexation Application

Return to:
Planning & Zoning Department
324 E. Pine Street
Tarpon Springs, FL 34689
(727) 942-5611

(Please type or print clearly)

Property Owner(s)

Name JANET ROMAN		Email dr.janetroman@gmail.com	
Address 1125 W CURLEW PLACE			
City TARPON SPRINGS		State FLORIDA	Zip 34689
Phone	Fax	Cellular 609-206-5179	

Applicant

Name JANET ROMAN		Email dr.janetroman@gmail.com	
Address 1125 W CURLEW PLACE			
City TARPON SPRINGS		State FLORIDA	Zip 34689
Phone	Fax	Cellular 609-206-5179	

Agent (if applicable)

Name		Email	
Address			
City		State	Zip
Phone	Fax	Cellular	

General Information

Project Name W CURLEW PLACE		
Property Location or Address 1125 W CURLEW PLACE TARPON SPRINGS, FL 34689		
Legal Description (attach additional sheets as necessary) SEE ATTACHED		
Tax Parcel Number(s) 23-27-15-00000-120-1300	Site Acreage .25	Percentage of City

Land Use & Zoning Information

Present Designations of Property (County)		Proposed Designations for Property (City)	
Land Use Category	Zoning District	Land Use Category	Zoning District
Land Use Plan Amendment Required? <input type="checkbox"/> YES <input type="checkbox"/> NO		If yes, Countywide Plan Amendment Required? <input type="checkbox"/> YES <input type="checkbox"/> NO	

The following MUST be furnished with this application: [incomplete applications will not be accepted]

- ☒ **Completed original application with digital copies of all application documents**
- ☒ **\$500.00 advertising fee**
- ☒ **Property survey including legal description, signed and sealed by a professional land surveyor**
- ☒ **Proof of ownership (warranty deed, title certification, etc.)**

CITY OF TARPON SPRINGS, FLORIDA
Annexation Application

The following is an excerpt from the City's Comprehensive Zoning and Land Development Code regarding annexation applications.

§ 208.00 ANNEXATIONS.

- (A) This section is intended to supplement the requirements of F.S. Ch. 171.
- (B) Voluntary applications to annex shall be filed by the property owner of record and shall be filed with the Planning and Zoning Department on forms provided by the Director and shall include the required fee established by this Code.
- (C) The Director shall forward all applications to the City's Technical Review Committee (TRC) for an administrative and completeness review.
- (D) Upon receiving a determination from the Technical Review Committee (TRC) that the application is complete and ready for processing the Director shall notice the application for public hearing before the Planning and Zoning Board and Board of Commissioners.
- (E) Notice for public hearing shall constitute written legal notice in accordance with the requirements of this Article.
- (F) The Planning and Zoning Board shall hold a public hearing on the application for the purpose of submitting a written recommendation to the Board of Commissioners.
- (G) The Board of Commissioners shall review the application and recommendation of the Planning and Zoning Board and render a decision based upon the following factors and approval shall be in the form of an ordinance:
 - (1) Whether the property in question would create a municipal or County enclave upon annexation.
 - (2) The impact of the property in question upon public facilities and the ability of the City to serve the property in question with public facilities upon annexation.
 - (3) Whether the property in question is consistent with the City's Future Land Use Map Series and the terms of the City's Interlocal Planning Agreement with Pinellas County.
- (H) Upon annexation the area annexed shall be subject to all laws, ordinances, and regulations in force in the City and shall be entitled to the same privileges and benefits of other parts of the City.
- (I) The area annexed shall be subject to the regulations of the Pinellas County land use plan and zoning code until the area is zoned and designated with a land use district by the City to comply with its Comprehensive Plan.

**CITY OF TARPON SPRINGS, FLORIDA
Annexation Application**

AFFIDAVIT

I (we), the undersigned, certify ownership of the property within this application, that said ownership has been fully divulged, whether such ownership by contingent or absolute, and that the name of all parties to an existing contract for sale or any options are filed with this application.

I (we) certify that _____ is (are) duly designated as the agent(s) for the owner, that the agent(s) is (are) authorized to provide subject matter on the application contained herein, whether verbal or written, and appear at any public hearing(s) involving this petition.

AGENT

I (we) assent to the City's Comprehensive Plan as it applies to the property. Further, it is understood that this application must be complete and accurate and the appropriate fee paid prior to processing.

Date: _____

Title Holder/Property Owner: _____

Date: _____

Title Holder/Property Owner: _____

Date: _____

Title Holder/Property Owner: _____

Date: _____

Title Holder/Property Owner: _____

STATE OF FLORIDA)
COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this _____ day of _____, A.D., 20 ____

by _____, who is personally known to me or who has produced

PROPERTY OWNER NAME PRINTED

_____ as identification and who did (did not) take an oath.

NOTARY PUBLIC

Name: _____

Signature: _____

Stamp: _____

Prepared by:
Tammi N. Williamson
Albritton Title, Inc.
2130 Alt. 19, Suite A
Palm Harbor, Florida 34683

File Number: 21-06036

Sales Price: \$130,000.00

3-23

General Warranty Deed

Made this July 19, 2021 A.D. By ABBAS DEVELOPMENT LLC, a Florida Limited Liability Company, whose address is: 210 PINELLAS AVE, Tarpon Springs, Florida 34689, hereinafter called the grantor, to JANET ROMAN, a married woman, whose post office address is: 20 Ridgescroft Lane, Safety Harbor, Florida 34695, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Pinellas County, Florida, viz:

That portion of the Northeast 1/4 of Section 23, Township 27 South, Range 15 East, Pinellas County, Florida described as follows:

Commence at the Northwest corner of said Northeast 1/4 thence South 89 degrees 41 minutes 13 seconds East along the North line of said Section 23 a distance of 254.33 feet thence South 01 degrees 33 minutes 58 seconds West, 33.01 feet to the Northeast corner of Lot 68 of Rolling Oaks, according to the map or plat thereof, as recorded in Plat Book 102, Page 57 and 58, of the Public Records of Pinellas County, Florida for a Point of Beginning, thence continue South 01 degrees 33 minutes 58 seconds West, along the East line of said Lot 68, a distance of 139.94 feet to the Southeast corner of Lot 68, thence South 89 degrees 41 minutes 01 seconds East, along the North line of Greywood Avenue; a distance of 80.00 feet, thence North 01 degrees 33 minutes 58 seconds East, 139.94 feet to the South line of Curlew Place, thence North 89 degrees 41 minutes 01 seconds West, along said South line 80.00 feet to the Point of Beginning.

Parcel ID Number: 23-27-15-00000-120-1300

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor

Prepared by:
Tammi N. Williamson
Albritton Title, Inc.
2130 Alt. 19, Suite A
Palm Harbor, Florida 34683

File Number: 21-06036

Sales Price: \$130,000.00

3-53

E-RECORDED simplify[®]

ID: 2021264303
County: Pinellas
Date: 8/12/21 Time: 10:01 AM

General Warranty Deed

Made this **July 19, 2021** A.D. By **ABBAS DEVELOPMENT LLC**, a **Florida Limited Liability Company**, whose address is: 210 PINELLAS AVE, Tarpon Springs, Florida 34689, hereinafter called the grantor, to **JANET ROMAN**, a **married woman**, whose post office address is: 20 Ridgcroft Lane, Safety Harbor, Florida 34695, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Pinellas County, Florida**, viz:

That portion of the Northeast 1/4 of Section 23, Township 27 South, Range 15 East, Pinellas County, Florida described as follows:

Commence at the Northwest corner of said Northeast 1/4 thence South 89 degrees 41 minutes 13 seconds East along the North line of said Section 23 a distance of 254.33 feet thence South 01 degrees 33 minutes 58 seconds West, 33.01 feet to the Northeast corner of Lot 68 of Roling Oaks, according to the map or plat thereof, as recorded in Plat Book 102, Page 57 and 58, of the Public Records of Pinellas County, Florida for a Point of Beginning, thence continue South 01 degrees 33 minutes 58 seconds West, along the East line of said Lot 68, a distance of 139.94 feet to the Southeast corner of Lot 68, thence South 89 degrees 41 minutes 01 seconds East, along the North line of Greywood Avenue; a distance of 80.00 feet, thence North 01 degrees 33 minutes 58 seconds East, 139.94 feet to the South line of Curlew Place, thence North 89 degrees 41 minutes 01 seconds West, along said South line 80.00 feet to the Point of Beginning.

