

STAFF REPORT

August 11, 2011

TO: MAYOR AND BOARD OF COMMISSIONERS

FROM: PLANNING AND ZONING DIVISION

HEARING DATES: JULY 25, 2011 (PLANNING & ZONING BOARD)
AUGUST 16, 2011 (BOARD OF COMMISSIONERS)
SEPT. 6, 2011 (BOARD OF COMMISSIONERS)

SUBJECT: **ORDINANCE 2011-08**
AN ORDINANCE OF THE CITY OF TARPON SPRINGS,
FLORIDA AMENDING THE COMPREHENSIVE ZONING AND
LAND DEVELOPMENT CODE TO COMPLY WITH
CONSISTENCY REQUIREMENTS OF THE COUNTYWIDE
PLAN RULES OF THE PINELLAS COUNTY; PROVIDING FOR
FINDINGS; PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.

BACKGROUND:

In accordance with the Countywide Plan Rules of Pinellas County, local land development regulations and Future Land Use Plan element must maintain consistency with the Countywide Rules. Pinellas Planning Council initiated a review of all municipal land development regulations and Future Land Use elements in 2007. The City completed a portion of its identified consistency issues with the adoption of Ordinances 2007-xx and 2008-xx, amending the Comprehensive Plan for our EAR-based amendments. The remaining consistency issues identified in the City's Comprehensive Zoning and Land Development code are the subject of the attached Ordinance 2011-08. While it has taken some time to come to an "agreement" with PPC staff on some of the issues, we have produced a set of amendments that comply with the Countywide Plan Rules and do not detract from our local goals, objectives, and policies.

PLANNING AND ZONING BOARD ACTIONS:

The Planning and Zoning Board reviewed and unapproved the proposed amendments on July 25, 2011. On page 12 of the Ordinance under Section 25.17, Industrial Restricted Zoning District Sub-Paragraph (D) (11), clarification was asked on the changes related to transient accommodations. This change was made to match the transient accommodation uses within Industrial Limited future land use map category of the City's Comprehensive Plan.

Attachments

- 1) Ordinance 2011-08
- 2) PPC Identified Consistency Issues for Tarpon Springs (Res 10-13)

ORDINANCE 2011-08

AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA AMENDING THE COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE TO COMPLY WITH CONSISTENCY REQUIREMENTS OF THE COUNTYWIDE PLAN RULES OF THE PINELLAS COUNTY; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Pinellas Planning Council is required to periodically review every municipality's land development regulations for consistency with the Countywide Plan Rules of Pinellas County, and

WHEREAS, the most recent review identified various consistency reconciliation actions necessary for the City of Tarpon Springs Comprehensive Zoning and Land Development Code, and

WHEREAS, the proposed amendments have been preliminarily reviewed by Pinellas Planning Council Staff,

NOW THEREFORE, be it ordained by the City of Tarpon Springs Board of Commissioners:

SECTION 1

Article II, Section 23.09 of the Comprehensive Zoning and Land Development Code of the City of Tarpon Springs, Florida, is hereby created, as follows:

§ 23.09 Specific Limitations of Certain Uses Under the Countywide Plan Rules of Pinellas County

- (A) Ancillary non-residential uses / transportation utility uses, as defined by the Countywide Plan Rules of Pinellas County, shall not exceed ten acres when located in the Institutional Future Land Use Map category. Any such use, alone or when added to existing contiguous like use(s), which exceeds 10 acres shall require a plan map amendment to an appropriate category which shall include such use and all contiguous like uses.
- (B) Institutional and Ancillary non-residential uses, as defined by the Countywide Plan Rules of Pinellas County, shall not exceed ten acres when located in the Transportation/Utility Future Land Use Map category. Any such use, alone or when added to existing contiguous like use(s), which exceeds 10 acres shall require a plan map amendment to an appropriate category which shall include such use and all contiguous like uses.

SECTION 2

Article II, Sections 25.01, 25.02, 25.12, 25.13, 25.14, 25.15, 25.15.5, 25.17, 25.19, 25.20, & 25.21 (various zoning districts) of the Comprehensive Zoning and Land Development Code of the City of Tarpon Springs, Florida, are hereby amended, as follows.

§ 25.01 A Agricultural District.

(A) The A District is established to identify areas where predominantly rural and agricultural activities are normally conducted, to conserve agricultural lands and promote agricultural activity and related uses, to conserve open space and promote noncommercial recreational activities, and to protect areas from premature urban development due to the areas' rural character or a lack of available public facilities.

(B) Permitted Uses

- (1) Agriculture
- (2) Emergency Service Facilities
- (3) Single Family Detached Dwellings
- (4) Public Parks and Recreation Facilities

(C) Conditional Uses

- (1) Community Assembly
- (2) Communication Towers
- (3) Community Residential Homes
- (4) Excavation
- (5) Family Care Homes
- (6) Golf Course
- (7) Home Occupations (Pursuant to Sections 51.00 through 51.03 of this Code)
- (8) Kennels
- (9) Light Utility Service
- ~~(10) Sanitary Landfills~~
- ~~(11)~~ Schools of General Education
- ~~(12)~~ Schools of Special Education
- ~~(13)~~ Veterinary Clinics

(D) Dimensional Regulations

- (1) Maximum Density = 1.4 dwelling units per acre
- (2) Minimum Lot Area = 30,000 square feet
- (3) Minimum Lot Width = 200 feet
- (4) Maximum Height = 35 feet
- (5) Minimum Yards:
 - (a) Front = 30 feet
 - (b) Side = 20 feet
 - (c) Side Street = 25 feet
 - (d) Rear = 50 feet

(E) 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.

(F) Intensity Standards: Non-Residential use shall not exceed a Floor Area Ratio (FAR) of .30, nor an Impervious Surface Ratio (ISR) of .60.

(G) Residential Equivalent Use: Shall not exceed an equivalent of three beds per permitted dwelling unit at 1.4 dwelling units per acre.

(H) 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. 93-31, passed 11-16-93; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 96-01, passed 2-20-96; Am. Ord. 2009-03, passed 8-18-09)

§ 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)

(23) Emergency Service Facilities

(34) Family Care Homes (Not within 1,000 feet of a pre-existing Family Care Home)

(45) Public Parks and Recreation Facilities

(56) Schools of General Education

(67) Sewage Treatment Plants

(78) 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

§ 25.12 HB Highway Business District.

(A) The HB District is established to provide for predominantly retail shopping and highway oriented service areas outside the central business district.

