Return to Agenda

BOARD OF COUNTY COMMISSIONERS

DATE: April 23, 2013
AGENDA ITEM NO. 19

Consent Agenda ☐ **Regular Agenda** ☐ **Public Hearing** ☑

County Administrator's Signature

Subject:

Zoning Case No. (Q) Z-5-2-13 (Joseph G. Offerman & Stephen E. LoJacono)

Department:

Strategic Planning and Initiatives

Staff Member Responsible:

Larry Arrington, Director

Recommended Action:

I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS (BOARD) APPROVE THE ZONING REQUEST AND VARIANCE.

Summary Explanation/Background:

The applicant desires to rezone the subject property to the A-E, Agricultural Estate Residential District along with a variance to allow the keeping of livestock on a property not having the required primary use of single family home on the site. The applicant owns an adjacent lot to the north where his home is located in the adjacent subdivision, and will keep various animals, cows, goats, etc., on the subject site for his personal use only. Staff views the request as a reduction in potential density as the site is currently zoned R-2 which would allow an 18 lot single family subdivision. The applicant agrees with the conditions recommended by staff and approved by the LPA which require a 50 ft. buffer from the lake to the south specifically and other conditions pertaining to the keeping of livestock.

Fiscal Impact/Cost/Revenue Summary:

N/A

Exhibits/Attachments Attached:

Staff Report with LPA Recommendation, Zoning Maps, and Resolution

LOCAL PLANNING AGENCY (LPA) RECOMMENDATION to the BOARD OF COUNTY COMMISSIONERS

Regarding: Case No. Z-5-2-13

LPA Recommendation: *(from February 14, 2013 hearing)* At the applicant's request, the LPA continued the proposed zoning request to the March 14th LPA hearing. (The vote was 7-0, in favor of allowing the applicant to continue the case)

LPA Recommendation: *(from March 14, 2013 hearing)* The LPA finds that the proposed amendment is consistent with the Pinellas County Comprehensive Plan, and recommends Approval of the request. (The vote was 6-0, in favor)

LPA Public Hearing: February 14, 2013 & March 14, 2013

PLANNING STAFF RECOMMENDATION:

Staff recommends that the LPA find the proposed amendment to the Zoning Atlas to be consistent with the Pinellas County Comprehensive Plan, based on the findings in this Report, and recommend its approval to the Board of County Commissioners; and further

Staff recommends that the LPA recommend to the Pinellas County Board of County Commissioners approval of the requested variance with the following conditions:

1. The number of livestock kept shall not exceed 3 animals per acre, as directed by the Zoning Code.

2. The site shall not be subdivided unless the site meets all site plan and platting regulations.

3. The keeping of livestock shall be for the applicant's personal use only. No commercial uses (e.g., boarding facilities, breeding, etc.) are allowed.

4. The area where the livestock will be kept is required to be fenced, including along the eastern boundary. The fence along the edge of Salt Lake will be set back 50 feet from the top of bank of Salt Lake to prevent run-off of animal waste into the lake.

5. The 50 feet adjacent to Salt Lake will be placed in a conservation easement per Chapter 166 of the County Code (Habitat Management and Landscape) to serve as a buffer between the agricultural use and the lake. The easement will be required to be submitted to the Building and Development Review Services Department for review and approval prior to recording as an official instrument.

6. Any proposal for site alterations, grading, drainage improvements, or placement of structures onsite shall be reviewed by the Building and Development Review Services Department, and may require additional permits or site plan approval. Prior site plan or permit approvals for prior intended uses are not valid.

7. In the event the above conditions are not met, or should water quality violations be detected as a result of the agricultural use, the Board may rescind or amend the variance portion of this request.

CASE SUMMARY

APPLICANT'S NAME: Joseph G. Offerman & Stephen E. LoJacono

DISCLOSURE: N/A

REPRESENTED BY: N/A

	ZONING CHANGE
FROM:	R-2, Single Family Residential
TO:	A-E, Agricultural Estate Residential
And a variance to allow the keeping of livestock as an accessory use without the establishment of a primary use (i.e., without a single family home onsite).	

PROPERTY DESCRIPTION:

Approximately 12 acres located on the east side of Jasmine Way 365 ft. south of Mary Lane in the unincorporated area of Tarpon Springs.

PARCEL ID(S): 08/27/16/89406/000/0210

PROPOSED BCC HEARING DATE: April 23, 2013

CORRESPONDENCE RECEIVED TO DATE:

No correspondence received.

PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING:

No one appeared.

