

ORDINANCE 2022-03

AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING CHAPTER 70 "PLANNING AND ZONING" OF THE CITY OF TREASURE ISLAND CODE OF ORDINANCES, BY REVISING SECTION 70-31 "PURPOSE" TO MODIFY THE PURPOSE OF SITE PLAN REVIEW; REVISING SECTION 70-33 "EXEMPTIONS FROM SITE PLAN REVIEW" TO EXEMPT CERTAIN IMPROVEMENTS FROM SITE PLAN REVIEW; REVISING SECTION 70-51 "APPLICATION FOR SITE PLAN REVIEW" TO ELIMINATE PRIOR AGENCY APPROVALS AS A CONDITION PRECEDENT FOR SUBMISSION OF A SITE PLAN APPLICATION; REVISING SECTION 70-52 "SUBMISSION REQUIREMENTS" TO AMEND THE REQUIREMENTS FOR SITE PLAN REVIEW SUBMISSIONS; REVISING SECTION 70-53 "CONFERENCE REQUIRED" TO MAKE A PROVISION FOR A PRE-APPLICATION CONFERENCE; REVISING SECTION 70-54 "CONSULTANTS" TO MODIFY THE REQUIREMENTS FOR THE CITY TO RETAIN ASSISTANCE OF CONSULTANTS; DELETING SECTION 70-71 "PRELIMINARY SITE PLAN APPLICATION"; REVISING SECTION 70-72 "REFERRAL TO PLANNING AND ZONING BOARD" TO SET TIME CERTAIN FOR THE CITY TO DETERMINE COMPLETENESS OF APPLICATIONS; REVISING SECTION 70-91 "SITE PLAN APPROVAL" TO SPECIFY TIME FOR THE PLANNING AND ZONING BOARD TO REVIEW SITE PLAN AND TAKE ACTION; REVISE SECTION 70-92 "DETERMINATION AND FINDINGS" TO AMEND THE PROCEDURE FOR EXTENSION OF REVIEW AND APPROVAL TIME AND ISSUANCE OF A BUILDING PERMIT; REVISING SECTION 70-151 "SITE PLAN AMENDMENTS" TO AMEND THE PROCEDURE FOR FURTHER CHANGES TO AN APPROVED SITE PLAN AND PROVIDE FOR EXCEPTIONS TO THE AMENDMENT PROCESS THAT MAY BE APPROVED BY STAFF; REVISING SECTION 70-221 "PROCEDURE" TO ADD A RESTRICTION FOR APPLICATIONS REQUESTING SAME RELIEF FOR THE SAME PROPERTY; REVISING SECTION 70-242 "REFERRAL TO PLANNING AND ZONING BOARD" TO ELIMINATE A SPECIFIED NUMBER OF COPIES OF APPLICATIONS TO BE SUBMITTED; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to amend Chapter 70 titled “Planning and Zoning” of the City Code of Ordinances to expedite and streamline the process for site plan review and revisions, to include, among other things: amend application and submission requirements for site plan review; create the pre-application conference requirement; revise site plan approval procedure; provide for additional exemptions from site plan review for duplexes, pools, spas, seawalls, and specified amendments; allow for certain site plan modifications to be approved at the staff level which are the result of compliance with federal, state, agency requirements or are less intense development or minor revisions; and revise variance application procedure; and

WHEREAS, the Local Planning Agency met on March 10, 2022 and recommended approval of the following revisions to the Land Development Regulations; and

WHEREAS, the City Commission has reviewed the relevant current Code provisions of the City of Treasure Island and finds that certain modifications are necessary and desirable to update various requirements for efficiency of the applications review process; and

WHEREAS, the City Commission determines that the adoption of this Ordinance is in the interests of the public health, safety and welfare of the City and its residents.

NOW, THEREFORE, THE CITY OF TREASURE ISLAND DOES ORDAIN:

SECTION 1. The recitals set forth in the “Whereas” clauses above are ratified and confirmed as true and correct and are hereby adopted as legislative findings by the City Commission of the City of Treasure Island, Florida, for the adoption of this Ordinance.

SECTION 2. That section 70-31 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 70-31. - Purpose.

