



# City of Tarpon Springs, Florida

Planning and Zoning Board  
324 East Pine Street  
Tarpon Spring, Florida 34689  
(727) 938-3711

<http://www.ctsfl.us/agenda.htm>

**PLANNING AND ZONING BOARD AGENDA  
MONDAY, MAY 18, 2026  
6:30 PM - CITY HALL AUDITORIUM**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGIANCE**

**4. REFLECTION**

**5. CONSENT AGENDA**

- a. Minutes
  - i. Minutes: November 17th, 2025 Draft Minutes
  - ii. Minutes: December 15, 2025 Draft Minutes
  - iii. Minutes: January 26, 2026 Draft Minutes
  - iv. Minutes: February 23, 2026 Draft Minutes
  - v. Minutes: March 16, 2026 Draft Minutes

**6. WORKSHOP SESSION - Land Development Code Amendments Discussion**

- a. Land Development Codes Based on Land Development Codes and "Quick Fixes"

**7. BOARD AND STAFF COMMENTS**

**8. ADJOURNMENT**



**MEMORANDUM**

**To:** Planning & Zoning Board Members

**Staff:** Allie Keen, Interim Planning Director

**P&Z Meeting:** May 18, 2026, Discussion Meeting

**Subject:** Land Development Code Amendments (Art. V & VIII)

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**BACKGROUND**

The Planning and Zoning Department has started reviewing the City's Land Development Code (LDC) for potential updates. The proposed updates are intended to incorporate relevant items identified in the updated 2045 Comprehensive Plan and to address "quick fixes" that have been identified over the past few years. The "quick fix" items address repeated variance activity, gray areas of the code where interpretations may vary widely, updates for compliance with state regulations, and generally providing additional clarity throughout the code.

**APPROACH TO LDC UPDATES**

Staff intends to approach the LDC updates incrementally by reviewing each article in its entirety. Once the review of an article(s) is complete, they will be scheduled for review and adoption. Following the full text review of the code, staff will begin a reorganization of the code to provide a more user-friendly and logical document.

At this time, staff is seeking input from the Planning and Zoning Board on draft updates to LDC Articles V and VIII.

**ATTACHMENTS:**

1. Article V: Planned Development Regulations Strike-Through/Underline (Draft)
2. Article VIII: Plan Consistency, Concurrency, & Mobility Management Strike-Through/Underline (Draft)

## ARTICLE V. PLANNED DEVELOPMENT REGULATIONS

### § 76.00 PURPOSE AND INTENT.

It is the purpose of this Article to establish standards to allow the use of Planned Development Districts consistent with the following objectives:

- (A) Provide an alternate method of land development not available within the framework of other zoning districts.
- (B) To allow the development of sites that would normally be difficult to develop due to topography, soils, or other site specific features.
- (C) To allow the most beneficial use of the site in terms of maintaining compatibility with the adjoining neighborhood.
- (D) To preserve significant environmental, topographical, or natural features.
- (E) To allow a variety of housing types.
- (F) To accommodate a mix of uses.
- (G) To offer a high level of recreation and open space amenities.
- (H) To ensure the ample provision of open space.
- (I) To encourage the orderly concentration of development on vacant parcels of land within the existing developed areas.
- (J) To prevent urban sprawl, through the use of infill development and the maximum use of existing public facilities that are currently in place.
- (K) The maximum permitted densities shall not exceed that permitted by the Future Land Use Map-Series designation as described in the Comprehensive Plan. Any nonresidential use shall not exceed the Floor Area Ratios (FARs) and Impervious Surface Service Ratios (ISRs) as depicted in each of the Planned Development Districts.
- (L) All uses shall be consistent with the Comprehensive Plan. Where a proposed use is inconsistent with the Comprehensive Plan, a plan amendment shall be required prior to any approval of a project. Any nonresidential use shall not exceed the Floor Area Ratios (FARs) and Impervious Service Ratios (ISRs) as depicted in each of the Planned Development Districts.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-31, passed 11-16-93; Am. Ord. 93-33, passed 10-15-93)

### § 77.00 DEFINITIONS.

For the purpose of this article the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (A) ACCESSORY USES—A use that is incidental, related, and clearly subordinate to the primary use of the District, and which does not significantly affect or alter the other uses in the District.

**Commented [AK1]:** Review to see what definitions are already defined in 214.00.

~~(B)~~(A)        BUFFER AREAS—A reserved area attractively landscaped and perpetually maintained as common open space, free of structures, impervious surface, roadways, storage, and other enclosures or appurtenances. Access roadways which cross buffer areas, and utility installations, fences or walls located within buffer areas may be permitted.

~~(C)~~ FAMILY—One or more persons occupying a dwelling and living as a single housekeeping unit, all of whom, or all but 3 of whom, are related to each other by birth, adoption, or marriage, as distinguished from residents occupying a boarding home, lodging facility, community residential home, congregate care facility, nursing home, hospital, clinic, motel, or hotel, as defined in the Comprehensive Zoning and Land Development Code of the city.

For the purpose of determining whether or not a dwelling unit is being used as a single family dwelling unit (whether multi-family, single family attached, single family detached, single family detached cluster, single family detached zero lot line, or single family semi-detached), it shall be presumed that the use of such dwelling by a family for a period of time less than 6 months, more than once a year, other than by the owner, is not a single family usage, and is in the nature of a prohibited transient usage, except where otherwise expressly authorized in this Code. Visits by guests while the owner is occupying the unit shall not be presumed to be a transient use.

~~(D)~~(B)        FLAG LOTS—A lot which does not have the required lot width at the building setback line, and normally has access via a narrow private strip.

~~(E)~~ FLOOR AREA, GROSS—The sum of the horizontal areas of the several floors of all buildings on a lot, measured from the exterior faces of the exterior walls, and from the center line of walls separating 2 or more buildings. The term "gross floor area" shall include basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural headroom of 6 feet, 6 inches or more; penthouses and attic spaces, whether or not a floor has actually been laid, providing structural headroom of 6 feet, 6 inches or more; interior balconies or mezzanines.

The term "gross floor area" shall not include cellars, or outside balconies which do not exceed a projection of 6 feet beyond the exterior walls of the building. Parking structures below or above grade and areas used only for rooftop mechanical structures are excluded from gross floor area.

~~(F)~~ FLOOR AREA RATIO—The gross floor area of all buildings on a lot divided by the lot area.

~~(G)~~ IMPERVIOUS SURFACE—A surface that has been compacted or covered with a layer of material so that it is highly resistant to or prevents infiltration by stormwater. It includes: surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar surfaces.

~~(H)~~ IMPERVIOUS SURFACE RATIO (ISR)—A measure of the intensity of hard surfaced development on a site. An impervious surface ratio is the relationship between the total impervious surface area on a site and the gross land area. The ISR is calculated by dividing the square footage of the area of all impervious surfaces on the site by the square footage of the gross land area.

~~(I)~~(C)        JURISDICTIONAL—Subject to the rules, regulations, and authority of the Florida Department of Environmental Protection (FDEP), Southwest Florida Water Management District (SWFWMD), or the U.S. Army Corps of Engineers.

~~(J)~~(D)        LOT COVERAGE—That portion of the lot covered by buildings and structures.

~~(K)~~(E)        MIXED USE DEVELOPMENT—The development of a tract of land or building or structure with 2 or more different uses such as, but not limited to, residential, office, retail, public, or entertainment in a master plan.

~~(L)~~ MULTIFAMILY—One structure containing more than 2 dwelling units on a single lot or parcel.

~~(M)~~(F) OPEN SPACE—An area of land unoccupied by structures or impervious surfaces, designed for the common use of the residents in a residential development and enhanced by landscaping, screening or recreational facilities. "Open space" shall not be deemed to include any area within an individual dwelling lot or areas so small as to have no substantial value.

~~(N)~~(G) PLANNED DEVELOPMENT—An area of land planned, developed, operated, and maintained as a single entity under unified control, with a series of definitively programmed phases built according to specified plans, and containing residential, commercial, or industrial development, either singularly or in combination.

~~(O)~~(H) RECREATION FACILITIES ~~(RPD)~~—A place designed and equipped for the conduct of sports and leisure time activities, provided as an accessory use primarily for the use of a residential project's occupants and their guests.

~~(P)~~ SINGLE FAMILY ATTACHED—A one family dwelling on a single lot attached to two or more one family dwellings by common vertical walls.

~~(Q)~~(I) SINGLE FAMILY CLUSTER—A form of development for single family detached dwellings whereby conventional lot areas are reduced to allow the concentration of units in specific areas in order to preserve open spaces.

~~(R)~~ SINGLE FAMILY DETACHED—A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.

~~(S)~~ SINGLE FAMILY SEMI-DETACHED—A one family dwelling attached to one other one family dwelling by a common vertical wall, and each dwelling located on a separate lot.

~~(T)~~ SHOPPING CENTER—A group of 3 or more commercial establishments planned, constructed, or managed as a total entity, with parking provided on site.

