

**PLANNING & ZONING BOARD  
&  
LOCAL PLANNING AGENCY  
Thursday, October 21, 2021  
@ 6:00 p.m.**



# City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785

[www.indian-rocks-beach.com](http://www.indian-rocks-beach.com)

Administrative  
727/595-2517  
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## AGENDA

**CITY OF INDIAN ROCKS  
PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY  
THURSDAY, OCTOBER 21, 2021 @ 6:00 P.M.  
CITY COMMISSION CHAMBERS**

**1507 BAY PALM BOULEVARD, INDIAN ROCKS BEACH, FLORIDA 33785**

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1. **CALL TO ORDER.**
2. **ROLL CALL.**
3. **APPROVAL OF MINUTES: July 9, 2020**
4. **ORDINANCE NO. 2021-06 — PUBLIC HEARING.** An ordinance of the City of Indian Rocks Beach, Florida, providing for amendments to the Code of Ordinances by amending Chapter 110, Zoning; Article I - In General, Section 110-344 "Swimming pools and spas"; by increasing the maximum length of permissible waterfall features in swimming pools and spas; providing for repeal of ordinances or parts of ordinances in conflict herewith to the extent of such conflict; providing for severability; and providing for an effective date.
5. **OTHER BUSINESS.**
6. **ADJOURNMENT.**

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**APPEAL:** If a person decides to appeal any decision made with respect to any matter discussed at such meeting or hearing, will need a record of the proceedings and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per s. 286.0105, F.S. Verbatim transcripts are not furnished by the City of Indian Rocks Beach and should one be desired, arrangements should be made in advance by the interested party (i.e. court reporter).

In accordance with the Americans with Disability Act and s. 286.26, F.S., any person with a disability requiring reasonable accommodation in order to participate in this meeting should contact the City Clerk's office with your request telephone 727/595-2517 or [doreilly@irbcity.com](mailto:doreilly@irbcity.com) no later than seven (7) business days prior to the proceeding for assistance.

POSTED: October 15, 2021

**AGENDA ITEM NO. 1  
CALL TO ORDER**

**AGENDA ITEM NO. 2  
ROLL CALL**

**AGENDA ITEM NO. 3  
APPROVAL OF MINUTES**

**MINUTES — JULY 9, 2020**  
**CITY OF INDIAN ROCKS BEACH**  
**PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY**

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The Regular Meeting of the Indian Rocks Beach Planning and Zoning Board/Local Planning Agency was held on **THURSDAY, JULY 9, 2020**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

**1. CALL TO ORDER:**

City Clerk O'Reilly called the meeting to order at 6:00 p.m.

**2. ROLL CALL:**

**PRESENT:** Board Member Richard Antepenko, Board Member Michael Austin Campbell, Board Member Adrienne Dausés, and Board Member Betty Smith.

**STAFF:** Planning Consultant Hetty C. Harmon, AICP (telephonic), City Attorney Randy D. Mora, and City Clerk Deanne B. O'Reilly.

**RESIGNED:** Chair Robert Clark.

**VACANT POSITION:** 2nd Alternate Board Member.

**3A. ELECTION OF CHAIRPERSON.**

**3B. ELECTION OF VICE CHAIRPERSON.**

***CONSENSUS OF THE BOARD TO DEFER THE ELECTION OF THE CHAIRPERSON AND VICE CHAIRPERSON UNTIL THERE IS A FULL BOARD.***

**4. APPROVAL OF MINUTES OF: July 18, 2019.**

***MOTION MADE BY MEMBER SMITH, SECONDED BY MEMBER DAUSES, TO APPROVE THE JULY 18, 2019 PLANNING AND ZONING BOARD MINUTES AS SUBMITTED. UNANIMOUS APPROVAL BY ACCLAMATION.***

**5. ORDINANCE NO. 2020-01 — PUBLIC HEARING.**

**An ordinance of the City of Indian Rocks Beach, Florida, amending the City of Indian Rocks Beach Comprehensive Plan pursuant to the evaluation and appraisal process of Section 163.3191, Florida Statutes, and the amendment process of Section 163.3184, Florida Statutes, by amending the future land use, transportation, and coastal management and conservation elements to reflect changes in Florida Statutes, Chapter 163 since 2013, updating the**

**future land use element to maintain consistency with the countywide plan for Pinellas County, as hereinafter provided; establishing the legal status of the comprehensive plan; providing for repeal of ordinances or parts of ordinances in conflict herewith; providing for severability; and providing for an effective date.**

*[Beginning of Staffing Report]*

## **BACKGROUND:**

The State of Florida requires local governments to regularly review its comprehensive plan pursuant to Section 163.3191 and update their plan to reflect changes in local conditions. If the comprehensive plan is not updated, the local government will be prohibited from amending its comprehensive such as a land use change.

