

# **PIRATE'S COVE**

## **CITRUS COUNTY FLORIDA**

### **PROPOSED RECITALS LAND DEVELOPMENT APPROVAL ORDINANCES**

#### **FUTURE LAND USE PLAN AMENDMENT ORDINANCE**

ORDINANCE 2012-\_\_\_\_\_

AN ORDINANCE OF CITRUS COUNTY FLORIDA  
AMENDING THE CITRUS COUNTY COMPREHENSIVE  
PLAN, ORDINANCE 89-04, AS AMENDED, BY REVISION TO  
THE GENERALIZED FUTURE LAND USE MAP  
REDESIGNATING THE FUTURE LAND USE OF  
APPROXIMATELY 3.87 ACRES FROM LOW INTENSITY  
COASTAL AND LAKES TO COASTAL AND LAKES  
COMMERCIAL, PROVIDING FOR APPLICABILITY,  
PROVIDING FOR MODIFICATION, PROVIDING FOR  
SEVERABILITY AND PROVIDING FOR AN EFFECTIVE  
DATE

WHEREAS, the Citrus County Board of County Commissioners recognizes the need to plan for orderly growth and development while protecting Citrus County's abundant natural resources; and

WHEREAS, the Board of County Commissioners adopted the Citrus County Comprehensive Plan, Ordinance Number 89-04, on April 18, 1989 and subsequent amendments; and

WHEREAS, Chapter 163, Florida Statutes and Chapter 9J-5, Florida Administrative Code provide for the amendment of the Comprehensive Plan.

#### **ATLAS AMENDMENT/DEVELOPMENT AGREEMENT**

ORDINANCE 2012-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE CITRUS COUNTY LAND DEVELOPMENT CODE ATLAS BY REDESIGNATING THE ZONING OF PROPERTY FROM COASTAL AND LAKES RESIDENTIAL TO \*: APPROVING AND ESTABLISHING A DEVELOPMENT AGREEMENT INCLUDING THE ESTABLISHMENT OF A MASTER PLAN OF DEVELOPMENT AUTHORIZING THE USES SET FORTH IN SAID DEVELOPMENT AGREEMENT, INCLUDING MODIFYING APPROPRIATE SITE DEVELOPMENT REQUIREMENTS OF THE CITRUS COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR APPLICABILITY, PROVIDING FOR MODIFICATION, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on November 27, 1990, the Citrus County Board of County Commissioners adopted the Land Development Code Ordinance as Ordinance 90-14; and

WHEREAS, certain atlas amendments are necessary to maintain consistency with the Citrus County Comprehensive Plan.

**GENERAL RECITALS**

**A. COMPREHENSIVE PLAN CONSISTENCY**

WHEREAS, the Citrus County Comprehensive Plan recognizes the importance of private/commercial facilities which provide recreation opportunities, including access to natural resources and specifically including resorts; (ROS 2-4, CLRM 4-62); and

WHEREAS, Pirate's Cove functioned as a resort and recreational facility from the 1920s through the late 1990s, and is included in the Recreation and Open Space Inventory Matrix. (ROS 2-14, 2-44); and

WHEREAS, the redevelopment of Pirate's Cove is expected to provide an opportunity through the generation and application of dedicated park impact fees. (ROS 2-27), to improve the adjacent Ozello Community Park, presently deemed to be in "poor condition". (ROS 2-9); and



WHEREAS, the redevelopment of Pirate's Cove will be consistent with Goal #2 of the Citrus County Comprehensive Plan: "To provide a variety of parks, recreational facilities and programs, and open space areas available to all residents and visitors of Citrus County." (ROS 2-46); and

WHEREAS, the redevelopment of Pirate's Cove will be consistent with Objectives 2.4 and 2.5 and Policy 2.5.2 of the Citrus County Comprehensive Plan providing for public and private efforts to improve recreational opportunities and access to natural resources for residents of and visitors to Citrus County, (ROS 2-28); and

