



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, JANUARY 27, 2025 6:30 PM - CITY HALL AUDITORIUM

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. REFLECTION

5. CONSENT AGENDA

- a. Minutes for Approval
 - i. November 18, 2024
 - ii. December 16, 2024

6. ORDINANCES AND RESOLUTIONS

- a. **Ordinance 2025-01: Land Development Code Amendment:** Amending Article IV, Section 56.05 Mobile Food Dispensing Vehicles, Temporary (Application 24-85) Legislative

7. ORGANIZATIONAL MEETING

- a. Election of Officers

8. BOARD AND STAFF COMMENTS

9. ADJOURNMENT



**MINUTES
PLANNING AND ZONING BOARD
CITY OF TARPON SPRINGS, FLORIDA
NOVEMBER 18, 2024**

THE Planning and Zoning Board OF THE CITY OF TARPON SPRINGS, FLORIDA, MET IN PLANNING AND ZONING BOARD IN THE CITY HALL AUDITORIUM/COMMISSION CHAMBERS, 324 E. PINE STREET, ON Monday, November 18, 2024 AT 6:30 PM WITH THE FOLLOWING PRESENT:

Vice-Chairperson N. Mike Kouskoutis
Member Georganna Frantzis
Member Robert Rockelein
Member Derla Early
Member Susan Swenson
Alternate Member Lori Rainaldi Weaver

ABSENT/EXCUSED: Member Justin Vessey
Member Nick Zembillas

ALSO PRESENT: PATRICIA MCNEESE, AICP, PLANNING SUPERVISOR
ALLIE KEEN, AICP, PRINCIPAL PLANNER
ANDREW DICKMAN, ESQ, AICP, BOARD ATTORNEY
KIMBERLY CREIGHTON, BOARD SECRETARY

1. PLEDGE OF ALLEGIANCE

Vice-Chairperson Kouskoutis led the Pledge of Allegiance to the Flag.

2. REFLECTION

Vice-Chairperson Kouskoutis led the reflection.

3. CALL TO ORDER / ROLL CALL

Vice-Chairperson Kouskoutis called the meeting to order at 6:30 P.M., and Board Secretary Creighton called the roll.

4. QUASI-JUDICIAL ANNOUNCEMENT AND SWEARING IN OF SPEAKERS

Board Attorney Dickman did not note anything regarding quasi-judicial hearings because the development agreement on the agenda was a legislative item. He did remind the board that development agreements were governed under state statute as well as the City of Tarpon Springs Code of Ordinances.

5. ORDINANCES AND RESOLUTIONS

- a. **ORDINANCE 2024-01:** Land Development Code Amendment: Amending Article VII, Heritage Preservation, and, Providing for Creation of Neighborhood Conservation Overlay Districts (Application 22-112); Legislative. **DEFERRED TO A DATE CERTAIN OF DECEMBER 16, 2024.**
- b. **RESOLUTION 2024-42:** Development Agreement between the City of Tarpon Springs and Moses Tucker Partners for the development of property located at 44098 US Highway 19 N. (Application #24-45); Legislative.

Staff:

Mrs. Vincent gave background information and noted that staff recommended approval of Resolution 2024-42, a development agreement between the City of Tarpon Springs and Moses Tucker Partners for the development of the property located at 44098 US Highway 19 N. She further noted that to accomplish the proposed development, the following subsequent applications were necessary:

1. **Conditional Use** – The current HB (Highway Business) zoning would not change. Mini-warehouse/outdoor RV/boat storage facilities require conditional use approval in the HB zoning district.
2. **Site Plan** – At the time the applicant requests the conditional use, they will also need to submit it for site plan approval. The site plan will need to be consistent with the concept plan provided with the development agreement (*Exhibit A of Resolution 2024-42*).
3. Prior to the adoption of the 2045 Comprehensive Plan, the proposed development would have required a future land use map amendment. However, the new land use designation of R&SL (Retail & Services Limited) no longer requires a mixed-use project and allows up to a 0.30 floor area ratio (FAR), which is consistent with the proposed development. Therefore, a future land use map amendment is no longer necessary.

