

**City of Tarpon Springs, Florida
STAFF REPORT**

August 14, 2019

TO: PLANNING AND ZONING BOARD

FROM: PLANNING AND ZONING DEPARTMENT

HEARING DATES: AUGUST 19, 2019 (PLANNING AND ZONING BOARD)

AUGUST 27, 2019 (BOARD OF COMMISSIONERS)

SEPTEMBER 10, 2019 (BOARD OF COMMISSIONERS)

SUBJECT: APP-19-81: ORDINANCE 2019-18 TO AMEND THE LAND DEVELOPMENT CODE TO REVISE ARTICLE V. PLANNED DEVELOPMENT REGULATIONS; ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA, AMENDING ARTICLE V OF APPENDIX A, THE COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, SECTION 78.01(D)(1)(a) BY REMOVING THE TABLE AND ADDING A REFERENCE TO THE CITY OF TARPON SPRINGS COMPREHENSIVE PLAN, AND, SECTION 83.00(A) BY EXPANDING THE ABILITY TO WAIVE DESIGN REQUIREMENTS TO INCLUDE THE LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

I. STAFF RECOMMENDATION

Staff recommends approval of Ordinance 2019-18.

II. BACKGROUND

The City's Land Development Code, Article V, Section 78.01(D)(1)(a) includes a table listing allowable densities and intensities for each Future Land Use Category that is adopted in the City's Comprehensive Plan. The table is redundant and should be removed.

Article V provides for Planned Developments as a planning tool for flexible site development or redevelopment by way of a "master plan" type of approach. The intent of the Planned Development process is expressed in Section 76.00(A) through (L). However, Section 83.00, Waivers, severely limits the options for the design flexibility that are needed to fully utilize the Planned Development approach. It is recommended that the waiver section be expanded to include the dimensional and other standards in the LDC while retaining the criteria that such waivers must meet, as codified in Section 83.00(B).

List of Exhibits:

- 1) Ordinance 2019-18

ORDINANCE NO. 2019-18

AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA, AMENDING ARTICLE V OF APPENDIX A, THE COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, SECTION 78.01(D)(1)(a) BY REMOVING THE TABLE AND ADDING A REFERENCE TO THE CITY OF TARPON SPRINGS COMPREHENSIVE PLAN, AND, SECTION 83.00(A) BY EXPANDING THE ABILITY TO WAIVE DESIGN REQUIREMENTS TO INCLUDE THE LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 78.01(D)(1)(a) of the Comprehensive Zoning and Land Development Code of the City of Tarpon Springs provides for maximum allowable residential densities, impervious surface ratios and floor area ratios as set forth in the table provided; and,

WHEREAS, the standards listed in the table provided are set forth in the City of Tarpon Springs Comprehensive Plan; and,

WHEREAS, the Board of Commissioners wishes to omit redundancy and improve clarity by removing the table and adding a reference to the City's Comprehensive Plan; and,

WHEREAS, Section 83.00(A) of the Comprehensive Zoning and Land Development Code of the City of Tarpon Springs provides for the ability of the Board of Commissioners to waive certain design requirements of a Planned Development subject to the criteria listed in Section 83.00(B); and,

WHEREAS, the Board of Commissioners wishes to expand on the available design requirements that may be considered under the waiver section while retaining the criteria under Section 83.00(B) by which waivers may be granted; and,

WHEREAS, the Board of Commissioners recognizes that such expansion would allow for orderly and efficient development patterns in the City; and,

WHEREAS, the Board of Commissioners of the City of Tarpon Springs has determined that amendments to Section 78.01(D)(1)(a) and Section 83.00(A) of Article V, Appendix A, the 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 Section 78.01(D)(1)(a) and Section 83.00(A) of Article V of Appendix A, the Comprehensive Zoning and Land Development Code, is hereby amended to read as follows:

§ 78.01 - Residential Planned Development (RPD) District.

(A) Permitted Uses

- (1) Family Care Homes (under conditions of Article IV, Special Regulation)
- (2) Multifamily
- (3) Public Parks and Recreation Facilities
- (4) Single Family Attached

- (5) Single Family Detached
- (6) Single Family Detached Cluster
- (7) Single Family Detached Zero Lot Line
- (8) Single Family Semi-Detached
- (B) Accessory Uses
 - (1) Recreation Facilities
- (C) Conditional Uses
 - (1) Churches
 - (2) Community Residential Homes
 - (3) Community Services Uses
 - (4) Congregate Care Facilities
 - (5) Day Care Centers
 - (6) Emergency Shelters, and Residential Treatment Facilities
 - (7) Home Occupations
 - (8) Nursing Homes
 - (9) Schools of General Education
- (D) Design Standards
 - (1) Minimum project size: No minimum.
 - (a) The maximum allowable residential densities, and impervious surface ratios and floor area ratios for non-residential uses are provided for the RPD district in relationship to the future land use designation as follows: shall be as provided for each Future Land Use category as listed in the Future Land Use Element of the City of Tarpon Springs Comprehensive Plan.