(B) Permitted Uses

(1) Adult Entertainment Uses (Pursuant to Section 54.00 of this Code)

(2) Bowling Alleys

- (3) Business and Professional Offices
- (4) Car Wash
- (5) Community Assembly
- (6) Commercial Recreation Facilities
- (7) Construction Equipment Sales/Rental (Light)
- (8) Eating Establishments, Fast Food
- (9) Eating Establishments, Sit Down and Taverns
- (10) Emergency Service Facilities
- (11) Financial Institutions
- (12) Hotels and Motels
- (13) Light Printing Establishments
- (14) Light Utility Service
- (15) Other Community Service Uses Not Specifically Listed
- (16) Personal Service Establishments
- (17) Post Offices
- (18) Repair Service Establishments
- (19) Retail Food Establishments
- (20) Retail Nurseries and Garden Supplies
- (21) Retail Sales Establishments
- (22) Schools of Special Education
- (23) Self-Service Gasoline Stations
- (24) Service Stations
- (25) Shopping Centers
- (26) Theaters, Indoor
- (27) Transportation Terminals
- (28) Vehicle Repair (Minor and Major)
- (29) Vehicle Sales and Rentals
- (C) Conditional Uses
 - (1) Billiard Halls, Arcades and Game Rooms
 - (2) Communication Towers
 - (3) Congregate Care Facilities
 - (4) Construction Material Establishment (All material shall be stored indoors)
 - (5) Construction Service Establishments
 - (6) Day Care Centers
 - (7) Emergency Shelters, Residential Treatment Facilities, and Recovery Homes
 - (8) Funeral Homes or Mortuaries
 - (9) Heavy Utility Service
 - (10) Landscape Service Establishment
 - (11) Miniwarehouse
 - (12) Multifamily Dwellings
 - (13) Overnight Boarding of Animals subject to Section 72.00
 - (14) Private Clubs
 - (15) Rental Service Establishment
 - (16) Theaters, Drive-In
 - (17) (Reserved)
 - (18) Veterinary Clinics
 - (19) Warehouses
 - (20) Wholesale Trade
- (D) Dimensional Regulations
 - (1) Multifamily dwellings as provided by the CRM District.
 - (2) All Other Uses

- (a) Minimum Lot Area = 10,000 square feet
- (b) Minimum Lot Width = 80 feet
- (c) Minimum Lot Depth = 100 feet
- (d) Maximum Height = 35 feet
- (e) Minimum Yards:
 - 1. Front = 30 feet
 - 2. Side = Ten feet
 - 3. Side Street = 15 feet
 - 4. Rear = 25 feet
- (f) Maximum Nonresidential Floor Area Ratio = .40
- (g) Minimum Open Space = 15 percent
- (h) Maximum Impervious Surface Ratio = .85
- (i) Maximum Residential Density = 15 dwelling units per acre.
- (j) Residential Equivalent Use: Shall not exceed three beds per permitted dwelling unit at 15 dwelling units per acre.
- (k) Mixed Use: Shall not exceed, in combination, the respective number of units per acre and Floor Ratio Area permitted, when allocated in their respective proportion to the total lot area.
- (l) Transient Accommodation Use: Shall not exceed 40 units per acre.
- (m) The permitted uses, densities, and intensity standards in this District shall be limited by the parcel's designation on the Future Land Use Map Series.
- (n) Outdoor Storage shall comply with Section 57.00.
- (E) Public/Semi-Public Uses: Shall not exceed a maximum area of five 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 (Specifically applied to the uses listed under subsection (B)(5), (10), (14), (15), (17), (22), and (27) and other P/SP uses).

(Ord. 90-10, passed 5-1-90; Am. Ord. 90-35, passed 9-18-90; Am. Ord. 91-44, passed 11-19-91; Am. Ord. 93-31, passed 11-16-93; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 94-42, passed 12-20-93; Am. Ord. 96-01, passed 2-20-96; Am. Ord. 2003-01, passed 2-18-03; Am. Ord. 2008-31, passed 1-27-09; Am. Ord. 2009-03, passed 8-18-09)

§ 25.13 IB Intensive Business District

- (A) The IB District is established to provide for areas of intense commercial activity involving major repair services, extensive outdoor storage, or the display of vehicles, heavy equipment or material, and to provide for light manufacturing where permitted by the Comprehensive Plan.
- (B) Permitted Uses
 - (1) Business and Professional Offices
 - (2) Community Service Uses
 - (3) Construction Material Establishments
 - (4) Construction Service Establishments
 - (5) Emergency Service Facilities
 - (6) Landscape Service Establishments
 - (7) Light Printing Establishments
 - (8) Light Utility Services
 - (9) Mini-Warehouses
 - (10) Personal Service Establishments
 - (11) Rental Service Establishments

- (12) Repair Service Establishments
- (13) Retail Food Establishments
- (14) Retail Sales Establishments
- (15) Shopping Centers
- (16) Transportation Terminals
- (17) Vehicle Repairs (Minor)
- (18) Vehicle Sales and Rental Establishments
- (19) Warehouses
- (20) Wholesale Trades
- (C) Conditional Uses
 - (1) Communication Towers
 - (2) Eating Establishments, Fast Food
 - (3) Eating Establishments, Sit Down and Taverns
 - (4) Heavy Printing Establishments
 - (5) Heavy Utility Service
 - (6) Industrial Workshops and Services
 - (7) Light Manufacturing
 - (8) Motor Freight Terminals
 - (9) Motor Pool Facility
 - (10) Vehicle Repair (Major)
- (D) Dimensional Regulations
 - (1) Minimum Lot Area = 5,000 square feet
 - (2) Minimum Lot Width = 50 feet
 - (3) Minimum Lot Depth = 80 feet
 - (4) Maximum Height = 35 feet
 - (5) Minimum Yards:
 - (a) Front = Ten feet
 - (b) Side = Ten feet
 - (c) Side Street = Ten feet
 - (d) Rear = Ten feet
 - (6) Maximum Nonresidential Floor Area Ratio = .40
 - (7) Minimum Open Space = 15 percent
 - (8) Maximum Impervious Surface Ratio = .85
 - (9) Industrial; Residential Use: An appropriate buffer shall be provided in and between the IB District and an adjoining Residential District.
 - (10) Public/Semi-Public; Retail Commercial; Personal/Business Service; Commercial/Business Service Uses: Shall not exceed a maximum area of five 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.
 - (11) Outdoor Storage shall comply with Section 57.00.

(Ord. 90-10, passed 5-1-90; Am. Ord. 90-35, passed 9-18-90; Am. Ord. 93-31, passed 11-16-93; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 96-01, passed 2-20-96)

§ 25.14 WDI Waterfront Development District.

