

City of Tarpon Springs, Florida STAFF REPORT

November 20, 2018

TO: MAYOR & BOARD OF COMMISSIONERS

FROM: PLANNING AND ZONING DEPARTMENT

HEARING DATE: NOVEMBER 19, 2018 (PLANNING AND ZONING BOARD)
DECEMBER 4, 2018 (BOARD OF COMMISSIONERS) 1ST READING
TBA (BOARD OF COMMISSIONERS) 2ND READING

SUBJECT: **APP-18-119 COMPREHENSIVE PLAN TEXT
AMENDMENT TO THE FUTURE LAND USE ELEMENT
(ORDINANCE 2018-27) TO RELOCATE AND UPDATE
DENSITY AND INTENSITY STANDARDS FOR
CONSERVATION OF SIGNIFICANT UPLAND HABITAT
AND WETLAND HABITAT.**

I. STAFF RECOMMENDATION

Staff recommends approval of Ordinance 2018-27 to amend the Future Land Use Element of the Comprehensive Plan.

Ordinance 2018-28 is a companion text amendment to the Coastal Planning and Conservation Element that provides for coordination and consistency with the recommended Future Land Use Element changes described herein. The overall intent and objectives of the changes to both elements are covered in this staff report. A separate staff report is provided for Ordinance 2018-28 that references the discussion contained in this staff report.

II. PLANNING AND ZONING BOARD RECOMMENDATION

The Planning and Zoning Board heard and recommended approval of this amendment at the November 19, 2018 meeting with a 4 to 2 vote in favor of recommending approval. There was no public comment on the item. The P&Z agenda items was posted conspicuously in two places on the City website, the required public notice was advertised in the Tampa Bay Times on Friday, November 2, 2018 and provided to several residents who participated in the previous public hearings on this issue in June 2018. Several members of the P&Z Board asked questions of staff on the content of the amendment and had specific concerns about removing the words “in their entirety” from Item 6 Vegetative Cover, Wildlife Habitat and Marine Resources (page 1 of Exhibit A of Ordinance 2018-27). Concerns were raised about the Meres Crossing project and staff explained, the State

of Florida’s no net loss policy and the environmental review process conducted locally and by the State and Federal permitting agencies.

III. BACKGROUND

The City is amending the Future Land Use Element of the Comprehensive Plan as outlined in Ordinance 2018-27, and, also amending the Coastal Planning and Conservation Element of the Comprehensive Plan as outlined in Ordinance 2018-28.

The City’s Comprehensive Plan, adopted in 1989, includes a map displaying remaining natural habitat within the City based on the latest map edition (1985 edition) of the Florida Land Use, Cover and Forms Classification System (FLUCCS). The Future Land Use Element requires application of environmental standards to areas designated on the map. Due to the FLUCCS mapping scale and mapping date represented in Figure 19, wetlands may be inaccurately reflected. This is generally remedied by state and federal on-site wetland delineation requirements. However, the same issue arises with respect to natural upland habitat remaining in the city. The application of environmental standards to development projects would be improved by providing for on-site groundtruthing of upland habitats in addition to wetland habitats for the natural ecological communities depicted on Figure 19. Updates to the Future Land Use Element and to the Coastal Planning and Conservation Element are needed to accomplish this.

The purpose of this amendment to the Future Land Use Element is:

1. to strengthen application of environmental standards by moving them out of the technical document (data and analysis) section of the Future Land Use Element and into the policy document (Goals, Objectives and Policies) section of the Future Land Element under Goal 1,
2. to provide for on-site verification of the upland habitat classes remaining in the City as depicted on the FLUCCS map,
3. to provide for the conservation of the identified upland habitat as “significant upland habitat” in the City,
4. to clarify and confirm the intent to protect wetlands consistent with state law in accordance with the City’s adopted “no net loss of wetlands” policy as provided for elsewhere in the Comprehensive Plan (see Policy 1.1.1 of the Coastal Planning and Conservation Element’s Coastal Management Goals), and,
5. to provide for the application of appropriate conservation measures through the requirement of on-site studies that identify habitat type and quality, land conditions, and site features that should be prioritized for protection and conservation.

