

City of Tarpon Springs, Florida
STAFF REPORT

January 29, 2018

TO: MAYOR & BOARD OF COMMISSIONERS

FROM: PLANNING AND ZONING DEPARTMENT

HEARING DATES: JANUARY 22, 2018 (PLANNING AND ZONING BOARD)
JANUARY 23, 2018 (BOARD OF COMMISSIONERS)
FEBRUARY 6, 2018 (BOARD OF COMMISSIONERS)

SUBJECT: APP-17-119: ORDINANCE TO AMEND THE LAND DEVELOPMENT CODE: TECHNICAL REVIEW COMMITTEE AND FEES:
AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE OF THE CITY OF TARPON SPRINGS AS FOLLOWS: APPENDIX A. ARTICLE XIII. SECTION 230.00 TECHNICAL REVIEW COMMITTEE (TRC): REVISING AND RENUMBERING SECTION 230.00(B) PROVIDING FOR TRC MEMBERSHIP; AND; APPENDIX A. ARTICLE XV. SECTION 246.00 FEES: REVISING THE FEE SCHEDULE TO RECOVER COST OF ADVERTISING AND POSTAGE; PROVIDING FOR MODIFICATIONS THAT MAY ARISE AT PUBLIC HEARING; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; 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.

I. STAFF RECOMMENDATION

Staff recommends approval of Ordinance 2017-35.

II. BACKGROUND

The purpose of this Ordinance is to update the membership of the City of Tarpon Springs Technical Review Committee to be consistent with current City staff organization, and to provide for the collection of fees to cover the costs that the City is currently incurring for advertising, mailing and property posting.

List of Exhibits:

- 1) Ordinance 2017-35

ORDINANCE NO. 2017-35

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE OF THE CITY OF TARPON SPRINGS AS FOLLOWS: APPENDIX A. ARTICLE XIII. SECTION 230.00 TECHNICAL REVIEW COMMITTEE (TRC): REVISING AND RENUMBERING SECTION 230.00(B) PROVIDING FOR TRC MEMBERSHIP; AND; APPENDIX A. ARTICLE XV. SECTION 246.00 FEES: REVISING THE FEE SCHEDULE TO RECOVER COST OF ADVERTISING AND POSTAGE; PROVIDING FOR MODIFICATIONS THAT MAY ARISE AT PUBLIC HEARING; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; 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 Board of Commissioners of the City of Tarpon Springs (hereafter “Board”) desires to provide for land development review services that respond to the needs of its citizens; and,

WHEREAS, there is a need to update the membership of the City’s Technical Review Committee to reflect the current staff and management organization of the City; and,

WHEREAS, the public participation process requires certain advertising, mailing and property posting not covered by the current fee schedule, requiring the City to bear these costs for individual land use applications; and,

WHEREAS, the Board find that such cost creates an inordinate burden on the citizenry and is more appropriately borne by land development applicants; and,

WHEREAS, The Board finds these amendments to be in the best interest of the health, safety and welfare of the citizens by providing for a full range of expertise in land development review; and,

WHEREAS, the passage of this ordinance complies with all other laws and regulations of the State of Florida; and,

WHEREAS, the Board of Commissioners of the City of Tarpon Springs has determined that amendments to Appendix A. Article VIII and Article XIV of the COMPREHENSIVE

ZONING AND LAND DEVELOPMENT CODE), amending Section 230.00 and Section 246.00, are necessary to make such a changes.

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

SECTION 1. Article VIII, Section 230.00 of the Comprehensive Zoning and Land Development Code of the City of Tarpon Springs, shall be amended to read as follows:

§ 230.00 - TECHNICAL REVIEW COMMITTEE (TRC).

- (A) The Technical Review Committee (TRC) is hereby established for the purpose of providing for the professional and technical review of development applications.
- (B) The membership shall include the Director or his designee from the following City Departments:
 - (1) Planning and Zoning.
 - (2) ~~Engineering~~ Project Administration.
 - (3) Utilities.
 - (4) Fire.
 - (5) Building.
 - (6) Public Works.
 - (7) Law Enforcement.
- (C) The TRC shall review the following development applications for compliance with the provisions of this Code, The Comprehensive Plan, and all applicable building codes:
 - (1) Site Plans.
 - (2) Subdivisions.
 - (3) Conditional Uses.
 - (4) Amendments to the Official Zoning Atlas.
 - (5) Amendments to the Future Land Use Map Series.
 - (6) Variances.
 - (7) Vacations of Streets, Plats, or other property.
 - (8) Temporary Uses.
 - (9) All other applications assigned by the City Manager.
- (D) The TRC shall have the authority to approve temporary uses and site plans in accordance with the provisions of this Code.
- (E) Regular meetings of the TRC staff shall be held at least once per month, at an established time and place.