(a) The purpose of site plan review, as set forth within this article, is to ensure compliance with all land development regulations and all other applicable standards and requirements as set forth by the city, prior to issuance of development permits.

(b) The procedure is intended to ~~insure~~ ensure that the location of structures, traffic circulation, parking facilities, and other site amenities, quantities and standards are provided in the furtherance of the life, public health, safety, comfort, order, appearance, convenience, morale and general welfare.

(c) Architectural considerations. All proposed site plans shall be reviewed for excessive uniformity, dissimilarity, inappropriateness, or poor quality in the exterior design of buildings. Such lack of quality of design adversely affects the desirability of the immediate and neighboring areas for residential and nonresidential

purposes, impairs the benefits of occupancy of existing properties in such areas, impairs the stability and value of improved and unimproved real property in such areas, and may prevent the most appropriate development of such areas. The resulting deterioration of property produces conditions which adversely affect the proper relationship between the taxable value of real properties in such areas and the costs of providing municipal services for them. Therefore, exterior building design shall be reviewed with the specific intent of preventing these and other harmful effects, promoting the most appropriate use of land within the city, and thereby promoting the health, safety, comfort, and general welfare of the community.

SECTION 3. That section 70-33 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 70-33. - Exemptions from site plan review.

(a) No site plan review shall be required under this article for the following improvements:

(1) All single-family and duplex dwellings that are a permitted use in that zoning category, except those sites abutting the Gulf of Mexico or the public beach adjacent thereto.

(2) Changes in plant species, increases to landscaped and/or pervious area.

(3) Decks or walkways which do not exceed 12 inches above existing grade and do not reduce the landscaped or pervious area below the minimum requirements.

(4) Utility sheds which shall not exceed 100 square feet (one shed per property).

(5) Fences.

(6) Flag poles.

(7) Docks, davits, and boat lifts and seawalls.

(8) Interior modifications to existing structures, provided that there is no change in land use classification or zoning district or increase in density or intensity of use.

(9) Exterior modifications to existing structures, such as repainting, changes in facades or signage, etc., provided that there is no change in the land use classification zoning district or increase in density or intensity of use.

(10) Swimming pools and spas.

(11) Exemptions to site plan modifications set forth in Sec. 70-151.

~~(b) Exemption of the items listed in subsection (a) from site plan review is not intended to eliminate the enumerated items from description requirements if the project or improvement is otherwise subject to site plan review. When the project or improvement is otherwise subject to site plan review, then the items listed in subsection (a) are not eliminated from that site plan review~~

~~(e) The planning and zoning board shall have the authority to waive site plan requirements for modifications to existing structures that are necessary in order to comply with the requirements of this Code Building Regulations and Fire Code — Chapter 8.~~

SECTION 4. That section 70-51 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 70-51. - Application for site plan review.

(a) An application for a site plan review shall be made, on required forms, to the city prior to an application for a building permit and will only be accepted if there is compliance with all other ordinances and provisions of this Code and all applicable fees as set by the city commission in Appendix A have been paid.

~~(b) Except as may otherwise be required by law or administrative procedures, all required county, regional, state or federal agency approvals shall be obtained prior to the submission of an application for site plan review~~

SECTION 5. That section 70-52 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 70-52. - Submission requirements.

Any site plan submitted for review shall contain the following information:

(1) ~~Completed site plan review application~~ development application.

(2) Proof of ownership of the property; i.e. deed, title abstract.

(3) A boundary survey of the property at a scale not smaller than one inch equals 30 feet. ~~Each page of the survey shall be provided to the city in portable document format (-pdf).~~ Said survey shall meet the minimum requirements of the state, and shall include the following information, when applicable to the site:

a. A complete legal description of the property (metes and bounds or subdivision information), property tax roll parcel number(s), and a notation of total gross site area, in square feet and acres.

b. An accurate depiction, with complete dimensioning, of all existing rights-of-way and easements of record running across, or immediately adjacent to, the site. Right-of-way names and widths shall be labeled. Easements shall be labeled as to purpose (utility, ingress/egress, etc.) and recording information (plat or O.R. book and page numbers) shall be noted.