~~(U)~~(J) UNIFIED CONTROL—Land under single control, whether sole, joint, common, or other form of ownership.

~~(V)~~(K) ZERO LOT LINE—The location of a detached dwelling unit on a lot whereby the minimum required side yard or rear yard is reduced to zero.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-31, passed 11-16-93; Am. Ord. 93-33, passed 10-15-93; Am. Ord. 96-12, passed 8-20-96)

## § 78.00 ESTABLISHMENT OF DISTRICTS.

The following planned development zoning districts are hereby established:

(A) RPD (Residential Planned Development) District

(B) CPD (Commercial Planned Development) District

~~(C)~~ IPD (Industrial Planned Development) District

~~(C)~~(D) MUPD (Mixed Use Planned Development) District

In approving any Planned Development the Board of Commissioners may prescribe conditions and safeguards ~~in conformance with the Land Development Code as the Board of Commissioners deems~~ necessary to ensure compliance with the intent of this Code ~~and its standards~~, and the City's Comprehensive Plan.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-15-93)

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**§ 78.01 RPD (Residential Planned Development) (RPD) District.**

~~(A)~~ Land Uses shall be permitted as defined in Table 28.00(A) – Table of Uses.

~~(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)~~~~(B)~~ 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 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.

~~(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)~~~~(2)~~ Transfers of density among and between contiguous sites may be permitted by the development approval provided:

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(Supp. No. 2024 S-58)

- (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)(3) 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)(4) 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)(5) Open space shall be provided at the rate of 25% of the gross site acreage. However, no more than 1/2 of the open space requirement can consist of waterbodies, wetlands, and jurisdictional areas.

(8)(6) 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)(7) Private roads shall be designed in accordance with City specifications in terms of pavement width, easement width, and construction standards.

(11)(8) Conservation and preservation areas shall be maintained as required by local, state, and federal regulations.

(12)(9) Residential units shall be oriented toward internal streets and pedestrian systems, away from adjoining roads and land uses.

(13)(10) Prior to final plan approval, documents, notations on the plan set, and other assurances satisfactory to the City shall be provided which establish the continued operation and

**Commented [AK2]:** Add to MUPD

**Commented [PM3R2]:** See page 13 - added under MUPD. Do we still need it here under RPD?

**Commented [AK4R2]:** We should keep this so that it applies to RPDs and MUPDs.

**Commented [AK5]:** Regulated by HOA if desired by HOA. LDC Section 42.00 covers parking of RVs in residential areas.

maintenance of private common improvements, such as streets, utilities, 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.

Commented [PM6]: Can we just say no more public roads?

(C) Dimensional Regulations

(E)(1) The dimensional standards outlined in Table 78.01(A) shall apply and must be noted on the site plan, as applicable.

Use	Minimum Lot Standards		Minimum Yards <sup>1</sup> (feet)				Maximum Height <sup>2</sup> (feet)
	Area <sup>1</sup> (sqft)	Width (feet)	Front	Side	Side Street	Rear	
Single Family Detached	7,000	60	25	10	15	20	35
Single Family Cluster	6,500 (Average)	60 (Corner) No Min. (Interior Lots)	20	12 (Between Buildings) 5 (To Lot Line)	10	10	35
Single Family Zero lot Line	4,000	40	20	0 (One Side) 10 (Other Side)	10	-	35
Single Family Attached & Semi-Attached	2,000	20	15	10	15	10	35
Multi Family	10,000	100	25	15	15	15	45
All Other Uses	10,000	100	20	10	10	10	35

TABLE NOTES:  
 1. Submerged land shall not be credited towards the minimum lot area nor shall be part of any required yard or setback.  
 2. The height limitations do not apply to poles used for electrical power, street lighting standards, or traffic control devices.

(2) Alternative Dimensional Plan:

- (a) Residential projects may request an alternative dimensional plan whereby the following dimensional regulations may be modified to accommodate unique projects or those developments located within unusual or difficult project sites.
- (b) Alternative dimensional plans under this Code Section shall be evaluated for compatibility for such factors including but not limited to, as scale, mass, size, height, style and aesthetics shall be taken into account. This list of factors to be considered is not exclusive and the reviewing body may consider other relevant factors in making a

Commented [PM7]: Do we mean to include intensity in this section of alternatives? It's in the current RM language but I don't really know if they can propose alternative intensities higher than the max FAR. Or does "intensity" mean something else here?

compatibility determination. The use, in order to be compatible, shall be found to preserve the character of the adjacent neighborhoods and/or community.

(c) All dimensions shall be noted on the site plan.

(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:

(i) Front = 25 feet

(ii) Side = 10 feet

(iii) Corner Lot Side = 15 feet

(iv) 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:

(i) Front = 20 feet

(ii) Side = 12 feet between buildings, 5 foot minimum to lot line

(iii) Corner lot side = 10 feet

(iv) Rear = 10 feet

(3) Specific Use Dimensional Regulations:

(a) Single Family, Detached Cluster:

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

(i)a. No flag lot shall adjoin another flag lot nor share a common driveway.

(ii)b. They constitute no more than 20% of the cluster lot total.

(iii)c. The area occupied by the flag driveway shall not be counted toward minimum lot area.

(iv)d. The flag driveway shall be no longer than 150 feet and no less than 20 feet in width.

(v)e. The use of flag lots is necessary to preserve significant environmental, topographical, natural, historical, or archeological features.

**Commented [PM8]:** Do you want to change this to match our new R-100 numbers of 7,000 s.f. lot area and 60 feet width?

**Commented [AK9R8]:** Yes, reduce numbers and format tables.

~~(4)(b)~~ 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:

~~(i)~~ Front = 20 feet

~~(ii)~~ Side = zero (0) one side, 10 feet other side

~~(iii)~~ Corner lots = 10 feet minimum

~~(iv)~~ Rear = no minimum

~~(f)~~ Maximum lot coverage = 60% excluding driveway.

~~(g)(i)~~ A perpetual 4 foot maintenance easement shall be provided on the adjoining lot abutting the developed zero lot line boundary structure, and shall be designated on the final plat.

~~(h)(ii)~~ Roof overhangs and awnings may penetrate the maintenance easement by a maximum of 2 feet, and rain gutters shall be required.

~~(i)(iii)~~ The zero lot line wall shall be constructed without doors or windows, except clerestory windows at least 12 feet above ground level.

~~(j)(iv)~~ 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:

~~(i)~~ Front = 15 feet

~~(ii)~~ Side = 10 feet, one wall attached

~~(iii)~~ Corner lot side = 15 feet

~~(iv)~~ Rear = 10 feet

~~(6)(c)~~ 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:

**Commented [PM10]:** I do not know what this means but I also am not sure I understand zero lot line dwellings.

~~(i) Front = 15 feet~~

~~(ii) Side = 10 feet (end-lots only)~~

~~(iii) Corner lot side = 15 feet~~

~~(iv) Rear = 10 feet~~

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

~~(g)(ii) 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)(d) Multifamily Dwellings (Minimum Distances Between Buildings):~~

~~(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:~~

~~(i) Front = 25 feet~~

~~(ii) Side and Rear = 15 feet~~

~~(f) Minimum Distance Between buildings:~~

~~(i) Side facing side = 15 feet~~

~~(ii) Front/rear facing side = 20 feet~~

~~(iii) Front/rear facing front/rear = 30 feet~~

~~(iv) 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:~~

~~(i) Front = 20 feet~~

~~(ii) Sides = 10 feet~~

~~(iii) Rear = 10 feet~~

~~(iv) From external perimeter streets = 35 feet~~

~~(e) Public/Semi-Public; Ancillary nonresidential uses shall not exceed a maximum area of 5.3 acres. Such use or contiguous like uses in excess of this threshold shall require a plan amendment.~~

**Commented [PM11]:** All Residential FLUMs allow 5 acres for public/semi-public uses.

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(Ord. 90-10, passed 5-1-90; Am. Ord. 93-31, passed 11-16-93; Am. Ord. 93-33, passed 10-15-93; Am. Ord. 2003-31, passed 9-30-03; Am. Ord. 2019-18, § 1, 9-10-19)

**§ 78.02 CPD (Commercial Planned Development) ~~(CPD)~~ District.**

(A) Land Uses shall be permitted as defined in Table 28.00(A) – Table of Uses.