SURROUNDING ZONING AND LAND USE FACTS:

	Land Use Category	Zoning Designation	Existing Use
Subject Property:	Residential Suburban, Residential Urban and Transportation/Utility	R-2	Vacant
Adjacent Properties:			
North	Residential Suburban	E-1	Single family dwellings
East	Preservation and Residential Urban	A-E and AL	Vacant and Salt Bayou
South	Lake	UZ	Salt Lake
West	Residential Suburban	R-2 & R-6	Single family homes & mobile homes

STAFF DISCUSSION AND ANALYSIS

The applicant's request is to amend the Pinellas County zoning atlas for an approximately 12-acre site from R-2, Single Family Residential to A-E, Agricultural Estate Residential along with a variance to allow the keeping of livestock as an accessory use without the establishment of a primary use (i.e., without there being a single family residence on the property).

The subject property lies immediately south of the Sail Harbor subdivision and is zoned R-2. The Sail Harbor subdivision is zoned E-1 which allows for the keeping of livestock as an accessory use to a primary residential use. (Staff is not aware that anyone is keeping livestock in the Sail Harbor subdivision at this time). The applicant lives on a Sail Harbor lot immediately north of this 12-acre parcel and wishes to keep livestock on the parcel for his personal use.

The applicant has therefore requested that the parcel be amended to A-E to permit the keeping of livestock. The A-E zoning requires that in order to keep livestock, a residence should be located on the subject parcel. The intent is that the livestock/agricultural use therefore become secondary to the primary residential use. Since the applicant does not live on the parcel (but lives immediately to the north), a variance is required in order for him to keep livestock on the subject parcel.

As indicated, the site is bordered to the north by the Sail Harbor subdivision zoned E-1, to the west by single family homes zoned R-3 and to south and east by Salt Lake and Salt Bayou. Should the applicant ultimately intend to develop the parcel as a residential use, the 2 acre lot size requirement associated with the A-E zoning would permit six homes to be developed (in contrast, the existing R-2 zoning would permit 32 homes).

Therefore, based on the reduction in the number of potential residential units, and the compatibility of the proposed A-E zoning district with the zoning designations on nearby properties, staff has no objection to the approval of the zoning change.

With regard to the variance portion of the request, staff has no objection to the proposed agricultural/livestock use; however, due to the parcel's proximity to Salt Lake and Salt Bayou, water quality concerns associated with animal waste must be addressed. **Therefore, staff recommends the following conditions be placed on the subject parcel should the zoning change and variance be approved:**

1. The number of livestock kept shall not exceed 3 animals per acre, as directed by the Zoning Code.

2. The site shall not be subdivided unless the site meets all site plan and platting regulations.

3. The keeping of livestock shall be for the applicant's personal use only. No commercial uses (e.g., boarding facilities, breeding, etc.) are allowed.

4. The area where the livestock will be kept is required to be fenced, including along the eastern boundary. The fence along the edge of Salt Lake will be set back 50 feet from the top of bank of Salt Lake to prevent run-off of animal waste into the lake.

5. The 50 feet adjacent to Salt Lake will be placed in a conservation easement per Chapter 166 of the County Code (Habitat Management and Landscape) to serve as a buffer between the agricultural use and the lake. The easement will be required to be submitted to the Building and Development Review Services Department for review and approval prior to recording as an official instrument. This review will determine if native vegetation enhancements or improvements will be required within the buffer area.

6. Any proposal for site alterations, grading, drainage improvements, or placement of structures onsite shall be reviewed by the Building and Development Review Services Department, and may require additional permits or site plan approval. Prior site plan or permit approvals for prior intended uses are not valid.

7. In the event the above conditions are not met, or should water quality violations be detected as a result of the agricultural use, the Board may rescind or amend the variance portion of this request.

IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN

Staff finds that the proposed amendment is consistent with the following adopted objective and policies of the Pinellas County Comprehensive Plan:

FUTURE LAND USE AND QUALITY COMMUNITIES ELEMENT:

Objective 1.11 Pinellas County shall implement its land use policies in a manner that clearly defines the future land use categories and the regulations pertaining to them that manage growth in Pinellas County.

Policy 1.11.2 Zoning, signage, subdivision, and other existing County land development regulations that are discussed in any element of the *Pinellas County Comprehensive Plan* or have been approved by the Board of County Commissioners shall be consistent with the Plan and include additional regulations that are specified by and based upon the Plan.