Parcel ID Number: 23-27-15-00000-120-1300

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor

Prepared by:
Tammi N. Williamson
Albritton Title, Inc.
2130 Alt. 19, Suite A
Palm Harbor, Florida 34683

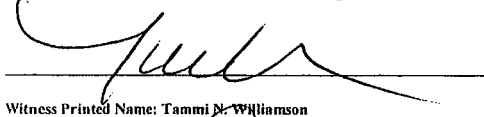
File Number: 21-06036

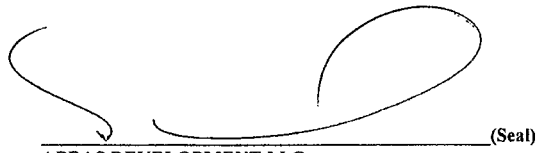
Sales Price: \$130,000.00

has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2020.

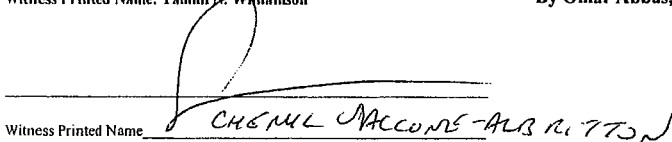
In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Printed Name: Tammi N. Williamson



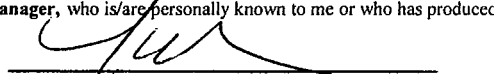
ABBAS DEVELOPMENT LLC
By Omar Abbas, Manager (Seal)

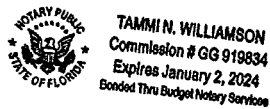

Witness Printed Name: CHERYL MACCONE-ALBRITTON

State of **Florida**
County of **Pinellas**

The foregoing instrument was acknowledged before me by means of X physical presence or _____ online notarization, this **19th** day of July, 2021, by **ABBAS DEVELOPMENT LLC By Omar Abbas, Manager**, who is/are personally known to me or who has produced a drivers license as identification.

(Notary Seal)


Notary Public
Print Name: Tammi N. Williamson
My Commission Expires: _____



DEED Individual Warranty Deed - Legal on Face

ALL DROP OFFS (PERMITS, CORRESPONDENCE, NOC's, ETC.) MUST COMPLETE AND SUBMIT THIS FORM

Please complete information below. Once information is completed, please enter building to drop off. You will be given an application number to track your submittal. Follow the instructions on the application sheet. Staff will be in contact with you regarding any additional information required, and/or to advise of permitting fees. **PROVIDE PERMIT #**

*****PLEASE BE SURE TO RESPOND BACK TO STAFF ONCE PERMITTING FEES HAVE BEEN PAID ONLINE. PERMIT WILL NOT BE PROCESSED UNTIL THEY ARE ADVISED THAT THE FEES HAVE BEEN PAID.*****

ABBAS DEVELOPMENT

NAME:

EMAIL:

AbbasDevelopmentFL@gmail.com

PHONE:

727-946-0475

DETAILS OF SUBMITTAL:

ANNEXATION Packet - 1125 W CURLEY PLACE

PERMIT #:

N/A

ATTN : Renea Vincent

Return to:
Renea Vincent
Planning and Zoning Department
PO Box 5004
324 E. Pine Street
Tarpon Springs, FL 34689-5004

KEN BURKE, CLERK OF COURT
AND COMPTROLLER PINELLAS COUNTY, FL
INST# 2022227850 07/25/2022 02:23 PM
OFF REC BK: 22145 PG: 1031-1034
DocType:RST RECORDING: \$35.50

DECLARATION OF COVENANTS AND RESTRICTIONS AND ANNEXATION AGREEMENT

KNOW ALL MEN BY THESE PRESENTS that Janet Roman, hereinafter referred to as "Owner" is the owner and developer of certain real property located in Pinellas County, Florida (hereinafter referred to as "the Property ", "the Land" or "the Lands") more particularly described on Exhibit "A" attached hereto incorporated herein by reference.

The said Owner does hereby make the following Declaration of Covenants and Restrictions ("Declaration") covering the said real property specifying that this Declaration shall constitute a covenant running with the Land and that this Declaration shall be binding upon the Owner and upon all persons deriving title by, through or under the said Owner, and upon the Owners, assigns and successors in title. This Declaration shall be for the benefit of and limitation upon all present and future owners of the real property described herein and shall be for the benefit of the City of Tarpon Springs, Florida, a municipal corporation, (hereinafter referred to as "City").

The Owner fully warrants that the Owner holds fee simple title to the Property located in an unincorporated area of Pinellas County, Florida, and more particularly described on Exhibit A attached hereto and incorporated herein by reference. The Owner is desirous that the Property be annexed into the municipal boundaries of the City and the City wishes to annex the Property. The Owner is willing to execute an application to annex pursuant to Chapter 171, F.S. (petition) to facilitate the voluntary annexation of said Property in satisfaction of City of Tarpon Springs Code of Ordinances Section 20-23-Connections to Public Water, Reclaimed Water, and Sewer Systems; Annexation Required.

The Owner warrants, covenants and agrees that she has the full right and lawful authority to enter into this Declaration. The covenants and restrictions placed on the said Property and constituting a covenant running with the Property are as follows:

1. The foregoing recitals are true and correct and are incorporated herein and made a part hereof.
2. The Property is currently contiguous to the municipal boundary of the City of Tarpon Springs and is subject to the annexation requirements of City of Tarpon Springs Code of Ordinances Section 20-23, requiring annexation in association with the provision of water, sewer or reclaimed water services by the City.
3. The Owner has been issued a building permit by Pinellas County, is currently under construction, and at such time that a Certificate of Occupancy is granted by Pinellas County the Owner agrees to apply/petition for annexation into the City of Tarpon Springs. The Owner may connect to City utilities prior to annexation and will be responsible for paying all surcharges imposed by the City's Code of Ordinances until such time that the annexation ordinance has been adopted by the Board of Commissioners of the City.

If the Owner shall fail to timely make, execute and deliver such petition, the City may initiate annexation proceedings on behalf of and as the agent for the said Owner. The Owner understands and covenants that action pursuant to this paragraph constitutes a voluntary annexation of the Property. The Owner does hereby further agree that the Owner does hereby make, constitute and appoint the City and its appropriate officials or employees as agent of the Owner for the purpose of filing a Petition for Voluntary Annexation pursuant to this paragraph. The City shall give the Owner not less than thirty (30) days to file the said Petition for Voluntary Annexation and shall, upon the Owner's failure to file said Petition with the City within the allotted

time period, file such Petition as agent for the Owner. It is the intention of the maker of this Declaration of Covenants and Restrictions that this Declaration shall constitute a voluntary petition to the Board of Commissioners of the City for annexation of the subject Property upon the issuance of the Certificate of Occupancy issued by Pinellas County and meeting all other requirements for annexation into the said City.

4. The Owner understands that this Agreement will be recorded in the public records of Pinellas County and will act as a covenant running with the Property. The Owner further agrees not to request annexation of nor grant the right to annex the Property into any municipal corporation other than the City of Tarpon Springs.

5. Prior to the connection with any City utilities, the Owner shall pay any and all impact fees, land dedication requirements and all and any other capital contributions required by City Code of Ordinances for the development of property within the said City in the same manner as if the Property was presently in the City.

6. The Property Owner shall connect to City utilities as specified and directed by the City. Any utility lines within public right of ways as they exit from the Owner's Property will be dedicated to the City, should it so request. The Owner shall be solely responsible for proper engineering design and operation and functioning of any systems on its Property or in the public right of way which are not otherwise assumed for maintenance by the City.

7. Nothing in this Declaration or any oral or written agreement with the City shall be construed as requiring the City, at its expense to construct or install any sanitary sewer lines, water lines or other improvements of any kind upon the Property of the Owner or extend such improvements to service the Property.

8. The Owner agrees that mandamus, specific performance, or injunction to relief (either prohibitory or mandatory, both temporary and permanent) are the appropriate remedies in the event of breach, whether actual or anticipatory of this Declaration.

9. This Declaration shall continue in full force and effect on said Property regardless of whether or not portions of the Property are sold to third parties and all successors in title shall be bound by the provisions hereof.