c. The locations of all existing structures and other manmade improvements (paving, fences, aboveground utility lines, etc.) on the property, with complete dimensioning and existing setback distances to property lines, to the nearest one-tenth of a foot.

d. An accurate depiction and description of existing wetlands, mangrove stands, or other environmentally sensitive areas on the site, immediately adjacent to the site, or immediately offshore from the site.

e. Jurisdictional or regulatory boundaries such as Coastal Construction Control Line, 1968 Treasure Island Mean High Water Line, Erosion Control Line, Flood Zones, and the like.

f. Flood zones, Base flood elevations, and the Limit of Moderate Wave Action, if applicable.

g. Riparian rights or submerged land lease description (if applicable).

h. The signature and seal of a land surveyor registered in the State of Florida.

~~(4) All site plans shall be prepared at a scale not smaller than one inch equals 30 feet and shall be submitted on sheets, not larger than 24 inches by 36 inches. Each page of the site plan submittal shall be provided to the city in portable document format (.pdf).~~

~~(5) Any portion of a site plan involving architecture, landscape architecture, engineering or surveying shall be certified by the individual responsible for the portion of the site plan and shall bear the seal, registration number, name and address of such individual.~~

(6) Site plan drawings shall be prepared at a scale not smaller than one inch equals 30 ft. and shall include, at a minimum, the following information shall be shown on the site plan drawings, either graphically or in notations, as appropriate:

a. The name and address of the property owner and/or developer; complete legal description of the property, consistent with that found on the survey; north arrow; date and scale of drawings; complete dimensioning in feet and decimal fractions thereof; sheet numbers, total number of sheets, and sheet index.

b. The locations, names, and widths of all existing and proposed rights-of-way, reservations, easements, canals, and waterways adjacent to or running across the property.

c. The existing land use, and zoning district designations, of the site and all adjacent properties, including those lying across adjacent rights-of-way from the site.

d. Historically/architecturally significant structures or archaeological sites, if any, on or near the proposed development site, and provisions to protect such structures or archaeological sites from any adverse effects of the proposed development.

e. Existing public beach or waterfront access ways, if any, and provisions to ensure continued public use of same. Also, proposed new or enhanced public beach or waterfront access ways, if identified as a requirement during the conference(s) between the applicant and city staff (see section 70-53).

~~f. Existing scenic views or amenities, if any, and provisions to ensure continued public use and enjoyment of same.~~

g. A table summarizing the total area of the site, in square feet and acres, with square footages and percentages of total site area, for component subareas including, but not limited to, the following:

1. Area covered by buildings.

2. Impervious surface area.

3. Total gross floor area.

4. On-site recreation area(s), if applicable.

5. Open space, including stormwater retention areas, buffers and other landscaped areas.

6. Vehicular circulation and parking area(s).

7. Any other special component subareas of the site.

hg. Footprints of all buildings, with notations or graphic representations of required and proposed setbacks distances from all property lines and water bodies (show Pinellas County Coastal Construction Control Line, seawall, and 1968 Treasure Island Mean High Water Line, if applicable), building heights, number of floors, and where applicable, the number, size, and type of dwelling or hotel/motel units and the proposed density (units per acre).

ih. All off-street parking, driveway entrances, walkways, decks and patios; the type of surfacing, size, angle and width of parking spaces, driveway entrances and aisles; a schedule showing the number of parking spaces provided and the number required by the provisions of the land development regulations; provisions for the separation of on-site pedestrian and vehicular traffic; provisions for the safe and convenient storage of bicycles.

ji. Details and design specifications for any proposed new roadway construction or connections to existing roadways, with references to, and evidence of compliance with, applicable city, county, and/or state design standards and permitting requirements.

kj. All existing and proposed utility and drainage provisions, including, but not limited to:

1. Potable and reclaimed water and sanitary sewer connections, meter sizes, pipe sizes and specifications, manhole rim and invert elevations, direction of flow, and top and bottom elevations; estimates of water consumption and sewage discharge (gallons per day).
2. Telephone, electrical, and natural gas service connections.
3. Solid waste disposal facilities, including proposed location(s) and screening of containers or other equipment.
4. The locations of all existing and proposed fire hydrants within 250 feet of the site.
5. Provisions for the adequate retention and disposition of the first one inch of stormwater on-site, indicating the location, size, type, and/or grading of retention areas, catch basins, pipes, and connections to the existing municipal drainage system.

lk. Architectural building elevations (all sides) showing finished grades at building walls, base flood elevation, lowest finished floor elevation(s), height(s) to top of roof, and height(s) of appurtenances above roof. Each

page of the architectural building elevations shall be provided to the city in portable document format (.pdf).