Objective 3.2 Pinellas County shall continue its proactive program for managing the impacts of development upon the County's natural resources (including wetlands, uplands, and the marine environment), and shall continue to ensure that these resources are successfully integrated into the urban environment such that the overall function and viability of these areas is maintained, or where practical, enhanced or restored.

Policy 3.1.3 The natural environment shall be both preserved and enhanced by a sensitive land use program which will include adherence to, but not be limited to, the following chapters of the Land Development Code: Habitat Management and Landscaping; Floodplain Management; Flood Damage Prevention; Site Development and Platting; Comprehensive Zoning Regulations; and any other applicable regulations that deal with on-site environmental concerns but also with surrounding land uses.

Policy 3.2.5 Shorelines shall be protected by preservation land use designations, aquatic preserves, development setbacks, public acquisition, or other measures as deemed necessary.

SURFACE WATER MANAGEMENT ELEMENT:

Policy 1.6.7 Pinellas County shall continue to enforce regulations that require natural upland buffers adjacent to estuaries, bays and other surface waters.

Objective 1.8 The surface waters of Pinellas County will be managed to preserve and enhance the water quality of receiving water bodies, and to protect, enhance and restore natural resources, plant and wildlife diversity and estuarine productivity.

NATURAL RESOURCE CONSERVATION AND MANAGEMENT ELEMENT:

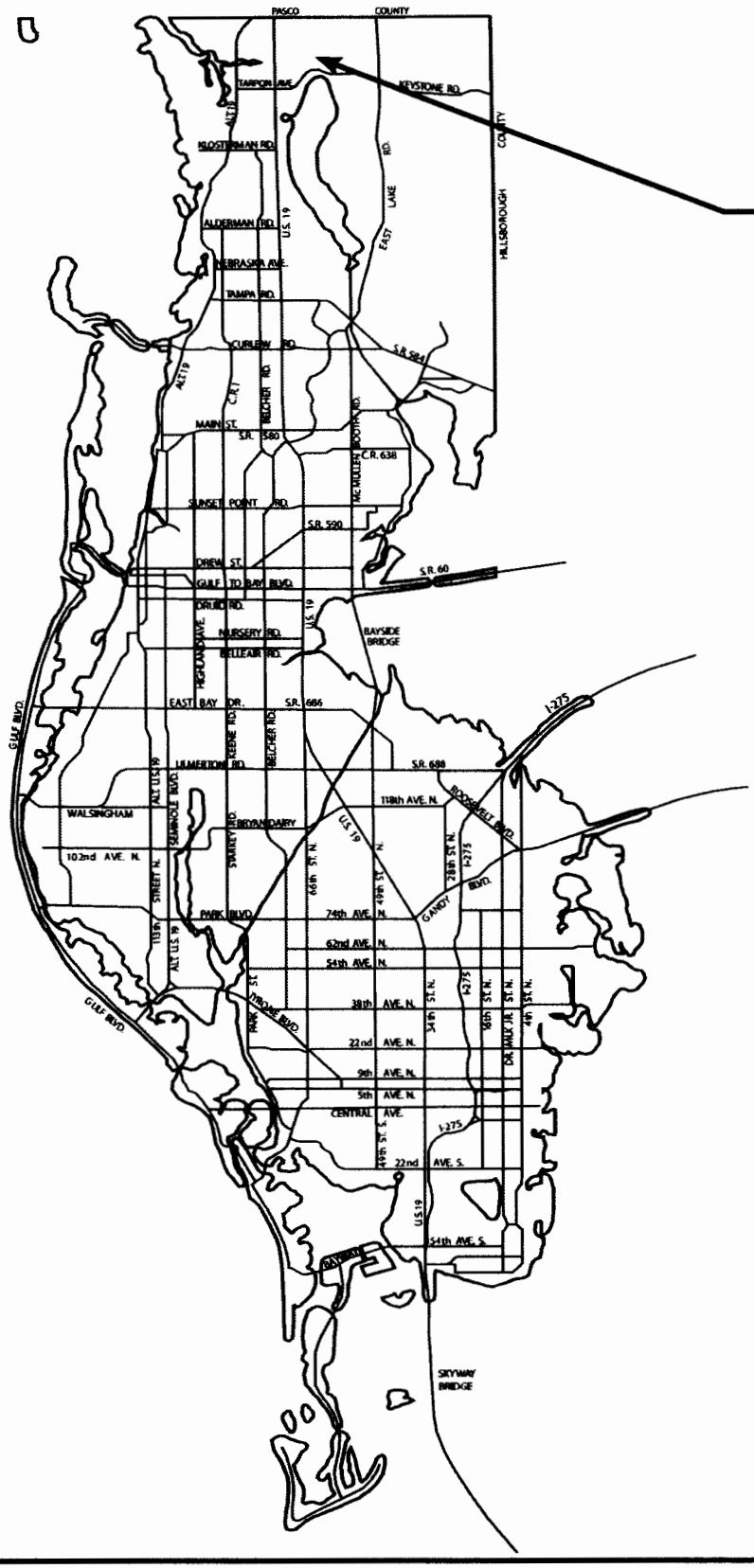
Policy 4.1.7 The County shall continue to enforce its regulations that require natural upland buffers adjacent to estuaries, bays and other surface waters, and shall review their effectiveness in association with the update of the Land Development Code.