- (F) The TRC agenda shall be distributed to the members at least seven working days prior to the regularly scheduled meeting.
- (G) The meetings shall be open to the public. Attendance of the applicant is not required.
- (H) The Planning and Zoning Department shall be responsible for the following:
 - (1) Agenda preparation and distribution.
 - (2) Chairing the meeting.
 - (3) Recording minutes.
 - (4) Notification to applicants of the regularly scheduled date, time, and place for consideration of the applications.
 - (5) Written notification to applicants of the outcome of the TRC review

SECTION 2. Article XIV, Sections 246.00 of the Comprehensive Zoning and Land Development Code of the City of Tarpon Springs, shall be amended to read as follows:

246.00 - FEES.

The following processing fees are hereby established:

| Type of Service | Fee |
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| Annexation | No application fee; \$500.00 advertising <u>fee costs</u> |
| Appeal of Administrative Decision (BOA) | \$250.00 |
| Concurrency Determination Appeal | \$250.00 application fee plus \$500.00 deposit, balance of actual cost of hearing paid on a 50/50 basis between applicant and the City |
| Conditional Use | \$500.00 |
| Construction Permit Review Site Reinspection Fee—Site/Engineering All reinspections after the initial reinspection for the same | \$250.00 \$40.00 each |

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| noted violation or deficiency will be charged at three (3) times the normal reinspection fee. | |
| Declaration of Restrictions, Covenants, Easements, etc. | \$250.00 or actual cost, whichever is greater |
| Development Agreements: | |
| Request to Negotiate | \$250.00 |
| Development Proposal | \$2,500.00 |
| Agreement Modification | \$1,000.00 |
| Agreement Extension | \$250.00 |
| Historic Preservation: | |
| Application for Designation | \$250.00 |
| Appeals | \$50.00 each |
| Certificate of Approval | \$50.00 each |
| Certificate of Approval For Signs | \$50.00 each |
| Economic Hardship Exceptions | \$50.00 each |
| Land Use Change Only (PPC or City) | \$750.00, plus advertising costs, plus TBRPC fee paid prior to adoption, if applicable |
| Minor Subdivision | \$250.00 |
| Final Subdivision Plat | \$750.00, plus review costs by City surveyor |
| Planned Development: | |

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| Conceptual Development Plan | \$250.00 |
| Preliminary Development Plan | \$750.00, plus advertising costs, plus TBRPC fee paid prior to adoption, if applicable |
| Final Development Plan | \$500.00 |
| Minor Modifications | \$250.00 each |
| Time Extension | \$100.00 each |
| Major Modifications or Amendment | Same as Preliminary Development Plan Fees |
| Rezoning and Land Use Change (PPC or City) | \$1,250.00, plus advertising costs, plus TBRPC fee paid prior to adoption, if applicable |
| Rezoning Only | \$750.00, plus advertising costs |
| Sidewalk Cafe Uses | \$250.00 each, plus rental fees |
| Site Plan Extension Request | \$100.00 each |
| Site Plan: | |
| 0—5 acres | \$500.00 |
| 5.01—10 acres | \$750.00 |
| 10.01—15 acres | \$1,000.00 |
| 15.01—20 acres | \$1,500.00 |
| 20.01 acres or more | \$2,000.00 |

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| TBRPC Review Fee | Established by TBRPC, payable upon receipt of bill from TBRPC and prior to adoption, if applicable |
| Temporary Use | \$100.00 each |
| TRC Review for Day Care Centers, Family Care Homes, Community Residential Homes, Emergency Shelters, Residential Treatment Facilities, Recovery Homes, Lodging Facilities, and Private Clubs | \$250.00 each |
| Tree Removal Permits and Inspections: | |
| Existing Single Family or Two Family Residence | \$25.00 each application |
| Existing Multifamily Residence | \$50.00 each application |
| Existing Commercial, Industrial or Other Nonresidential Structure | \$50.00 each application |
| New Construction (Residential or Nonresidential) | \$100.00 each application |
| Land Clearing or Grubbing | \$50.00 each application |
| Initial Inspection | No charge |
| Reinspection Fee | \$40.00 each |
| Vacation of Property | One-half of appraised value of vacated property. (See Section 216.00(f)). |
| Variance Request | \$250.00 each, <u>plus advertising costs</u> |
| <u>Fees for All Types of Services, As Required:</u> | |
| <u>Mailing and Postage</u> | <u>To be determined by staff in accordance with prevailing postage rates</u> |

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| <u>Placards</u> | <u>To be determined by staff based on posting requirements</u> |
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SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. In the event a court of competent jurisdiction finds any part or provision of this Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

SECTION 5. The keeper of Code of Ordinances for the City of Tarpon Springs is directed to include this Ordinance in the Code of Ordinances and may renumber and reclassify the same as may be required for inclusion in the Code of Ordinances of the City of Tarpon Spring.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and adoption in the manner provided by law.