The last update of the City of Indian Rocks Beach comprehensive plan was completed in 2013.

The following describes the changes proposed to the comprehensive plan.

### **1. COASTAL MANAGEMENT AND CONSERVATION ELEMENT**

The change to the Florida Statutes in 2015 required changes to the Coastal Management Element as it relates to the "Perils of Flood" amendments. In Section 163.3178 (2)(f) of the Florida Statutes states that the Coastal Management Element section needs to address the following:

- (f) A redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. The component must:
  - 1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas, which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
  - 2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.

3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.
4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.
5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053, F.S. be consistent with chapter 161, F.S.
6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

## **2. FUTURE LAND USE ELEMENT**

The Future Land Use Element land use categories table was modified to be consistent and reflect the land use categories adopted in the Forward Pinellas County Wide Rules.

## **3. FUTURE LAND USE ELEMENT - DATA AND ANALYSIS**

The Future Land Use Data and Analysis was updated to reflect:

- a. Updated population projections.
- b. Updated existing land use acreage.
- c. Level of services for major roads.

## **4. TRANSPORTATION – DATA AND ANALYSIS**

- a. Updated level of services.

## **5. MAPS**

- a. Future Land Use Map-updated to reflect the 2035 planning horizon.
- b. Coastal High Hazard Map-new map added to the map series.
- c. Transportation Maps-2018 map shows current level of service and the 2040 map reflects the future level of services.

*[End of Staffing Report]*



City Attorney Mora read Ordinance No. 2020-01 by title only.

City Attorney Mora reviewed the role of the Local Planning Agency this evening.

The Board started reviewing the ordinance and exhibits page by page.

Member Campbell referred to Section 3 of the Ordinance: *All other ordinances or resolutions which conflict wholly or in part with the provisions of this ordinance, are hereby repealed effective date this ordinance becomes effective.* To him this sentence has an obvious ambiguity if the ordinance only conflicts in part, is the whole ordinance repealed because of the conflict. He feels it should say something like: *If repealed to the extent of any conflict effective this date.*

City Attorney Mora stated that he will review and address this Section of the ordinance.

## **COASTAL MANAGEMENT AND CONSERVATION**

### **Objective 2.2**

**The City shall not increase densities or intensities above those established in this plan within the Coastal High Hazard Area (CHHA); except that they may, at their sole and absolute discretion, consider approving such amendment based upon a balancing of the following criteria, as are determined applicable and significant to the such amendment.**

- A. Access to Emergency Shelter Space and Evacuation Routes — The uses associated with the requested amendment will have access to adequate emergency shelter space as well as evacuation routes with adequate capacities and evacuation clearance times.**
- B. Utilization of Existing and Planned Infrastructure — The requested amendment will result in the utilization of existing infrastructure, as opposed to requiring the expenditure of public funds for the construction of new, unplanned infrastructure with the potential to be damaged by coastal storms.**
- C. Utilization of Existing Disturbed Areas — The requested amendment will result in the utilization of existing disturbed areas as opposed to natural areas that buffer existing development from coastal storms.**
- D. Maintenance of Scenic Qualities and Improvement of Public Access of Water —The requested amendment will result in the maintenance of scenic qualities, and the improvement of public access, to the Gulf of Mexico, inland waterways (such as Boca Ciega Bay, and Tampa Bay.**

- E. Water Dependent Use — The requested amendment is for uses which are water dependent.**
- F. Part of Community Redevelopment Plan — The requested amendment is included in a Community Redevelopment Plan, as defined by Florida Statutes for a downtown or other designated redevelopment areas.**
- G. Overall Reduction of Density or Intensity — The requested amendment would result in an increase in density or intensity on a single parcel, in concert with corollary amendments which result in the overall reduction of development density or intensity in the surrounding CHHA.**
- H. Clustering of Uses — The requested amendment within the CHHA provides for the clustering of uses on a portion of the site outside the CHAA.**
- I. Integral Part of Comprehensive Planning Process — The requested amendment has been initiated by local government as an integral part of its comprehensive planning process, consistent with the local government comprehensive plan.**
- J. Nothing in this comprehensive plan should be construed as superseding or otherwise modifying the local plan amendment requirements of Section 163.3178(8), Florida Statutes.**

Member Campbell asked where did the added language in Objective 2.2 come from.

Planning Consultant Harmon stated the language came from various communities and Pinellas County that have submitted to the State and have received approval for their comprehensive amendments. Most of the language was received from Forward Pinellas who worked on different comprehensive plans.

- F. Part of Community Redevelopment Plan — The requested amendment is included in a Community Redevelopment Plan, as defined by Florida Statutes for a downtown or other designated redevelopment areas.**

Member Campbell stated the requested amendment is included in a Community Redevelopment Plan or other designated redevelopment areas, and asked if the City has any redevelopment areas.