(A) Permitted Uses

- (1) Assembly Halls, Convention Centers
- (2) Bowling Alleys
- (3) Commercial Recreation Facilities
- (4) Eating Establishments, Sit-down and Taverns
- (5) Eating Establishments, Walk-up and Drive-In
- (6) Financial Institution, Walk-up and Drive-In
- (7) Funeral Homes
- (8) Furniture, Appliance, or Carpet Stores
- (9) Garden Supplies
- (10) Health Clubs
- (11) Hotels/Motels
- (12) Libraries, Museums, Galleries, Cultural Centers, and Similar Uses
- (13) Offices
- (14) Personal Service Establishments
- (15) Private Clubs
- (16) Public Parks and Recreation Facilities
- (17) Retail Sales Establishments
- (18) Schools of Special Education
- (19) Shopping Centers
- (20) Tennis or Racquet Clubs
- (21) Theaters, Indoor
- (22) Vehicle Sales and Rental Establishments
- (23) Veterinary Clinics

(B) Conditional Uses

- (1) Churches
- (2) Commercial Marinas
- (3) Communication Towers
- (4) Community Service Uses

- (5) Congregate Care Facilities
- (6) Emergency Shelters, Residential Treatment Facilities, and Recovery Homes
- (7) Hospitals
- (8) Light Manufacturing
- (9) Mixed Use Development
- (10) Nursing Homes
- (11) Recreational Vehicle Parks
- (12) Schools of General Education
- (13) Self-Service Gasoline Stations
- (14) Transportation Terminals
- (15) Yacht Clubs

Commented [AK12]: Add to definitions

(C)(B) Design Standards

- (1) Minimum project size: No minimum
- (2) The CPD District should be located where it will facilitate ease and convenience of uses and where negative impacts upon surrounding properties will be minimized. Direct access to a collector or arterial street as identified by the Comprehensive Plan is preferred. Projects in excess of 50,000 square feet of commercial space in gross floor area shall be located at an intersection, and where the predominant trend is toward commercial development.
- ~~(3) The floor area ratio is not to exceed .40 for commercial uses, except where a historic structure as listed on the Historic Resource Element inventory is being adapted for re-use in which case the FAR shall not exceed that permitted in the future land use designation of the parcel.~~
- (4)(3) Open space shall be provided at the rate of 20% of the gross site acreage. Up to a maximum of 25% of the required open space may be provided by turf block.
- (5)(4) Setbacks from waterbodies, wetlands, and jurisdictional lines shall be as required by the Design Standards of the RPD District.
- (6)(5) Driveways
  - (a) One per street frontage shall be permitted. Shopping Centers Projects with an excess of 200 linear feet of frontage shall be permitted 2 drives, provided the drives are spaced a minimum of 100 feet apart, measured from the edge of the driveways.
  - (b) A ~~non-ingress-egress~~no access easement shall be recorded for the remainder of the project frontage, and shown on the site plan.
  - (c) A minimum distance of 50 feet from intersections shall be required, as measured from right-of-way line to the edge of driveway.
  - (d) The CPD project may be required to provide for future joint access and circulation with adjoining property to minimize potential traffic congestion where appropriate through the use of easements.
  - (e) A minimum cross access easement of 24 feet in width may be required to adjoining property where appropriate to provide for the free flow of traffic between uses without having to enter a public right-of-way.

(f) The construction of frontage roads may be required on arterial streets in accordance with adopted long range transportation improvement programs.

~~(7) The Impervious Surface Ratio (ISR) shall be .85.~~

~~(8) The following uses (as defined by the Countywide Plan Rules of Pinellas County) shall not exceed the respective acreage threshold designed for such uses. Any such use, alone or when added to existing contiguous like use(s), which exceeds the designated threshold shall require a plan map amendment that shall include such use and all contiguous like uses:~~

~~(a) Ancillary Non-Residential; Transportation/Utility Use: shall not exceed 3 acres.~~

~~(b) Institutional Use (except Public Education Facilities): shall not exceed five acres.~~

~~(D)~~(C) Dimensional Regulations

~~(1) Minimum Setbacks:~~

~~(1)(a) from a~~butting collector or arterial roadways = shall be 25 feet.

~~(2)(b) Setbacks from~~All remaining perimeter boundaries = shall be 10 feet.

~~(3)(c) Setbacks from a~~djoining residential uses or zoning districts = shall be 35 feet.

~~(4)(2) No loading or storage (excluding vehicle sales or rental establishments) shall be permitted within the required setback.~~

~~(5)(3) Minimum lot area = 10,000 square feet~~

~~(6)(4) Maximum height = 45 feet~~

~~(7) Additional requirements for mixed-use development and recreational vehicle parks:~~

~~(a) Minimum residential floor area = 600 square feet~~

~~(b) Minimum distance between buildings shall be as required by the RPD District for multifamily dwellings.~~

~~(a) Residential subdivisions shall utilize the dimensional regulations required by the RPD District.~~

~~(c)(5) Recreational Vehicle Parks shall utilize the dimensional regulations required by the RP RV District.~~

~~(E) Mixed Use Project shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the net land area of the property.~~

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-31, passed 11-16-93; Am. Ord. 93-33, passed 10-15-93; Am. Ord. 96-01, passed 2-20-96; Am. Ord. 2011-08, passed 9-6-11; Am. Ord. 2012-13, passed 8-7-12)

**§ 78.03 IPD (Industrial Planned Development) ~~(IPD)~~ District.**

~~(A) Land Uses shall be permitted as defined in Table 28.00(A) – Table of Uses.~~

~~(A) Permitted Uses~~

~~(1) Assembly Halls, Convention Centers~~

~~(2) Community Service Uses~~

~~(3) Construction Service Establishments~~

- (4) Health Clubs
- (5) Light Manufacturing
- (6) Office and Research Parks
- (7) Warehouses
- (8) Wholesale Trade
- (B) Conditional Uses
  - (1) Commercial Marinas
  - (2) Communication Towers
  - (3) Financial Institutions, Walk-up and Drive-in
  - (4) Heavy Manufacturing
  - (5) Hotels/Motels
  - (6) Miniwarehouses
  - (7) Tennis or Racquet Club
  - (8) Yacht Clubs
- (C)(B) Design Standards
  - (1) Minimum project size = 20 acres
  - (2) The IPD District shall be located with direct access to a collector or arterial street identified by the Comprehensive Plan.
  - (3) ~~The floor-area ratio shall not exceed .50.~~
  - (4)(3) ~~Setbacks from waterbodies, wetlands, and jurisdictional lines shall be as required by the Design Standards of the RPD District.~~
  - (5)(4) ~~Up to 1 attached or detached residence may be provided in the IPD project for security purposes. Only 1 accessory dwelling unit may be allowed in the IPD.~~
  - (6)(5) The IPD District shall be ~~designed with limited to~~ 1 point of external access per street frontage. All proposed uses shall be accessed internally via a public/private street. Individual driveways with external access shall not be permitted.
  - (7)(6) No outdoor storage of merchandise, equipment, or materials shall be permitted. The storage of vehicles may be permitted provided the storage yard is completely screened by an opaque fence and is approved onby the site plan. This does not apply to employee parking lots.
  - (8)(7) Open space shall be provided at the rate of 20% of the gross site acreage.
  - (9) ~~The Impervious Surface Ratio shall not exceed .80.~~
  - (10) ~~Public/Semi-Public; Retail Commercial; Personal Business service; Commercial/Business Service Uses: Shall not exceed a maximum area of 5 acres. Such use or contiguous like uses in excess of this threshold shall require an appropriate future land use plan amendment and corresponding zoning map amendment.~~
  - (11) ~~Standards for areas designated as Industrial General on the Future Land Use Map Series: Office, Retail Commercial; Personal/Business Service; and Commercial/Business service: Shall be allowed~~

**Commented [PM13]:** Wouldn't meet the definition of attached unit. Do we mean a unit attached to a non-residential building?

as accessory uses, located within the structure to which it is accessory, and not exceed 25% of the floor area of the principal use to which it is accessory.

~~(D)~~(C) Dimensional Regulations

(1) Minimum Setbacks:

~~(1)~~(a) ~~from a~~butting collector or arterial roadways = shall be 35 feet.

~~(2)~~(b) ~~Setbacks from All~~ remaining perimeter boundaries = shall be 20 feet.

~~(3)~~(c) ~~Setbacks from a~~djoining residential uses or ~~districts zoning = shall be~~ 75 feet. Parking lots shall be separated from adjoining residential uses by a 15-foot buffer.

~~(4)~~ No loading or storage is permitted within the required setback.

~~(5)~~(2) Minimum lot area = 15,000 square feet

~~(6)~~(3) Maximum height = 60 feet

~~(7)~~(4) Minimum lot width = 150 feet

~~(E)~~ Mixed Use Project shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the net land area of the property.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-31, passed 11-16-93; Am. Ord. 93-33, passed 10-15-93; Am. Ord. 96-01, passed 2-20-96; Am. Ord. 2011-08, passed 9-6-11)

### § 78.04 MUPD (Mixed Use Planned Development) District.

The MUPD (Mixed Use Planned Development) district is intended to promote development and redevelopment that provides for mixed uses ~~development~~ that supports livable, walkable communities and ~~the~~ needs of daily living.

(A) Any permitted or conditional use specified in the RPD, CPD, and IPD districts may be proposed for inclusion in a mixed use planned development.

(B) MUPD districts require a future land use category(ies) that supports the proposed project uses. This may be achieved through the use of mixed-use categories or a combination of other land use categories.

(C) To implement the intent of a mixed-use development, the setbacks and lot standards shall be determined during the preliminary planned development process based on the proposed project.