~~m~~l. Existing topography, with a maximum contour interval of one foot, or spot elevations where necessary, not more than 25 feet apart.

~~m~~m. Proposed finished grading, with a maximum contour interval of one foot, or spot elevations where necessary, not more than 25 feet apart, particularly along property lines.

~~e~~n. Location of, and improvements within, any proposed on-site recreation area(s), or other lands to be dedicated for public recreational purposes.

~~p~~o. Provisions for the use of open space, and a landscape plan indicating the location, species, size, and description of existing trees (to be preserved or removed) and all proposed new landscape materials; provisions for the effective use of screening or buffering to reduce the impacts of incompatible and/or nonconforming uses; and protection of existing environmentally sensitive areas, other natural features, and their ecological functions.

~~e~~p. Location(s), type(s), height(s), and face area(s) of existing and proposed freestanding signs; location(s), type(s), and specifications of existing and proposed exterior lighting.

~~f~~g. Location(s), type(s), and height(s) of fences, retaining walls, and screen planting(s).

~~s~~. ~~Provisions for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading, and construction.~~

~~t~~. ~~In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for building permits are intended to be filed.~~

~~u~~r. Any additional data, plans, or specifications which the applicant believes are pertinent and will assist in clarifying the application.

SECTION 6. That section 70-53 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 70-53. - Conference required.

(a) In order to expedite the review of a site plan, coordinate its local review in respect to the provisions of all applicable city ordinances and to inform the city of

a site plan in preparation, ~~one or more conferences between the representatives of a pre-application conference between~~ the applicant and the city's administrative staff shall be required.

~~(b) The conference(s), while informal, will serve several purposes and focus on the following items:~~

~~(1) To inform the city of any site plans in progress together with the scale and character of the plan so that the city may recognize the proposed development in any of its physical or facility planning for the entire city;~~

~~(2) To inform the applicant of the city's informal response as to the scale and character of the proposed development and to alert the applicant to all applicable ordinances and regulations as well as any specific areas of concern that the city may have for that specific site or proposed plan;~~

~~(3) To clarify and inform both the applicant and the city with respect to the site plan review procedure.~~

SECTION 7. That section 70-54 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 70-54. - Consultants.

(a) The city may, if in its opinion it is necessary, retain consultants to assist in the review of an application for site plan review if the nature and content of the application is not within the expertise of the administrative staff of the city. ~~which meets one or more of the following criteria:~~

~~(1) Encompasses two or more acres of land within the application;~~

~~(2) Proposes 50 or more dwelling or motel units and/or 20,000 square feet of nonresidential building area;~~

~~(3) Fronts on the Gulf of Mexico, or the public beach adjacent thereto, and proposes to add dwelling or motel units and/or nonresidential floor area;~~

~~(4) Requires, by the nature and content of the application, professional expertise in one or more professions not available on the administrative staff of the city.~~

(b) The cost of retaining the consultants shall be borne by the applicant in the manner set forth by resolution ordinance of the city commission.

SECTION 8. That section 70-71 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby deleted:

~~Sec. 70-71. Preliminary site plan application.~~

~~(a) Two copies of the preliminary site plan application, accompanied by the application fee, as specified by the city commission in Appendix A, shall be submitted to the city for review for compliance with applicable codes.~~

~~(b) Upon receipt of a site plan application, the city shall have ten working days to determine its appropriateness and completeness of the application and accept or reject the application.~~

SECTION 9. That section 70-72 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 70-72. - Referral to planning and zoning board.

(a) Upon receipt of a site plan application package, the city shall have the specified time set forth in section 166.033, F.S. to determine completeness and accept or reject the application. The city shall notify the applicant in writing if the application has been deemed complete, or to request additional documentation.