City Attorney Mora stated from a comprehensive plan standpoint, everything should be included on the potential or possibility, such that land use is defined, and the City does not find itself in some predicament years down the road where the comprehensive plan and the code are silent on redevelopment areas.

Member Dauses asked if there is any reason or explanation for the absence of language with respect to historical integrity of buildings.

Planning Consultant Harmon stated that historical integrity of buildings can be included and addressed within the comprehensive plan. However, the historical structures need to comply with the Federal Emergency Management Agency (FEMA) Rules in the future.

***MOTION MADE BY MEMBER DAUSES, SECONDED BY MEMBER CAMPBELL, TO RECOMMEND TO THE CITY COMMISSION, THAT THE CITY'S COMPREHENSIVE PLAN INCLUDE A GOAL OR OBJECTIVE TO CONSIDER THE HISTORICAL INTEGRITY OR PRESERVATION OF BUILDINGS INASMUCH AS IT CAN BE RECONCILED WITH ALL THE OTHER FLOOD MITIGATION REQUIREMENTS SET FORTH.***

**ROLL CALL VOTE:**

**AYES: ANTEPENKO, SMITH, CAMPBELL, DAUSES**

**NAYS: NONE**

**ABSENT: MCFALL, SAWCHYN, STYRWOLD, VALERY**

**MOTION CARRIED UNANIMOUS.**

Don House, 2104 Beach Trail, stated he has what most people would consider an historic place. The problem with historic places is the FEMA 50% Rule. He is fine with it, so long as the FEMA 50% Rule does not take effect when renovating.

**OBJECTIVE 2.5**

**Through provisions in its land development regulations, the City shall implement development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.**

**Policy 2.5.1: The City shall restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in floor heights or velocities.**

**Policy 2.5.2: The City shall require that uses vulnerable to floods, and any facilities serving such uses be protected against flood damages at the time of initial construction.**

**Policy 2.5.3: New construction or substantial improvement of any structure shall have the lowest floor and all utilities elevated to, or above, the base flood elevation plus additional freeboard as set forth in the City's Code of Ordinances.**

**Policy 2.5.4: The City shall require all new buildings and structures be constructed to resist collapse and lateral movement from wind and velocity water pressures.**

**Policy 2.5.5: The City shall participate in the Pinellas County sea level rise, vulnerability assessment, anticipated to be completed by 2020, and shall use the study's finding to refine its goals, objectives, and policies as determined appropriate.**

**Policy 2.5.6: The City shall monitor public utility infrastructure and other property that may be impacted by sea level rise, and work to floodproof or relocate components as needed.**

**Policy 2.5.7: Any construction activities seaward of the coastal construction control line established pursuant to Section 161.053, Florida Statutes shall be consistent with Chapter 161, Florida Statutes.**

Planning Consultant Harmon stated once the comprehensive plan amendment is adopted, the City will need to amend its land development regulations to address the policies.

City Attorney Mora stated once these goals and objectives are passed, staff needs to make sure that the City's land development regulations align. The Statute contemplates that being done within a year's time. In some cases, it has taken longer in other committees because of the kind of land development regulations that were adopted.

There were no public or Board comments on Objective 2.5.

City Attorney Mora stated members of the public asked if they could comment on Objective 1.9, Policy 1.9.7. He advised that nothing in this ordinance proposes to change that, that is existing language presently within the comprehensive plan.

It was the consensus of the Board to allow them to speak at this time.

#### **OBJECTIVE 1.9**

**Policy 1.9.7: Dune walkovers shall be required as a condition to the permitting for all "major development projects" where significant foot traffic to the beach is expected. Private residences that are not considered major development projects shall access the beach through a pathway designed to limit damage caused by foot traffic to the minimum necessary, as determined by the City.**

**Nancy Obarski, 708 Beach Trail, Unit B,** stated Policy 1.9.7 is a policy that the City is not planning to change. It is something that has existed, but there have been a lot of things that have happened over the past years that may necessitate re-examining that policy. It is the policy whereby the City has been the right to regulate property owners' path to the beach. She does understand, and she does not mean to minimize the need to protect the beach. But it is important to note that everyone who purchased beachfront property, they purchased it with the understanding that they would always have their right to an unobstructed view of the beach and water. When she moved to Indian Rocks Beach 24

years ago, she had a wide, expansive view of the water, and now with the dunes and everything else that has grown up, they have little view left.

Ms. Obarski stated she has a level of mistrust because what has happened to her and what has happened to her view, and that is why she paid attention to the fact that this is within the comprehensive plan. She stated this has been in the comprehensive plan for a while and never realized it.