10. The City is deemed to have a beneficial interest in this Declaration and no modifications or amendments of these covenants and restrictions shall be effective without the joinder and consent of the City of, which joinder and consent shall be solely within the discretion of the City. The City shall be fully entitled to enforce this Declaration.

These covenants and restrictions are placed upon the Property in consideration of the City allowing the use of certain City utilities to enable the development of the Property.

11. Enforcement of this Declaration may be by action at law or in equity against any person or persons violating or attempting to violate this Declaration, either to restrain violation or to recover damages. The party bringing the action or suit shall be entitled to recover, in addition to costs allowed by law, such sums as a court may adjudge to be reasonable for the services of its attorney, at trial or appellate levels. The City shall be entitled to institute enforcement of this Declaration under this paragraph pursuant to its beneficial interest in this Declaration.

Invalidation of any portion of this Declaration by a judgment of a court of competent jurisdiction shall in no wise affect any of the other provisions, which shall remain in full force and effect.

12. The covenants and restrictions set forth in this Declaration shall constitute a perpetual covenant running with the Land and may not be modified or otherwise amended except by a writing executed with the same formality as this Declaration joined in and executed by the

City of Tarpon Springs and recorded in the public records of Pinellas County, Florida. This Declaration of Covenants and Restrictions shall be recorded in the public records of Pinellas County, Florida.

IN WITNESS THEREOF, the undersigned have set their hands and seals this 25 day of July, 2022.

Witness

Janet Arlene Roman
Property Owner

Witness

Property Owner

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 25 day of July, 2022, by Janet Arlene Roman who [] is personally known to me or [x] has produced a driver's license or _____ as identification.

Chloe Hornick

Notary Public

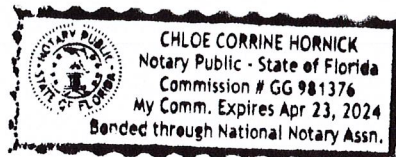


EXHIBIT "A"

(Insert Legal Description)

That portion of the Northeast 1/4 of Section 23, Township 27 South, Range 15 East, Pinellas County, Florida described as follows:

Commence at the Northwest corner of said Northeast 1/4 thence South 89 degrees 41 minutes 13 seconds East along the North line of said Section 23 a distance of 254.33 feet thence South 01 degrees 33 minutes 58 seconds West, 33.01 feet to the Northeast corner of Lot 68 of Roling Oaks, according to the map or plat thereof, as recorded in Plat Book 102, Page 57 and 58, of the Public Records of Pinellas County, Florida for a Point of Beginning, thence continue South 01 degrees 33 minutes 58 seconds West, along the East line of said Lot 68, a distance of 139.94 feet to the Southeast corner of Lot 68, thence South 89 degrees 41 minutes 01 seconds East, along the North line of Greywood Avenue; a distance of 80.00 feet, thence North 01 degrees 33 minutes 58 seconds East, 139.94 feet to the South line of Curlew Place, thence North 89 degrees 41 minutes 01 seconds West, along said South line 80.00 feet to the Point of Beginning.

Parcel ID Number: 23-27-15-00000-120-1300

ORDINANCE 2023-25

AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA ANNEXING 0.26 ACRES, MORE OR LESS, OF REAL PROPERTY LOCATED AT 1125 WEST CURLEW PLACE (APPLICATION 22-89); PROVIDING FOR FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property owner of record has requested to annex said property described in Section 2; and,

WHEREAS, the parcel is contiguous to the City of Tarpon Springs municipal boundary and is located within the City's planning area; and,

WHEREAS, annexation of the property will not create an enclave; and,

WHEREAS, the City of Tarpon Springs can provide services to the property; and,

WHEREAS, the Planning and Zoning Board conducted a public hearing on this annexation Ordinance on December 18, 2023; and,

WHEREAS, published legal notice of this Ordinance has been provided pursuant to the requirements of Chapter 166.041, F.S. and Section 206 of the Tarpon Springs Comprehensive Zoning and Land Development Code.

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

Section 1. FINDINGS

1. That this Ordinance will not create an enclave upon annexation.
2. That the property is not located in a "Type A" enclave as identified in the City's Interlocal Service Boundary Agreement with Pinellas County.
3. That annexation of the property will not have an adverse impact upon public facilities.
4. That the City will be able to provide public services to the property upon annexation.
5. That the history or status of any Pinellas County code enforcement actions, violations and/or nonconforming uses of the property will not cause undue burden on the City.

6. That the property is consistent with the City's Comprehensive Plan and Future Land Use Map.

Section 2. ANNEXATION

In accordance with Chapter 171.044, F.S. the property described as,

That portion of the Northeast 1/4 of Section 23, Township 27 South, Range 15 East, Pinellas County, Florida described as follows:

Commence at the Northwest corner of said Northeast 1/4 thence South 89 degrees 41 minutes 13 seconds East along the North line of said Section 23 a distance of 254.33 feet thence South 01 degrees 33 minutes 58 seconds West, 33.01 feet to the Northeast corner of Lot 68 of Roling Oaks, according to the map or plat thereof, as recorded in Plat Book 102, Page 57 and 58, of the Public Records of Pinellas County, Florida for a Point of Beginning, thence continue South 01 degrees 33 minutes 58 seconds West, along the East line of said Lot 68, a distance of 139.94 feet to the Southeast corner of Lot 68, thence South 89 degrees 41 minutes 01 seconds East, along the North line of Greywood Avenue; a distance of 80.00 feet, thence North 01 degrees 33 minutes 58 seconds East, 139.94 feet to the South line of Curlew Place, thence North 89 degrees 41 minutes 01 seconds West, along said South line 80.00 feet to the Point of Beginning.

Parcel ID Number: 23-27-15-00000-120-1300

is hereby annexed from unincorporated Pinellas County into the corporate limits of the City of Tarpon Springs and the boundaries of Tarpon Springs are hereby redefined to include the described property.

Section 3. EFFECTIVE DATE

This Ordinance shall be effective upon adoption in the manner provided by law.

ORDINANCE 2023-27

AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA AMENDING THE FUTURE LAND USE MAP FOR 0.26 ACRES, MORE OR LESS, OF REAL PROPERTY LOCATED AT 1125 WEST CURLEW PLACE, FROM, PINELLAS COUNTY LAND USE DESIGNATION RL (RESIDENTIAL LOW) TO CITY OF TARPON SPRINGS LAND USE DESIGNATION RL (RESIDENTIAL LOW) (APPLICATION #22-89); PROVIDING FOR FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of said property totaling 0.26 acres, more or less, has applied to amend the Future Land Use Map designation of the property from the Pinellas County RL (Residential Low) category to the City of Tarpon Springs RL (Residential Low) category; and,

WHEREAS, the permitted uses within the RL (Residential Low) land use designation are compatible with the surrounding and existing land uses; and,

WHEREAS, the property owner has also applied to re-zone the property from the Pinellas County R-3 (Residential Single Family) zoning district to the City of Tarpon Springs R-70A (Single Family Residential) zoning district; and,

WHEREAS, the property owner has also requested to annex said property into the municipal limits of Tarpon Springs; and,

WHEREAS, the Planning and Zoning Board conducted a public hearing on this application on December 18, 2023; and,

WHEREAS, this Ordinance has been duly advertised in accordance with the requirements of Chapter 171, F.S. and the Tarpon Springs Comprehensive Zoning and Land Development Code.

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

Section 1. FINDINGS

1. That the Board of Commissioners finds that this Ordinance is consistent with Chapter 163, Part II, Florida Statutes.
2. The Board of Commissioners finds that this amendment to RL (Residential Low) land use designation is appropriate.

Section 2. LAND USE PLAN DESIGNATION

The Future Land Use Map of the Future Land Use Plan Element of the Tarpon Springs Comprehensive Plan is hereby amended to Residential Low for the property described as:

That portion of the Northeast 1/4 of Section 23, Township 27 South, Range 15 East, Pinellas County, Florida described as follows:

Commence at the Northwest corner of said Northeast 1/4 thence South 89 degrees 41 minutes 13 seconds East along the North line of said Section 23 a distance of 254.33 feet thence South 01 degrees 33 minutes 58 seconds West, 33.01 feet to the Northeast corner of Lot 68 of Roling Oaks, according to the map or plat thereof, as recorded in Plat Book 102, Page 57 and 58, of the Public Records of Pinellas County, Florida for a Point of Beginning, thence continue South 01 degrees 33 minutes 58 seconds West, along the East line of said Lot 68, a distance of 139.94 feet to the Southeast corner of Lot 68, thence South 89 degrees 41 minutes 01 seconds East, along the North line of Greywood Avenue; a distance of 80.00 feet, thence North 01 degrees 33 minutes 58 seconds East, 139.94 feet to the South line of Curlew Place, thence North 89 degrees 41 minutes 01 seconds West, along said South line 80.00 feet to the Point of Beginning.