(D) Maximum Height:

(1) Vertical Mixed-Use Building = 60 feet

(2) All Other Buildings = 45 feet

(E) 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.

### § 79.00 REVIEW CRITERIA FOR PLANNED DEVELOPMENTS.

Planned Development Districts may hereafter be established by amendment to the Official Zoning [Atlas Map](#) provided they are found to satisfy the following criteria:

(A) Consistent with the Comprehensive Plan

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The Planned Development shall be found consistent with the goals, objectives, and policies of the Comprehensive Plan in effect at the time of the review.

(B) *Physical Character of the Site*

Planned Development District sites shall be suitable in location, area, and character for the uses and structures proposed.

(C) *Land Use Compatibility*

Planned Development Districts shall establish a gradual transition of intensities between varying land uses and protect against the potential for the development of incompatible land uses. Nonresidential uses shall be designed to protect residential areas from encroachment.

(D) *Adequacy of Public Facilities*

Planned Development Districts shall be so located that the existing public facilities are maximized to serve the uses proposed.

(E) *Relation to Major Transportation Facilities*

Planned Development Districts shall be ~~logically and efficiently~~ located with respect to thoroughfare streets ~~and transit facilities identified on the applicable Comprehensive Plan and mass transit facilities~~. The design shall not create excessive traffic on minor streets in residential neighborhoods outside the District.

(F) *Environmental Design*

The Planned Development shall be designed to take advantage of the natural features and topography of the site, preserve natural resources, and protect archeological or historic sites.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-15-93)

**§ 80.00 OPTIONAL CONCEPTUAL DEVELOPMENT PLAN REVIEW.**

(A) ~~The An~~ applicant ~~shall may~~ submit ~~to the Planning Department 5 copies of~~ a Conceptual Development Plan for administrative review by the ~~City~~ Technical Review Committee (TRC). The purpose of this review is to identify major concerns and the need for additional support data. ~~Within 7 working days following the completion of the TRC review, the Planning and Zoning Department shall send a letter to the applicant summarizing the major points of the TRC review. The applicant may then submit for Preliminary Development Plan review.~~

(B) Conceptual Development Plans shall consist of the following minimum information:

- (1) Accurate survey of boundary and existing conditions including but not limited to easements, streets, buildings, land uses, historic sites, zoning, wetlands, watercourses, utilities, general topographic contours, rights-of-way, and existing zoning and land uses for all contiguous properties.
- (2) Title of the project.
- (3) Total site acreage:
  - (a) Upland acreage.
  - (a)(b) Wetland acreage.
  - (b)(c) Submerged acreage.
- (4) Date, scale (1" = 60' or larger), north arrow, legend, location map.

- (5) Master plan showing the locations and acreage of general land uses including dwelling unit types, general types of nonresidential uses, open spaces, recreational facilities, and other proposed uses.
- (6) Circulation plan showing locations and types of all access points and major internal streets.
- (7) Gross residential density of each unit type and overall gross residential density.
- (8) Floor area for nonresidential uses by use type and total.
- (9) Proposed development phasing.
- (10) An aerial photograph at a scale of 1" = 200' or larger.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-15-93)

### § 81.00 PRELIMINARY DEVELOPMENT PLAN REVIEW.

- (A) The Preliminary Development Plan shall be processed and advertised in the same manner as a Zoning MapAtlas Amendment. ~~The corresponding zoning designations shall be RPD, CPD, and IPD.~~
- ~~(B) Whenever a proposed Planned Development consists of a mixture of residential, commercial, and/or industrial uses, a single combined application may be considered as a total concept. Such application shall have separate legal descriptions which correspond to the proposed RPD, CPD, and/or IPD Districts.~~
- ~~(C)~~(B) Once a Preliminary Development Plan has been approved, the applicant shall have 1-2 years from the date of approval to submit-obtain a Final Development Plan approval. Otherwise, the Preliminary Development Plan shall expire.
- ~~(D)~~(C) Preliminary Development Plans shall consist of the following minimum information:
  - (1) Accurate survey of boundary, existing conditions, and existing rights-of-way.
  - (2) Title of the project.
  - (3) Date, scale (1" = 60' or larger), north arrow, legend, location map.
  - (4) Sheet size 24 x 36 inches maximum.
  - (5) Multiple sheets if necessary with match lines clearly shown.
  - (6) Total site acreage:
    - (a) Upland acreage.
    - ~~(a)~~(b) Wetland acreage.
    - ~~(b)~~(c) Submerged acreage.
  - (7) Existing contours at 5 foot intervals.
  - (8) Proposed contours at 5 foot intervals.
  - (9) Number and gross density of all dwelling unit types by area or phase.
  - (10) Approximate dimensions and location of all proposed lot lines.
  - (11) Designation of all proposed setbacks.
  - (12) Designation and/or calculation of all proposed buffers and open space.
  - (13) Dimensions and locations of all structures.

Commented [PM14]: Do we need this section (B) now that we have a MUPD?

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- (14) Preliminary drainage solution.
  - (15) Designation of all building heights.
  - (16) Floor area and floor area ratio of all nonresidential uses.
  - (17) Preliminary landscaping details.
  - (18) Vehicular circulation, parking, and loading.
  - (19) Phasing plan including starting and completion dates for each phase.
  - (20) Preliminary utility plan and engineering.
  - (21) Flood plain designation and requirements.
  - (22) Preliminary architectural renderings and styles.
  - (23) ~~Facilities~~Concurrency Impact Statement.
  - (24) Description of the maintenance measures for all common open space and facilities.
  - (25) Pedestrian circulation.
  - (26) Designation of all recreation facilities.
  - (27) Tree survey with overlay of proposed development indicating size, type, location and condition rating of trees to remain and to be removed.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-15-93)

#### § 82.00 FINAL DEVELOPMENT PLAN REVIEW.

- (A) Within 1-2 years of Preliminary Development Plan approval, the developer shall obtain Final Development Plan approval for either the entire project, or by phase, in accordance with the approved phasing plan. The Final Planned Development shall be reviewed by the Technical Review Committee and approved by the Board of Commissioners., ~~for review and approval by the Board of Commissioners.~~
- (B) The Final Development Plan shall include construction drawings for streets, drainage, sewer, and other required public improvements.
- (C) The Final Development Plan shall be accompanied or followed by a Final Subdivision Plat for those areas to be subdivided.
- (D) Final Development Plans shall consist of the following minimum information:
  - (1) Accurate survey of boundary, existing conditions, existing and proposed rights-of-way.
  - (2) Title of the project.
  - (3) Date, scale (1" = 60' or larger), north arrow, legend, location map.
  - (4) Sheet size 24 x 36 inches maximum.
  - (5) Multiple sheets if necessary with match lines clearly shown.
  - (6) Total site acreage:
    - (a) Upland acreage.
    - (a)(b) Wetland acreage.
    - (b)(c) Submerged acreage.

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- (7) Existing contours at 1 foot intervals.
  - (8) Proposed contours at 1 foot intervals.
  - (9) All required drainage and utility construction drawings.
  - (10) Tree survey with overlay at proposed development indicating size, type, location and condition rating of trees to remain and to be removed.
  - (11) Open space calculations.
  - (12) Buildings, and major structures, ~~and outside display areas~~, including their general use, gross floor areas, floor area ratio for nonresidential buildings, number of floors, height, and where applicable, the number, size, type and gross density of all dwelling units, or lodging units. First floor elevations of all structures within the 100 year flood plain and subject to applicable flood plain regulations.
  - (13) Streets, travelways, pedestrian walkways, and bikeways, including their type, name, width, street center lines, construction, and whether they are to be public or private, showing the boundaries of all rights-of-way or easements. The location, type, and dimension of all driveways.
  - (14) Off-street parking and loading areas, including their size, widths of aisles and stalls, construction, and a specific schedule comparing the number of parking and loading spaces provided, their basis of calculation, and the minimum required.
  - (15) Yards, limited to the location and dimensions of all yards and/or buffers provided to satisfy any yard requirements, and the distance between buildings where such minimums are required.
  - (16) Open space, recreation, and public areas, including the location, type, and area of all open spaces, parks, recreational areas, ~~school sites~~ and similar areas or facilities on the property, including the percent of open space provided.
  - (17) Landscape plan, including dimensions, and the location, spacing, type, size, method of irrigation, and maintenance, and description of all proposed plant materials; the results and basis of calculation of all required landscaping; the proposed limits of clearing and tree protection plan.
  - (18) Screening, fences or walls, including location, type, height, width, and the location, type, size, method of irrigation, and maintenance, and description of all associated landscaping.
  - (19) Plans for signs, if any, including the location, type, height, area, and proposed lighting.
  - (20) Pedestrian/bike path facilities.
  - (21) Documents for maintenance of common improvements and open space.
  - ~~(22) Final Subdivision Plat indicating:~~
    - ~~(a) The dimensions of all lot lines.~~
    - ~~(b) Designation of all required minimum yards.~~
    - ~~(c) Designation of all zero lot lines.~~
    - ~~(d) The designation of all building envelopes.~~
    - ~~(e) The designation of all distances between structures where applicable.~~
  - ~~(23)~~(22) Architectural renderings.
- (E) Unless a phasing plan is specifically approved by the Board of Commissioners, the applicant has six months~~1 year~~ from the date of approval to obtain a Construction Permit or Building Permit, which must remain in an active status. Where an application for a Construction or Building Permit has been applied

for, which application is active and under review, one six-month extension may be granted by the City Manager for good cause. The review of extension requests shall include an evaluation of the effect of new or current regulations on the project. Requests for a time extension shall be submitted a minimum of 30 days prior to the expiration date in writing. Otherwise, the Final Development Plan shall expire. A phasing plan approved by the Board of Commissioners shall include defined time periods to obtain required Construction or Building permits for each proposed phase of construction. Any extensions to an approved phasing plan must be approved by the Board of Commissioners.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-15-93; Am. Ord. No. 2023-09, passed 9-19-23)

