

City of Tarpon Springs, Florida STAFF REPORT

January 29, 2019

TO: PLANNING AND ZONING BOARD
FROM: PLANNING AND ZONING DEPARTMENT
HEARING DATES: JANUARY 28, 2019 (PLANNING AND ZONING BOARD)
FEBRUARY 12, 2019 (BOARD OF COMMISSIONERS)
FEBRUARY 26, 2019 (BOARD OF COMMISSIONERS)

SUBJECT: APP-18-148: ORDINANCE 2019-02 TO AMEND THE LAND DEVELOPMENT CODE: ARTICLE VI, SECTION 96.00 AUTHORITY AND REQUIREMENTS: AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA, AMENDING PARAGRAPH (D) OF SECTION 96.00 OF ARTICLE VI. OF APPENDIX A, COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE BY INCREASING THE DURATION OF A DEVELOPMENT AGREEMENT, BY PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

I. STAFF RECOMMENDATION

Staff recommends approval of Ordinance 2019-02.

II. PLANNING AND ZONING BOARD RECOMMENDATION

A public hearing on Application 18-148 (Ordinance 2019-02) was held on January 28, 2019 before the Planning and Zoning Board. The Board unanimously voted to recommend that the Board of Commissioners not adopt the proposed changes to Land Development Section 96.00 Development Agreements as delineated in Ordinance 2019-02 and recommended by the Planning and Zoning Department staff.

III. BACKGROUND

Florida Statutes 163.3220-163.3243, the Florida Local Government Development Agreement Act ("Act"), recognized that lack of certainty in approval of development can result in a waste of economic and land resources, discourage sound capital improvement planning and financing, escalate the cost of housing and development and discourage commitment to comprehensive planning. Assurance to developers that upon receipt of his or her development permit, he or she may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement strengthens the public

planning process, encourages sound capital planning and financing, assists in assuring there are adequate capital facilities for development, encourages private participation in comprehensive planning and reduces the economic costs of development. The State Legislature authorizes local governments to enter into development agreements, subject to the procedures and requirements of ss163.3220-163.3243.

Development is defined as follows in ss 163.3221:

“Development” means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

(a) The following activities or uses shall be taken for the purposes of this act to involve “development”:

1. A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
3. Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any “coastal construction” as defined in s. [161.021](#).
4. Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
5. Demolition of a structure.
6. Clearing of land as an adjunct of construction.
7. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

ss 163.3229 of the Act provides the maximum duration of a development agreement. Development agreements may not exceed 30 years in duration. The Act provides for periodic review of development agreements by local governments and for the option of extending development agreements prior to expiration via a public hearing process.

List of Exhibits:

- 1) Ordinance 2019-02

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA, AMENDING PARAGRAPH (D) OF SECTION 96.00 OF ARTICLE VI. OF APPENDIX A, COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE BY INCREASING THE DURATION OF A DEVELOPMENT AGREEMENT, BY PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes 163.3220-163.3243 authorizes local governments to enter into development agreements with developers; and

WHEREAS, the Board of Commissioners realizes the lack of certainty in the approval of development can result in a waste of economic and land resources and escalate the cost of housing and development; and

WHEREAS, the Board of Commissioners recognizes that providing increased duration of a development agreement will provide additional certainty to developers, and

WHEREAS, the Board of Commissioners of the City of Tarpon Springs has determined that amendments to Article VI of Appendix A, Comprehensive Zoning and Land Development Code are necessary to make such changes.

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

SECTION 1. That paragraph (D) of Section 96.00 of Article VI. of Appendix A, Comprehensive Zoning and Land Development Code is hereby amended as follows:

- (D) The duration of a development agreement shall not exceed 5 10 years. It may be extended by mutual consent of the Board of Commissioners and the developer, subject to a public hearing in accordance with the requirements of this Article and a review for compliance with current City ordinances and regulations.

SECTION 2.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 3.

This Ordinance shall become effective upon final passage and adoption.