

INDIAN SHORES

Ph 727.595.4020 Fax 727.596.0050
19305 Gulf Boulevard, Indian Shores, FL 33785
www.myindianshores.com

PLANNING, ZONING AND BUILDING COMMITTEE


AGENDA – MARCH 14, 2017

BEGINS 2:00 P.M.

ITEM # AGENDA ITEM

- 1.0 Approval of Agenda for February 14, 2017.
- 2.0 Comments from the public on any Agenda item.
- 3.0 Consideration of approving the Minutes of the January 3, 2017 meeting.
(Ref.: Pgs. 1-2)
- 4.0 **PUBLIC HEARING:**

Consideration of the proposed amendments for revision of the Town's Comprehensive Plan in the Evaluation and Appraisal Report prepared by Forward Pinellas, and recommendation to Council. (Ref.: Pgs. 3-12)



Elaine Jackson, MMC , Town Clerk

Any person who decides to appeal any decision of the Planning, Zoning and Building Committee with respect to any matter considered at any such meeting will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes that testimony and evidence upon which the appeal is to be based.

Any person with a disability requiring reasonable accommodation in order to participate in this meeting should contact the Town Clerk's Office with your request. Phone 727-595-4020, Fax 727-596-0050.

Patrick C. Soranno
Mayor

Diantha Schear
Vice Mayor

Mike Hackerson
Councilor

Michael (Mike) Petruccelli
Councilor

William F. (Bill) Smith
Councilor

Bonnie Dhonau
Town Administrator

Terry E. Hughes
Chief of Police

Susan L. Scrogham
Director of Finance
and Personnel

Stephanie V. Waters
Town Clerk

Gregory Yantorno
Building Official

Regina Kardash, Esq.
Town Attorney

INDIAN SHORES

Ph 727.595.4020 Fax 727.596.0050
19305 Gulf Boulevard, Indian Shores, FL 33785
www.myindianshores.com

PLANNING, ZONING AND BUILDING COMMITTEE

MINUTES – JANUARY 3, 2017

The Planning, Zoning and Building Committee convened at 2:00 P.M. Those present were: Mayor Soranno, Councilor Smith and Fred Strahlendorf, Citizen Member.

Also Present: Councilor Schear; Attorney Regina Kardash; Elaine Jackson, Town Clerk; Bonnie Dhonau, Town Administrator; and Larry Schear.

Those present observed a moment of silence in recognition of the passing of Mayor Lawrence.

ITEM # AGENDA ITEM

1.0 Approval of Agenda for January 3, 2017.

Motion by Councilor Smith – seconded by Fred Strahlendorf, to approve the Agenda for January 3, 2017. Motion carried 3-0.

2.0 Comments from the public on any Agenda item.

There were no comments.

3.0 Consideration of approving the Minutes of the September 20, 2016 meeting.

Motion by Fred Strahlendorf – seconded by Councilor Smith, to approve the Minutes of September 20, 2016. Motion carried 3-0.

4.0 PUBLIC HEARING:

Review and recommendation to Council relative to Ordinance 2017-01.

ORDINANCE 2017-01: AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, IMPOSING A MORATORIUM ON THE OPERATION OF MEDICAL MARIJUANA TREATMENT CENTERS AND DISPENSARIES FOR TWELVE MONTHS WITHIN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS WITH OTHER LAWS; PROVIDING FOR AN EFFECTIVE DATE.

James J. Lawrence
Mayor

Patrick C. Soranno
Vice Mayor

Michael (Mike) Petruccelli
Councilor

Diantha Schear
Councilor

William F. (Bill) Smith
Councilor

Bonnie Dhonau
Town Administrator

Terry E. Hughes
Chief of Police

Susan L. Scrogam
Director of Finance
and Personnel

Elaine N. Jackson, MMC
Town Clerk

Gregory Yantorno
Building Official

Regina Kardash, Esq.
Town Attorney

Attorney Kardash read Ordinance 2017-01, by title only, and stated the motion would need to be a recommendation to Council, as amended. She pointed out a word missing in Section III that would need to be inserted.