### § 83.00 WAIVERS.

- (A) In connection with the approval of a Preliminary or Final Development Plan, the Board of Commissioners may ~~request a waiver or modify modification to any design requirements~~ of the Land Development Code; ~~A waiver or modification request must be made in writing as a part of the application. 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) ~~A waiver or modification request must be made in writing and provide justification that 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;

Commented [PM15]: By "Code" we mean just this article, right?

Commented [AK16]: DRIs no longer used or applicable to this section.

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- (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.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-15-93; Am. Ord. 98-22, passed 11-17-98; Am. Ord. 2019-18, § 1, 9-10-19)

#### § 84.00 EXPIRATIONS AND EXTENSIONS.

- (A) Once a Preliminary or Final Development Plan has expired, subsequent proposals shall be processed in the same manner as new submissions.
- (B) The approval period of a Preliminary and/or Final Development may be extended ~~once~~ for a 1 year period by the Board of Commissioners, for good cause. The review of extension requests shall include an evaluation of the effect of new or current regulations on the project. Requests for a time extension shall be submitted a minimum of 30 days prior to the expiration date in writing.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-15-93)

#### § 85.00 AMENDMENTS, MODIFICATIONS, DEVIATIONS.

- (A) Once a Preliminary Development Plan has been approved, any amendment ~~to the Zoning District~~ shall be processed in accordance with the procedures required for a new submission.
- (B) The Planning Director and/or TRC has the authority to approve any minor modification to an approved Preliminary or Final Development Plan.
- (C) Major modifications shall ~~be reviewed and approved by the Board of Commissioners, and shall be~~ processed in ~~accordance with the requirements for the same manner as a~~ Preliminary Development Plan approval. The following criteria shall be used to identify a major modification:
  - (1) Any increase in density or floor area ratio.
  - (2) Any change in ~~the proposed land uses~~.
  - (3) Any change in project phasing, ~~excluding an extension requested under §84.00~~.
  - (4) Any change which would require an amendment to approval conditions.
  - (5) Structural alterations significantly affecting the basic size and form of the building(s).
  - (6) Any reduction in the amount of open space of more than 5% or any substantial change in the location or characteristics of open space.
  - (7) Any increase in traffic generation by more than 10%.
  - (8) Any increase in structure height.
  - (9) Any change in the number of vehicular access points.
  - (10) ~~Any change in the density/intensity standards shall not exceed the maximum density/intensity standards of the future land use plan.~~

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(D) Deviations from approved plans or failure to comply with any requirements, condition, or safeguard imposed by the Board of Commissioners shall constitute a zoning violation.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-31, passed 11-16-93; Am. Ord. 93-33, passed 10-15-93)

**(§§ 86.00 through 95.00 reserved)**

**ARTICLE VIII. PLAN CONSISTENCY, CONCURRENCY MANAGEMENT, AND  
MOBILITY MANAGEMENT**

**§ 121.00 PLAN CONSISTENCY.**

- (A) All development orders reviewed after the effective date of the Comprehensive Plan shall be issued only if they are consistent with the goals, objectives, and policies contained within the Plan. Requests for development order approval shall be reviewed in accordance with, and shall be consistent with, all elements of the Comprehensive Plan.
- (B) "Consistency" shall mean to further the intent of the Comprehensive Plan. "Inconsistency" exists when a development order is in conflict with the goals, objectives, and policies of the Comprehensive Plan.
- (C) The provisions of this Code are intended to implement the requirements of the Comprehensive Plan, and it shall be presumed that a development order which is found to meet all the requirements of this Code is consistent with the Comprehensive Plan.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93)

**§ 122.00 CONCURRENCY MANAGEMENT.**

- (A) No development order may be issued where the required levels of service provided below are not available concurrent with the impacts of the development.
- (B) All requests for site plan, subdivision, zoning/land use, planned development or conditional use approval shall be required to demonstrate that the required facilities provided below are available at the prescribed levels of service concurrent with the impacts of the development.
- (C) The burden of demonstrating compliance with the level of service requirements shall be upon the applicant for development approval.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93)

**§ 122.01 Exceptions.**

- (A) ~~The provisions of this Article shall not affect the validity of any of the following lawfully issued and effective development orders:~~
  - (1) ~~The development activity is authorized by an effective building permit where construction has commenced prior to May 1, 1990 or application for a building permit has been made prior to May 1, 1990, said permit is granted and does not expire, and the development activity continues without interruption until the development is complete. Extensions to said permit shall not be granted if there is a conflict with any of the provisions of this Article or any other provision of this Code.~~
  - (2) ~~The development activity is authorized by an effective site plan approval which has been granted prior to May 1, 1990, and the development activity commences prior to the expiration date of the original site plan approval and continues without interruption until the development is~~

**Commented [AK1]:** Section is no longer applicable, outdated, and no active DRIs this would apply to.

complete. In the event that a site plan approval involves a phased project, the succeeding phases of that site plan shall retain vested status provided that the approval of the original phase does not expire and each subsequent phase continues without interruption until the development is complete. Unless an alternate phasing plan was approved by the City prior to May 1, 1990, the vested status of each subsequent phase shall expire one year per phase after the initial approval date.

(3) ~~The development activity is authorized as a lawfully approved or constructed subdivision for one and two family dwellings. The subdivision shall be considered lawfully approved or constructed if one or more of the following conditions are met:~~

~~(a) The subdivision plat has been legally recorded and the on-site improvements required by the initial approval are either completed or bonded by May 1, 1990.~~

~~(b) The site plan or construction drawings have been approved prior to May 1, 1990 and their status remains vested pursuant to the site plan provisions of subsection (A)(2) of this section.~~

(4) ~~The development activity is authorized by an effective development order relating to a Development of Regional Impact approval prior to May 1, 1990. In the event that a modification is made to a Development of Regional Impact which results in an increase in the number of dwelling units or nonresidential gross floor area, then the project shall no longer be considered vested.~~

(B) ~~For the purposes of this section, "interruption" shall be defined as when construction activity for a period greater than 1 year ceases or when construction activity not in accordance with an approved Phasing Plan ceases.~~

(C) ~~Any development activity that is excepted from the provisions of this Code pursuant to the provisions of this section shall remain consistent with the previously approved development order. In the event that a major revision to the development order as defined by § 210.05 of this Code is requested, the development must comply with the provisions of this Article.~~

(D) ~~Any development activity that is excepted from the provisions of this Code pursuant to this section must meet the requirements of the regulations in effect at the time the development order was approved. If the development order expires for any reason, any further development activity shall occur only in conformance with the requirements of this Article along with all other provisions of this Code.~~

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93)

### **§ 122.02-01 Certificate Certification of Concurrency.**

(A) ~~A valid Certificate Certification of C~~oncurrency shall be required prior to the issuance of any development order. ~~The certificate shall be issued by~~A completed concurrency form and/or a facilities impact table within the plan set must be provided as a part of an application. ~~the City based upon a review of the project's compliance with the adopted level of service standards for the affected public facilities. The certification shall be included in the resolution, ordinance, or other development order as necessary.~~

(B) ~~A Certificate of Concurrency shall be issued as follows:~~

(1) ~~Approval by the Board of Commissioners at the time of Conditional Use, Planned Development, Final Site Plan or Final Subdivision Plat approval.~~

(2) Approval by the Planning and Zoning Department at the time of Building Permit approval for single family and two family dwellings.

(3) The determination shall be in accordance with the requirements of this Article.

(4) An application for a Certificate of Concurrency shall be processed along with an application for Conditional Use, Planned Development, Final Site Plan, Final Subdivision Plat or Building Permit review.

