

# City of Tarpon Springs, Florida STAFF REPORT

May 14, 2018

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**TO:** MAYOR & BOARD OF COMMISSIONERS

**FROM:** PLANNING AND ZONING DEPARTMENT

**HEARING DATES:** MAY 21, 2018 (PLANNING AND ZONING BOARD)  
MAY 22, 2018 (BOARD OF COMMISSIONERS)  
JUNE 12, 2018 (BOARD OF COMMISSIONERS)

**SUBJECT:** APP-18-48: ORDINANCE 2018-12 TO AMEND THE LAND DEVELOPMENT CODE: SECTION 141.03 STORMWATER RETROFIT:  
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 IX. SECTION 141.03 STORMWATER RETROFIT ALLOWING AN EXEMPTION FOR DEVELOPMENT OF ADDITIONAL GROSS FLOOR AREA OVER EXISTING IMPERVIOUS SURFACES; 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.

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## I. STAFF RECOMMENDATION

Staff recommends approval of Ordinance 2018-12.

## II. BACKGROUND

If a land owner intends to construct additional gross floor area, the Land Development Code requires compliance with all stormwater management requirements. In the event that the additional gross floor area is placed over existing impervious surfaces, the Land Development Code provides no flexibility, and a full stormwater review is required. When a property is developed all impervious surfaces are included in the stormwater management plan. If an owner chooses to add additional gross floor area over existing impervious surface and the existing stormwater infrastructure is functioning as permitted by the local and state agencies then it is not necessary to require a full stormwater management review.

In those cases the staff is proposing to amend the Land Development Code to provide an exemption to full stormwater review. See the proposed text below:

- (A) When a site is modified or altered and additional gross floor area is constructed upon existing impervious surfaces, retrofitting of the stormwater management system may not be necessary provided that:
1. The existing stormwater management system is functioning in accordance with the existing permit and capable of serving the additional gross floor area without violating existing permit conditions;
  2. The applicant shall provide documentation signed and sealed by a Florida registered Professional Engineer that the stormwater management system is functioning in accordance with the existing permitted conditions; and
  3. The stormwater management system is in compliance with all local and state agency permits. (A letter from the regulating local and/or state agency may be required at the time of site plan review attesting to permit compliance.)

**List of Exhibits:**

- 1) Ordinance 2018-12

**ORDINANCE NO. 2018-12**

**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 IX. SECTION 141.03 STORMWATER RETROFIT ALLOWING AN EXEMPTION FOR DEVELOPMENT OF ADDITIONAL GROSS FLOOR AREA OVER EXISTING IMPERVIOUS SURFACES; 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 efficient and effective stormwater management throughout the City; and,

WHEREAS, there is a need to allow for additional gross floor area to be constructed on developed sites upon existing impervious surfaces without requiring retrofitting of functioning stormwater management systems; and,

WHEREAS, if the level of service will not be degraded by adding additional gross floor area; and,

WHEREAS, if it is demonstrated that an existing stormwater management system is in compliance with all state agency permits and has been inspected and certified by a Florida registered professional engineer ; and,

WHEREAS, the additional gross floor area should be exempt from compliance with stormwater retrofitting as defined in Article IX, Section 141.03 of the COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE; and,

WHEREAS, the Board finds this amendment to be in the best interest of the health, safety and welfare of the citizens; 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 amendment to Appendix A. Article IX of the COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, amending Section 141.03 is necessary to make such a change.

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

SECTION 1. Article IX, Section 141.03 of the Comprehensive Zoning and Land Development Code of the City of Tarpon Springs, shall be amended to read as follows:

141.03 Stormwater Retrofit

If the additional development, redevelopment or alteration of a site involves in excess of 30% of the existing gross floor area of a previously developed site, more than 1/2 acre, regardless of the gross floor area percentage, or involves the subdivision of an existing developed site to increase the number of development parcels, the entire pre-existing site conditions shall be made to conform to the requirements of Sections 141.00 through 141.08.

(A) When a site is modified or altered and additional gross floor area is constructed upon existing impervious surfaces, retrofitting of the stormwater infrastructure is not necessary provided that:

1. The existing stormwater management system is functioning as designed and capable of serving the additional gross floor area without degrading the existing level of service;
2. The stormwater management system is inspected and certified by a Florida registered professional engineer; and
3. The stormwater management system is in compliance with all state agency permits. (A letter from the regulating state agency may be required at the time of site plan review attesting to permit compliance.)

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. 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 4. 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 Springs.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and adoption in the manner provided by law.