Ms. Obarski stated there is an issue that has been festering behind the scene with regard to the beach easements that each gulffront property owner is being asked to sign by the County on behalf of the Army Corps of Engineers. The Army Corps of Engineers are asking property owners to give up all of their rights for the life of their deed in perpetuity and it is a ton of rights that they are asking them to give up. So, if the Army Corps of Engineers are asking for an easement, they must at least recognize that they do have some ownership to the beach or they would not need these easements. The problem is that if a hundred percent of the residents do not sign the easements, IRB does not receive any beach renourishment sand.

Ms. Obarski stated the County and the Army Corps of Engineers have acknowledged that they have some ownership rights to the beach and that is why they need the easements across what they consider to be the property owner's land. So, for the property owner's purposes, they have rights, but when the beach was closed by the County during the pandemic, it was a totally a different story. The County Commission properly added in a clause that stated: *"private owners along the beach could use the beach so long as they maintained CDC guidelines"*.

Ms. Obarski stated the City of Indian Rocks Beach, however, published their own policy. It was a recap of what the County stated: *"The beach is all public and no one is to be out on the beach"*. So, for those purposes, the property owners did not have any ownership rights to the beach.

Ms. Obarski stated Policy 1.9.7 states that the pathway and where it can be is determined by the City Manager and intimates that property owners do not have rights to the beach. She stated if that is the case, then the Army Corps of Engineers needs to be notified that property owners do not have any rights to that property and get them off their backs. Ms. Obarski stated Policy 1.9.7 needs to be revisited because it violates the property rights of every beachfront property owner.

**Gordon Obarski, 708 Beach Trail, Unit B**, distributed a handout of "littoral rights" [*From Wikipedia*] and referred the Board to the following sentences, Subsection (4): "The land between low and high water is reserved for the use of the public by state law and is regulated by the state. In certain states, the specific rights afforded under the doctrine of

*littoral rights may be spelled out by statute or case law. In Florida, for example, littoral rights encompass: (1) the right to have access to the water; (2) the right to reasonably use the water; (3) the right to accretion and reliction; and (4) the right to the unobstructed view of the water. [Walton County V. Stop Beach Renourishment, 998 So.2d 1192 (Fla.1 2008)] It has been held by courts of Florida that littoral rights are private property rights that cannot be taken from upland owners without just compensation.”*

Mr. Obarski stated the only reason why he has a path is to see the water. He cannot see the water from his deck without a path. If his path is reduced down to a footpath, he would have no view. If the City wanted to pay him for his land, that would be fine.

Mr. Obarski recommended deleting the words “as determined by the City” from Policy 1.9.7. He stated no one should tell him how wide his path should be without giving some sort of compensation.

**Don House, 2104 Beach Trail**, stated there are different size paths all along the beach. For example, he has a large path and Commissioner Hoofnagle has a small path. It just depends on the person. The City has always had a “don’t ask, don’t tell” policy and that is where it should be. He has his riparian rights, he maintains them, and he does not yell at people out there.

There was no discussion by the Board.

## **OBJECTIVE 2.6**

**The City shall encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.**

**Policy 2.6.1: The City shall consider one or more of the following strategies in those areas which receive major or moderate flood damage.**

- **Relocation;**
- **Reduction of permissible density or intensity of use;**
- **Reconstruction in compliance with current building and construction standards; or**
- **Public acquisition.**

Member Campbell inquired if it is true that the entire City has a major or moderate flood damage designation.

Planning Consultant Harmon stated the City does fall within the major or moderate flood damage designation.

Member Campbell stated it seems to him, in light of that, Policy 2.6.1 should be removed in its entirety that the City cannot have a sensible policy to floodproof everything on this island and that seems to be the tenor of Policy 2.6.1.

Planning Consultant Harmon stated Policy 2.6.1 is for the future. For example, if a structure is totally destroyed, the City would want to remove it from the floodplain. It is not something that is going to happen to every single building today. It is an objective that the City wants to work toward to meet FEMA regulations and to work with insurances.

Member Campbell stated relocation, reduction of permissible density or intensity of use, and public acquisition are fantasy. However, the City already requires reconstruction in compliance with current building and construction standards.

Member Antepencko stated he agrees with Member Campbell's comments.

City Attorney Mora explained this is an objective and policy that the City shall consider one or more of the strategies in those areas which receive major or moderate flood damage. This is not a shall or binding in the way of a mandated action. It is promise that the City will think about and take these thoughts into consideration as values that the City has as it relates to this.

Member Smith stated she likes the reduction of permissible density or intensity of use because to her that protects and helps the City to keep the small town feel of Indian Rocks Beach. So, if a gigantic condo is destroyed, the City will have the opportunity to reduce its density.

Member Antepencko stated he does not see why the City should have any issue with density because he has certain rights and abilities to do what he plans to do with his property.

Member Dausen stated she would like to keep the language how it is.

There was no public present.