Attorney Kardash explained we have the opportunity to have Town regulations in place before one year expires, based on the State taking six months to get their regulations in order, and three months following that, to put licensing in place. Thus, there is at least a nine-month minimum period before anyone could open up a facility. We can repeal the Ordinance before the one-year limit or extend it if more time is needed.

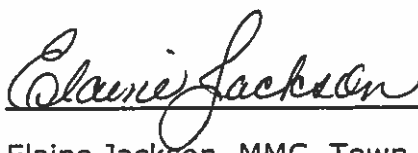
Attorney Kardash explained, since this is a constitutional amendment, the Town cannot completely outlaw it, and since we do not issue business licenses, we could maintain control through zoning regulations, such as designating how close it may be allowed to other types of facilities, and/or make it a building code requirement that businesses must have a State license before a certificate of occupancy is issued.

Councilor Smith referred to a recent article in the Tampa Bay Times, giving statistics under the previous law. There are presently some dispensaries open in Tallahassee, Clearwater, and Tampa, and 55 cities have zoning moratoriums.

Attorney Kardash stated, under the previous law there was some very strict criteria. We want to wait and see exactly what the State provides as criteria; however, zoning is under the Town's jurisdiction and seldom does the State try to intervene. She stated she was confident the Town will have enough time. Another Ordinance would need to be passed in order to extend the moratorium if the Council felt they needed more time to comply.

Motion by Councilor Smith – seconded by **Fred Strahlendorf**, to recommend Council approval, subject to extending the time of the moratorium to fifteen months, and adding the word "not" in Section III, where indicated. **Motion carried 3-0.**

The Planning, Zoning and Building Committee meeting adjourned at 2:20 P.M.


Elaine Jackson, MMC, Town Clerk



PERSSON & COHEN, P.A.
ATTORNEYS AND COUNSELORS AT LAW

David P. Persson
Andrew H. Cohen
Kelly M. Fernandez*
Maggie D. Mooney-Portale*
R. David Jackson
Regina A. Kardash

* Board Certified City, County and Local Government Law

Telephone (941) 306-4730
Facsimile (941) 306-4832
Email: rkardash@swflgovlaw.com

Reply to: Lakewood Ranch

MEMORANDUM

TO: Town of Indian Shores
FROM: Regina Kardash, Town Attorney
RE: Comprehensive Plan Evaluation and Appraisal
DATE: March 8, 2017

Under the State of Florida Community Planning Act, F.S. § 163.3161, et. seq., the Town of Indian Shores is required to perform an evaluation and appraisal of its comprehensive plan at least once every seven (7) years and to provide a report to the State's land planning agency. F.S. § 163.3191. This report, commonly referred to as EAR, goes to the Department of Economic Opportunity. The Town Council has contracted with Forward Pinellas to perform the appraisal and the EAR has been provided for review and approval.

The Community Planning Act defines and regulates comprehensive plans. The stated intent and goals of the legislature include managing growth and development while protecting resources and providing for infrastructure and essential services. F.S. § 163.3161. The requirements of the Act are designed to preserve, promote, protect and improve the health, safety and welfare of the public with due regard for private property rights of residents and citizens. *Id.* A good deal of the Act establishes intergovernmental coordination through a state and local review process which incorporates multiple agencies at the state and local level into the planning and amendment process as well as providing for public participation. F.S. § 163.3161; F.S. § 163.3184.

Lakewood Ranch
6853 Energy Court
Lakewood Ranch, Florida 34240

St. Petersburg
111 Second Avenue NE, Suite 536
St. Petersburg, Florida 33701

Venice
217 Nassau Street S.
Venice, Florida 34285

Every municipality in the State of Florida is required to keep and maintain a conforming comprehensive plan. F.S. § 163.3167. Furthermore, every municipality is required to establish a local planning agency which is responsible for the comprehensive plan and planning program. F.S. § 163.3174. These responsibilities include preparation of the plan and plan amendments, monitoring and overseeing the effectiveness of the plan, including the EAR process, reviewing proposed land development regulations, codes, amendments and making recommendations to the governing body based on consistency with the adopted comprehensive plan. *Id.* The Town has designated the Planning, Zoning and Building Committee as the local planning agency for the Town.