- (A) The WDI District is established to provide for tourist oriented development adjacent to the Anclote River and Lake Tarpon waterfront, to provide for the economic viability of the Sponge Dock area, to provide for the redevelopment of those areas, and to provide for water dependent as well as water related activities.
- (B) Definitions. The definitions found in Article XIV of the Comprehensive Zoning and Land Development Code shall apply to Sections 25.14 through 25.15 below. The following additional definitions shall specifically apply to Section 25.14 through Section 25.15 of the Comprehensive Zoning and Land Development Code. Any word not thus defined shall be defined in accordance with its ordinary dictionary definition unless defined by customary use in the applicable profession if considered a term of art, in which case the customary definition shall apply:
- (1) *Enfronting* means to place an element along the property frontage line, as in "porches enfront the street."
 - (2) *Glazing(s)* means any material or treatment affixed to a clear window or glass door in order to block light or visibility. Glazing shall include, but not be limited to, the use of architectural films.
 - (3) *Superior Alternative* means that the alternative proposed will improve the utility, aesthetics, access to light and air, open space, safety or anything of similar benefit to the general public or residents of the site. The determination of what constitutes a Superior Alternative in any given case shall be a legislative determination within the sole discretion of the Board of Commissioners. This determination by the Board of Commissioners may not be appealed to the Board of Adjustment.
- (C) Permitted Uses.
- (1) Commercial Off Street Parking.
 - (2) Eating Establishments, Sit Down and Taverns.
 - (3) Emergency Service Facilities.
 - (4) Hotels (Convention and/or Conference Facilities require conditional use review)
 - (5) Outdoor cafe and restaurant seating, not on public right-of-way.
 - (6) Outdoor markets, not on public right-of-way.
 - (7) Residential over ground floor commercial.
 - (8) Retail Food Establishments.
 - (9) Retail Sales Establishments.
 - (10) Wet-slip Marinas.
- (D) Conditional Uses.
- (1) Assembly Halls and Convention Centers.
 - (2) Business and Professional Offices.
 - (3) Boat Yards (Requires Industrial General-Water Front [IG-WF] Land Use category).
 - (4) Community Assembly
 - (5) Commercial Recreation Facilities.
 - (6) Community Service Uses.
 - (7) Financial Institutions.
 - (8) Libraries, Museums, Galleries, Cultural Centers and Similar Uses.
 - (9) Lodging Facilities.
 - (10) Off-Shore Tour Vessel (Pursuant to Section 67.00).
 - (11) Personal Service Establishments.
 - (12) Single Family Dwellings.
 - (13) Tourist Homes (no distance separation requirements).

(14) Shopping Centers.

(E) Dimensional Regulations.

- (1) Single family dwellings as provided by the R-60 District.
- (2) All other uses:
 - (a) Maximum height:
 - (1) Hotels = 50'.
 - (2) Parking structures = 40'.
 - (3) All other uses = 3 stories, not to exceed 45'.
 - (b) Minimum Yards:
 - (1) Front = 0 feet minimum, 15 feet maximum.
 - (2) Side = Zero; 10 feet when adjoining a residential district.
 - (3) Side Street = 0 feet minimum, 15' maximum.
 - (4) Rear = Zero; 25 feet when adjoining a residential district.
 - (c) Maximum Nonresidential Floor Area Ratio = Per Future Land Use Designation.
 - (d) Minimum Open Space = 15%.
 - (e) Maximum Impervious Surface Ratio = .85.
 - (f) Residential Equivalent Use -- Shall not exceed a maximum area of five (5) acres.
 - (g) 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) Mixed Use--Shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the total lot area.
 - (i) Transient Accommodation Use--Per Future Land Use Designation.
 - (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.
 - (k) Institutional and Transportation Utility Uses shall not exceed a maximum of five acres.

§ 25.15 WDI-A Waterfront Commercial Fishing Development District.

- (A) The WDI-A District is established to provide for development related to the commercial fishing industry and related water dependent uses.
- (B) Permitted Uses.
 - (1) Accessory Retail Sales of Commercial Fishing Related Products.
 - (2) Commercial Fishing Establishments and Related Processing and Packing.
 - (3) Marinas.
 - (4) Warehouses, Excluding the Storage of Hazardous or Flammable Materials as Defined by Title 49 CFR, Part 171.
 - (5) Wholesale Trade
- (C) Conditional Uses.
 - (1) Boat Yards (Requires Industrial General-Water Front [IG-WF] Land Use category).
 - (2) Community Assembly
 - (3) Community Service Uses.
 - (4) Hotels and Motels.
 - (5) Off-Shore Tour Vessel (Pursuant to Section 67.00).

- (6) Personal Service Establishments.
- (7) Retail Food Establishments.
- (8) Retail Sales Establishments.
- (9) Single Family Dwellings.
- (D) Dimensional Regulations.
 - (1) Minimum Lot Area = 5,000 square feet.
 - (2) Minimum Lot Width = 30 feet.
 - (3) Minimum Lot Depth = 80 feet.
 - (4) Maximum Height = 35 feet.
 - (5) Minimum Yards:
 - (6) Front = 10 feet.
 - (7) Side = Zero; 10 feet when adjoining a residential district.
 - (8) Side Street = 10 feet.
 - (9) Rear = Zero; 25 feet when adjoining a residential district.
 - (10) Maximum Nonresidential Floor Area Ratio = .40.
 - (11) Minimum Open Space = 15%.
 - (12) Maximum Impervious Surface Ratio = .85.
 - (13) Residential Equivalent Use--Shall not exceed a maximum area of five (5) 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.
 - (14) Mixed Use--Shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the total lot area.
 - (15) Transient Accommodation Use--Shall not exceed 40 units per acre.
 - (16) The permitted uses, densities, and intensity standards in this district shall be limited by the parcel's designation on the future land use map.
 - (17) Institutional and Transportation Utility Uses shall not exceed a maximum of five acres.
 - (18) Outdoor storage shall comply with Section 57.00

(Ord. 90-10, passed 5-1-90; Am. Ord. 90-35, passed 9-18-80; Am. Ord. 91-27, passed 7-16-91; Am. Ord. 93-31, passed 11-16-93; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 97-40, passed 12-16-97; Am. Ord. 2007-26, passed 7-17-07; Am. Ord. 2009-03, passed 8-18-09)

§ 25.15.5 WDI-B Waterfront Commercial Fishing and Tourism Redevelopment District

(A) The WDI-B District is established primarily to provide for development and redevelopment related to the commercial fishing industry and related water dependent uses. Other uses are provided in order to provide complimentary development options to support retention of the commercial fishing industry. A secondary intent is to provide for water dependent uses that support other types of commercial and recreational boating uses as well as water related uses that support the local tourism industry. The primary application of this district shall be for those areas traditionally recognized as working waterfront areas adjacent to the north side of the Anclote River in the Island Ave/Island Way area and other similarly situated waterfront parcels.

(B) Permitted Uses:

- (1) Accessory Retail Sales of Commercial Fishing Related Products.
- (2) Boat sales and related uses.