(C)(B) ~~\_\_\_\_\_~~ An approved Certificate of Concurrency ~~The certification shall remain be valid as long as the associated application remains active. for 1 year from the date of issuance unless an alternate phasing plan is approved by the Board of Commissioners at the time of site plan review. No extensions may be granted.~~

(D)(C) ~~\_\_\_\_\_~~ Any change to an approved development order which results in a greater impact on one or more of the required public facilities shall require ~~recertification. the issuance of a new Certificate of Concurrency from the authority granting the original certificate which follows the procedure for development order approval required by this Code.~~

(E)(D) ~~\_\_\_\_\_~~ No transfers of capacity shall be allowed. ~~from one parcel to another.~~

(Ord. 90-10, passed 5-1-90; Am. Ord. 90-52, passed 12-18-90; Am. Ord. 93-33, passed 10-19-93)

### § 122.023 Appeals.

(A) Any applicant who has been aggrieved by a decision of the City ~~may submit an appeal to the Board of Adjustment pursuant to §215.01.~~ related to the application for a Certificate of Concurrency may request a review of that decision.

(B) ~~The request for appeal shall be made within 30 days of the date of the original decision.~~

(C)(B) ~~\_\_\_\_\_~~ The request for an appeal shall be in writing to the Planning and Zoning Department and shall indicate the following ~~following~~ information shall be provided as part of the appeal:

- (1) The property involved;
- (2) The owner of record of the property involved ;
- (3) The date the original decision was made;
- (4) The file or permit number of the original application; and
- (5) The fee required by this Code.

(D) ~~The request for appeal shall be heard by a Hearing Officer from and assigned by the Florida Department of Administrative Hearings.~~

(E) ~~The applicant for appeal shall be required to present substantial competent evidence to the Hearing Officer that establishes the decision relating to the application for a Certificate of Concurrency is not in compliance with this Article and this Code.~~

(F) ~~In reviewing the appeal, the Hearing Officer shall represent the public interest consistent with the requirements of F.S. Ch. 163, shall follow any applicable requirements of the Florida Administrative Code, and shall follow the provisions of this Code or any other applicable City ordinance.~~

(G) ~~In conducting administrative hearings, the Hearing Officer shall have the power to administer oaths, issue subpoenas, compel the production of books, papers, and other documents, and receive evidence. The Hearing Officer, in the conduct of such hearings, shall utilize a procedure similar to that set out in F.S. §§ 120.57(1) and 120.58.~~

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~~(H) All orders prepared by the Hearing Officer shall conform with the requirements for such orders as set out in F.S. § 120.59. The Hearing Officer shall present the Order of Findings of Fact and Conclusions to the Board of Commissioners and City Manager. The decision of the Hearing Officer shall be final.~~

~~(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93)~~

#### ~~§ 122.04 Annual Report.~~

~~(A) An annual report relating to the status of the adopted level of service standards, the status of approved development orders, and the status of the adopted Capital Improvements Element of the Comprehensive Plan shall be presented to the Board of Commissioners by the Planning and Zoning Department.~~

~~(B) The annual report shall be prepared in conjunction with the next year's fiscal budget adoption process and shall be presented prior to the end of the calendar year.~~

~~(C) The capacity of each public facility shall be based upon the calculations set forth in this Article and account for committed development utilizing a reasonable projection for the progress of each proposal and population growth projections.~~

~~(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93)~~

#### ~~§ 122.05-04 Determination of Available Levels of Service.~~

~~(A) For the purposes of this Code the determination of available levels of service shall be made as follows:~~

~~(1) Add together the total capacity of existing facilities and the total capacity of new facilities that will become available concurrent with the impact of the development.~~

~~(2) The total capacity of new facilities may be relied upon only if one or more of the following conditions can be demonstrated:~~

~~(a) Construction of the new facility is underway at the time the development order is issued.~~

~~(b) The new facility is the subject of a binding contract executed for construction at the time the development order is issued.~~

~~(c) The new facility is included in the adopted annual budget of the responsible agency at the time the development order is issued.~~

~~(d) The new facility is guaranteed in an enforceable development agreement at the time the development order is issued. An enforceable development agreement shall include, but not be limited to, agreements pursuant to F.S. § 163.3220 or orders pursuant to F.S. Ch. 380.~~

~~(e) The developer has committed through the development review process to provide the necessary facility improvements.~~

~~(3) Subtract the demand for the facility evidenced by existing development along with the new demand that will be created by the proposed development along with the new demand anticipated by other presently approved but not completed development orders and presently vested but not completed development orders.~~

~~(B) Project phasing may be required to maintain required levels of service.~~

Commented [AK2]: This was a state requirement that is no longer applicable.

- (C) In the event that facilities relied upon to maintain required levels of service are not constructed the City shall re-review the impacts of the affected development orders to determine whether existing ~~Certificates of Concurrence~~concurrency certifications remain valid.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93)

#### § 122.06-05 Potable Water.

- (A) Sufficient available capacity to maintain the following levels of service shall be demonstrated:
- (1) Minimum design flow, ~~150-110~~ gallons per capita per day (GPCD).
  - (2) Minimum pressure, ~~45-50-60~~ pounds per square inch (psi) to user.
- (B) The estimated water consumption in terms of gallons per day shall be provided.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93)

#### § 122.07-06 Sanitary Sewer.

- (A) Sufficient available capacity to maintain the following levels of service shall be demonstrated:
- (1) Minimum design flow, ~~200-100~~ GPCD
  - ~~(2) Reduction of minimum design flow by 1992, 175 GPCD.~~
- (B) The peak ~~design flow shall not exceed 1.3 times~~ the average daily GPCD.
- (C) The sanitary sewage disposal system shall comply with all pertinent federal, state, and local standards for effluent and sludge disposal at the time a development order is issued.
- (D) The additional flow shall not exceed the treatment plant design or flow capacity of transmission lines at the time a development order is issued.
- (E) The estimated sanitary sewage flow in terms of gallons per day shall be provided.
- ~~(F) The additional flow shall not exceed the flow capacity of transmission lines at the time a development order is issued.~~

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93)

#### § 122.08-07 Drainage.

- (A) Sufficient available capacity to maintain the following levels of service shall be demonstrated:
- (1) ~~25 year frequency storm, 24 hour duration. Refer to the City Stormwater Technical Manual for minimum level of service requirements.~~
  - (2) ~~Post development runoff shall not exceed predevelopment runoff for quality and quantity. Refer to the City Stormwater Technical Manual for minimum discharge quantity/quality requirements.~~
- (B) The proposed drainage system shall comply with the development standards ~~for drainage~~ of this Code and, of the City Stormwater Technical Manual (including the retrofitting requirements for existing systems), and, with the ambient water quality and quantity standards of the Southwest Florida Water Management District, and the Florida Department of Environmental Protection, ~~and Chapter 17-25, FAC.~~

Commented [AK3]: Verify with Tommy before Public Hearing

(C) The discharge of drainage shall not further degrade the receiving surface water body.  
 (Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93)

**§ 122.09-08 Solid Waste.**

- (A) Sufficient available capacity to maintain the following level of service shall be demonstrated:
  - (1) 1.3 tons per person per year.
- (B) A solid waste management plan is required where hazardous materials are involved for storage or disposal.
- (C) The estimated solid waste disposal in terms of tons per year shall be provided.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93)

**§ 122.10-09 Recreation.**

- (A) Sufficient available capacity to maintain ~~the recreation and open space~~ the following levels of service requirements shall be demonstrated in accordance with ~~shall-~~ the 2045 Comprehensive Plan. ~~be demonstrated:~~

~~(1) Recreation facilities~~

Ball Diamonds	1 diamond	per 3,500 persons
Basketball Courts	1 court	per 5,000 persons
Bicycle Facilities	1 mile of facility	per 5,000 persons
Boat Ramps	1 boat ramp lane	per 4,700 persons
Fishing (non-boat)	800 ft. catwalk/boardwalk	per 5,000 persons
Football/Soccer Fields	1 field	per 4,000 persons
Golf Course	1-18 hole course	per 50,000 persons
Handball/Racquetball Courts	1 court	per 10,000 persons
Nature Study/Walking Trails	1 mile of trail	per 6,250 persons
Shuffleboard	1 court	per 1,500 persons
Swimming (non-pool)	1 mile sandy beach	per 100,000 persons
Tennis Courts	1 court	per 2,000 persons

~~(B) Recreation site acreage~~

- ~~(1) Neighborhood/Community parks 2 acres per 1,000 population~~
- ~~(2) Open Space 1 acre per 1,000 population~~
- ~~(3) Regional parks 20 acres per 1,000 population~~
- ~~(4) Urban District parks 5 acres per 1,000 population~~

~~(C) Park site design standards~~

- ~~(1) Neighborhood park~~
  - ~~(a) Service Radius: ½ mile~~
  - ~~(b) Population Served: 3,000 to 5,000 residents~~

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- (c) ~~Site Size: 1 to 10 acres~~
  - (d) ~~Level of Service: 2 acres per 1000 population served~~
  - (e) ~~Typical Facilities:~~
    - (i) ~~Landscaped Picnic Area~~
    - (ii) ~~Children's Play Area (with equipped play area)~~
    - (iii) ~~Multi-purpose Ballfields (play and recreation)~~
    - (iv) ~~Benches and Passive Areas~~
    - (v) ~~Hardcourt Area (tennis, basketball, volleyball)~~
    - (vi) ~~Security Lighting~~