The Act contains both required and optional elements for each comprehensive plan. F.S. § 163.3177. These elements include capital improvements, a future land use plan, transportation element, a general sanitary sewer, solid waste, drainage, potable water, natural ground water and aquifer recharge element, conservation, recreation and open space, housing, coastal management and intergovernmental coordination elements. *Id.* The capital improvement element deals with construction and development to maintain infrastructure and manage anticipated increases in public facilities by examining the level of service. It is required to cover a five (5) year period and estimate cost as well as identify funding sources. These are required to be reviewed annually with an additional ten (10) year plan as well. The future land use plan is required to address things like redevelopment, renewal of blighted areas, discouragement of urban sprawl and the elimination of nonconforming uses. The transportation element should address traffic circulation for vehicular, bicycle and pedestrian traffic. The conservation element encompasses conservation, use and protection of natural resources including air, water, water recharge areas, wetlands, waterwells, beaches, shores, rivers, bays, marine habitats and other natural and environmental resources. The recreation and open space element provides for public and private recreation facilities such as parks, playgrounds, beaches, access to beaches and open spaces. Housing standards are aimed at providing for current and anticipated future residents and the structural and aesthetic improvement of existing housing. Most of the other elements are self-explanatory.

The Town's comprehensive plan was established in 2008 and is currently past due for its seven-year review. The Town has engaged Forward Pinellas to begin the review process and, after its initial review, Forward Pinellas has provided the proposed EAR letter identifying areas of the Town's comprehensive plan which should be updated for consistency with current state law. The State of Florida Comprehensive Planning Act was significantly amended in 2011 and the proposed amendments to the Town's comprehensive plan reflect these changes.

Due to the size of the Town and infrastructure resources, much of the Town's planning relies on Pinellas County's adopted plans and resource management initiatives. For instance, the first item in the EAR would require the Town to make amendments based on the water supply work plan requirement in F.S. § 163.3177(6)(c)3. The Town does not own, operate or maintain its own water supply facilities and purchases water from Pinellas County. Therefore, the "*Pinellas County Potable*

Water Supply Plan” provides for the Town’s current and anticipated future needs for water supply. Similarly, the Town’s plan in both the transportation and intergovernmental coordination elements should reflect the “*Pinellas County Mobility Plan*” and Multimodal Impact Fee Ordinance. The coastal management and conservation elements will include the update of the Town’s flood plain management ordinance and statutory requirements of F.S. § 163.3178(8). Again, this element should reflect relevant Pinellas County plans to ensure compatibility.

The Town’s PZB committee should review the proposed EAR letter and accompanying Resolution to be sent to the State of Florida Department of Economics and make a recommendation to the Town Council as to whether to adopt the Resolution. This recommendation should include whether or not these are the desired areas of amendment, including whether more or less amendments are necessary. Once the Council officially takes action on the EAR and Resolution, the Town will have one (1) year to complete the amendments. F.S. § 163.3191(2). In the interim, no additional updates or amendments may be made to the comprehensive plan. F.S. § 163.3191(4). The Town has also contracted with Forward Pinellas to prepare the amendments that are authorized by the Town. The amendment process will include more technical information and specifics on the items proposed for amendment.

ORDINANCE 88-4

AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, PROVIDING THAT CHAPTER 8.5 OF THE CODE OF ORDINANCES OF THE TOWN OF INDIAN SHORES, FLORIDA, BE AMENDED BY ADDING SECTION 8.5-9 DESIGNATING AND ESTABLISHING A LOCAL PLANNING AGENCY PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT OF 1985 (CHAPTERS 163.3161 - 163.3215, FLORIDA STATUTES); SETTING FORTH SAID AGENCY'S DUTIES AND RESPONSIBILITIES; ESTABLISHING SAID AGENCY'S ORGANIZATION, RULES AND PROCEDURES; REQUIRING THAT ALL MEETINGS BE PUBLIC AND PROVIDING FOR THE KEEPING OF PUBLIC RECORDS; PROVIDING FOR FINANCIAL SUPPORT; PROVIDING THAT CONFLICTING PROVISIONS OF ORDINANCES BE REPEALED; PROVIDING FOR A VALIDITY SECTION; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR CONFORMITY TO THE UNIFORM NUMBERING SYSTEM OF THE INDIAN SHORES CODE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES, FLORIDA:

SECTION 1. That Chapter 8.5 of the Code of Ordinances of the Town of Indian Shores, Florida, be amended by adding Section 8.5-9 to read as follows:

"Sec. 8.5-9. Establishment of a Local Planning Agency.