COUNTY DEVELOPMENT REGULATIONS

Approval of this request does not ensure that the site can meet County development regulations, including concurrency management regulations, which apply at the time of site plan review.

Attachment (Maps)

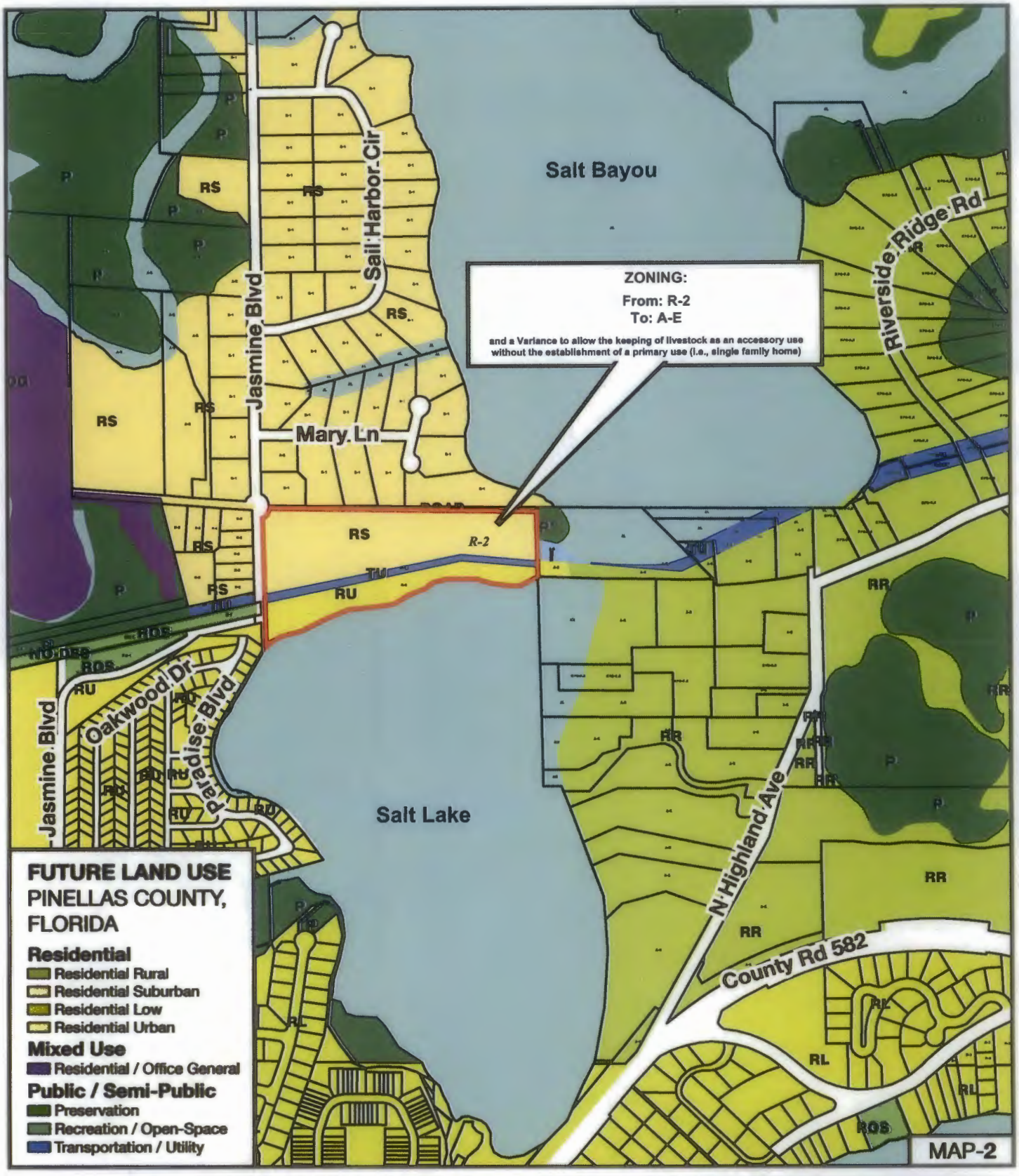
LOCATION MAP



Z-5-2-13

MAP-1

Z-5-2-13	**Zoning** From: R-2, Single Family Residential To: A-E, Agricultural Estate Residential **& a Variance to allow the keeping of livestock as an accessory use without the establishment of a primary use (i.e., single family home).**	N	Pinellas County
Parcel I.D. 08/27/16/89406/000/0210 **Prepared by: Pinellas County Strategic Planning & Initiatives** rev. February 2013			



Z-5-2-13	**Zoning** From: R-2, Single Family Residential To: A-E, Agricultural Estate Residential **& a Variance to allow the keeping of livestock as an accessory use without the establishment of a primary use (i.e., single family home).**	Pinellas County
Parcel I.D. 08/27/16/89406/000/0210 Prepared by: **Pinellas County Strategic Planning & Initiatives** rev. February 2013		

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RESOLUTION NO. _____

RESOLUTION CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 12 ACRES LOCATED ON THE EAST SIDE OF JASMINE WAY 365 FT. SOUTH OF MARY LANE IN THE UNINCORPORATED AREA OF TARPON SPRINGS; PAGE 515 OF THE ZONING ATLAS, AS BEING IN SECTION 08, TOWNSHIP 27, RANGE 16; FROM R-2, SINGLE FAMILY RESIDENTIAL TO A-E, AGRICULTURAL ESTATE RESIDENTIAL AND A VARIANCE TO ALLOW THE KEEPING OF LIVESTOCK AS AN ACCESSORY USE WITHOUT THE ESTABLISHMENT OF A PRIMARY USE (I.E., WITHOUT A SINGLE FAMILY HOME ONSITE); UPON APPLICATION OF JOSEPH G. OFFERMAN & STEPHEN E. LOJACONO, Z-5-2-13.

WHEREAS, Joseph G. Offerman & Stephen E. Lojacono, Owners of the property hereinafter described, have petitioned the Board of County Commissioners of Pinellas County to change the zone classification of the real property hereinafter described from R-2, Single Family Residential to A-E, Agricultural Estate Residential and a Variance to allow the keeping of livestock as an accessory use without the establishment of a primary use (i.e., without a single family home onsite); and