She further noted that the proposed terms of the Development Agreement were as follows:

1. To designate the 0.2 acres of wetlands on the site and change the future land use of the wetland area to P (Preservation).
2. To limit the floor area ratio (FAR) for the subject property to 0.30.
3. To install an 8-foot-tall wall and 8-foot fence along the south property line to provide additional buffering for the adjacent property owners (*as shown in the concept plan – Exhibit A of Resolution 2024-42*).
4. To increase the side setback to 25 feet for the building footprint of the building pad for the outparcel adjacent to the southern property owners (*see 'Parcel A' on the concept plan*).
5. To limit the height of the building pad for the outparcel immediately adjacent to the southern property owners to a single story 22-foot building (*see 'Parcel A' on the concept plan*).
6. To limit the use of the building pad immediately to the southern property owners to not allow the following uses: fast food restaurants, adult entertainment/sales, car wash facilities, gas/service stations, car dealerships, or tire/automotive repair stores (*see 'Parcel A' on the concept plan*).
7. To limit the hours of operation open to the public of the building pad immediately adjacent to the southern property owners from 6:00 a.m. to 10:00 p.m. (*see 'Parcel A' on the concept plan*).
8. To develop the subject property in accordance with the provided concept plan (*Exhibit A of Resolution 2024-42*).
9. A restrictive covenant to the benefit of the City (or similar mechanism as recommended by the City Attorney) including all terms of the agreement shall be required in perpetuity and may only be further modified by the Board of Commissioners (*Exhibit C of Resolution 2024-42*).

Applicant:

Amy McPherson, 2200 Gulf Blvd, Indian Rocks Beach, noted that she represented the applicants. She further noted that they were working with their neighbors in Brittany Park regarding barriers.

Public:

Vincent Manna, 925 Aussi Court, Tarpon Springs, noted that he was in agreement with the applicant.

MOTION: Member Rockelein

SECOND: Member Frantzis

to adopt Resolution 2024-42: Development Agreement as presented.

Vote on Motion – Upon roll call vote, the motion Passed as follows:

Yes: Vice-Chairperson Kouskoutis
Member Frantzis
Member Rockelein
Member Early
Member Swenson
Alternate Member Rainaldi Weaver

No: None

6. BOARD AND STAFF COMMENTS

Mrs. Vincent noted that on Thursday, December 21, 2024, the city manager was hosting an informational meeting regarding the Main Street Program at the Heritage Museum.

7. ADJOURNMENT

Chairperson Kouskoutis Adjourned the meeting at 06:58 PM.

Chairperson

***Secretary's Note:** The preceding are action minutes and are not the official meeting record.



**MINUTES
PLANNING AND ZONING BOARD
CITY OF TARPON SPRINGS, FLORIDA
DECEMBER 16, 2024**

THE Planning and Zoning Board OF THE CITY OF TARPON SPRINGS, FLORIDA, MET IN PLANNING AND ZONING BOARD IN THE CITY HALL AUDITORIUM/COMMISSION CHAMBERS, 324 E. PINE STREET, ON Monday, December 16, 2024 AT 6:30 PM WITH THE FOLLOWING PRESENT:

Member Georganna Frantzis Member
Robert Rockelein
Member Derla Early
Member Susan Swenson
Alternate Member Lori Rainaldi Weaver

ABSENT/EXCUSED: Vice-Chairperson N. Mike Kouskoutis
Member Justin Vessey
Member Nick Zembillas

ALSO PRESENT: PATRICIA MCNEESE, AICP, PLANNING SUPERVISOR
ALLIE KEEN, AICP, PRINCIPAL PLANNER
ANDREW DICKMAN, ESQ, AICP, BOARD ATTORNEY
KIMBERLY CREIGHTON, BOARD SECRETARY

1. CALL TO ORDER

Acting Chairperson Frantzis called the meeting to order at 6:30 P.M.

2. ROLL CALL

Board Secretary Creighton called the roll.

Acting Chairperson Frantzis asked for a motion to approve the absences of N. Mike Kouskoutis, Justin Vessey, and Nick Zembillas.

MOTION: Member Rockelein

SECOND: Member Frantzis

to approve the member's absences.

no vote was called

3. PLEDGE OF ALLEGIANCE

Acting Chairperson Frantzis led the Pledge of Allegiance to the Flag of the United States of America.

4. REFLECTION

Member Rockelein lead the reflection.