(ab) As soon as practical after the acceptance of the application, the administrative staff of the city shall refer the application, together with all supporting documentation and staff recommendations to the planning and zoning board. The administrative staff will then schedule a public hearing before the planning and zoning board at its next regularly scheduled meeting.

~~(b) Eighteen copies of the application packet, three of which shall have original seals, shall be submitted to the city for referral to the planning and zoning board.~~

SECTION 10. That section 70-91 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 70-91. - Site plan approval.

~~Within the specified time set forth in section 166.033, F.S. 120 days of the date of the public hearing scheduled in subsection 70-72(a), the planning and zoning board shall review the site plan and take one of the following actions, together with their findings, in respect to the proposed development as set forth in this article:~~

(1) Approval as submitted.

(2) Approval with ~~changes~~ modifications and/or special conditions, which are found by the planning and zoning board or city commission to be necessary to meet the requirements of this Code and shall be binding upon the applicant and future owners.

~~(3) Approval with changes or modifications which are found by the planning and zoning board to be necessary to meet the requirements of this Code or the site plan criteria.~~

(4) Continue the hearing and require the applicant to submit any additional documents or studies that may be necessary to determine such items as drainage, parking, traffic flow, engineering, etc.

(5) Deny the application, provided the planning and zoning board finds that the site plan does not comply with the requirements of this Code or the site plan criteria.

SECTION 11. That section 70-92 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 70-92. - Determination and findings.

(a) The determination of the planning and zoning board as to approval or denial of a site plan shall be based on the following criteria which shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the approval, with or without changes and/or special conditions, or denial, shall set forth with particularity in what respects the plan would or would not be in the public interest, including but not limited to findings of fact and conclusions on the following:

(1) In what respects the plan is or is not consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located;

(2) In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located;

(3) In what respects the plan is or is not in conformance with the city's subdivision regulations and all other applicable city, county, and/or state requirements regarding the design and construction of streets, utility facilities, and other essential services;

(4) In what respects the plan is or is not consistent with good design standards with respect to all internal or external relationships, including but not limited to:

a. Provisions to ensure compatibility with the planned character of the zoning district where the proposed development is to be located, and with existing development surrounding the site.

b. Internal or external circulation patterns, for vehicles, bicycles, and pedestrians; provisions for the separation of on-site pedestrian and vehicular traffic; provisions for the safe and convenient storage of bicycles, where applicable.

c. Disposition of open space, effective use of screening or buffering to reduce the impacts of incompatible and/or nonconforming uses, preservation of acceptable existing trees and other natural features, and protection of existing environmentally sensitive areas and their ecological functions.

d. Building arrangements, both between buildings in the proposed development and in relation to those on properties adjacent to the site.

e. Provisions to ensure continued public use of existing public beach or waterfront access ways, if any. Also, proposed new or enhanced public beach or waterfront access ways, if identified as a requirement during the pre-application conference(s) between the applicant and city staff (see section 70-53).

f. Protection of historically/architecturally significant structures or archaeological sites, if any, on or near the proposed development site from any adverse effects of the proposed development.

g. Suitability and design of proposed on-site recreation areas and improvements, or of other lands to be dedicated for public recreational purposes.

(5) In what respects the plan is or is not in conformance with city policies regarding sufficiency of ownership, guarantees for completion of all required improvements, and guarantees for continued maintenance;

(6) Where applicable, in what respects the plan is or is not in conformance with the regulations of the Southwest Florida Water Management District, the Tampa Bay Regional Planning Council, and state and federal agencies. The issuance of permits or letters of intent-to-approve by these agencies may be considered evidence of such conformance;

(7) In the case of rehabilitation or redevelopment of an existing nonconforming use, per section 68-512(3), whether the overall degree of nonconformity on the site is significantly reduced and additional adverse

impacts are not created, and whether an exemption from variance requirements for any or all remaining nonconformities should be granted.

(b) Failure of the planning and zoning board to act within this specified time as set forth within section ~~70-94~~ 166.033, F.S., shall be interpreted as a recommendation of approval as submitted; provided, however, that the city and applicant may jointly agree in writing to extend the review time.