- (3) Boat Yards (Requires Industrial General (IG) or Industrial General-Water Front [IG-WF] Land Use category).
 - (4) Commercial dockage for fisheries.
 - (5) Commercial Fishing Establishments and Related Processing and Packing.
 - (6) Hotels and Motels (including Condo Hotels/Motels); Convention and/or Conference Facilities require conditional use review)
 - (7) Lodging facilities (Bed & Breakfast).
 - (8) Manufacturing of boats and boat accessories (commercial and recreational) (Requires Industrial Limited (IL), Industrial General (IG) or Industrial General-Water Front [IG-WF] Land Use Category).
 - (9) Onsite storage consistent with and accessory to a permitted use.
 - (10) Residential over ground floor commercial.
 - (11) Retail Food Establishments.
 - (12) Retail Sales Establishments.
 - (13) Sit-down Restaurants, no drive-through.
 - (14) Wet and dry slip marinas.
- (C) Conditional Uses:
- (1) Bars and Taverns.
 - (2) Business and professional offices.
 - (3) Community Assembly
 - (4) Community Service Uses.
 - (5) Financial Institutions.
 - (6) Light Manufacturing (Requires appropriate Industrial Land Use Category).
 - (7) Off-Shore Tour Vessel (Pursuant to Section 67.00).
 - (8) Outdoor markets (not on public rights-of-way).
 - (9) Personal Service Establishments.
 - (10) Tourist homes (no limit on spacing requirements found elsewhere in this Code).
- (D) Dimensional Regulations:
- (1) Minimum Yards:
 - (a) Road Frontage: 10' minimum.
 - (b) Water Frontage: 15' minimum measured from the mean high water line.
 - (c) Sides: 0' for buildings, 10' for parking.
 - (d) Side Street: 10'.
 - (2) Height (measured from finished grade):
 - (a) Hotels, Dry Slip Marinas = 50'.
 - (b) Parking Structures = 40' maximum.
 - (c) All other uses, 3 stories, not to exceed 45'.
 - (d) Parcels within Pinellas County prior to [adoption date] and requesting annexation and application of the WDI-B zoning district prior to January 1, 2010, shall be permitted the same maximum height allowed by Pinellas County ordinances. This special height allowance shall be limited to only those uses allowed in the Pinellas County zoning as of January 1, 2007. Those uses, and the allowable height, shall be recorded in the annexation ordinance. The height may be measured in the same manner as allowed by Pinellas County development regulations. All other uses shall not exceed the prescribed height limits of this district. A site plan must be approved by January 1, 2012, for all parcels annexing and receiving the special height allowance, after which all parcels shall be subject to the height restrictions of (2) (a, b and c) above.
 - (3) Maximum Non-Residential Floor Area Ratio: Shall be limited by the parcels designation on the City's Future Land Use Map series
 - (4) Maximum Impervious Surface Ratio: .85.

- (5) Minimum Open Space: .15.
- (6) Mixed Use -- Shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the total lot area.
- (7) Transient Accommodation Use--Shall not exceed forty (40) units per acre.
- (8) The permitted uses, densities, and intensity standards in this district shall be limited by the parcel's designation on the future land use map.
- (9) Institutional and Transportation/Utility uses shall not exceed five acres.

§ 25.17 IR Industrial Restricted District

- (A) The IR District is established to provide for light industrial development, warehousing, wholesale distribution, and related intensive commercial uses.
- (B) Permitted Uses:
 - (1) Construction Material Establishments
 - (2) Construction Service Establishments
 - (3) Industrial Workshops and Services
 - (4) Landscape Service Establishments
 - (5) Light and Heavy Printing Establishments
 - (6) Light Manufacturing
 - (7) Light Utility Service
 - (8) Miniwarehouses
 - (9) Motor Freight Terminals
 - (10) Motor Pool Facility
 - (11) Rental Service Establishments
 - (12) Research and Development
 - (13) Vehicle Repair (Minor)
 - (14) Vehicle Sales and Rental Establishments
 - (15) Warehouses
 - (16) Wholesale Trade.
- (C) Conditional Uses:
 - (1) Business and Professional Offices
 - (2) Communication Towers
 - (3) Community Service Uses
 - (4) Correctional Institutions
 - (5) Emergency Service Facilities
 - (6) Heavy Utility Service
 - (7) Heliports and Helistops
 - (8) Hotels and Motels (no Convention/Conference Facilities)
 - (9) Junkyards or Salvage Yards
 - (10) Retail Sales Establishments
 - (11) Transportation Terminals
 - (12) Vehicle Repair (Major)
 - (13) Manufacturing of Recreation Watercraft.
 - (14) Overnight Boarding of Animals subject to Section 72.00.
- (D) Dimensional Regulations:
 - (1) Minimum Lot Area = 5,000 square feet
 - (2) Minimum Lot Width = 50 feet
 - (3) Minimum Lot Depth = 80 feet
 - (4) Maximum Height = 40 feet

- (5) Minimum Yards:
 - (a) Front = Ten feet
 - (b) Side = Ten feet
 - (c) Side Street = Ten feet
 - (d) Rear = 25 feet.
- (6) Maximum Nonresidential Floor Area Ratio = .50
- (7) Minimum Open Space = 15 percent
- (8) Maximum Impervious Surface Ratio = .85
- (9) Buffer standards: An appropriate buffer shall be provided in and between the IB District and an adjoining Residential District.
- (10) Public/Semi-Public; Retail Commercial; Personal/Business Service; Commercial/Business Service; Transient Accommodation Uses; and Commercial Recreation: Shall not exceed a maximum area of five 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.
- (11) Transient Accommodation use shall ~~only be located in an Industrial Limited future land use designation area of not less than 50 acres and so established as to be integral to the industrial development which it serves.~~ not exceed 40 units per acre.

(Ord. 90-10, passed 5-1-90; Am. Ord. 90-35, passed 9-18-90; Am. Ord. 93-31, passed 11-16-93; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 96-01, passed 2-20-96; Am. Ord. 2004-09, passed 5-4-04; Am. Ord. 2004-24, passed 10-26-04; Am. Ord. 2008-31, passed 1-27-09; Am. Ord. 2009-03, passed 8-18-09)

§ 25.19 LC Land Conservation District.

- (A) The LC District is established to provide for areas identified by ~~Schedule A-Figure 19~~ of the Coastal Management and Conservation Element of the Comprehensive Plan and by Presentation (P) and Recreation/Open Space (R/OS) on the Future Land Use Map Series as environmentally sensitive and in need of preservation, to provide for the preservation of wetlands, or other unsuitable for development, and to provide for the public and quasi-public ownership of land.
- (B) Permitted Uses
 - ~~(1) Cemeteries~~
 - ~~(21)~~ Preservation Areas and Conservation Easements Set Aside in Accordance with a Site Plan Approval or Development Agreement
 - ~~(32)~~ Transfer of Development Rights (Pursuant to Sections 148.00 through 148.03 of This Code)
- (C) Conditional Uses
 - (1) Golf Courses, Public or Private
 - (2) Community Assembly
- (D) The following density and intensity standards shall apply:
 - (1) Those properties designated as Preservation on the Future Land Use Map shall not exceed a F.A.R. of .10 or an I.S.R. of .20
 - (2) Those properties designated as Recreation / Open Space on the Future Land Use Map shall not exceed a F.A.R. of .25 or an I.S.R. of .45

(Ord. 90-10, passed 5-1-90; Am. Ord. 91-27, passed 7-16-91; Am. Ord. 93-31, passed 11-16-93; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 2009-03, passed 8-18-09)

§ 25.20 P/SP Public/Semi-Public District.