Parcel ID Number: 23-27-15-00000-120-1300

Section 3. EFFECTIVE DATE

This Ordinance shall be effective upon approval, contingent upon approval of Ordinance 2023-25 for annexation, and, in conjunction with approval of Ordinance 2023-26 for rezoning, in the manner provided by law.

ORDINANCE 2023-26

AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF TARPON SPRINGS FOR 0.26 ACRES, MORE OR LESS, OF REAL PROPERTY LOCATED AT 1125 WEST CURLEW PLACE, FROM, PINELLAS COUNTY ZONING DESIGNATION R-3 (SINGLE FAMILY RESIDENTIAL) TO CITY OF TARPON SPRINGS ZONING DESIGNATION R-70A (SINGLE FAMILY RESIDENTIAL) (APPLICATION #22-89); PROVIDING FOR FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property owner of record of said parcel has requested to amend to the zoning district designation of said parcel from the Pinellas County R-3 (Single Family Residential)zoning district to the City of Tarpon Springs R-70A (Single Family Residential) zoning district; and,

WHEREAS, the applicant is also requesting a change to the Future Land Use designation from Pinellas County RL (Residential Low) to the City of Tarpon Springs RL (Residential Low) category; and,

WHEREAS, the proposed R-70A (Single Family Residential) zoning district is consistent with the proposed future land use category of RL (Residential Low); and,

WHEREAS, the planned uses within the R-70A District are compatible with surrounding and existing land uses; and,

WHEREAS, the property owner has also requested to annex said property into the municipal limits of Tarpon Springs; and,

WHEREAS, the Planning and Zoning Board conducted a public hearing on this rezoning Ordinance on December 18, 2023; and,

WHEREAS, published legal notice of this Ordinance has been provided pursuant to the requirements of Chapter 166.041, F.S. and Section 206 of the Tarpon Springs Comprehensive Zoning and Land Development Code.

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

Section 1. FINDINGS

1. That the Board of Commissioners finds that this Ordinance is consistent with the Tarpon Springs Comprehensive Plan.
2. That available uses to which the property may be put are appropriate to the property in question and are compatible with the existing and planned uses in the area.

3. That the amendment shall provide for efficient and orderly development considering the impact upon growth patterns and the cost to the City to provide public facilities.
4. That the amendment will not adversely impact nor exceed the capacity or the fiscal ability of the City to provide public facilities including transportation, water and sewer, solid waste, drainage, recreation, education, fire protection, library service and other similar public facilities.

Section 2. ZONING ATLAS AMENDMENT

That the Official Zoning Atlas of the City of Tarpon Springs is hereby amended for the property described as:

That portion of the Northeast 1/4 of Section 23, Township 27 South, Range 15 East, Pinellas County, Florida described as follows:

Commence at the Northwest corner of said Northeast 1/4 thence South 89 degrees 41 minutes 13 seconds East along the North line of said Section 23 a distance of 254.33 feet thence South 01 degrees 33 minutes 58 seconds West, 33.01 feet to the Northeast corner of Lot 68 of Roling Oaks, according to the map or plat thereof, as recorded in Plat Book 102, Page 57 and 58, of the Public Records of Pinellas County, Florida for a Point of Beginning, thence continue South 01 degrees 33 minutes 58 seconds West, along the East line of said Lot 68, a distance of 139.94 feet to the Southeast corner of Lot 68, thence South 89 degrees 41 minutes 01 seconds East, along the North line of Greywood Avenue; a distance of 80.00 feet, thence North 01 degrees 33 minutes 58 seconds East, 139.94 feet to the South line of Curlew Place, thence North 89 degrees 41 minutes 01 seconds West, along said South line 80.00 feet to the Point of Beginning.

Parcel ID Number: 23-27-15-00000-120-1300

Section 3. EFFECTIVE DATE

This Ordinance shall be effective upon approval, contingent upon approval of Ordinance 2023-25 for annexation, and, in conjunction with approval of Ordinance 2023-27 for Future Land Use Map amendment, in the manner provided by law.

CITY OF TARPON SPRINGS

#23-137

Planning and Zoning Board – December 18, 2023

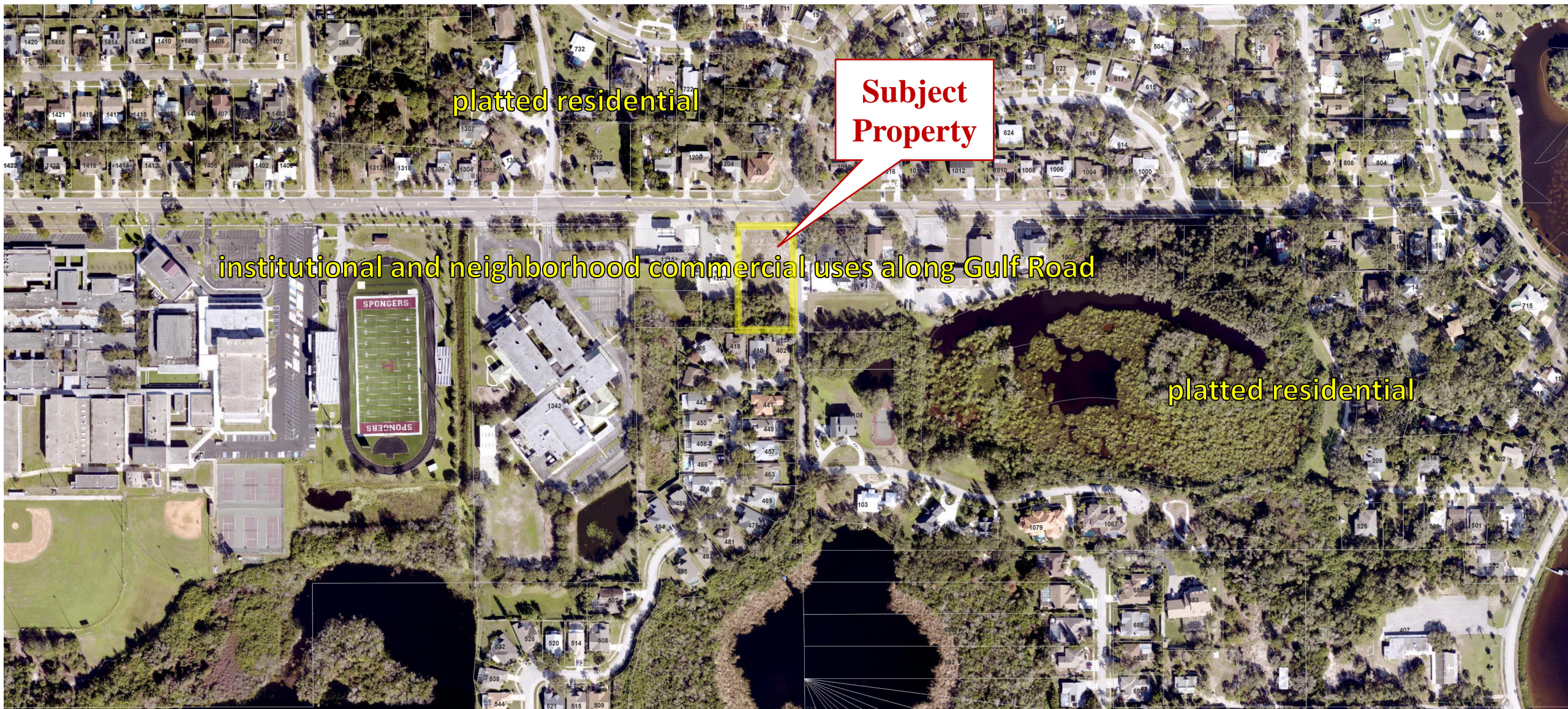
Board of Commissioners – January 9, 2024



SUMMARY OF REQUEST

- **#23-137 – Ordinance 2023-29 Rezoning**
 - Location: 1201 Gulf Road (Southwest corner of Gulf Road and Tarpon Drive)
 - Land Use:
 - Current: Commercial Neighborhood (CN)
 - Proposed: Institutional (I)
 - **ZONING:**
 - Current: Neighborhood Business (NB)
 - Proposed: Public/Semi-Public
 - Property Features
 - 0.88 acres (38,425 square feet)
 - Vacant property planned for the new City Fire Station 70 currently in design phase.
- **Applicant:** City of Tarpon Springs
- Request is to rezone the property appropriate to the planned public facility use.