(c) The action taken by the planning and zoning board shall include the city's findings in respect to the proposed development as set forth.

(d) Upon the granting of approval, either as submitted or with changes and/or special conditions, the building official shall ~~upon application~~, issue a building permit for a portion or all of the proposed development, after he finds that the application is in compliance with the approved site plan, Code, ~~building code as adopted in chapter 8~~ and all other city, county, state and federal requirements regulations.

(e) If it shall appear, at any time, to the building official that the application or accompanying plans and documentation is in any material respect false or misleading, or that work is being done upon the premises differing materially from that called for in the application or the approved site plan filed with him under existing laws or ordinances, he may forthwith revoke the building permit, whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to the building official.

(f) If, within 12 months of the date of approval of an application for site plan review, a building permit has not been applied for, the approved site plan ~~becomes null and void~~ shall expire; provided, however, that the ~~city commission~~ original approving body and applicant may jointly agree to extend such period of approval. Once begun, construction of a project shall continue to completion without interruption. Interruption shall be evidenced by six months or more of inactivity on the development site or the phase under construction. In the event of such an interruption, the construction shall not be resumed nor shall the affected premises be used or occupied, without first applying for and obtaining approval of a new site plan and development plan building permit in accordance with the provisions of this Code ~~herein~~.

SECTION 12. That section 70-151 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 70-151. - Site plan amendments.

Any changes or amendments to an approved site plan shall require a resubmission in accordance with the provisions of this article and in compliance with this Code. The

resubmission must be submitted to the original approving body for action, except for the following exemptions which may be approved by staff:

(a) Any modifications required to comply with state or federal agency permitting requirements;

(b) Number and/or arrangement of parking spaces, so long as it meets Code;

(c) Reduction in building height, density, building coverage, or floor area ratio;

(d) Changes to landscaping or increases in pervious area or decreases in impervious area;

(e) Changes to drainage plans that do not increase impervious areas, except as provided in subsection (f);

(f) Changes to impervious areas that increase the impervious area by no more than five percent of the approved impervious area and still complies with Code.

SECTION 13. That section 70-221 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 70-221. - Procedure.

The planning and zoning board or the city commission, as provided for by this Code, may authorize a variance from the provisions of the land development regulations that are not contrary to the public interest. The power and authority to grant variances to parking requirements, building height, and waterfront yards abutting the Gulf of Mexico or public beach will be solely within the jurisdiction of the city commission. In no instance shall a variance be granted to density. The planning and zoning board or the city commission, as applicable, shall not review a variance request until:

(1) An application for such variance has been received by the city manager or specified designee, stating the special conditions and circumstances applying to the building, structure, or land for which such variance is sought. The applicant shall submit a narrative that explains the variance being requested in a manner that addresses the criteria specified in subsection (d) as they relate to the specific request. Since each application is considered based upon the unique circumstances presented by such application, prior decisions of the board or commission shall not constitute grounds for the granting of any variance.

(2) The board or commission has received a report from the city manager or specified designee that evaluates the application based on the criteria required by this section.

(3) The board or commission holds a public hearing after written and posted notice has been given to the extent provided by chapter 70.

(4) The board or commission has considered the following criteria and find that they have been substantially satisfied and a hardship exists:

a. The variance is in fact a variance as set forth within the land development regulations and within the province of the board or commission based upon the opinion of the city manager or his designee;

b. Special conditions or circumstances exist which are peculiar to the building, structure, or land for which the variance is sought and do not apply generally to buildings, structures, or lands in the same zoning district;

c. Strict application of the provisions of the land development regulations would not permit the applicant reasonable use of the building; structure, or land;

d. The peculiar conditions and circumstances existing are not the result of the actions of the applicant, the applicant agent's agents, or the applicant's predecessors in title;

e. The variance proposed to be granted is the minimum variance that will make possible the reasonable use of the building, structure, or land;

f. Owing to special conditions, a literal enforcement would result in unnecessary hardship. Special conditions to be considered pursuant to this section of the land development regulations shall include, but not be limited to, the following circumstances:

1. *Redevelopment.* If the proposed project involves the redevelopment or utilization of an existing developed or partially developed site.