5. ORDINANCES AND RESOLUTIONS

- a. **Ordinance 2024-01; Land Development Code Amendment:** Amending Article VII, Heritage Preservation, and, Providing for Creation of Neighborhood Conservation Overlay Districts (Application 22-112) **(Legislative)**

Mrs. McNeese gave background information and noted that Staff proposed to amend Article VII with a new code section (118.00 NCO Neighborhood Overlay Conservation District) that utilized and referenced existing processes already established in Article VII of the Land Development Code. She noted that two new tables were added to the proposed Section 118.00, and were included in the agenda packet. Mrs. McNeese further noted that as proposed, the activities to be regulated (Exhibit B) were limited to demolition, new primary and accessory structures, and additions, but could be amended as necessary to capture additional activities whenever a new district was established. She explained that Exhibit C identified which specific activities from Exhibit B applied within an adopted overlay area; and that additional updates based on input from previous meetings and discussions were as follows:

- A Petition for Designation could be submitted by 51% of the land area as indicated by a vote of the property owners.
- Nomenclature and definitions were updated for internal consistency and state and national terminology.
- Edits for clarity

MOTION: Member Rockelein

SECOND: Member Early

to approve application 22-112, Ordinance 2024-01, with comments to staff about concerns with 51%

Vote on Motion – Upon roll call vote, the motion as follows:

Yes: Member Frantzis
Member Rockelein
Member Early
Member Swenson
Alternate Member Rainaldi Weaver

No: None

6. BOARD AND STAFF COMMENTS

There were no additional staff or board comments.

7. ADJOURNMENT

Acting Chairperson Frantzis adjourned the meeting at 07:35 PM.

Chairperson

***Secretary's Note:** The preceding are action minutes and are not the official meeting record.



MEMORANDUM

To: Planning and Zoning Board

From: Renea Vincent, AICP CPM, Planning and Zoning Director

Date: January 27, 2025

Subject: Draft Ordinance 2025-01; Amendments to Section 56.05 of the Land Development Code (LDC) regulating temporary use of mobile food dispensing vehicles.

RECOMMENDATION:

Staff recommends approval of Ordinance 2025-01 amending LDC Section 56.05.

BACKGROUND:

Under Florida House Bill 1193 (effective on July 1, 2020), mobile food dispensing vehicles (a.k.a., "food trucks") cannot be prohibited from operating within the City limits. The City amended the Land Development Code on September 22, 2020 (Ordinance 2020-22) to specify locations and requirements for the operation of food truck. Additional amendments were made in 2022 (Ordinance 2022-26), allowing opportunities for multi-day food truck events to operate via a "temporary use" application process.

Currently, within the City's "SmartCode" area (see attached Map 5A Transect Zones for reference) food trucks can only be operated in conjunction with an existing food and drink establishment and the truck must be operated as an extension of the primary business. Outside the CRA/Sponge Docks area, trucks may operate on a daily basis in certain zoning districts, subject to additional requirements.

The potential for expansion of temporary food truck operations to additional areas of the City was discussed by the Board of Commissioners (BOC) on January 7, 2025. The BOC directed staff to prepare a draft ordinance for consideration. The Technical Review Committee reviewed this draft ordinance at their regular meeting of January 9, 2025.

SUMMARY OF CHANGES:

- Expand allowable areas for temporary food truck operation to any non-residential zoned or utilized area of the City, including the Sponge Docks/CRA area.
 - Opens up any commercial property to have a food truck between 7:00 a.m. and 10:00 p.m.,
 - Changes the limit of one food truck per property to two (2) food trucks per property,
- Specifies that the above temporary food truck operation allowance does not apply to vacant land (current code) or to improved property that does not have "permanent onsite bathroom facilities available to patrons."
- Continues to allow for the use of food trucks during an on-site event under a Temporary Use approval issued under LDC Section 56.00.
 - Removes the restrictions of 4 events per year and 30-day separation requirement,
 - Leaves in place the 3-day restriction on event duration.