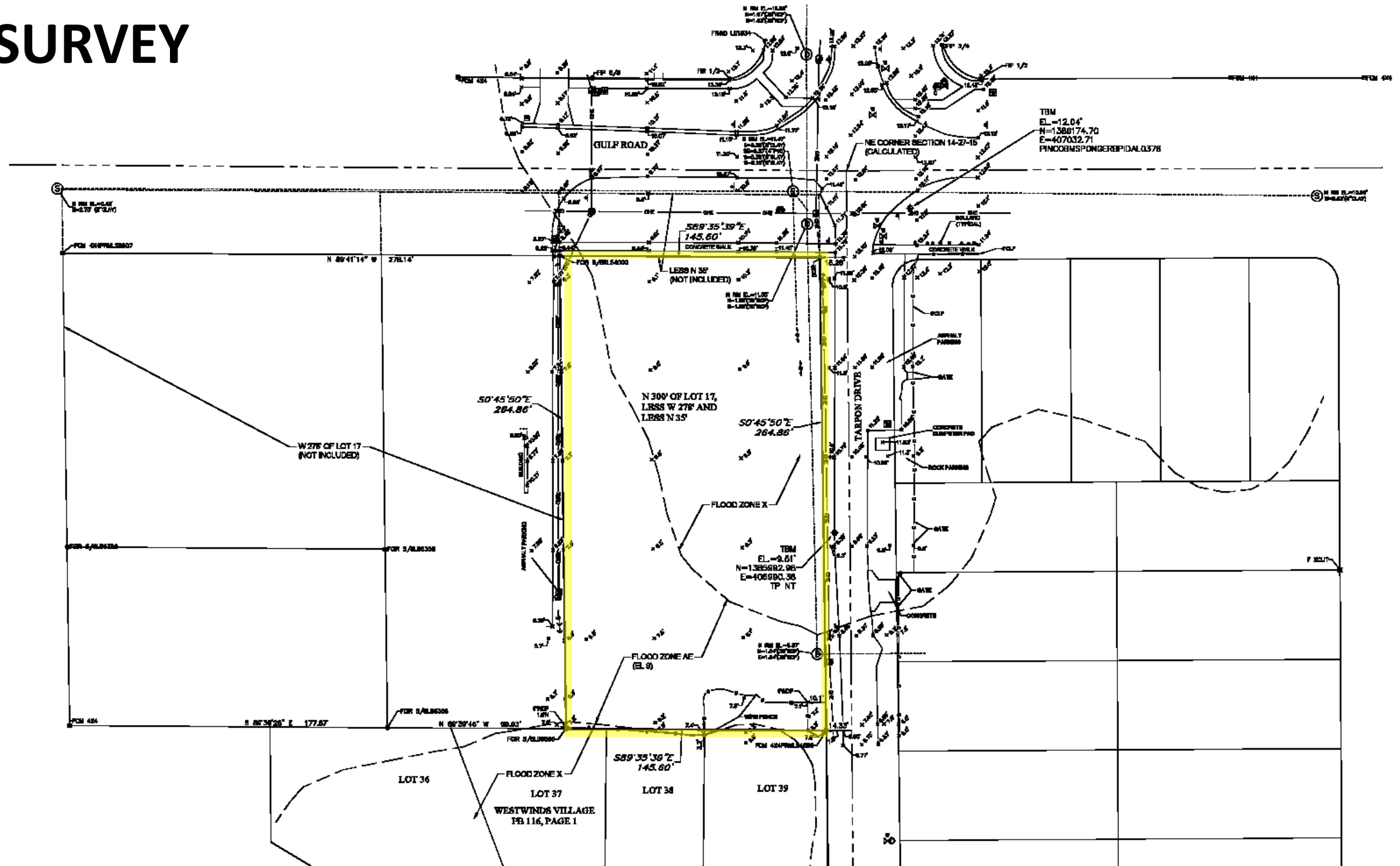
LOCATION AND CONTEXT





SITE

SURVEY

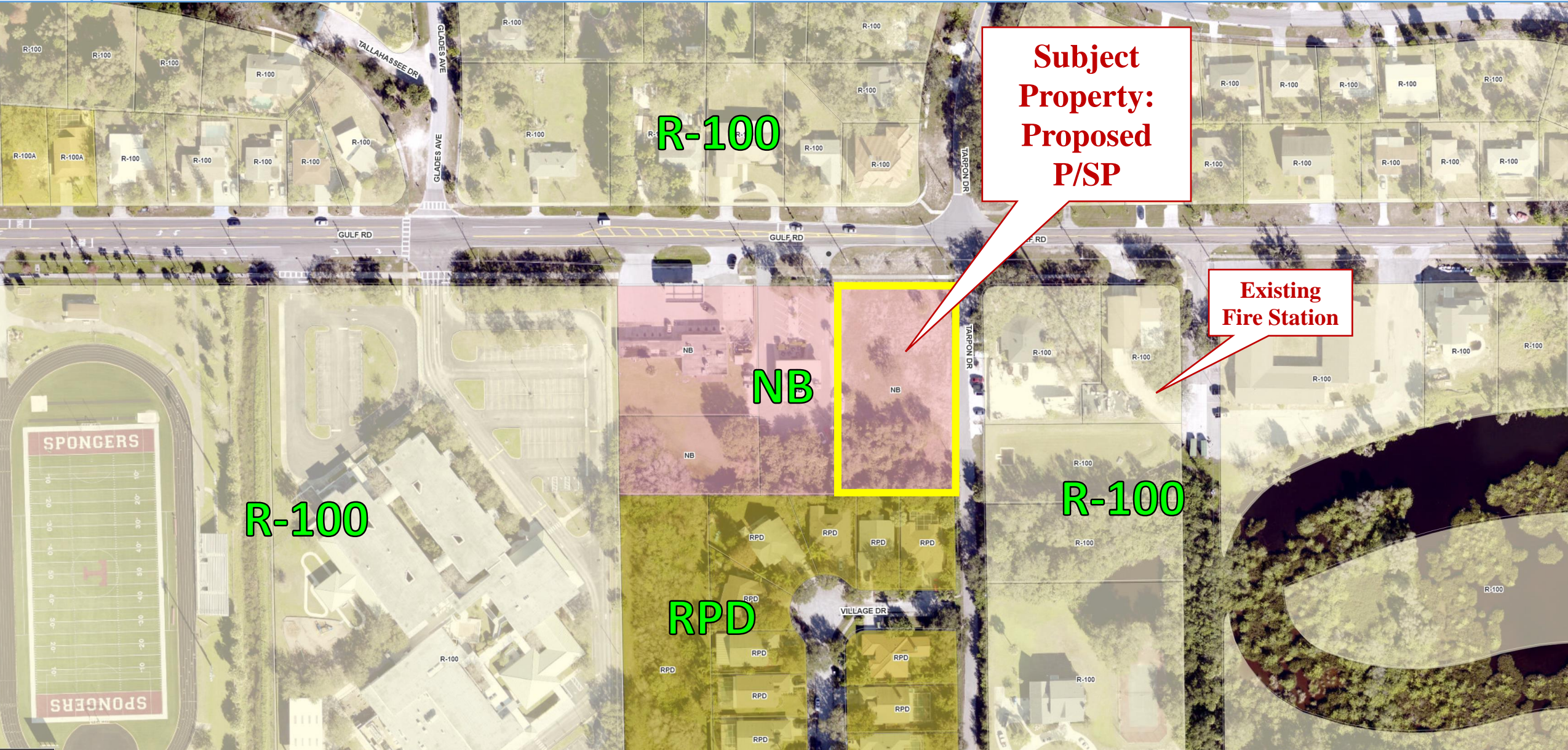


LOCATION AND CONTEXT



11 Tarpon Dr
Tarpon Springs, Florida
Google Street View
Aug 2022 See more dates

ZONING (CURRENT)



REVIEW CRITERIA – REZONING

- 1. The amendment is consistent with the goals, objectives and policies of the Tarpon Springs Comprehensive Plan.**

The proposed Public/Semi-Public zoning category is consistent with the Institutional Future Land Use Map (FLUM) category for this property. The FLUM amendment to Institutional was approved on first reading of Ordinance 2023-28.