2. *Substandard lot(s).* If the proposed project involves the utilization of an existing legal nonconforming lot(s).

3. *Neighborhood character.* If the proposed project promotes the established development pattern of a block face, including setbacks, building height, and other dimensional requirements.

4. *Public facilities.* If the proposed project involves the development of public parks, public facilities or public utilities.

5. *Architectural and/or engineering considerations.* If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.

g. The granting of the variance will be in harmony with the general purpose and intent of this chapter;

h. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(5) In granting any variance, the planning and zoning board or city commission may prescribe appropriate conditions and safeguards in conformity with the land development regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(6) Under no circumstances shall the planning and zoning board or city commission grant a variance to permit a use not generally or by special exception permitted in the zoning district involved or any use expressly or by implication prohibited by the land development regulations.

(7) The granted variance shall be valid for one-year. To remain in effect after one-year, one of the following must have occurred:

a. An extension of time has been approved by the approving body;

b. Building permits relating to the requested variance have either been applied for or granted; or

c. A site plan review relating to the requested variance has been applied for or approved by the planning and zoning board.

(8) No application requesting the same or substantially similar relief or approval for the same property may be submitted for a period of one (1) year following the date of denial by the appropriate board in the matter.

(9) In order to expedite the review of a variance application, a pre-application conference between the applicant and the city's administrative staff shall be required.

Any requests for an extension of time relating to a variance(s) must be in writing and received by the city manager or specified designee at least ~~three~~ six weeks prior to its expiration date in order for the request to be placed on the approving body's agenda.

SECTION 14. That section 70-242 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 70-242. - Referral to planning and zoning board.

(a) As soon as practical after the acceptance of the application, the administrative staff of the city shall refer the application, together with all supporting documentation and staff recommendations to the planning and zoning board or city commission for their review and action.

~~(b) Eighteen copies of the application packet, three of which shall have original seals, shall be submitted to the city for referral to the planning and zoning board.~~

SECTION 15. SEVERABILITY.

It is the intention of the City Commission that each provision hereof be considered severable, and, if any section, subsection, sentence, or provision of this ordinance is held invalid, the remainder of the ordinance shall not be affected.

SECTION 16. CONFLICT.

All ordinance or portions of ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 17. CODIFICATION.

Sections 2-14 of this ordinance shall be codified in the Code of Ordinances for the City of Treasure Island, Florida. The codifier is authorized to renumber or reclassify such other provision of the Code of Ordinance to accomplish such intention. The codifier is also authorized to make editorial changes not affecting the substance of this Ordinance in the substitution of article, ordinance, section, paragraph, or such other appropriate word or phrase in order to accomplish such intention.

SECTION 18. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its final passage.

FIRST READING and PUBLIC HEARING on the 5th day of April, 2022.

SECOND READING and PUBLIC HEARING on the 19th day of April, 2022.

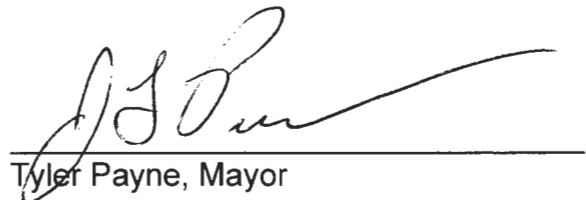
PUBLISHED in the Tampa Bay Times on the 16th day of April, 2022.

The foregoing ordinance was offered during the meeting of the City Commission of the City of Treasure Island, Florida, sitting on the 19th day of April, 2022 by Commissioner Partridge who moved its adoption; was seconded by Commissioner Toth and upon roll call, the vote was:

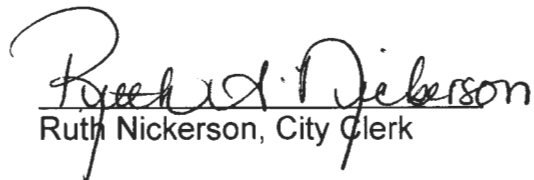
YEAS: Partridge, Netzel, Toth, Doctor + Payne

NAYS: None

ABSENT OR ABSTAINING: None


Tyler Payne, Mayor

ATTEST:


Ruth Nickerson, City Clerk