TEMPORARY FOOD TRUCKS ORDINANCE 2025-01 (APPLICATION #24-85)

Planning and Zoning Board: January 27, 2025

Board of Commissioners: February 4, 2025 and February 18, 2025





ORDINANCE HISTORY

- Under House Bill 1193, effective 7/1/2020, mobile food dispensing vehicles (a.k.a., “food trucks”) cannot be prohibited.
- Ordinance 2020-22 adopted to allow food trucks as a temporary use (LDC 56.05) or in conjunction with an eating/drinking establishment (LDC 56.06).
- LDC Section 56.06 amended under Ordinance 2022-02 to remove signage requirement.
- LDC Sections 56.05 amended under Ordinance 2022-26 to allow for a multi-day food truck event as a temporary use.
- Board of Commissioners discussed potential updates to the ordinance on January 7, 2025 to allow for increased flexibility, especially in the City’s Special Area Plan (a.k.a., Smartcode).



SUMMARY OF DRAFT ORDINANCE REVISIONS

- Current food truck allowable zonings (Industrial, Highway Business and Commercial Planned Development) expanded to any non-residential zoning/use.
- Allows up to two trucks between 7am and 10pm.
- Does not apply to vacant land, or, to improved land that does not have permanent restroom facilities for patrons.
- For multi-day events:
 - Temporary Use approval from the Technical Review Committee still required,
 - No limit on the number of events and no minimum time separation between events,
 - Continues to limit individual events to three day duration.

ORDINANCE NO. 2025-01

AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA, AMENDING THE CITY OF TARPON SPRINGS CODE OF ORDINANCES, APPENDIX A, COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, ARTICLE IV SPECIAL REGULATIONS, SECTION 56.05 MOBILE FOOD DISPENSING VEHICLES, TEMPORARY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF THE CITY OF TARPON SPRINGS, FLORIDA; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Section 56.05 of the Comprehensive Zoning and Land Development Code (“LDC”) regulates the placement and use of mobile food dispensing vehicles within the Municipal Limits of Tarpon Springs; and,

WHEREAS, the Board of Commissioners recognizes the need to provide for the orderly and safe operation of “food trucks” within the City’s jurisdiction; and,

WHEREAS, the Board of Commissioners also recognizes the need to provide for appropriate locations for operation of “food trucks,” and wishes to expand the allowable locations provided in conjunction with accompanying updated standards providing for the health and safety of the citizens; and,

WHEREAS, the Board of Commissioners of the City of Tarpon Springs has determined that amendments to Section 56.05, Article IV, 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 56.05 of the Comprehensive Zoning and Land Development Code, is hereby amended to read as shown in Exhibit A with strikethrough text representing deletions of existing text and underline text representing text additions.

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

SECTION 4. This Ordinance shall take effect immediately upon its passage and adoption in the manner provided by law.

§ 56.05 MOBILE FOOD DISPENSING VEHICLES, TEMPORARY.

As defined in F.S. 509.102, mobile food dispensing vehicles may operate in non-residentially zoned or utilized areas of the City of Tarpon Springs. Areas zoned for mixed use (residential and commercial uses allowed) shall be considered non-residential for the purposes of this section. where property is zoned HB Highway Business, CPD Commercial Planned Development (non-residential property only), IR Industrial Restricted, and IH Industrial Heavy. The following operating criteria shall apply:

- (A) Mobile food dispensing vehicles shall only operate within the City limits between the hours of 7:00 a.m. and 10:00 p.m. unless operating in conjunction with an authorized special event.
- (B) The mobile food dispensing vehicle shall not operate in or from any public right-of-way or City-owned property, unless operating in conjunction with an authorized special event.
- (C) Mobile food dispensing vehicles may not operate in a manner which obstructs the flow of traffic, impedes pedestrians, or otherwise adversely affects public safety.
- (D) Mobile food dispensing vehicles may not dispense alcoholic beverages.
- (E) The mobile food dispensing vehicle must obtain and maintain all necessary licenses as required by F.S. 509.102, as amended.
- (F) Mobile food dispensing shall only be authorized on a parcel of land consistent with this section and the following additional regulations:
 - (1) No more than ~~one-two~~ mobile food dispensing vehicles is-are allowed to occupy and operate on a parcel of land at any given time.
 - (2) The parcel owner shall obtain a business tax receipt license prior to allowing the operation of a mobile food dispensing vehicle.
 - (3) Mobile food dispensing vehicles shall not operate from vacant land or improved land without permanent, onsite bathroom facilities available to patrons.
- (G) Mobile food dispensing vehicles, when not in active operation, may only be parked/stored on a parcel of land in accordance with an approved site plan and in a location where onsite storage of vehicles is a permitted use.
- (H) Mobile Food dispensing vehicles shall dispose of all waste products generated by the mobile food vehicle in accordance with all local, state, and federal requirements.
- (I) The mobile food dispensing vehicle must display on the vehicle the results of any DPBR inspections for cleanliness and sanitation.
- (J) The standards of this section shall not be applied to the establishment of mobile food dispensing vehicles as accessory to food and drink establishments as regulated in Section 56.06 ~~below~~.
- (K) Notwithstanding the limitations and requirements of Section 56.05 (A-J), a mobile food dispensing vehicle may be operated as a Temporary Use in conjunction with an event on private property in accordance with the requirements of Section 56.00 and the following additional requirements:
 - (1) A Temporary Use permit is required.
 - a. Each non-residential (zoned or utilized) property/parcel of land may host one-events with mobile food dispensing vehicles four times per calendar year. Each event may last up to three days. ~~Events must be separated by at least 30 days.~~ The Technical Review Committee may place any restrictions deemed necessary to prevent adverse effects on surrounding property owners, publicly owned lands and public rights-of-way.

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- b. Residential property (zoned or utilized) may host one mobile food dispensing vehicle twice per calendar year. Each event is limited to one day. Events must be separated by at least 30 days. The Technical Review Committee may place any restrictions deemed necessary to prevent adverse effects on surrounding property owners, publicly owned lands and public rights of way. Homeowner Association approval (if applicable) shall be required. The following additional requirements shall apply:
 - i. The fee shall be 25% of the Temporary Use fee as established in Section 246.00 Fees.
 - ii. The Technical Review Committee may conduct an expedited review and approve the permit without a formal meeting.
 - (2) Generators may only be operated between the hours of 10:00 a.m. and 9:00 p.m. unless otherwise specifically authorized by the Technical Review Committee.

(Ord. No. 2020-22, § 1, passed 9-22-20; Am. Ord. No. 2022-26, passed 12-13-22)

§ 56.06 MOBILE FOOD DISPENSING VEHICLES; AS ACCESSORY TO FOOD AND DRINK ESTABLISHMENTS.

A mobile food dispensing vehicle may be located as an accessory use (as defined in Section 36.00 (B)) to a legally established food or drink establishment, which is solely operated as a food or drink establishment, subject to the following criteria:

- (A) Review and approval of a development application by the Technical Review Committee containing the following minimum information and demonstration of compliance with the following standards:
 - (1) Site layout indicating location of the mobile dispensing vehicle (may not locate in required off-street parking areas, or in such a manner as to block any accessways, walkways, driveways, loading zones or other site circulation ways for vehicles or pedestrians);
 - (2) The mobile food dispensing vehicle must be maintained as an operable vehicle and may not be permanently affixed or attached to a building or structure in a manner that would prevent the vehicle from being moved in the event of an emergency.
 - (3) Indicate operating hours (limited to those of the primary business);
 - (4) City services requested (water, sewer, solid waste pick up);
 - (5) Demonstration of compliance with the City's Fats, Oils and Grease (FOG) Management Program;
 - (6) Evacuation or mitigation plan in the event of a hurricane, wind-storm, or flooding event;
 - (7) Show method of connection to permanent power with 30 or 50 amp recreational vehicle/marine type plug and cord. When operating in close proximity to residential uses or existing outdoor seating areas the mobile food dispensing vehicle shall be required to operate from battery or appropriate permanent power source to eliminate noise and fumes associated with generators.
 - (8) The primary business owner shall obtain a separate business tax receipt license for the mobile food dispensing use;
 - (9) A mobile food dispensing vehicle may only be operated by the primary business owner as an extension of the primary business.
 - (10) The mobile food dispensing vehicle must display on the vehicle the results of any DPBR inspections for cleanliness and sanitation.

(Ord. No. 2020-22, § 1, passed 9-22-20; Am. Ord. 2022-02, passed 2-22-22)

(Supp. No. 2023 S-57)

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MAP 5A. TRANSECT ZONES