## **OBJECTIVE 2.7**

**The City shall identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.**

**Policy 2.7.1: The City shall work with Pinellas County and the State of Florida on the alteration of sand dunes or mangrove stands which would increase potential damage.**

Member Campbell stated in part he did not understand what this policy meant. The last phrase “*which would increase potential damage*”. He stated the way that it is written, it reads to him that it is the City’s goal is to work with the County to increase potential damage.

City Attorney Mora stated the language can be construed two ways and the precursor is the alteration of the sand dunes would increase potential damage.

***CONSENSUS OF THE BOARD TO CLARIFY POLICY 2.7.1. TO READ THAT THE CITY IS WORKING WITH PINELLAS COUNTY TO VOID REMOVING SAND DUNES.***

**Policy 2.7.2: The City shall control the alteration of natural floodplains, streams channels, and natural protective barriers that help accommodate or channel floodwaters; control fillings, grading, and other development that may increase flood damage; and prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.**

**Policy 2.7.3: The City shall encourage retrofitting or existing structures to mitigate potential damages from natural disasters.**

**Policy 2.7.4: The City shall continue to coordinate with Pinellas County and the Army Corps of Engineers to evaluate the feasibility of beach renourishment, erosion control structures, or other mitigation to preserve and protect the public beach front from erosion and the potential effects of sea level rise.**

There were no questions by the Board.

There was no public present.

## **OBJECTIVE 2.8**

**The City shall participate, and encourage other local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discount for residents.**

**Policy 2.8.1: The City shall continue to be a participant in the National Flood Insurance Program Community Rating System, and shall work to maintain or increase its rating.**



**Policy 2.8.2: The City shall assist residents by providing information about the National Flood Insurance Program and flood damage prevention on its official website.**

**Policy 2.8.3: The City shall post copies of available elevation certificates on its official website.**

There were no questions by the Board.

There was no public present.

### **OBJECTIVE 3.3**

**The City shall implement reconstruction and redevelopment strategies which will promote hazard mitigation.**

**Policy 3.3.4: The City will work with the other jurisdictions within Pinellas County and the State of Florida to explore the establishment of level-of-service standards for the restoration of power service following loss from individual, local, or regional power loss events.**

**Policy 3.3.5: The City will work with other local governments within Pinellas County to explore the establishment of level-of-service standards for the acceptable time required for the removal of storm-related debris within the City of Indian Rocks Beach.**

There were no questions by the Board.

There was no public present.

### **FUTURE LAND USE ELEMENT**

**OBJECTIVE I.I.: Future Land Use Map and Land Use Designations.**

**Development within the City of Indian Rocks Beach shall be in accordance with the land use categories adopted here and continue enforcement of land development regulations consistent with the comprehensive plan.**

**~~Policy 1.1.1.: The City of Indian Rocks Beach Future Land Use Map shall have the land use designations and general development densities and intensities as provided by the Rules Concerning the Administration of the Countywide Future Land Use Plan, As Amended adopted by Pinellas County Ordinance No. 89-4 effective February 6, 1989, and subsequent rule amendments.~~**

**The City adopts the future land use categories established on the *Future Land Use Map*, which implement this comprehensive plan based on and consistent with the following residential density and nonresidential intensity standards. These future land use categories shall be consistent with the uses listed in the Forward Pinellas Countywide Rules. Unless listed below, these future land use categories shall be consistent with the locational standards established in the corresponding categories on the countywide plan map as established below.**

City Attorney Mora stated Member Campbell is recommending that in the preamble to indicate whether or not the City is adopting it as it exists now or as it shall change from time to time based on future amendment by Pinellas County.

Planning Consultant Harmon stated if Pinellas County changes the future land use categories, then the City will need to amend its future land use categories also.

City Attorney Mora clarified that each municipality will need to amend its comprehensive plan every time that Pinellas County amends theirs, and that Florida Statutes require each community to revisit their comprehensive plan every 6 to 7 years.

***CONSENSUS OF THE BOARD TO HAVE THE CITY ATTORNEY DRAFT LANGUAGE AFTER THE SECOND SENTENCE TO MAKE THE PREAMBLE MORE CLEARER. "THESE FUTURE LAND USE RULES CATEGORIES SHALL BE CONSISTENT WITH THE USES LISTED IN THE FORWARD PINELLAS COUNTYWIDE RULES. AS THEY EXIST AT THE TIME OF THIS PLAN'S ADOPTION OR CODIFICATION. . ."***