Summary of Changes to the Future Land Use Element

The changes to Section III. B. 6 Vegetative Cover, Wildlife Habitat and Marine Resources,

- clarify that environmental protections are implemented through the policy section of the element,
- provide for clarification and consistency with the adopted “no net loss of wetlands” policy, and,
- strike the density/intensity standards from this section and move them to Section V. Future Land Use Goals, Objectives and Policies.

The changes to Section IV.C.7, Land Use Analysis Requirements, provide for identification of the habitat types being protected rather than referring to Figure 19 which contains outdated information. It also provides for correct references.

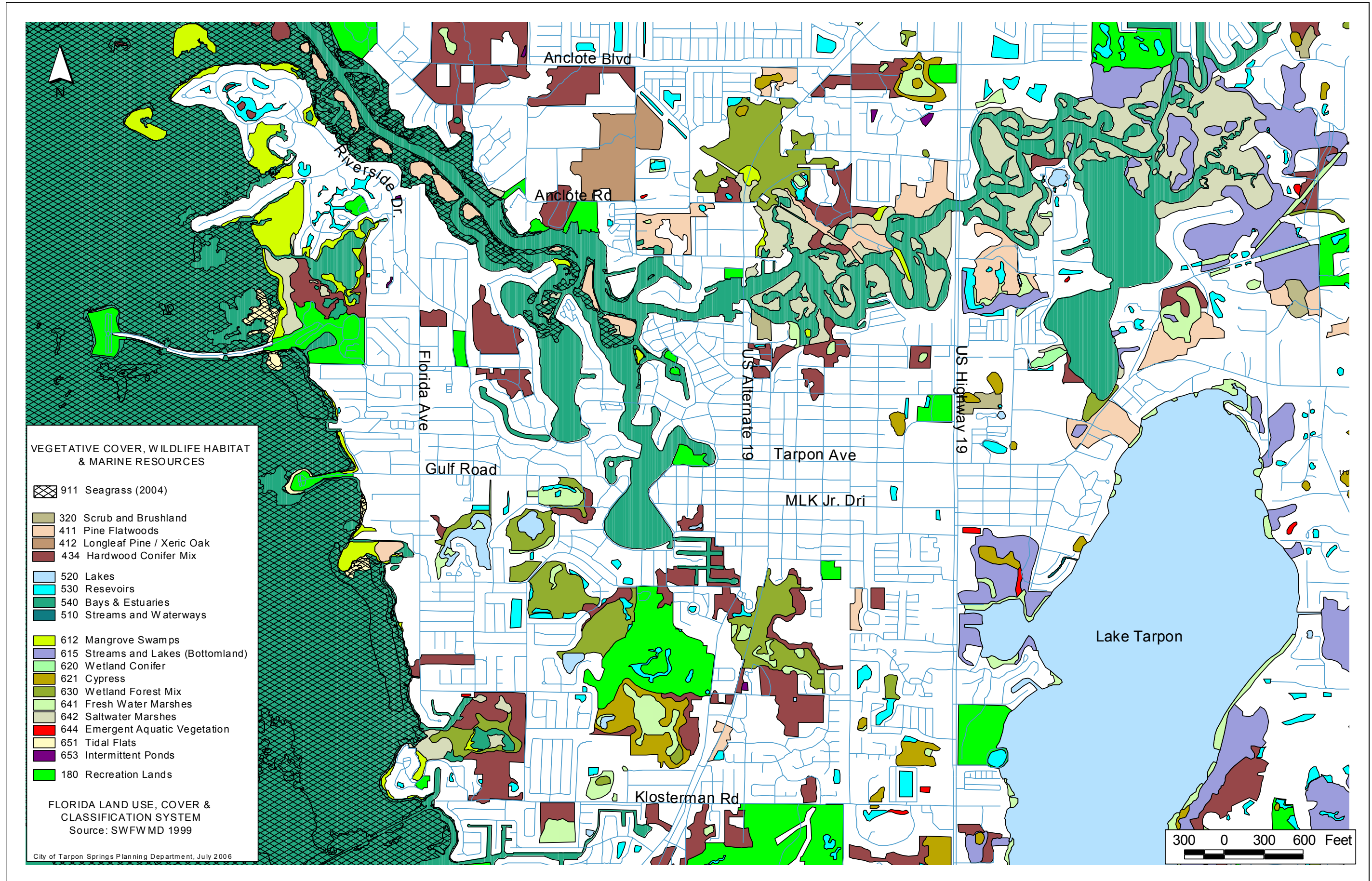
The change to Section V, Future Land Use Goals, Objectives and Policies, Policy 1.1.10, provides for identification of the habitat types being protected rather than referring to Figure 19 which contains outdated information.