(2) ~~Community Park~~

- (a) ~~Service Radius: 2 miles~~
- (b) ~~Population Served: 15,000 to 25,000 residents~~
- (c) ~~Site Size: 10 to 40 acres~~
- (d) ~~Level of Service: 2 acres per 1000 population served~~
- (e) ~~Typical Facilities:~~
  - (i) ~~One or More Lighted Multi-Purpose Ballfields~~
  - (ii) ~~League/Tournament Ballfields~~
  - (iii) ~~Recreation Activity Building~~
  - (iv) ~~Play Apparatus Areas~~
  - (v) ~~Gymnasium~~
  - (vi) ~~Swimming Pool~~
  - (vii) ~~Two or More Tennis Courts~~
  - (viii) ~~Family or Grouped Picnic Area~~
  - (ix) ~~One or More Lighted Hardcourt Areas (tennis, basketball, volleyball, handball/racquetball)~~
  - (x) ~~Security Lighting~~
  - (xi) ~~Parking Areas~~
  - (xii) ~~Boat Ramps~~

(D) ~~Development proposals on the north side of the Anclote River shall provide a minimum 35-foot wide easement to comply with the Rails-to-Trails Program where inclusion of the abandoned SCL railroad right-of-way in the project is involved, and/or assist in providing a site for a minimum 10-acre neighborhood park in a location accessible to residential areas.~~

(E) ~~Future recreation and park sites designated by the Comprehensive Plan shall be held inviolate against diversion to other uses except where an overriding public need is demonstrated.~~

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93)

**§ 122.11.123.00 MOBILITY MANAGEMENT.**

**§ 122.11.01 Legislative Findings.**

- (A) — Florida House Bill 7207, the Community Planning Act, was legislated in 2011. The Act eliminated state mandated concurrency management requirements related to transportation facilities for local governments.
- (B) — In 2013, the Pinellas County Metropolitan Planning Organization approved the Pinellas County Mobility Plan Report. The intent of the Mobility Plan is to replace local transportation concurrency management programs with a system that provides local governments with the means to manage the traffic impacts of development projects without requiring developers to meet adopted level of service standards.
- (C) — The transportation element of the comprehensive plan identifies a number of highway system facilities operating under deficient level of service conditions. These require the application of Mobility Plan provisions in order to manage transportation impacts and to increase mobility through the use of multimodal impact fees to fund transportation improvements.
- (D) — The 2012 Moving Ahead for Progress in the 21st Century (MAP 21) Act, which sets forth requirements for metropolitan transportation planning, promotes integrated transportation systems that maximize mobility and accessibility and the preservation, rather than the construction, of highways.
- (E) — The City of Tarpon Springs Comprehensive Plan provides data, analysis, and policies supporting the intent of the City to manage the impacts of development on facilities operating with deficient level of service conditions through the application of the Pinellas County Mobility Plan and supporting land use policies.
- (F) — Transportation management plan strategies are important tools for local governments to manage development impacts while maximizing mobility and accessibility consistent with the comprehensive plan and MAP 21.
- (G) — The Community Planning Act encourages the coordination of planning and growth management activities among local governments, the Metropolitan Planning Organization and regional and state government agencies.

(Ord. No. 2017-07, passed 5-2-17)

Editor's note(s) — Ord. No. 2017-07, passed May 2, 2017, repealed the former § 122.11.01 and enacted a new § 122.11.01 as set out herein. The former § 122.11.01 pertained to minimum acceptable level of service of LOS and derived from Ord. 90-10, passed 5-1-90; Am. Ord. 91-06, passed 3-20-91; Am. Ord. 93-25, passed 9-21-93; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 93-34, passed 10-19-93 and Am. Ord. 96-26, passed 12-3-96.

**§ 122.11.02123.01 Purpose and Intent.**

It is the purpose of this ~~division section~~ to establish a transportation management system ~~to that~~ ensures that the impacts of development on transportation facilities and services are effectively managed while increasing mobility for pedestrians, bicyclists, transit users and motor vehicles.

Commented [AK4]: Covered in Comp Plan, unnecessary to have in LDC

Commented [PM5]: For Caroline: Is MAP 21 already outdated? Should any subsequent reference to updated legislation be added here?

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(Ord. No. 2017-07, passed 5-2-17)

Editor's note(s)—Ord. No. 2017-07, passed May 2, 2017, repealed the former § 122.11.02 and enacted a new § 122.11.02 as set out herein. The former § 122.11.02 pertained to congestion containment corridor and derived from Ord. 96-26, passed 12-3-96.

**§ ~~122.11.03~~123.02 Transportation Management Plan (TMP).**

- (A) ~~Transportation management plans are required on deficient roadways, as defined by the Metropolitan Planning Organization (MPO) and in accordance with the Pinellas County Multimodal Impact Fee Ordinance.~~
- (B) ~~The City may require TMPs for developments determined to have local transportation impacts outside of designated deficient corridors.~~
- (C) ~~Transportation management plans ~~are to~~must be submitted by applicants of development projects in conjunction with their site plans and accepted by the City. Transportation management plans are required for development applications seeking to utilize transportation management strategies/improvements to address their development impacts. The extent of the strategies/improvements included in an approved transportation management plan in terms of the scale of the project(s) and roadway capacity and/or mobility benefits provided shall be based primarily on the projected impact of the development project on the surrounding traffic circulation system.~~
- (D) ~~Specific conditions of the deficient road corridor impacted by the development will also be considered. Transportation management plan (TMP) strategies/improvements applicable to development projects within deficient road corridors will be determined at the time of site plan review. Should the impacts of the a development project impact a transportation facility road under the jurisdiction of an adjacent local government or FDOT, the identification of appropriate TMP strategies shall be coordinated with the affected jurisdiction(s). Transportation management plans must be developed by the applicant and accepted by the City.~~
- (A)(E) ~~\_\_\_\_\_~~ Transportation management plan TMP strategies/improvements include, but are not limited to those listed below.
  - (1) *Intensity reduction.* The intensity of the proposal may be reduced through an across-the-board reduction of the permitted floor area ratio, as it would otherwise normally apply to the proposal. Other such corrective actions that would reduce the intensity of the proposal may also apply.
  - (2) *Density reduction.* The density of the proposal may be decreased by a reduction in the number of units per acre below that which would otherwise normally apply to the proposal.
  - (3) *Project phasing.* A project may be divided into logical phases of development by area, with later phases of the development proposal's approval withheld until the needed facilities are available.
  - (4) *Outparcel deletion.* Those portions of the proposal characterized as outparcels that create separate and unique impacts may be deleted from the total proposal.
  - (5) *Physical highway improvements.* A project may construct link capacity improvements, acceleration/deceleration lanes, intersection improvements or frontage roads.
  - (6) *Operational improvements (signal).* This includes efforts involving signal removal or signal timing improvements.
  - (7) *Access management strategies.* These include access management controls such as the preclusion of a direct connection to a deficient facility, right-in/right-out driveways, alternative

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driveway locations, reduction of a driveway, single point access, shared access or the implementation of median controls.

- (8) *Mass transit initiatives.* A project may implement a plan to encourage transit (e.g., employer-issued bus passes). Other mass transit initiatives may include, but are not limited to, direct route subsidies, provision of feeder service or the construction of bus stop amenities, bus pull-off areas and dedication of park and ride parking spaces.
- (9) *Demand management/commuter assistance.* These include efforts to encourage ride-sharing (e.g., designated parking spaces for carpools, employer-sponsored carpool program, participation in transportation management organization/initiative programs), and to implement flexible work hour and telecommuting programs.
- (10) *Bicycle/pedestrian improvements.* These would involve structural improvements or construction of a bikeway or sidewalk connecting an existing bikeway/sidewalk network or providing access to a school, park, shopping center, etc. These improvements may also include pedestrian treatments in parking areas, sidewalks connecting developments with adjacent land uses, trail improvements and bicycle rack and on-street bicycle lane installations, and the planting of trees to provide shade canopy along sidewalks.
- (11) *Intelligent transportation system improvements.* This includes improvements pertaining to computerized traffic signal systems that automatically adjust to maximize traffic flow and to permit emergency vehicles to pass through intersections quickly. It also includes freeway management systems, such as electronic message signs, and electronic fare payment on public buses that reduce passenger boarding time.
- (12) *Livable community site design features.* These include, but are not limited to, implementation of pedestrian friendly site design features such as orienting buildings toward the street and parking lots to the side or rear of buildings.

~~(B)~~(F) Transportation management plans seeking to implement strategies that do not involve structural improvements, such as ride-sharing and transit incentive programs, must include a monitoring program to ensure the strategies are carried out in accordance with the plan, as developed by the applicant and accepted by the City.