- (A) The Public/Semi-Public District shall provide for appropriate development of lands that are designated in the Comprehensive Plan as Institutional or Transportation/Utility.
- (B) The permitted uses, densities, and intensity standards in this District shall be limited by the parcel's designation on the Future Land Use Map Series.
- (C) For those properties designated as Institutional on the Future Land Use Map the following standards apply:
 - (1) Residential Use shall not exceed 12.5 dwelling units per acre.
 - (2) Residential Equivalent Use shall not exceed three beds per permitted dwelling unit at 12.5 dwelling units per acre.
 - (3) Nonresidential uses shall not exceed a Floor Area Ratio of .45 to .65 nor an Impervious Surface Ratio of .65 to .85.
- (D) For those properties designated Transportation/Utility on the Future Land Use Map the following standards apply:
 - (1) No use shall exceed a Floor Area Ratio of .50 to .70 nor an Impervious Surface Ratio of .70 to .90.
 - (2) An appropriate buffer shall be provided within and between the T/U category and any other adjoining plan classification, other than Industrial.

(Ord. 93-31, passed 11-16-93)

§ 25.21 Pinellas Trail Corridor District.

- (A) The PTC District is established to provide for areas located adjacent or in close proximity to the Pinellas Trail where a mixture of convenient shopping, personal services, and residential uses are grouped to encourage a high level of pedestrian and bicycle movement.
- (B) Permitted Uses:
 - (1) Business and Professional Offices
 - (2) Community Service Uses
 - (3) Multifamily Dwellings
 - (4) Personal Service Establishments (subject to paragraph (M) below)
 - (5) Retail Food Establishments
 - (6) Retail Sales Establishments
 - (7) Single Family Attached Dwellings
 - (8) Single Family Detached Dwellings
 - (9) Two Family Dwellings
- (C) Conditional Uses:
 - (1) Boarding Homes
 - (2) Community Assembly
 - (3) Commercial Recreation Facilities (see Paragraph N, below, for limitations)
 - (4) Community Residential Homes
 - (5) Congregate Care Facilities
 - (6) Day Care Centers
 - (7) Eating Establishments, Sit Down and Taverns
 - (8) Family Care Homes
 - (9) Financial Institutions
 - (10) Home Occupations (Pursuant to §§ 51.00 through 51.03 of this Code)

- (11) Libraries, Museums, Galleries, Cultural Centers, and Similar Uses
- (12) Off-Street Parking
- (13) Schools of General Education
- (14) Schools of Special Education
- (15) Second Floor Residences Over Ground Floor Commercial Uses
- (16) Sidewalk Cafes
- (17) Veterinary Clinics provided that no boarding facilities may be allowed except as may be required for the short term treatment of sick or injured animals and when completely enclosed within a building
- (D) Residential Dimensional Regulations:
 - (1) Maximum Density = Ten units/acre
 - (2) Minimum Lot Area
 - (a) Single Family Detached Dwelling = 5,000 square feet
 - (b) Single Family Attached Dwelling = 2,000 square feet
 - (c) Two Family Dwelling = 9,000 square feet
 - (d) Multifamily Dwelling = 10,000 square feet
 - (3) Minimum Lot Width
 - (a) Single Family Detached Dwelling = 50 square feet
 - (b) Single Family Attached Dwelling = 20 square feet
 - (c) Two Family Dwelling = 50 square feet
 - (d) Multifamily Dwelling = 80 square feet
 - (4) Minimum Lot Depth
 - (a) Single Family Detached Dwelling = 80 square feet
 - (b) Single Family Attached Dwelling = 100 square feet
 - (c) Two Family Dwelling = 90 square feet
 - (d) Multifamily Dwelling = 90 square feet
 - (5) Maximum Height = 30 feet
 - (6) Minimum Yards:
 - (a) Single Family Detached Dwellings and Two Family Dwellings:
 - (1) Front = 25 feet
 - (2) Side = Seven and one-half feet
 - (3) Side Street = 15 feet
 - (4) Rear = 20 feet
 - (b) Single Family Attached Dwellings:
 - (1) Front = 20 feet facing a public right-of-way; 15 feet facing a common drive; courtyard or private parking area
 - (2) Side = Seven and one-half feet
 - (3) Side Street = Seven and one-half feet
 - (4) Rear = 20 feet
 - (c) Multifamily Dwellings:
 - (1) Front = 25 feet
 - (2) Side = 15 feet
 - (3) Side Street = 20 feet
 - (4) Rear = 20 feet
 - (5) Minimum Distance Between Buildings:
 - (a) Side facing side = 15 feet
 - (b) Front/rear facing side = 20 feet
 - (c) Front/rear facing front/rear = 25 feet
 - (7) Minimum Net Floor Area
 - (a) Single Family Detached Dwelling = 850 square feet
 - (b) Single Family Attached Family = 850 square feet

(c) Two Family and Multifamily Dwellings = 600 square feet

(8) Residential Equivalent = 3.0 bed permitted per permitted dwelling unit.

(E) Nonresidential Dimensional Regulations

- (1) Minimum Lot Area = 7,500 square feet
- (2) Minimum Lot Width = 50 feet
- (3) Minimum Lot Depth = 80 feet
- (4) Maximum Height = 30 feet
- (5) Minimum Yards:
 - (a) Front = 20 feet
 - (b) Side = Seven and one-half feet
 - (c) Side Street = Ten feet
 - (d) Rear = 20 feet
- (6) Maximum Nonresidential Floor Area Ratio = .30
- (7) Minimum Open Space = 20 percent
- (8) Impervious Surface ratio = .70

(F) Joint and Cross Access

- (1) Adjacent commercial properties along the PTC zoning district shall provide joint access driveways. The joint access driveway shall provide a single access to the thoroughfare for adjacent properties. The joint access driveway shall be constructed in accordance with the requirements of § 129.00, Driveways and Access Management.
- (2) In conjunction with a joint access driveway, a cross access easement to allow for the free flow of traffic between properties shall be required.
- (3) If no other access to the thoroughfare is available, the primary developing property shall be permitted a temporary driveway accessing the thoroughfare. The temporary driveway shall be constructed in accordance with the requirements of § 129.00, Driveways and Access Management. All access rights to the thoroughfares shall be dedicated to the City of Tarpon Springs and the temporary driveway will be removed after construction of the joint access driveway.
- (4) During development, the primary developing parcel shall construct a driveway access to the property line to make it visually obvious that the abutting properties will be tied-in to provide cross-access via a joint access driveway.
- (5) Where access to the right-of-way is available through cross-access easements with adjacent properties, developing properties shall dedicate all ingress/egress rights to the City of Tarpon Springs.

(G) The length of the driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the thoroughfare or causing unsafe conflicts with on-site circulation. Driveway length measured from the front property line to the nearest conflict point shall not be less than 15 feet.

(H) The provisions of this Section shall apply to all new vehicle use areas or commercial parking lots within the PTC zoning district.