The creation of Policies 1.1.12, 1.1.13 and 1.1.14 to Section V, Future Land Use Goals, Objectives and Policies, adds the density/intensity standards moved from Section III.B.6 and provides for their application to significant upland habitat.

List of Exhibits:

- 1) Ordinance 2018-27 with attached Exhibit A

VEGETATIVE COVER, WILDLIFE HABITAT AND MARINE RESOURCES



ORDINANCE 2018-27

AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY REVISING SECTION III EXISTING LAND USE DATA REQUIREMENTS, SUBPARAGRAPH 6 AND RELOCATING THE DENSITY AND INTENSITY STANDARDS FOR CONSERVATION OF SIGNIFICANT UPLAND HABITAT ADJACENT TO CERTAIN WETLANDS TO NEW POLICY 1.1.12 IN SECTION V. FUTURE LAND USE GOALS, OBJECTIVES AND POLICIES; REVISING SECTION IV LAND USE ANALYSIS REQUIREMENTS, SUBPARAGRAPH 7 TO REMOVE REFERENCE TO FIGURE 19 OF THE COASTAL PLANNING AND CONSERVATION ELEMENT; REVISING POLICY 1.1.10 TO REMOVE REFERENCE TO FIGURE 19 OF THE COASTAL PLANNING AND CONSERVATION ELEMENT; ADDING POLICY 1.1.12, 1.1.13 AND 1.1.14, RELOCATING DENSITY AND INTENSITY STANDARDS FOR CONSERVATION OF UPLAND HABITAT ADJACENT TO CERTAIN WETLANDS AND ADDING A DEFINITION OF SIGNIFICANT UPLAND HABITAT; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 10, 1989 the City adopted Ordinance 89-35 adopting a comprehensive plan; and,

WHEREAS, from time to time, amendments to the Comprehensive Plan become necessary due to changing conditions or to permit greater flexibility in the development of the City; and,

WHEREAS, amendments to the Comprehensive Plan are permitted in accordance with City and State regulations governing such amendments; and,

WHEREAS, this text amendment to the Comprehensive Plan is being proposed to revise the Future Land Use Element to clarify conservation of upland habitat adjacent to certain wetlands; and,

WHEREAS, notice was advertised as required by City and State regulations regarding text amendments to the Comprehensive Plan; and,

WHEREAS, the Planning and Zoning Board conducted a public hearing on this item on November 19, 2018 and,

WHEREAS, the applicable governmental agencies have reviewed this proposed amendment to the Comprehensive Plan and have no objection.

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

SECTION 1. The Future Land Use Element of the Comprehensive Plan is amended as shown in Exhibit A, attached hereto and made a part of this Ordinance.

SECTION 2. If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity. The Tarpon Springs board of Commissioners expressly indicates that it desires any remainder of the Ordinance to withstand any severed provision, as it would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

SECTION 3. Pursuant to Section 163.3184(3), Florida Statutes, the effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

I. INTRODUCTION

No Change

II. GENERAL SETTING

No Change

III. EXISTING LAND USE DATA REQUIREMENTS

A. Existing Land Use Plan

No Change

B. Natural Resources

6. Vegetative Cover, Wildlife Habitat and Marine Resources

Figure 19 of the Coastal and Conservation Element identifies undeveloped land areas by the Florida Land Use Cover and Classification System (FLUCCS) designation. The purpose for classifying the land in this manner is to identify those areas that may provide critical wildlife habitat.

It is the intent, through the implementing policies of this Comprehensive Plan, to preserve ~~those~~ areas identified as wetlands ~~in their entirety~~ and to conserve critical upland habitat by setting aside a percentage of upland for preservation while allowing full development rights to be transferred to the remaining upland areas. Development shall be located on the least environmentally sensitive areas.