<u>Future Land Use Map Category</u>	<u>Density/Intensity</u>		<u>Countywide Plan Map Category</u>
<u>Residential Urban</u>	<u>Residential:</u> <u>Non-Residential:</u>	<u>0 to 7.50 dwelling units per acre</u> <u>0.40 FAR and 0.65 ISR</u>	<u>Residential Low Medium</u>
<u>Residential Medium</u>	<u>Residential:</u> <u>Non-Residential:</u>	<u>0 to 15.0 dwelling units per acre</u> <u>0.50 FAR and 0.75 ISR</u>	<u>Residential Medium</u>
<u>Residential/Office General</u>	<u>Residential:</u> <u>Non-Residential:</u>	<u>0 to 15.0 dwelling units per acre</u> <u>0.50 FAR and 0.70 ISR</u>	<u>Office</u>
<u>Residential/Office/Retail</u>	<u>Residential:</u> <u>Non-Residential:</u>	<u>0 to 15.0 dwelling units per acre</u> <u>0.50 FAR and 0.70 ISR</u>	<u>Retail &amp; Service</u>
<u>Resort Facilities High</u>	<u>Residential:</u> <u>Non-Residential:</u>	<u>0 to 30 dwelling units per acre</u> <u>0.5 FAR and 0.7 ISR</u>	<u>Resort</u>
<u>Commercial General</u>	<u>Residential:</u> <u>Non-Residential:</u>	<u>0 to 18 dwelling units per acre</u> <u>0.55 FAR and 0.70 ISR</u>	<u>Retail &amp; Service</u>

<u>Commercial General Temporary Lodging Density 50 Business District Triangle</u>	<u>Residential:</u> <u>Non-Residential:</u>	<u>0 to 50 units per acre for temporary lodging</u> <u>1.2 FAR and 0.9 ISR for temporary lodging</u>	<u>Retail &amp; Service</u>
<u>Preservation:</u>	<u>Non-Residential</u>	<u>0.10 FAR and 0.20 ISR</u>	<u>Preservation</u>
<u>Recreation/Open Space</u>	<u>Non-Residential</u>	<u>0.25 FAR and 0.60 ISR</u>	<u>Recreation-Open Space</u>
<u>Institutional</u>	<u>Residential:</u> <u>Non-Residential:</u>	<u>N/A</u>	<u>Public/Semi-Public</u>
<u>Transportation/Utility</u>	<u>Non-Residential:</u>	<u>0.65 FAR and 0.85 ISR</u>	<u>Public/Semi-Public</u>
<u>Water/Drainage Feature</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

Planning Consultant Harmon stated the Future Land Use Element land use categories table was modified to be consistent and reflect the land use categories adopted in the Countywide Rules.

Member Campbell asked where the chart came from.

Planning Consultant Harmon stated this is a new chart within the comprehensive plan. However, the information was derived from the City's Future Land Use Map and the Countywide Plan Category was added to the chart.

No members of the public are present.

## **FUTURE LAND USE: DATA AND ANALYSIS**

### **I. INTRODUCTION.**

Planning Consultant Harmon stated every time the plan is revised, the largest age group by percentage is updated according to the U.S.Census Bureau.

### **II. EXISTING LAND USES.**

Planning Consultant Harmon stated most of the existing land use information was compiled through Forward Pinellas and the Pinellas County Property Appraiser's Office.

### **IV. POPULATION ESTIMATES AND PROJECTIONS.**

Planning Consultant Harmon stated the table shows the permanent and seasonal population estimates and projections for 2005-2025, which information was derived from the U.S. Census Bureau, Forward Pinellas, 2020 Pinellas County Long Range Transportation Plan 2045, and Pinellas County Planning Department.

## **V. LAND USE ANALYSIS**

### **A. Public Facilities**

Planning Consultant Harmon stated the level-of-services were updated, which were provided by Pinellas County.

#### **2. Sanitary Sewer**

Planning Consultant Harmon stated sanitary sewer is provided through Pinellas County Utilities as the City sold its sanitary sewer system to Pinellas County.

### **B. VACANT OR UNDEVELOPED LAND.**

#### **2. Soils.**

Planning Consultant Harmon is an updated chart that shows vacant land by future land use category information which was provided by Forward Pinellas and the Pinellas County Property Appraiser, 2019.

### **TRANSPORTATION: DATA AND ANALYSIS:**

Planning Consultant Harmon stated Table 1, 2017 Roadway Inventory and Level of Service and Table 2, 2040 Roadway Inventory and Projected Level of Service were updated with information provided by Year 2040 Long Range Transportation Plan Traffic Forecast and Level Service Analysis and Pinellas County Metropolitan Planning Office.

### **MAPS:**

***Future Land Use Map.*** Planning Consultant Harmon stated the map was updated to reflect the 2035 planning horizon.

***Coastal High Hazard Map.*** Planning Consultant Harmon stated the Coastal High Hazard Area Map is a new map, prepared by Forward Pinellas, which shows all of Indian Rocks Beach being within the coastal high hazard area.