- (1) Where a new parking lot abuts a public right-of-way or private street a minimum buffer strip of eight feet wide is required. This buffer strip shall be planted with one tree every 15 feet and continuous hedge maintained at a height of three feet above grade. The required shrubbery shall be spaced at

- 30 inches on center. The remaining area shall be surfaced with grass, ground covers, or with at least two inches of wood chip or bark.
- (2) Additional landscaping requirements shall be provided in accordance with § 134.03, Parking Lot Landscaping.
 - (3) The Planning Director shall have the authority to waive such requirements where the required landscaping encroaches into the required visibility triangle as stated in § 37.00, Required Visibility Triangles.
 - (I) Required parking, as stated in § 127.04, Parking Schedule, for commercial uses locating within the PTC zoning district shall be reduced by 25 percent.
 - (J) All uses, excluding Single Family and Two Family Dwellings, shall provide an area designated for bicycle and/or motorcycle parking.
 - (K) All signs shall comply with the Historic Preservation District sign regulations as stated in Article XI. However, signs within the PTC zoning district are exempt from Historic Preservation Board review. The Board of Adjustment has the authority within the Pinellas Trail Corridor District to permit up to a maximum of twice the amount of:
 - (1) Sign area as allowed in § 189.01, General Regulation for Free Standing Signs.
 - (2) Sign area as allowed in § 189.03, Wall Mounted Signs in Addition to Free Standing Signs.
 - (L) Mixed Use Projects shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the net land area of the property.
 - (M) Personal Service/Office Support Use shall not exceed a floor area of 3,600 square feet; and no combination of such uses in any single multi-tenant building or, in the alternative, in any group of buildings that are integral to and function as part of a unified project, shall exceed ten (10) percent of the floor area of said buildings.
 - (N) Recreation Uses in the CN, Commercial Neighborhood Future Land Use Map category are limited to indoor recreation uses only.
 - (O) Institutional/Transportation Utility Use (as defined by the Countywide Plan Rules of Pinellas County) shall not exceed a maximum of five acres. Any such use, alone or when added to existing contiguous like use(s), which exceeds this threshold shall require a plan map amendment which shall include such use and all contiguous uses.

(Ord. 95-19, passed 7-18-95; Am. Ord. 2009-03, passed 8-18-09)

SECTION 3

Article IV, Section 57.00, OUTDOOR STORAGE, of the Comprehensive Zoning and Land Development Code of the City of Tarpon Springs, Florida, are hereby amended, as follows

§ 57.00 OUTDOOR STORAGE.

No outdoor storage, sales, service, or display of merchandise, equipment, or materials shall be permitted except as shown on an approved site plan and provided below:

- (A) Sales or display necessary to a vehicle sales, service, or rental establishment.
- (B) Sales, display, and storage of plant material at a plant nursery or garden center.

(C) Any outdoor storage area is approved by site plan and is completely enclosed by opaque screening no less than 6 feet in height consisting of a fence and appropriate landscaping.

(D) The storage of inflammable and explosive liquids shall not be located within 200 feet of a residence or residential district, and shall be approved by the Fire Marshal.

(E) The outdoor display of merchandise may be permitted in the sponge dock area defined as property adjoining Dodecanese Boulevard from Pinellas Avenue to Island Avenue and Athens Street from Dodecanese Avenue to Acacia Street.

(F) Outdoor storage within the CG, Commercial General Future Land Use Map category shall comply with outdoor storage limitations for various uses as prescribed in the Pinellas County County-Wide Plan Rules.

(Ord. 90-10, passed 5-1-90); Am. Ord. 93-33, passed 10-15-93

SECTION 4

Article V, Sections 78.02(CPD) & 78.03 (IPD), of the Comprehensive Zoning and Land Development Code of the City of Tarpon Springs, Florida, are hereby amended, as follows

§ 78.02 Commercial Planned Development (CPD) District.

(A) Permitted Uses

- (1) Assembly Halls, Convention Centers
- (2) Bowling Alleys
- (3) Commercial Recreation Facilities
- (4) Eating Establishments, Sit-down and Taverns
- (5) Eating Establishments, Walk-up and Drive-In
- (6) Financial Institution, Walk-up and Drive-In
- (7) Funeral Homes
- (8) Furniture, Appliance, or Carpet Stores
- (9) Garden Supplies
- (10) Health Clubs
- (11) Hotels/Motels
- (12) Libraries, Museums, Galleries, Cultural Centers, and Similar Uses
- (13) Offices
- (14) Personal Service Establishments
- (15) Private Clubs
- (16) Public Parks and Recreation Facilities
- (17) Retail Sales Establishments
- (18) Schools of Special Education
- (19) Shopping Centers
- (20) Tennis or Racquet Clubs
- (21) Theaters, Indoor
- (22) Vehicle Sales and Rental Establishments
- (23) Veterinary Clinics

(B) Conditional Uses

- (1) Churches
- (2) Commercial Marinas
- (3) Communication Towers
- (4) Community Service Uses
- (5) Congregate Care Facilities

- (6) Emergency Shelters, Residential Treatment Facilities, and Recovery Homes
- (7) Hospitals
- (8) Mixed Use Development
- (9) Nursing Homes
- (10) Recreational Vehicle Parks
- (11) Schools of General Education
- (12) Self Service Gasoline Stations
- (13) Transportation Terminals
- (14) Yacht Clubs
- (C) Design Standards
 - (1) Minimum project size: No minimum
 - (2) The CPD District should be located where it will facilitate ease and convenience of uses and where negative impacts upon surrounding properties will be minimized. Direct access to a collector or arterial street as identified by the Comprehensive Plan is preferred. Projects in excess of 50,000 square feet of commercial space in gross floor area shall be located at an intersection, and where the predominant trend is toward commercial development.
 - (3) The floor area ratio is not to exceed .40 for commercial uses, except where a historic structure as listed on the Historic Resource Element inventory is being adapted for re-use in which case the FAR shall not exceed that permitted in the future land use designation of the parcel.
 - (4) Open space shall be provided at the rate of 20% of the gross site acreage. Up to a maximum of 25% of the required open space may be provided by turf block.
 - (5) Setbacks from waterbodies, wetlands, and jurisdictional lines shall be as required by the Design Standards of the RPD District.
 - (6) Driveways
 - (a) One per street frontage shall be permitted. Shopping Centers with an excess of 200 linear feet of frontage shall be permitted 2 drives, provided the drives are spaced a minimum of 100 feet apart.
 - (b) A non ingress-egress easement shall be recorded for the remainder of the project frontage, and shown on the site plan.
 - (c) A minimum distance of 50 feet from intersections shall be required, as measured from right-of-way line to the edge of driveway.
 - (d) The CPD project may be required to provide for future joint access and circulation with adjoining property to minimize potential traffic congestion where appropriate through the use of easements.
 - (e) A minimum cross access easement of 24 feet in width may be required to adjoining property where appropriate to provide for the free flow of traffic between uses without having to enter a public right-of-way.
 - (f) The construction of frontage roads may be required on arterial streets in accordance with adopted long range transportation improvement programs.
 - (7) The Impervious Surface Ratio (ISR) shall be .85.
 - (8) The following uses (as defined by the Countywide Plan Rules of Pinellas County) shall not exceed the respective acreage threshold designed for such uses. Any such use, alone or when added to existing contiguous like use(s), which exceeds the designated threshold shall require a plan map amendment that shall include such use and all contiguous like uses:

- a. Ancillary Non-Residential; Transportation/Utility Use: shall not exceed 3 acres.
- b. Institutional Use (except Public Education Facilities) : shall not exceed five acres.