WHEREAS, legal notice of public hearing on such proposed change of zone classification was duly published as required by law, as evidenced by publisher's affidavit filed with the Clerk; and

WHEREAS, said public hearing has been held on the date and at the time specified in said published notice at which citizens and interested persons have been given opportunity to be heard, and all requirements of law and of rules promulgated by this Board have been complied with; and

WHEREAS, this Board has determined that the zone classification of said property should be changed.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County in regular session duly assembled this 23rd day of April 2013, that the zone classification of the following described real property in Pinellas County, Florida, to wit:

See Attached Exhibit "A"

be, and the same is hereby changed from R-2, Single Family Residential to A-E, Agricultural Estate Residential and a Variance to allow the keeping of livestock as an accessory use without the establishment of a primary use (i.e., without a single family home onsite.

Commissioner _____ offered the foregoing resolution and moved its adoption, which was seconded by Commissioner _____ upon the roll call the vote was:

Ayes:

Nays:

Absent and not voting:

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By _____
Attorney

Z-5-2-13

EXHIBIT "A"

Tracts 21,22 and 23, Section 8, Township 27 South, Range 16 East, according to the map of Tampa & Tarpon Springs Land Co., recorded in Plat Book 1, Page 116, of the Public Records of Hillsborough County, Florida, of which Pinellas County was formerly a part. The above described land includes the former Seaboard Coastline Railroad right-of-way;

LESS AND EXCEPT the following:

From a Point of Beginning at the Northwest corner of Section 8, Township 27 South, Range 16 East, Pinellas County, Florida run South 89°33'30" East, along the North line of said Section 8 for 60 feet; thence along a curve to the right having a radius of 60 feet, an arc of 92.31 feet, a chord of 83.47 feet with a chord bearing of South 44°31'59" West, said arc and chord terminating at the West boundary of said Section 8, thence North 01°23'32" West, along the West line of said Section 8 for 60 feet to the Point of Beginning. Subject to a 15 foot right-of- way along the North and West sides.