Member Campbell stated parts of the map have random speckles of white in the blue, right along the coast, and he is assuming this is a printer malfunction. These are not actual exemptions from the coastal high hazard area.

Planning Consultant Harmon stated all of Indian Rocks Beach is in the coastal high hazard area, and she will ask Forward Pinellas for a better map.

**Transportation Maps:** Planning Consultant Harmon stated these maps show the current level-of-service and the 2040 map reflects the future level-of-service.

#### **VISIONING STUDY WORK SESSIONS:**

Member Daus confirmed that the Visioning Study Work Sessions that the City had this last year were being hosted by Forward Pinellas.

City Attorney Mora stated Forward Pinellas has been facilitating a series of work sessions and that is separate from the City's comprehensive plan.

#### **COMPREHENSIVE PLAN AMENDMENT PROCESS:**

City Attorney Mora and Planning Consultant Harmon reviewed the adoption process of the comprehensive plan amendment for the Board.

#### **ORDINANCE AMENDMENT:**

Member Campbell referred the Board to the Ordinance, the last sentence in Section 6: *"If a final non-compliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effect status, a copy of which resolution shall be sent to the Department of Economic Opportunity, Division of Community Affairs, Plan Process Team,* and stated he feels that this should be amended.

City Attorney Mora stated that sentence will be reviewed and if an amendment is necessary, such an amendment will be made to the ordinance.

#### **HISTORICAL PRESERVATION:**

Member Daus referred to Future Land Use: Data Analysis, 5. Historic Resources, and it stated there are currently no historic resources located within the community.

Planning Consultant Harmon stated historic structures need to be identified by the State of Florida.

Member Daus asked if the City had any, to which Planning Consultant Harmon stated no, not that are designated by the State of Florida. They are historical in their age but they are not on the Florida Historical Register.

***MOTION MADE BY MEMBER SMITH, SECONDED BY MEMBER CAMPBELL, TO RECOMMEND TO THE CITY COMMISSION APPROVAL OF ORDINANCE NO. 2020-01 WITH RECOMMENDED AMENDMENTS, AN ORDINANCE OF THE CITY OF INDIAN***

**ROCKS BEACH, FLORIDA, AMENDING THE CITY OF INDIAN ROCKS BEACH COMPREHENSIVE PLAN PURSUANT TO THE EVALUATION AND APPRAISAL PROCESS OF SECTION 163.3191, FLORIDA STATUTES, AND THE AMENDMENT PROCESS OF SECTION 163.3184, FLORIDA STATUTES, BY AMENDING THE FUTURE LAND USE, TRANSPORTATION, AND COASTAL MANAGEMENT AND CONSERVATION ELEMENTS TO REFLECT CHANGES IN FLORIDA STATUTES, CHAPTER 163 SINCE 2013, UPDATING THE FUTURE LAND USE ELEMENT TO MAINTAIN CONSISTENCY WITH THE COUNTYWIDE PLAN FOR PINELLAS COUNTY, AS HEREINAFTER PROVIDED; ESTABLISHING THE LEGAL STATUS OF THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**ROLL CALL VOTE:**

**AYES: ANTEPENKO, DAUSES, CAMPBELL, SMITH**

**NAYES: NONE**

**ABSENT MCFALL, SAWCHYN, STYRWOLD, VALERY**

**MOTION TO APPROVE CARRIED UNANIMOUSLY.**

**6. OTHER BUSINESS. NONE.**

**7. ADJOURNMENT.**

**MOTION MADE BY MEMBER CAMPBELL, SECONDED BY MEMBER DAUSES TO ADJOURN THE MEETING AT 7:25 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.**

October 21, 2021

Date Approved

\_\_\_\_\_  
Chairperson

/DOR

**AGENDA ITEM 4.**

**ORDINANCE NO. 2021-06**

**Code Section 110-344,  
Swimming pools and spas; by  
increasing the maximum length  
of permissible waterfall  
features in swimming pools and  
spas.**

**AGENDA MEMO  
INDIAN ROCKS BEACH LOCAL PLANNING AGENCY**

**MEETING OF:** October 21, 2021 **AGENDA ITEM: 4**

**SUBMITTED AND  
RECOMMENDED BY:** Hetty C. Harmon, AICP, City Planner

**APPROVED BY:** Brently Gregg Mims, City Manager



**SUBJECT:** Ordinance No. 2021-06 Length of Waterfalls

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**BACKGROUND:**

At the November 12, 2019, and September 14, 2021 City of Indian Rocks Beach City Commission meetings, the City Commission approved variances to extend the allowable length of waterfalls. The Land Development Code allows for up to six feet in length and the variances granted were for twelve feet. As a result, the Board of Adjustment recommended that the City Commission consider a Land Code Amendment to allow the allowable length of waterfalls to twelve feet in length.