Environmentally Sensitive areas include, but are not limited to, floodplains, wetlands, rare vegetative communities, ~~and listed species habitat, and areas of~~ significant upland habitat as defined in FLU Policy 1.1.12. Property proposed for development ~~which is identified on this map~~ that may affect these areas shall also require an endangered and threatened species analysis prior to any development order being issued. Development proposals which may impact wetlands shall be required to adhere to the Goal 1, Objective 1.1, and Policy 1.1.1 of the Coastal Planning and Conservation Element regarding wetland impact and mitigation requirements.

~~Density and Intensity Standards for Development of areas identified in Figure 19:~~

- ~~■ Maximum Impervious Surface: .50~~
- ~~■ Minimum Open Space .30; Open Space shall be defined as any land or water in its natural condition essentially unimproved and set aside for the use and enjoyment of the owners and occupants of such land or the public if so designated. Open space shall be reserved adjacent to wetlands to the maximum extent practicable.~~

- ~~▪—These standards are in addition to the density and intensity standards of the underlying future land use designation.—~~

[The substance of the above stricken text has been moved to a new FLU Policy 1.1.12]

Wetland buffers shall be provided as required in the Land Development Code and as outlined in the Goals, Objectives, and Policies of the Coastal ~~Management~~ Planning and Conservation Element.

~~For all non-residential uses a minimum of 50% of the parking stalls provided which exceed the required number of spaces (overflow parking) as outlined in the Land Development Code must be in the form of impervious surface.~~

~~Where existing zoning classifications prohibit a development from complying with the standards above, the Board of Commissioners may waive such zoning criteria during the development review process without the need for a variance.~~

[The substance of the above stricken text has been moved to a new FLU Policy 1.1.13 and new FLU Policy 1.1.14]

C. General Range, Density and Intensity of Existing Land Uses

No Change

D. Population Projections

No Change

IV. LAND USE ANALYSIS REQUIREMENTS

C. Amount of Land Needed to Accommodate Projected Population Growth

7. Conservation/Preservation

~~Vacant Lands desirable for preservation/conservation are designated by Figure 19 of the Coastal Management/Conservation Element, and Wetlands and areas of significant upland habitat will be managed in accordance with the policies recommended by ~~that~~ the Future Land Use Element, the Coastal Planning and Conservation Element and the Countywide Plan.~~

V. FUTURE LAND USE GOALS, OBJECTIVES, AND POLICIES

Policy 1.1.10 Where appropriate, require development proposals to evaluate and preserve sensitive areas as identified by ~~Figure 19 of the Coastal Planning Area and Conservation Element~~ wetlands and areas of significant upland habitat.

Policy 1.1.12 Density and Intensity Standards for Development of areas of significant upland habitat:

- a) Maximum Impervious Surface: .50
- b) Minimum Open Space .30; Open Space shall be defined as any land or water in its natural condition and set aside for the use and enjoyment of the owners and occupants of such land or the public if so designated. Open space shall be reserved adjacent to wetlands to the maximum extent practicable.
- c) These standards are in addition to the density and intensity standards of the underlying future land use designation.

For purposes of this Policy significant upland habitat shall be defined as contiguous areas of five acres or larger of high quality Scrub and Brushlands, Pine Flatwoods, Longleaf Pine/Xeric Oak, or Hardwood Conifer Mix as defined by the Florida Land Use, Cover and Forms Classification System (FLUCCS) and as determined by a qualified professional.

Policy 1.1.13 For all non-residential uses a minimum of 50% of the parking stalls provided which exceed the required number of spaces (overflow parking) as outlined in the Land Development Code must be in the form of pervious surface.

Policy 1.1.14 Where existing zoning classifications prohibit a development from complying with the standards of Objective 1.1, the Board of Commissioners may waive such zoning criteria during the development review process without the need for a variance.

Objective 1.2 through Policy 7.1.6

No Change

VI. DEFINITIONS

No Change

VII. UNINCORPORATED AREAS

No Change

VIII. PINELLAS COUNTY COUNTYWIDE COMPREHENSIVE PLAN

No Change