(D) Dimensional Regulations

- (1) Setbacks from abutting collector or arterial roadways shall be 25 feet.
- (2) Setbacks from remaining perimeter boundaries shall be 10 feet.
- (3) Setbacks from adjoining residential uses or zoning districts shall be 35 feet.
- (4) No loading or storage (excluding vehicle sales or rental establishments) shall be permitted within the required setback.
- (5) Minimum lot area = 10,000 square feet
- (6) Maximum height = 45 feet
- (7) Additional requirements for mixed use development and recreational vehicle parks:
 - (a) Minimum residential floor area = 600 square feet
 - (b) Minimum distance between buildings shall be as required by the RPD District for multifamily dwellings.
 - (c) Residential subdivisions shall utilize the dimensional regulations required by the RPD District. Recreational Vehicle Parks shall utilize the dimensional regulations required by the TP District.

(E) Mixed Use Project shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the net land area of the property.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-31, passed 11-16-93; Am. Ord. 93-33, passed 10-15-93; Am. Ord. 96-01, passed 2-20-96)

§ 78.03 Industrial Planned Development (IPD) District.

(A) Permitted Uses

- (1) Assembly Halls, Convention Centers
- (2) Community Service Uses
- (3) Construction Service Establishments
- (4) Health Clubs
- (5) Light Manufacturing
- (6) Office and Research Parks
- (7) Warehouses
- (8) Wholesale Trade

(B) Conditional Uses

- (1) Commercial Marinas
- (2) Communication Towers
- (3) Financial Institutions, Walk-up and Drive-in
- (4) Heavy Manufacturing
- (5) Hotels/Motels
- (6) Miniwarehouses
- (7) Tennis or Racquet Club
- (8) Yacht Clubs

(C) Design Standards

- (1) Minimum project size = 20 acres
- (2) The IPD District shall be located with direct access to a collector or arterial street identified by the Comprehensive Plan.

- (3) The floor area ratio shall not exceed .50.
 - (4) Setbacks from waterbodies, wetlands, and jurisdictional lines shall be as required by the Design Standards of the RPD District.
 - (5) Up to 1 attached or detached residence may be provided in the IPD project for security purposes.
 - (6) The IPD District shall be designed with 1 point of external access per street frontage. All proposed uses shall be accessed internally via a private street. Individual driveways with external access shall not be permitted.
 - (7) No outdoor storage of merchandise, equipment, or materials shall be permitted. The storage of vehicles may be permitted provided the storage yard is completely screened by an opaque fence and is approved by the site plan. This does not apply to employee parking lots.
 - (8) Open space shall be provided at the rate of 20% of the gross site acreage.
 - (9) The Impervious Surface Ratio shall not exceed .80.
 - (10) Public/Semi-Public; Retail Commercial; Personal Business service; Commercial/Business Service Uses: Shall not exceed a maximum area of 5 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.
 - (11) Standards for areas designated as Industrial General on the Future Land Use Map Series: Office, Retail Commercial; Personal/Business Service; and Commercial/Business service: Shall be allowed as accessory uses, located within the structure to which it is accessory, and not exceed 25% of the floor area of the principal use to which it is accessory.
- (D) Dimensional Regulations
- (1) Setbacks from abutting collector or arterial roadways shall be 35 feet.
 - (2) Setbacks from remaining perimeter boundaries shall be 20 feet.
 - (3) Setbacks from adjoining residential uses or zoning shall be 75 feet. Parking lots shall be separated from adjoining residential uses by a 15-foot buffer.
 - (4) No loading or storage is permitted within the required setback.
 - (5) Minimum lot area = 15,000 square feet
 - (6) Maximum height = 60 feet
 - (7) Minimum lot width = 150 feet
- (E) Mixed Use Project shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the net land area of the property.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-31, passed 11-16-93; Am. Ord. 93-33, passed 10-15-93; Am. Ord. 96-01, passed 2-20-96)

SECTION 5

Article XIV, Section 241.00 DEFINITIONS, of the Comprehensive Zoning and Land Development Code of the City of Tarpon Springs, Florida, is hereby amended, as follows

§ 241.00 DEFINITIONS.

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

- (46) DENSITY--Number of dwelling units per acre of land, excluding public road rights of way and submerged lands.
- (84) FLOOR AREA RATIO--The gross floor area of all structures on a site divided by the site area, excluding public road rights of way and submerged lands.

RESOLUTION NO. 10-13

**AN UPDATED DETERMINATION OF CONSISTENCY
FOR
THE CITY OF TARPON SPRINGS**

A RESOLUTION APPROVING AN UPDATED DETERMINATION OF CONSISTENCY FOR TARPON SPRINGS, FLORIDA, IN ACCORDANCE WITH CHAPTER 88-464, LAWS OF FLORIDA, AS AMENDED AND THE RULES CONCERNING THE ADMINISTRATION OF THE COUNTYWIDE FUTURE LAND USE PLAN, AS AMENDED; PROVIDING FOR TRANSMITTAL OF SAID DETERMINATION; AND PROVIDING FOR THE FILING AND MAINTENANCE THEREOF.

WHEREAS, the Pinellas County Board of County Commissioners, in its capacity as the Countywide Planning Authority (CPA) has adopted the Countywide Future Land Use Plan and accompanying Rules Concerning the Administration of the Countywide Future Land Use Plan (Rules); and

WHEREAS, the Pinellas County Planning Council (PPC), pursuant to Chapter 88-464, Laws of Florida, as amended is required to develop rules, standards, policies and objectives that will implement the Countywide Future Land Use Plan, including the provisions for consistency therewith; and

WHEREAS, pursuant to this authority and the Countywide Future Land Use Plan and Rules, the PPC prepared and approved by Resolution No. 91-2, a report entitled, "The Countywide Consistency Report: Implementing the Consistency Requirements of Chapter 88-464, Laws of Florida, as amended" (Consistency Report No. 1), which report was accepted by the CPA by Resolution No. 91-307; and

WHEREAS, said Consistency Report established the initial process, timetable and guidelines by which to achieve consistency with the Countywide Future Land Use Plan and Rules; and

WHEREAS, pursuant to this process to determine and achieve consistency, the PPC by Resolution No. 94-14, and the CPA by Resolution No. 94-288, issued a Determination of Consistency for the City of Tarpon Springs on September 13, 1994; and

WHEREAS, given the passage of time and the need to reexamine compliance with the consistency requirements of the Rules, the CPA directed the PPC to examine and identify the current status of each local government plan and code with respect to consistency with the Countywide Future Land Use Plan and Rules; and