The City Commission by consensus authorized staff to forward a Land Code Amendment to the Local Planning Agency to change the six feet allocation to twelve feet. The LPA should consider the proposed amendment and make the appropriate recommendation to the City of Indian Rocks Beach City Commission.



**CITY OF INDIAN ROCKS BEACH  
ORDINANCE NO. 2021-06**

**AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES BY AMENDING CHAPTER 110, ZONING; ARTICLE I - IN GENERAL, SECTION 110-344 "SWIMMING POOLS AND SPAS" INCREASING THE MAXIMUM LENGTH OF PERMISSIBLE WATERFALL FEATURES IN SWIMMING POOLS AND SPAS; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Indian Rocks Beach Board of Adjustments and Appeals has received an increased number of variance applications to extend the maximum length of a waterwall to enhance the aesthetics of the pool area; and

**WHEREAS**, during the August 17, 2021 Board of Adjustments and Appeals Meetings, the Board recommended the City Commission consider extending the maximum length of decorative waterfalls; and

**WHEREAS**, on \_\_\_\_\_, 2021, the Local Planning Agency held a public hearing and found the proposed amendments consistent with the Comprehensive Plan; and

**WHEREAS**, Section 13.1 of the City's Charter empowers the City Commission to regulate and restrict, among other things, the location and use of buildings, structures, and land and water for trade, industry, residence or other purposes in the City; and

**WHEREAS**, the City Commission for the City of Indian Rocks Beach finds the amendments set forth in this ordinance to be in the interest of promoting the health, safety and general welfare of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, THAT:**

**SECTION 1.** Chapter 110, Zoning; Article IV, Supplementary District Regulations; Section 110-344 Swimming Pools and Spas" of The Code of Ordinances, City of Indian Rocks Beach, Florida is hereby amended to read as follows:

**Sec. 110-344. Swimming pools and spas.**

- (7) Spas, jacuzzis, and hot tubs. Spas, as defined in section 14-421, shall be permitted in accordance with the following standards:

- a. When located on nonwaterfront lots and lots abutting the Intracoastal Waterway, spas may be located in rear and side yards so long as a five-foot setback is maintained from the property line.
- b. When located on lots abutting the Gulf of Mexico, spas may be located in any yard, so long as a five-foot setback is maintained from the property line.
- c. The capacity of any spa permitted pursuant to this subsection shall not exceed 500 gallons. Larger spas shall be permitted in accordance with subsections (1) through (6) of this section.
- d. Spas shall not exceed four feet in height above the adjacent finished grade, or four feet in height above a deck permitted in accordance with chapter 14.
- e. The provisions of this subsection (7) shall also apply to spas which are constructed as part of and integrated into a swimming pool.
- f. The provisions of this subsection (7) shall also apply to decorative waterfalls where they are constructed as part of or integrated into a spa or swimming pool, provided the length or diameter of the improvement does not exceed ~~six~~ twelve feet.
- g. A maximum of one spa per residential unit is permitted pursuant to this subsection.

**SECTION 2.** In all other respects, the provisions of the Land Development Regulations of the City of Indian Rocks Beach, Florida, not hereby amended or modified shall remain in full force and effect.

**SECTION 3.** It is the intention of the Indian Rocks Beach City Commission that each provision hereof be considered separable, and that the invalidity of any provision of this Ordinance shall not affect the validity of any other provision of this Ordinance or Subpart B of the City of Indian Rocks Beach Code of Ordinances.

**SECTION 4.** It is the intention of the Indian Rocks Beach City Commission that such amended Ordinance be included in the Land Development Regulations of the City of Indian Rocks Beach, Florida and the publisher of the Land Development Regulations may renumber or reclassify provisions of the Land Development Regulations to accomplish such intention.

**SECTION 5.** All ordinances or parts of ordinances, in conflict herewith are hereby repealed, to the extent of such conflicts.

**SECTION 6.** This Ordinance shall become effective immediately upon final passage as allowed by law.

**PUBLISHED** this \_\_\_\_ day of \_\_\_\_\_, 2021 in the Tampa Bay Times Newspaper.

**ADOPTED ON FIRST READING** on the \_\_\_\_\_ day of \_\_\_\_\_2021, by the City Commission of the City of Indian Rocks Beach, Florida.

**PUBLISHED** this \_\_\_ day of \_\_\_\_\_2018 in the Tampa Bay Times newspaper.

**ADOPTED ON SECOND AND FINAL READING** on the \_\_\_ day of \_\_\_\_\_2021, by the City Commission of the City of Indian Rocks Beach, Florida.

Joanne Moston Kennedy, Mayor-Commissioner

ATTEST:

Deanne B. O'Reilly, MMC, City Clerk

**AGENDA ITEM NO. 5**

**OTHER BUSINESS**

**AGENDA ITEM NO. 6**

**ADJOURNMENT**