Future Land Use Category	Maximum FAR	Minimum ISR	Maximum Density in dwelling units per acre
Residential Suburban	.30	.60	2.5
Residential Low	.40	.65	5.0
Residential Urban	.40	.65	7.5
Residential Low Medium	.50	.75	10.0
Residential Medium	.50	.75	15.0
Residential/Office General	.50	.75	15.0

Residential/Office/Retail	.40	.85	18.0
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- (2) The maximum density is determined by the underlying land use designation of the City or countywide comprehensive plans whichever is more restrictive.
- (3) Transfers of density are allowed from one portion of the site to another in order to conserve open space provided that no real increase in density over that permitted by the applicable Comprehensive Plan occurs for the site as a whole.
- (4) Transfers of density among and between contiguous sites may be permitted by the development approval provided:
 - (a) The sites are zoned RPD;
 - (b) The sites are under unified control;
 - (c) The sites are considered as part of a single master plan;
 - (d) Later additions to an approved master plan shall cause an amendment to the previously approved plan; and
 - (e) No real increase in density over that permitted by the applicable Comprehensive Plan occurs.
- (5) An addition to an existing RPD District may be permitted provided:
 - (a) The addition is complementary and compatible with the project;
 - (b) The sites are under unified control;
 - (c) No increase in density over that permitted by the applicable Comprehensive Plan will result;
 - (d) No loss of open space occurs; and
 - (e) An amendment to the overall master plan is made and approved.
- (6) A minimum buffer area of 50 feet from wetlands, the mean high water mark of all waterbodies, and jurisdictional lines is required. In cases where jurisdictional lines do not coincide with waterbodies the most restrictive setback shall apply. This requirement does not apply to the construction of docks, gazebos, recreation areas or facilities, boardwalks, and water dependent uses. Waivers from the minimum buffer area may be considered by the Board of Commissioners provided the location, size, and intensity of the uses are clearly delineated on the site plan. The buffer shall not apply to new waterbodies designed as a part of the project for amenities or retention purposes, and man made waterbodies not tidally influenced or jurisdictional.
- (7) Open space shall be provided at the rate of 25% of the gross site acreage. However, no more than ½ of the open space requirement can consist of waterbodies, wetlands, and jurisdictional areas.
- (8) Internal and external walkways, sidewalks, and/or bicycle paths shall be provided in appropriate locations in accordance with the approved site plan. The emphasis shall be on a circulation system which provides movement between major destinations internal or external to the project, and one which is carefully coordinated with the provision of open space.
- (9) Projects which utilize a design incorporating zero lot line, cluster, multifamily, or attached dwellings shall provide a screened and secure recreational vehicle storage area, or restrict

the ownership and storage of recreational vehicles by protective covenant to those units with enclosed garages.

- (10) Private roads shall be designed in accordance with City specifications in terms of pavement width, easement width, and construction standards.
- (11) Conservation and preservation areas shall be maintained as required by local, state, and federal regulations.
- (12) Residential units shall be oriented toward internal streets and pedestrian systems, away from adjoining roads and land uses.
- (13) Prior to final plan approval, documents and other assurances satisfactory to the City shall be provided which establish the continued operation and maintenance of private common improvements and open space. These areas and facilities shall not be provided, operated, or maintained at general public expense, and will not incur future expense to the taxpayers of the City.

(E) Dimensional Regulations

- (1) The designation of all minimum yards shall be noted on the site plan.

- (2) Single Family Detached Dwellings

- (a) Minimum Lot Area = 10,000 square feet
- (b) Minimum Lot Width = 75 feet
- (c) Maximum Height = 35 feet
- (d) Minimum gross floor area = 1,200 square feet
- (e) Minimum yards:
 - 1. Front = 25 feet
 - 2. Side = 10 feet
 - 3. Corner Lot Side = 15 feet
 - 4. Rear = 20 feet

- (3) Single Family Detached Cluster Dwellings

- (a) Average Lot Area = 6,500 square feet
- (b) Minimum Lot Width = 60 feet corner lots only, no minimum for interior lots
- (c) Maximum Height = 35 feet
- (d) Minimum Gross Floor Area = 1,000 square feet
- (e) Minimum Yards:
 - 1. Front = 20 feet
 - 2. Side = 12 feet between buildings, 5 foot minimum to lot line
 - 3. Corner lot side = 10 feet
 - 4. Rear = 10 feet

- (f) Flag lots may be approved in conjunction with cluster development provided the following conditions are met:

- 1. No flag lot shall adjoin another flag lot nor share a common driveway.
- 2. They constitute no more than 20% of the cluster lot total.

3. The area occupied by the flag driveway shall not be counted toward minimum lot area.
4. The flag driveway shall be no longer than 150 feet and no less than 20 feet in width.
5. The use of flag lots is necessary to preserve significant environmental, topographical, natural, historical, or archeological features.