- 2. The available uses to which the property may be put are appropriate to the property in question and are compatible with the existing and planned uses in the area.**

The available uses are appropriate and compatible. The planned use of a new fire station will replace an existing fire station in this area.

- 3. The amendment shall provide for efficient and orderly development considering the impact upon growth patterns and the cost to the City to provide public facilities.**

The Public/Semi-Public designation provides the appropriate designation for continued fire and emergency services to this area of the City.

- 4. The amendment will not adversely impact nor exceed the capacity or the fiscal ability of the City to provide public facilities, including transportation, waste and sewer, solid waste, drainage, recreation, education, fire protection, library service and other similar public facilities. Compliance with the adopted Levels of Service standards can be demonstrated if necessary.**

The property is served by City facilities.

PRELIMINARY STAFF RECOMMENDATION

#23-137 - *Approval* of the Ordinance 2023-29, Rezoning from NB (Neighborhood Business) to P/SP (Public/Semi-Public)

Public Notice Provided – no responses were received.



CITY OF TARPON SPRINGS
PLANNING & ZONING BOARD / BOARD OF COMMISSIONERS
JANUARY 22, 2024 / FEBRUARY 6, 2024

STAFF REPORT, January 16, 2024

Application No. / Project Title: 23-137 / City of Tarpon Springs – Dixie Highway
Ordinance: Draft Ordinance #2023-29
Staff: Patricia L. McNeese, AICP
Planning Supervisor
Applicant / Owner: City of Tarpon Springs
Property Size: 0.88 acres (38,425 square feet)
Current Land Use: Commercial Neighborhood (CN)
Proposed Land Use: Institutional (I)
Current Zoning: Neighborhood Business (NB)
Proposed Zoning: Public/Semi-Public (P/SP)
Location / Parcel ID: 1201 Gulf Road / Parcel ID: 14-27-15-89226-000-0175
Ordinance: 2023-29

BACKGROUND SUMMARY:

The subject property is located on the southwest corner of Gulf Road and Tarpon Drive and is currently vacant. Design of a new fire station for this site (Fire Station 70) is currently underway. The City is requesting a rezoning for this public facility use. The City has also submitted an application for a corresponding amendment to the Future Land Use Map (FLUM) to the Institutional (I) category. The Planning and Zoning Board reviewed the FLUM amendment at their regular meeting of December 18, 2023 and unanimously recommended approval (Ordinance 2023-28). The Board of Commissioners (BOC) approved the FLUM amendment on first reading at their regular meeting of January 9, 2024. The City has submitted an application to amend the Countywide Map for this property from Retail & Services (R&S) to Public/Semi-Public (P/SP).

PRELIMINARY STAFF RECOMMENDATION:

Staff recommends **approval** of Ordinance 2023-29 amending the Official Zoning Atlas from Neighborhood Business (NB) to Public/Semi-Public (P/SP).

CURRENT PROPERTY INFORMATION:

Use of Property:	Vacant
Site Features:	Mowed ground cover, few trees
Vehicle Access:	The property is on the corner of Gulf Road and Tarpon Drive and may be accessed from either of these roadways.



SURROUNDING ZONING & LAND USE:

	Zoning:	Land Use:
North:	R-100 (Single Family Residential)	Residential Low
South:	Residential Planned Development	Residential Low
East:	R-100 (Single Family Residential)	Residential Low
West:	Neighborhood Business	Commercial Neighborhood

PLANNING CONSIDERATIONS:

When considering this application, the following general site conditions, planning concepts, and other facts should be noted:

1. This property is under City ownership and is planned for a new fire station (Fire Station 70) which is currently in the design phase. The fire station will replace existing Fire Station 70 located approximately 200 feet to the east of the subject site.
2. The City is also proposing a change to the Future Land Use Map (FLUM) for this site as part of an effort to bring City-owned public facilities sites into the appropriate FLUM designation. The FLUM amendment was approved on first reading of Ordinance 2023-28 by the Board of Commissioners.
3. The property is located in the Coastal High Hazard Area (CHHA). The requested FLUM change would result in an allocated residential density increase on the City FLUM, but would lower the allocated residential density on the Countywide Map. The FLUM change has been approved by the BOC on first reading and a Countywide Map amendment request has been submitted.
4. The Public/Semi-Public zoning district refers to the overlying FLUM category for allowable uses (see Zoning District Summary table below). Emergency Service Building is allowable as a primary use in the Institutional FLUM category.
5. On December 20, 2023, the Board of Adjustment approved variances to the allowable floor area ratio (FAR) and the impervious surface ratio (ISR) under the current Commercial Neighborhood FLUM category and the current Neighborhood Business (NB) zoning. Rezoning to the Public/Semi-Public district will bring the design FAR and ISR into conformance with the Land Development Code.
6. It is necessary to site the new fire station on the subject property. Existing Fire Station 70, located at 1025 Gulf Road was built in 1977 and is in need of replacement. It is the only station located west of the bayous, creating the potential for a hazardous condition where residents in the western half of the City are functionally cut off from service. The new station (Fire Station 70) will be built to Category 3 hurricane standards, will have sufficient capacity to serve the City's growing population, and will have modernized construction and fire service features meeting today's standards.



ZONING DISTRICT SUMMARY (EXISTING / PROPOSED):

	CURRENT Neighborhood Business (NB)	PROPOSED Public/Semi-Public (P/SP)
Residential Density (dwelling units/acre):		
Per CN and I FLUM Categories	10 du/acre	12.5 du/acre
Allowable Uses:	LDC Section 25.010(B) & (C)	Institutional FLUM Category
Permitted/Primary	Business and Professional Offices; Community Service Uses; Eating Establishments, site Down and Taverns; Emergency Service Facilities; Financial Institutions; Personal Service Establishments; Residential over ground-floor commercial/office; Retail Food Establishments; Retail Sales Establishments; Shopping Centers; Veterinary Clinics	Public/Private Schools, Colleges; Hospitals, Medical Clinic; Churches, Religious Institution, Cemetery; Social/Public Service Agency; Child Day Care; Fraternal, Civic Organization; Municipal Office Building, Courthouse; Library; Public Safety Facility, Emergency Service Building; Convention Center
Conditional/Secondary	Car Washes; Community Assembly; Commercial Recreation Facilities; Community Residential Homes; Day Care Centers; Eating Establishments, Fast Food; Emergency Shelters, Residential Treatment Facilities, and Recovery Homes; Family Care Homes; Funeral Homes or Mortuaries; Light Printing Establishment; Light Utility Service; Private Clubs; Repair Service Establishment; Retail Nursery and Garden Supplies; Schools of Special Education; Self-Serve Gasoline Establishment; Single Family Detached Dwellings; Wholesale Trade	Residential; Residential Equivalent
Dimensional Criteria: Non-Residential Uses (continued):	LDC Section 25.10(D)(2)	LDC Section 25.20(D)
Minimum Lot Area	5,000 square feet	n/a
Minimum Front Yard	10 feet	n/a

continued



Dimensional Criteria: Non-Residential Uses (continued):	LDC Section 25.10(D)(2)	LDC Section 25.20(D)
Minimum Lot Width	50 feet	n/a
Minimum Lot Depth	80 feet	n/a
Maximum Height	25 feet	n/a
Minimum Front Yard	10 feet	n/a
Minimum Site Yard	0 feet, or 10 feet when adjoining a residential district	n/a
Side Street Yard	10 feet	n/a
Rear Yard	15 feet, or 20 feet when adjoining a residential district	n/a
FAR/ISR:	Per Commercial Neighborhood FLUM Category	Per Institutional FLUM Category
Non-Residential Floor Area	0.20	0.25
Non-Residential Impervious Surface Ratio	0.60	0.85

REVIEW STANDARDS / STAFF ANALYSIS - REZONING:

Section 207.03(A) of the Tarpons Springs Comprehensive Zoning and Land Development Code provides standards for zoning map amendments. These standards, along with planning staff's analysis are provided below:

1. The amendment is consistent with the goals, objectives and policies of the Tarpon Springs Comprehensive Plan.

Staff Analysis: A full analysis of consistency with the City's Comprehensive Plan was reviewed with the Future Land Use Map amendment request to the Institutional (I) category reviewed by the Planning and Zoning Board on December 18, 2023, and approved by the Board of Commissioners on January 9, 2024. Relevant Comprehensive Plan policies included:

- Future Land Use Element Goal 2 and Objective 2.1, Policy 2.6.3
- Capital Improvements Objective 1.1
- Coastal Management Element Policies 3.1.2 and 3.3.1

The Planning and Zoning Board recommended approval of the Future Land Use Map amendment to the Institutional (I) category. The Board of Commissioners (BOC) has approved the amendment, consistent with this recommendation, on first reading of Ordinance 2023-28. The property is City-owned and under design for a new fire station which is expected to have a useful life that extends beyond the planning horizon. The BOC evaluated Policy 3.3.1 of the Coastal Management Element, limiting density increases in the Coastal High Hazard Area, in the context of the planning horizon and long-term end toward which land use patterns are directed. That would include whether this site would reasonably be expected to develop as residential, a



secondary use in the Institutional FLUM category. The Future Land Use Element states that the Institutional Land Use Category is “appropriate for educational, health, public safety, civic, religious and like institutional uses which are required to serve the community” (Policy 2.6.3). The companion rezoning of the property to Public/Semi-Public will further restrict the ability to utilize the property for residential use. Housing in this context must meet the test of “institutional uses required to serve the community.” The change to Public/Semi-Public zoning would be consistent with the Institutional Future Land Use Map category and with the guidance provided in the goals, objectives and policies of the Comprehensive Plan.

2. The available uses to which the property may be put are appropriate to the property in question and are compatible with the existing and planned uses in the area.

Staff Analysis: The property is City-owned and under design for a new fire station. The fire station will make full use of this 0.88-acre property. Existing Fire Station 70, located at 1025 Gulf Road (about 200 feet to the east of the subject property) was built in 1977 and is in need of replacement. The new station (Fire Station 70) will be built to Category 3 hurricane standards, will have sufficient capacity to serve the City’s growing population, and will have modernized construction and fire service features meeting today’s standards. The planned site facilities are practical for the site’s size and location, and, are planned to be continued in order to provide adequate future facilities for the City’s service needs. The existing fire station is compatible with the surrounding area and the new station will continue to be compatible.

3. The amendment shall provide for efficient and orderly development considering the impact upon growth patterns and the cost to the City to provide public facilities.

Staff Analysis: The amendment provides for efficient and orderly development by providing the appropriate designation for a planned future public facility that continues emergency services for this area of the City. It is necessary to continue to locate the fire station at this site as this is the only station located west of the bayous, creating the potential for a hazardous condition where residents in the western half of the City are functionally cut off from service. The new station (Fire Station 70) will be built to Category 3 hurricane standards, will have sufficient capacity to serve the City’s growing population, and will have modernized construction and fire service features meeting today’s standards.

4. The amendment will not adversely impact nor exceed the capacity or the fiscal ability of the City to provide public facilities, including transportation, waste and sewer, solid waste, drainage, recreation, education, fire protection, library service and other similar public facilities. Compliance with the adopted Levels of Service standards can be demonstrated if necessary.

Staff Analysis: The property is already served by City facilities. Facilities capacity is available to accommodate the planned use of a new fire station. The Public/Semi-Public zoning and planned fire station use also obviate the need for some services (i.e., recreation, library service, etc.).



TECHNICAL REVIEW COMMITTEE:

The Technical Review Committee (TRC) reviewed this project on November 2, 2023 for completeness and conformance to the Land Development Code. The TRC determined that the application was complete and ready for processing. There were no further comments from the TRC.

PUBLIC CORRESPONDENCE:

The property owners within 500 feet were sent written notification in accordance with Section 206.00(J)(4) of the City of Tarpon Springs Comprehensive Zoning and Land Development Code. The notice went to 54 addresses. Notice was advertised in the *Tampa Bay Times* per Chapter 166.041, Florida Statutes and the property was posted. Staff has not received any responses to these notices.

ATTACHMENTS:

1. Slide show presentation with applicable maps
2. Survey
3. Draft Ordinance 2023-29

ORDINANCE 2023-29

AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA AMENDING THE OFFICIAL ZONING ATLAS FOR 0.88 ACRES, MORE OR LESS, OF REAL PROPERTY LOCATED AT 1201 GULF ROAD, ON THE SOUTHWEST CORNER OF GULF ROAD AND TARPON DRIVE, FROM NEIGHBORHOOD BUSINESS (NB) DISTRICT TO PUBLIC/SEMI-PUBLIC (P/SP) DISTRICT; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property owner of record of said parcel has requested to amend the Official Zoning Atlas designation from Neighborhood Business (NB) to Public/Semi-Public (P/SP); and,

WHEREAS, the property owner has also applied to amend the Future Land Use Map designation of said parcel from Commercial Neighborhood (CN) to Institutional (I) (Ordinance 2023-28); and,

WHEREAS, the zoning district P/SP (Public/Semi-Public) is consistent with the existing Future Land Use Map category of I (Institutional); and,

WHEREAS, permitted uses within the Public/Semi-Public zoning district are compatible with the surrounding and existing land uses; and,

WHEREAS, the Planning and Zoning Board conducted a public hearing on this Future Land Use Map amendment Ordinance on January 22, 2024; and,

WHEREAS, published legal notice of this Ordinance has been provided pursuant to the requirements of Chapter 166.041, F.S. and Section 206 of the Tarpon Springs Comprehensive Zoning and Land Development Code.

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

Section 1. FINDINGS

1. That the Board of Commissioners finds that this Ordinance is consistent with Chapter 163, Part II, Florida Statutes.
2. The Board of Commissioners finds that this amendment to the Institutional (I) land use designation is appropriate.

Section 2. ZONING ATLAS AMENDMENT

That the Official Zoning Atlas of the City of Tarpon Springs is hereby amended for the property described as,

“The North 300 feet of Lot 17, LESS the West 278 feet thereof and LESS the North 35 feet thereof for additional right-of-way for Gulf Road, TAMPA AND TARPON SPRINGS LAND COMPANY, in Section 14, Township 27 South,

Range 15 East, according to the map or plat thereof as recorded in Plat Book 1, Page 116, of the Public Records of Hillsborough County, Florida, of which Pinellas County was formerly a part.”

Section 3. SEVERABILITY

If any section, subsection, sentence, clause or phrase of the Ordinance is determined for any reason to be illegal, invalid, or unconstitutional by a court or regulatory body of competent jurisdiction, then the offending provision shall be deemed severable, shall not affect the validity of the remaining portions hereof, and the remainder shall continue in full force and effect.

Section 4. REPEAL

All other ordinances or resolutions which conflict wholly or in part with the provisions of this ordinance, are hereby repealed effective the date this ordinance becomes effective.

Section 5. EFFECTIVE DATE

This Ordinance shall be effective upon approval in the manner provided by law.

ARTICLE VI. DEVELOPMENT AGREEMENTS

§ 96.00 AUTHORITY AND REQUIREMENTS.

- (A) The Board of Commissioners of the City of Tarpon Springs shall have the authority to enter into Development Agreements with the legal and equitable owners of real property within, or to be annexed within, the City limits of Tarpon Springs as provided for in F.S. Ch. 163 and as further set forth under the terms of this Article.
- (B) The entry into a development agreement by the City shall not limit or modify any legislative power by the City to adopt ordinances, resolutions, regulations or to make administrative or legislative decisions of any kind which it had the power to make prior to the entry into such development agreement, except to the degree that the development agreement, by its express terms and not by implication, gives vested rights as to certain development permissions, required improvements and similar matters.
- (C) A development agreement and authorized development shall be consistent with the City's Comprehensive Plan and Land Development Code.
- (D) The initial duration of a development agreement shall not exceed ~~10~~5 years. It may be extended for one additional 5 year period (or less) by mutual consent of the Board of Commissioners and the developer, subject to a public hearing in accordance with the requirements of this Article and a review for compliance with current City ordinances and regulations.
- (E) A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest subject to a public hearing in accordance with the requirements of the Article.
- (F) The City's ordinances and regulations governing the development of the land at the time of the execution of the development agreement, with the exception of any fee structure, including impact fees, shall govern the development of the land for the duration of the development agreement. The City may apply subsequently adopted local ordinances and regulations to a development that is subject to a development agreement only if the Board of Commissioners determines the following after undertaking a public hearing and considering all evidence presented at the public hearing:
 - (1) The subsequently adopted ordinances and regulations are not in conflict with the development agreement and do not prevent development of the land uses, intensities, or densities in the development agreement;
 - (2) The subsequently adopted ordinances and regulations are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a development agreement;
 - (3) The subsequently adopted ordinances and regulations are specifically anticipated and provided for in the development agreement;
 - (4) The City demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement; or
 - (5) The development agreement is based upon substantially inaccurate information supplied by the applicant for development agreement.