1. AUTHORITY. This ordinance is enacted pursuant to, and in accordance with, the provisions of Chapter 163, Part II, Florida Statutes (Local Government Comprehensive Planning and Land Development Regulation Act of 1985).
2. DESIGNATION AND ESTABLISHMENT OF LOCAL PLANNING AGENCY. Pursuant to, and in accordance with, Section 163.3174, Florida Statutes, the local planning agency for the Town of Indian Shores, Florida, is hereby established and defined to consist of the Indian Shores Planning, Zoning and Building Committee as created by Indian Shores Ordinance No. 86.
3. DUTIES AND RESPONSIBILITIES OF THE LOCAL PLANNING AGENCY. In accordance with the Local Government Comprehensive Planning and Land Development Regulation Act of 1985, Sections 163.3161-3215, Florida Statutes, the local planning agency shall:

- a. Conduct the comprehensive planning program and prepare the comprehensive plan or elements or portions thereof for the Town of Indian Shores;
 - b. Coordinate said comprehensive plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the State of Florida;
 - c. Make recommendations regarding the adoption of said comprehensive plan or elements or portions thereof to the Town Council;
 - d. Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the Town Council such changes in the comprehensive plan as may be required from time to time;
 - e. Review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the governing body as to the consistency of the proposal with the adopted comprehensive plan or element or portion thereof;
 - f. Perform any other functions, duties, and responsibilities assigned to it by the Town Council or general or special law; and
 - g. A Development Committee may be designated by the Town Council and the local planning agency as the agency responsible for preliminary recommendations on comprehensive plan amendments, consistency of land use regulations or development orders with the comprehensive plan. However, final recommendation to the Town Council for the adoption of amendments to the comprehensive plan, or determination of the consistency of land use regulations or development orders with such plan shall be the responsibility of the local planning agency.
4. ORGANIZATION, RULES AND PROCEDURES OF THE AGENCY. Members of the local planning agency shall continue to be appointed and follow such rules of procedure, methods of choosing officers, setting of public meetings, providing of financial support, and accomplishing its duties as provided by the policies and ordinances of the Town of Indian Shores and general or special law.

5. PUBLIC MEETINGS AND RECORDS. All meetings of the local planning agency shall be public meetings and all agency records shall be public records. The local planning agency shall encourage public participation.

6. COMPENSATION. The members of the local planning agency shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the Town Council. The Town Council shall appropriate funds at its discretion to the local planning agency for expenses necessary in the conduct of its work. The local planning agency may, in order to accomplish the purposes and activities required by the Local Government Comprehensive Planning and Land Development Regulation Act of 1985, expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; provided acceptance of loans or grants must be approved by the Town Council."

SECTION 2. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. If any provision of this ordinance be declared invalid all other provisions hereof shall remain valid and enforceable.

SECTION 4. This ordinance shall become effective immediately upon adoption.

SECTION 5. The provisions of this ordinance shall be included and incorporated in the code of Ordinances of the Town of Indian Shores, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

PASSED ON FIRST READING 9 August 1988

PASSED ON SECOND READING 24 August 1988

ENACTED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES, FLORIDA,
THIS 24th DAY OF August 1988.