(4) Single Family Detached Zero Lot Line Dwellings

- (a) Minimum Lot Area = 4,000 square feet
- (b) Minimum Lot Width = 40 feet
- (c) Minimum Height = 35 feet
- (d) Minimum Floor Area = 1,000 square feet
- (e) Minimum Yards:
 1. Front = 20 feet
 2. Side = zero (0) one side, 10 feet other side
 3. Corner lots = 10 feet minimum
 4. Rear = no minimum
- (f) Maximum lot coverage = 60% excluding driveway.
- (g) A perpetual 4 foot maintenance easement shall be provided on the adjoining lot abutting the zero lot line boundary, and shall be designated on the final plat.
- (h) Roof overhangs and awnings may penetrate the maintenance easement by a maximum of 2 feet, and rain gutters shall be required.
- (i) The zero lot line wall shall be constructed without doors or windows, except clerestory windows at least 12 feet above ground level.
- (j) All zero lot lines and the corresponding building envelope shall be shown on the site plan, and so designated on the final plat.

(5) Single Family Semi-Detached Dwellings

- (a) Minimum Lot Area = 2,000 square feet
- (b) Minimum Lot Width = 20 feet
- (c) Maximum Height = 35 feet
- (d) Minimum Floor Area = 1,000 square feet
- (e) Minimum Yards:
 1. Front = 15 feet
 2. Side = 10 feet, one wall attached
 3. Corner lot side = 15 feet
 4. Rear = 10 feet

(6) Single Family Attached Dwellings

- (a) Minimum Lot Area = 2,000 square feet
- (b) Minimum Lot Width = 20 feet
- (c) Maximum Height = 35 feet

(d) Minimum Floor Area = 900 square feet

(e) Minimum Yards:

1. Front = 15 feet
2. Side = 10 feet (end lots only)
3. Corner lot side = 15 feet
4. Rear = 10 feet

(f) No more than 8 units shall be attached in a single row.

(g) To create a staggered effect, no more than 2 contiguous units shall be built with a common front building line, and the minimum difference in building setback line shall be 2 feet. To create diversity, varied facades are also encouraged.

(7) Multifamily Dwellings

(a) Minimum Floor Area = 600 square feet

(b) Minimum Lot Width = 100 feet

(c) Minimum Lot Area = 10,000 square feet

(d) Maximum Height = 45 feet

(e) Minimum Yards:

1. Front = 25 feet
2. Side and Rear = 15 feet

(f) Minimum Distance Between buildings:

1. Side facing side = 15 feet
2. Front/rear facing side = 20 feet
3. Front/rear facing front/rear = 30 feet
4. Except that an additional 5 feet for each story over 2 in the tallest building shall be required.

(8) Nonresidential Uses

(a) Minimum Lot Area = 10,000 square feet

(b) Minimum Lot Width = 100 feet

(c) Maximum Height = 35 feet

(d) Minimum Yards:

1. Front = 20 feet
2. Sides = 10 feet
3. Rear = 10 feet
4. From external perimeter streets = 35 feet

(e) Public/Semi-Public; Ancillary nonresidential uses shall not exceed a maximum area of 3 acres. Such use or contiguous like uses in excess of this threshold shall require a plan amendment.

§ 83.00 - WAIVERS.

- (A) In connection with the approval of a Preliminary or Final Development Plan, the Board of Commissioners may waive or modify any design requirement of the ~~Planned Development District with the exception of the District Dimensional Regulations~~ Land Development Code; however, in the event that a residential project, land or development is to be rezoned to a Planned Development District and such residential project, land or development was previously subject to a Development Order issued pursuant to Chapter 380.06 as a Development of Regional Impact, the Board of Commissioners may grant such waivers or modifications (including the district dimensional regulations) as are necessary to accommodate or recognize existing physical development and improvements of the project, land or development.
- (B) No waiver or modification may be granted unless one or more of the following circumstances exist:
- (1) Superior Alternatives
Where the development will provide an alternative which will achieve the purposes of the requirement through clearly superior design, efficiency, or performance.
 - (2) Protection of Significant Features
Where the waiver or modification is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic sites or public facilities, related to the development site.
 - (3) Deprivation of Reasonable Use
Where the strict application of the requirement would effectively deprive the owner of all reasonable use of the land, due to its unusual size, shape, topography, natural conditions, or location; provided:
 - (a) Such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in this case.
 - (b) The unusual conditions involved are not personal to, nor the result of actions of the developer or property owner or their predecessors;
 - (4) Technical Impracticality
Where strict application of the requirement would be technically impractical in terms of engineering, design, or construction practices, due to the unusual size, shape, topography, natural conditions, or location, of the land or due to improved efficiency, performance, safety, or construction practices which will be realized; provided:
 - (a) The development will provide an alternative adequate to achieve the purposes of the requirement;
 - (b) Any unusual conditions creating the impracticality are not personal to, nor the result of, the actions of the developer or property owner or their predecessors;
 - (5) No Relationship to the Development or Its Impacts
Where all or any part of the requirement has no relationship to the development, or to the impact of the development on the public facilities, land use, traffic, or environment of the neighborhood and the general community, due to the location, scale, or type of development involved.

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.