WHEREAS, the PPC undertook such examination and prepared a report entitled, "Review of Local Government Future Land Use Plans and Land Development Regulations for Consistency with the Countywide Rules" (Consistency Report No. 2), which report the PPC approved by Resolution No. 07-2; and

WHEREAS, the CPA adopted Resolution No. 07-48 on April 3, 2007, approving Consistency Report No. 2; and

WHEREAS, pursuant to Consistency Report No. 2, amendments to both the Countywide Rules and the City of Tarpon Springs' Future Land Use Element and Map and Land Development Regulations have been made that address consistency between the local government plan and regulations and the Rules;

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Pinellas County, Florida, in its capacity as the Countywide Planning Authority, that:

Section 1. The City of Tarpon Springs' Future Land Use Element and Map and Land Development Regulations pertaining thereto, as referenced in Exhibit A attached hereto and made a part of this Resolution, are hereby determined to be consistent with the Countywide Future Land Use Plan and Rules in effect on this date, pursuant to the requirements therefor, subject to any required amendments to the City plan and regulations enumerated in Exhibit B attached hereto and hereby made a part of the Resolution which amendments shall be made within one (1) year of the date of this Resolution.

Section 2. Upon satisfactory completion of any such required amendments enumerated in Exhibit B, a letter shall be sent from the PPC chairman to the chief elected official of the local government attesting to their satisfactory completion.

Section 3. An official record copy of this Resolution shall be transmitted by the Board of County Commissioners in its capacity as the CPA, to the elected body and clerk of the City of Tarpon Springs, Florida.

Section 4. The PPC shall maintain an official record copy of this Resolution and Exhibits A and B, as well as the Rules in effect on the date of this Resolution.

Section 5. The PPC in its advisory capacity to the CPA shall review such future amendments to the City of Tarpon Springs' Future Land Use Element and Map and Land Development Regulations as are governed by the consistency requirements and criteria of the Rules in order to maintain such consistency.

Section 6. At intervals of five (5) years from the date of this Resolution, the PPC will review the status of the City of Tarpon Springs' Future Land Use Element and Map and pertinent Land Development Regulations in relationship to the Rules and identify any recommended amendments to either the local government plans and regulations or Rules required to maintain the consistency requirements of the Rules.

This Resolution offered and adopted at the January 5, 2010, meeting of the Board, in its capacity as the Countywide Planning Authority, as hereinafter set forth:

Commissioner Morrone offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner Welch, and the vote was:

AYES: Seel, Latvala, Morrone, Welch, Bostock, Brickfield and Harris.

NAYS: None.

ABSENT AND NOT VOTING: None.

I, KENNETH P. BURKE, Clerk of the Circuit Court and Clerk Ex-Officio, Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of the original as it appears in the official files of the Board of County Commissioners of Pinellas County, Florida. Witness my hand and seal of said County FL this 7 day of JANUARY A.D. 2010.

KENNETH P. BURKE, Clerk of the Circuit Court Ex-Officio
Clerk of the Board of County Commissioners,
Pinellas County, Florida.

By Michael P. Schmitt
Deputy Clerk

EXHIBIT "A"

CITY OF TARPON SPRINGS

**FUTURE LAND USE ELEMENT, MAP
AND LAND DEVELOPMENT REGULATIONS**

1. The Future Land Use Element (including the Future Land Use Map) of the City's Comprehensive Plan, as revised by Ordinance No. 2008-32, which is the basis on which this Determination of Consistency has been prepared and approved, is located in the Pinellas Planning Council (PPC) reference room (600 Cleveland Street, Suite 850, Clearwater, Florida 33755).
2. The City's Land Development Regulations, as revised through August 18, 2009 by Ordinance No. 2009-03, which is the basis on which this Determination of Consistency has been prepared and approved, is located in the PPC reference room (600 Cleveland Street, Suite 850, Clearwater, Florida 33755).

EXHIBIT “B”

CITY OF TARPON SPRINGS

**AMENDMENTS TO BE COMPLETED WITHIN ONE (1) YEAR
OF THE DATE OF THE RESOLUTION:**

1. Amendment of the land development regulations (LDRs) to appropriately state the maximum floor area ratio (FAR) and impervious surface ratio (ISR) for non-residential uses in the LC zoning district.
2. Amendment of the LDRs to state the appropriate maximum density for temporary lodging uses in the IR zoning district.
3. Amendment of the LDRs to state the residential equivalency standard in the PTC zoning district.
4. Amendment of the LDRs to specify density/intensity calculations for mixed-use projects in the PTC, CPD and IPD zoning districts by including a statement that mixed uses shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the net land area of the property.
5. Amendment of the LDRs' definition of “density” to exclude public road rights-of-way and submerged land from density calculations.
6. Amendment of the LDRs to specify that FAR calculations exclude public road rights-of-way and submerged land.
7. Amendment of the LDRs to restrict agricultural uses in accordance with Section 4.2.4.3 of the Countywide Rules in all residential future land use plan categories except Residential Rural (RR), Residential Estate (RE), and Residential Suburban (RS) or make clear that such uses are not allowable in any Residential category other than RR, RE and RS. In the City's LDRs, agriculture is a permitted use in the A zoning district and a conditional use in the R-100, R-100A, and R-70A zoning districts.
8. Amendment of the LDRs to limit outdoor storage and distribution areas in the HB, IB, and WD1-A zoning districts in a manner consistent with the Countywide Rules' limitation of such uses in the Commercial General (CG) future land use plan category. In the City's LDRs, wholesale trade is a conditional use in the HB zoning district, and a permitted use in the IB and WD1A zoning districts.

9. Amendment of the LDRs to preclude cemeteries in the LC zoning district, when used in conjunction with the Preservation (P) and Recreation/Open Space (R/OS) future land use plan categories. Alternatively, the City may consider rezoning the Cycadia and Rose cemeteries to the PS/P zoning district and amending the LDRs to not allow cemeteries in the LC zoning district.
10. Amendment of the LDRs to disallow landfills as a conditional use in the A zoning district.
11. Amendment of the LDRs to specify the appropriate floor area limitations applicable to personal service/office support uses in the PTC zoning district when applied in conjunction with the Residential/Office Limited (R/OL) and Residential/Office General (R/OG) future land use plan categories.
12. Amendment of the LDRs to limit institutional uses to a maximum area of 5 acres in the WDI zoning district.
13. Amendment of the LDRs to specify the appropriate acreage limitations applicable to ancillary non-residential uses and transportation/utility uses for those zoning districts correlating to the Institutional (I) future land use plan category.
14. Amendment of the LDRs to specify the appropriate acreage limitations applicable to institutional and ancillary non-residential uses for those zoning districts correlating to the Transportation/Utility (T/U) future land use plan category.
15. Amendment of the LDRs to include the appropriate "other standards" (such as acreage or floor area limitations) for the PTC and CPD zoning districts consistent with the future land use plan categories to which these districts are applied.