JANET P. HOPPE
Mayor

ATTEST:


MARCIA GRANTHAM, CMC
Town Clerk

INDIAN SHORES

Ph 727.595.4020 Fax 727.596.0050
19305 Gulf Boulevard, Indian Shores, FL 33785
www.myindianshores.com



MEMORANDUM

To: Indian Shores Town Council
From: Gregory Yantorno, Building Official
Date: February 14, 2017
Subject: Evaluation and Appraisal Review-Based Amendments

=====

On December 6, 2016 the Town Council approved a Memorandum of Understanding with Forward Pinellas to prepare our Evaluation and Review (EAR) for the Department of Economic Opportunity in the amount not to exceed \$1,200. Linda Fisher completed this assignment for \$620 and provided the Town with the completed Evaluation and Review that also included recommended amendments.

Now that the evaluation and review has been completed, we must amend the Town's Comprehensive Plan due to changes in state requirements since the last time it was amended. This will require additional staff time and assistance by Forward Pinellas. A new memorandum of understanding has been provided by Forward Pinellas in an amount not to exceed \$2,500 for the Council's consideration. It would be extremely time consuming and difficult for staff alone to complete this task without the continued support from Forward Pinellas.

Patrick C. Soranno
Mayor

Diantha Schear
Vice Mayor

Mike Hackerson
Councilor

Michael (Mike) Petruccelli
Councilor

William F. (Bill) Smith
Councilor

Bonnie Dhonau
Town Administrator

Terry E. Hughes
Chief of Police

Susan L. Scrogam
Director of Finance
and Personnel

Elaine N. Jackson, MMC
Town Clerk

Gregory Yantorno
Building Official

Regina Kardash, Esq.
Town Attorney

February 1, 2017

Ray Eubanks, Plan Processing Administrator
Florida Department of Economic Opportunity
Bureau of Community Planning
Caldwell Building
107 East Madison Street Tallahassee, FL 32399

Re: Town of Indian Shores Evaluation and Appraisal Notification Letter

Dear Mr. Eubanks:

Pursuant to the requirements of Section 163.3191, Florida Statutes, on ____, 2017, the Indian Shores Town Council authorized the transmittal of this notification letter as set forth herein.

The Town of Indian Shores 2008 Comprehensive Plan, as adopted by Ordinance No. 2008-05, effective September 22, 2008, has been reviewed relative to changes in state requirements in Chapter 163, Part II, Florida Statutes (F.S.), since the last update of the comprehensive plan. The Town has determined that the following amendments will be needed to reflect these changes:

1. Update the Infrastructure Element with a water supply work plan meeting current requirements of Section 163.3177(6)(c)3, F.S.;
2. Update the Transportation, Intergovernmental Coordination, Recreation and Open Space, and Capital Improvement Elements to delete transportation, schools, and parks and recreation from the list of public facilities and services subject to statewide concurrency requirements, pursuant to Section 163.3180(1), F.S.; and
3. Update the Coastal Management and Conservation Element to include redevelopment strategies for reducing coastal flood risk and the cost of flood-related damages, pursuant to Section 163.3178, F.S.

Other comprehensive plan amendments determined by the Town to be necessary or desirable include:

4. Delete obsolete data and analysis throughout the plan, and provide updated data as needed to serve as a basis for future land use map amendments pursuant to Section 163.3177(6)(a), F.S.;
5. Update the Future Land Use Element as needed to maintain consistency with the Countywide Plan for Pinellas County, pursuant to Chapter 2012-245, Laws of Florida;
6. Remove references throughout the plan to the Coastal Storm Area, which in 2008 was anticipated to be adopted by the Pinellas Planning Council as a more restrictive, legally-binding local alternative to the Coastal High Hazard Area (CHHA), but was never adopted; while ensuring that the City continues to meet the state CHHA requirements of 163.3178(8), Florida Statutes;
7. Update the Transportation and Intergovernmental Coordination Elements to recognize the Pinellas County Mobility Plan and Multimodal Impact Fee Ordinance;

8. Update and revise the Capital Improvement Element as necessary to reflect the Town's current Capital Improvement Schedule on an ongoing basis; and
9. Update definitions and other terminology throughout the plan to reflect current statutory nomenclature.

Thank you for your consideration. Please let me know if anything further is needed to comply with the EAR Notification Letter process, and I will be happy to work with you to resolve any such matter as may be necessary.

Sincerely,

Name of Town Representative

Title