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- (G) If state or federal laws are enacted after the execution of a development agreement which are applicable to and preclude the parties' compliance with the terms of the development agreement, such agreement shall be modified or revoked as necessary to comply with the relevant state or federal laws.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 2019-02, passed 2-26-19)

§ 97.00 DEVELOPMENT AGREEMENT PROCEDURES.

- (A) A property owner desiring to enter into a development agreement shall make application through the Planning Department and pay the required fee.
- (B) Upon receipt of an application for development agreement, the City Manager shall request authorization from the Board of Commissioners to negotiate with the applicant.
- (C) Upon authorization from the Board of Commissioners to negotiate, the applicant shall submit a development proposal consisting of the following minimum information:
- (1) Required additional review fee.
 - (2) Legal description, including the identification of out parcels to be exempt from the agreement.
 - (3) The persons, firms or corporations having a legal or equitable interest in the land.
 - (4) The desired duration of the development agreement not to exceed 5 years.
 - (5) The development uses desired, including residential density, building intensity, and building height.
 - (6) An analysis of the impact upon existing and proposed public facilities and services; including who shall provide such facilities, the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities and services are available concurrent with the impacts of the development.
 - (7) A description of any reservation or dedication of land for public purposes.
 - (8) A description of all City development approvals necessary, including any zoning or land use modifications required.
 - (9) Accurate survey of boundary and existing conditions including but not limited to easements, streets, buildings, land uses, historic sites, zoning, wetlands, watercourses, utilities, general topographic contours, and existing zoning and land uses for all contiguous properties.
 - (10) A preliminary master drainage and grading plan.
 - (11) The location of proposed buffers or screening.
 - (12) An existing tree survey.
 - (13) A conceptual master plan showing the locations and acreages of general land uses including dwelling unit types, general types of nonresidential uses, open spaces, recreational facilities, and other proposed uses.
 - (14) Circulation plan showing locations and types of all access points and internal streets.
 - (15) Proposed development phasing.
 - (16) A list of all federal, state, and local permit requirements.
 - (17) Any further information deemed necessary to conduct a complete review of the proposal.

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- (D) A review of the development proposal shall be scheduled within 30 days and conducted by the Technical Review Committee (TRC) to determine compliance with City ordinances, regulations and that the development is consistent with the local comprehensive plan. The development proposal shall be amended as necessary to comply with the requirements of the Technical Review Committee (TRC).
- (E) Once compliance with City ordinances and regulations has been determined by the Technical Review Committee the development proposal shall be transmitted to the City Manager for negotiation. The City Manager and his/her staff shall review the development of the property and the terms and conditions which are necessary to protect the public interest.
- (F) The City Manager shall report the status of negotiations to the Board of Commissioners within 90 days of TRC compliance.
- (1) In the event that the City Manager and the property owner have negotiated the terms of a mutually acceptable development agreement, the essential terms of that development agreement shall be presented in an outline form to the Board of Commissioners. The Board shall review the same and shall, if it determines to proceed further with completion of the development agreement by an affirmative vote of not less than 3 members, direct the City Attorney to reduce the said development terms to contractual form for further consideration by the Board. This direction shall in no manner whatsoever obligate the Board to ultimately approve a development agreement or to approve any of the matters outlined to it by the City Manager as to any specific term or condition.
- (2) In the event that the City Manager and the property owner have not negotiated a mutually satisfactory development agreement, the City Manager shall so notify the Board of Commissioners and the development agreement process as to the particular land shall be concluded unless by an affirmative vote of 3 members of the Board shall direct that negotiations shall continue. A further development agreement application on the same property may be submitted no sooner than 180 calendar days from the date the Board has concluded consideration of the development agreement.
- (G) At such time as the City Attorney has reduced the terms of the proposed development agreement to written contractual form, the City Manager shall provide the Planning Department with a written recommendation regarding adoption of the development agreement.
- (H) The Planning and Zoning Board shall conduct the first public hearing on the proposed development agreement, and forward a recommendation to the Board of Commissioners.
- (I) The Board of Commissioners shall conduct the second public hearing to determine final action on the proposed development agreement. The Board may, by an affirmative vote of not less than 3 members, approve the form and execution of the development agreement by resolution.
- (J) Within 14 days after the City enters into a development agreement, the City shall record the agreement with the Clerk of the Circuit Court in Pinellas County. A copy of the recorded development agreement shall be submitted to the State Land Planning Agency within 14 days after the agreement is recorded. The development agreement shall then be binding upon all successors in interest to the parties of the agreement.
- (K) The City shall review land subject to a development agreement once every 12 months to determine if there has been good faith compliance with the terms of the development agreement. If the City makes a finding that there has been a failure to comply with the terms of the development agreement, the agreement may be revoked or modified by the City after a public hearing held in accordance with the requirements of this Article.
- (L) Such persons, as are defined by F.S. Ch. 163, shall have standing to enforce a development agreement.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93)

§ 98.00 PUBLIC HEARINGS REQUIREMENTS.

- (A) Before entering into, amending, or revoking a development agreement, the City shall conduct a minimum of 2 public hearings.
- (B) Notice of intent to consider a development agreement shall be advertised approximately 7 days before each public hearing in a newspaper of general circulation and readership in Pinellas County. Notice of intent to consider a development agreement shall also be mailed to all property owners within 500 feet of the entire contiguous property which is the subject of the agreement and the applicant before the first public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.
- (C) The notice shall specify the location of the land subject to the development agreement, the development uses proposed on the property, the proposed population densities, and the proposed building intensities and height and shall specify a place where a copy of the proposed agreement can be obtained.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 2019-08, passed 5-14-19)

§ 99.00 DEVELOPMENT AGREEMENT CONTENT.

- (A) Any development agreement approved under the provisions of this Code shall include the following minimum requirements:
 - (1) A legal description of the land subject to the agreement and the names of its legal and equitable owners;
 - (2) The duration of the agreement;
 - (3) The development uses permitted on the land, including population densities, and building intensities and height;
 - (4) A description of public facilities that will service the development, including who shall provide such facilities, the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development;
 - (5) A description of any reservation or dedication of land for public purposes;
 - (6) A description of all development permits approved or needed to be approved for the development of the land, including but not limited to the following:
 - (a) Any required Comprehensive Plan amendments;
 - (b) Any required zoning amendments;
 - (c) Site plan approval;
 - (d) Any required approvals, permits or authorizations from Pinellas County, Florida Department of Transportation, Southwest Florida Water Management District, Florida Department of Environmental Protection, U.S. Army Corps of Engineers, Department of Health and Rehabilitative Services, Tampa Bay Regional Planning Council, Pinellas Planning Council, Department of Community Affairs, or any other agency with competent jurisdiction; and

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- (e) A statement that said development permits will be obtained at the sole cost of the applicant, and in the event that any development permissions are not received, that no further development of the property shall be allowed until such time as the City has reviewed the matter and determined whether to modify or terminate the agreement. Under these conditions, action in reliance on the development agreement shall not vest any development rights in the property.
 - (7) A finding that the development permitted or proposed is consistent with the Comprehensive Plan and land development regulations, and that if amendments are necessary to the zoning or land use designations, that such development agreement is contingent upon those amendments being made and approved by the appropriate governmental agencies.
 - (8) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the local government for the public health, safety, or welfare of its citizens; and
 - (9) A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, term, or restriction; and
 - (10) Phasing and phase timing.
 - (B) Development agreements shall be executed by all persons having legal or equitable title in the subject property, including the fee simple owner, any contract purchasers and mortgagees; or include joinders or subordination.
 - (C) A development agreement shall be a legislative act in the furtherance of the City's powers to zone and regulate development within its jurisdiction.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93)

(§§ 100.00 through 105.00 reserved)