(Ord. No. 2017-07, passed 5-2-17)

Editor's note(s)—Ord. No. 2017-07, passed May 2, 2017, repealed the former § 122.11.03 and enacted a new § 122.11.03 as set out herein. The former § 122.11.03 pertained to de minimis impact and derived from Ord. 90-10, passed 5-1-90; Am. Ord. 91-06, passed 3-20-91; Am. Ord. 93-25, passed 9-21-93; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 93-34, passed 10-19-93 and Am. Ord. 96-26, passed 12-3-96.

**§ 122.11.04123.03 Deficient Road Corridors, Transportation Management Plan Strategies Applied Traffic Study.**

- (A) Traffic studies must be submitted in accordance with the Metropolitan Planning Organization (MPO) requirements and with the Pinellas County Multimodal Impact Fee Ordinance.
- (B) In addition, the City may require a traffic study for developments determined to have local transportation impacts.
- ~~(A) Deficient road corridors include parcels within one-half mile of the centerline or terminus of a facility operating under a deficient level of service.~~

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- (B) In support of the provisions of this section regarding deficient road corridors, policies in the comprehensive plan seek to discourage future land use map (FLUM) amendments that allow for an increase in automobile trips generated from sites proposed for amendment. Exceptions to this provision may apply within road corridors where the comprehensive plan is seeking increased densities and intensities for planning purposes.
- (C) Development projects located within deficient road corridors that generate between 51 and 300 new peak hour trips are classified as tier 1.
- (1) Developers of tier 1 projects are required to submit a transportation management plan designed to address their impacts while increasing mobility and reducing the demand for single occupant vehicle travel.
  - (2) The cost of transportation management strategies implemented for tier 1 projects are creditable toward their multimodal impact fee assessment in accordance with the Multimodal Impact Fee Ordinance. If the cost of the improvement exceeds the assessment, the development project would not be subject to payment of the fee.
- (D) Development projects located within deficient road corridors that generate more than 300 new peak hour trips are classified as tier 2. Developers of tier 2 projects are required to conduct a traffic study and submit an accompanying report. The report shall include the results of the traffic study and a transportation management plan identifying improvements necessary to mitigate the impacts of the project. The report shall be submitted to the Planning and Zoning Department for review. The cost of transportation management strategies implemented for tier 2 projects may be applied as credit toward the project's multimodal impact fee assessment in accordance with the Multimodal Impact Fee Ordinance or payment of the fee could be included as part of a transportation management plan.
- (E) Development projects that generate less than 51 new peak hour trips are required to pay a multimodal impact fee in accordance with the Multimodal Impact Fee Ordinance. They are not required to submit a transportation management plan or traffic study.
- (F) A traffic study and corresponding transportation management plan for a land development project generating more than 50 new peak hour trips outside a deficient road corridor may be required if through the site plan review process the local government determines that operational improvements such as intersection or median modifications may be are necessary to accommodate the additional trips generated by the proposed land use.

(Ord. No. 2017-07, passed 5-2-17)

Editor's note(s)—Ord. No. 2017-07, passed May 2, 2017, repealed the former § 122.11.04 and enacted a new § 122.11.04 as set out herein. The former § 122.11.04 pertained to proportionate fair-share mitigation of development impacts on transportation corridors and derived from Ord. 2006-34, passed 10-17-06.

#### **§ 122.11.05 Methodology Applied.**

Determination of trip generation shall be based on the Pinellas County Multimodal Transportation Impact Fee Ordinance fee schedules and latest edition of the *Institute of Transportation Engineers Trip Generation Manual*.

(Ord. No. 2017-07, passed 5-2-17)

#### **§ ~~122.12~~124.00 HURRICANE SHELTER IMPACT STUDY.**

- (A) All requests for site plan, subdivision, zoning/land use, or conditional use approval which entails residential developments of 10 or more units, and which involves a site that is wholly or partially located

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within Pinellas County Evacuation Zone A, B, or C, shall prepare and submit an analysis which indicates that available shelter space will not be exceeded. Shelter analysis shall be performed based upon a Category 3 hurricane impact and shall be performed based on the area bounded on the south by Nebraska Avenue on the east by East Lake Road and the north by the Pinellas/Pasco County Line.

(B) Shelter space demand analysis shall be based upon the most recent available data from Pinellas County Emergency Management or the Tampa Bay Regional Planning Council and shall utilize shelter and demand assessment methodology established or accepted by Pinellas County Emergency Management.

(B)(C) All assessments must be reviewed and verified for accuracy by the Technical Review Committee. Alternatively, the City may utilize outside professional consultant services for review. Applicants may utilize alternate shelter utilization and persons per household rates using documented and industry/discipline-acceptable data sources such as current State of Florida, local, or regional governmental agency studies. If alternate data sources are proposed for the study, the applicant shall notify the City Manager or designee in writing of the alternate shelter utilization and persons per household rates intended for use, including citations and copies or links to the data sources.

(C)(D) The study shall provide solutions for mitigation where a shelter deficit is projected. The solutions must provide for mitigation equivalent to the proposed development's anticipated hurricane preparedness impacts, and may utilize any single or combination of the following mitigative techniques:

- (1) The donation of land for public facilities.
- (2) The donation or use of private structures as hurricane shelter space.
- (3) The provision of payments to upgrade existing shelters, to include the addition of storm shutters, provision of electric generators, provision of a food supply, provision of potable water storage capacity, and other items which are determined necessary by the Red Cross and Pinellas County Emergency Management Department to upgrade existing shelters.
- (4) The provision of on-site shelter space when the project includes a community center or other suitable facility. The provision of on-site shelter space shall be at the ratio of 10 to 20 square feet per resident, and shall equal the proposed development's anticipated hurricane shelter space demand.
- (5) The provision of funds to be used for the purpose of training shelter volunteers or for the purpose of enhancing existing public information programs.
- (6) The provision for a limitation on density, or project phasing.
- (7) The provision and maintenance of a public information program and hurricane evacuation fund within a homeowners' association.
- (8) The provision for the elevation of all roads within the proposed development above the flood level of a category three hurricane event, making evacuation more feasible.
- (9) The provision of improvements to the evacuation routes, including roadway capacity improvements and the provision of funds for the posting of evacuation routes.
- (10) The provision of funds to be used for the purpose of procuring communication equipment which would upgrade existing warning and notification capability.
- (11) Nothing contained in this section shall preclude the use of alternative mitigative techniques.
- (12) Any alternative mitigative technique shall provide reasonable assurance regarding the alternative's ability to reduce the development's impact upon demand for hurricane shelter space.
- (13) Utilization of Coastal High Hazard Area Design Standards of Section 149.01

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(Ord. No. 2017-07, passed 5-2-17; Am. Ord. 2019-21, § 1, 12-10-19; Ord. No. 2022-24, passed 9-19-23)

Editor's note(s)—Ord. No. 2017-07, passed 5-2-17, renumbered § 122.13, pertaining to hurricane shelter impact study, as 122.12.

(Sample "Certificate of Concurrency" reproduced on following page.)

SAMPLE CERTIFICATE OF CONCURRENCY

(A)	Date:	
(B)	Development Activity:	Permit or File Number:
	_____ Site Plan or Subdivision	_____
	_____ Final Subdivision Plat	_____
	_____ Conditional Use	_____
	_____ Building Permit	_____
(C)	Proposed Development:	
	-Site Acreage: _____	
	-Location:	
	-Project Name:	
	-Residential:	
	_____ Single Family	_____ Units
	_____ Two Family	_____ Units
	_____ Multifamily	_____ Units
	-Nonresidential:	
	-Use: _____	
	-Square Footage: _____	
	-Use: _____	
	-Square Footage: _____	
	-Use: _____	
	-Square Footage: _____	
	-Owner Name:	
	-Owner Address:	
	-Contractor/Developer:	
(D)	Exceptions:	
	§ 122.01(A)(1) _____	
	§ 122.01(A)(2) _____	
	§ 122.01(A)(3) _____	
	§ 122.01(A)(4) _____	
(E)	Levels of Service:	
	-Potable Water: _____ Compliance	_____ Noncompliance
	-Sanitary Sewer: _____ Compliance	_____ Noncompliance
	-Drainage: _____ Compliance	_____ Noncompliance
	-Solid Waste: _____ Compliance	_____ Noncompliance
	-Recreation: _____ Compliance	_____ Noncompliance
	-Transportation: _____ Compliance	_____ Noncompliance

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	-Hurricane Shelter: _____ Compliance	_____ Noncompliance
(F)	Reserved Project Capacity:	
	-Potable Water:	gallons per day
	-Sanitary Sewer:	gallons per day
	-Solid Waste:	tons per year
	-Transportation:	peak hour trips
	_____ Impacted Link:	
	-Hurricane Shelter: _____ Spaces	
(G)	Conditions of Approval (List):	
(H)	Action:	
	_____ Compliance	
	_____ Noncompliance	
	Signature:	
	Date of Issuance:	

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 2019-21, § 1, 12-10-19)

**(§§ 123.00 through 125.00 reserved)**