WHEREAS, the redevelopment of Pirate's Cove will be consistent with the objectives of the Citrus County floodplain regulations in that it will help to minimize the existing prolonged business interruption; help to maintain a stable tax base; help to minimize flood blight areas, and will be achieved with a structure that complies with all requirements for new construction in a "V" Zone, (CE 3-32); and

WHEREAS, the redevelopment of Pirate's Cove will provide additional opportunities for eco-tourism in the form of low impact recreational access to the St. Martin's Marsh Aquatic Preserve for residents of and visitors to Citrus County, (CE 3-88, 3-91, 3-101, CLRM 4-8); and

WHEREAS, the redevelopment of Pirate's Cove will not adversely affect or be adversely affected by, the Citrus County Manatee Protection Plan, (CE 3-99, 3-109, MPP, Ch. 13); and

WHEREAS, the redevelopment of Pirate's Cove is consistent with Objective 3.13 of the Citrus County Comprehensive Plan in that it conforms with the regulation of a commercial land use that protects socio-economic benefits while simultaneously maintaining conservation objectives, (CE 3-110); and

WHEREAS, the redevelopment of Pirate's Cove will provide a water-related land use in the form of a resort which is specifically identified as a water-related use and for which a need is identified, (CLRM 4-11), and which is a permitted Coastal Lakes Commercial land use, (FLUE 10-111); and

WHEREAS, the redevelopment of Pirate's Cove as a resort helps to fulfill the County's intent of having water-dependent and water-related land uses having priority over non-water-dependent or non-water-related uses, and will enhance the County's economic base based on tourism, (CLRM 4-12, Objective 4.5, Policy 4.5.1, 4 -67, FLUE 10-44); and

WHEREAS, the redevelopment of Pirate's Cove is consistent with the requirements of the *Hurricane Evacuation Study, 2010*, prepared by the Withlacoochee Regional Planning Council, (CLRM 4-21); and will not reduce the evacuation route's Level of Service below Level D during the two peak hours of evacuation, (FLUE Policy 17.10.1, 10-167); and

WHEREAS, the redevelopment of Pirate's Cove, although in the Coastal High Hazard Area (CHHA), is in an area where contemplated future development includes commercial land uses, (CLRM 4-41), provided that, as proposed by the Applicant, all new construction complies with FEMA standards (FLUE Policy 17.4.1, 10-162); and will comply with the Coastal Lakes and Rivers Element of the Comprehensive Plan, (FLUE Policy 17.9.1, 10-167); and

WHEREAS, the redevelopment of Pirate's Cove is served by a 6" water main providing adequate water supply and pressure for domestic consumption and for fire flows; (CLRM 4-45); and

WHEREAS, the redevelopment of Pirate's Cove can be served by an appropriate and adequate onsite sewage disposal system subject to the approval of, and regulation by, Citrus County and by the Florida Department of Environmental Regulation, (CLRM 4-45); and

WHEREAS, the redevelopment of Pirate's Cove will employ a theme and an architectural style that will implement the sensitive re-use of a historic resource, (CLRM Objective 4.8, 4-69, FLUE Policy 17.1.2, 10-153); and

WHEREAS, the redevelopment of Pirate's Cove will not degrade the existing hurricane evacuation Level of Service, and will meet the criteria of Policies 4.98 and 4.9.9, (CLRM Objective 4.9, 4-69); and

WHEREAS, the redevelopment of Pirate's Cove will create commercial uses – a hotel [resort] and restaurant – as contemplated for future commercial development in Citrus County, (FLUE 10-12, 10-51 - 10-52); and

WHEREAS, the redevelopment of Pirate's Cove reflects the delineation, and approval thereof, of jurisdictional wetlands on the subject property, and provides for the preservation and protection of these wetlands as required by Citrus County, State of Florida, and Corps of Engineers regulations, (FLUE 10-40 - 10-42); and

WHEREAS, the redevelopment of Pirate's Cove will permit appropriate lot reconfiguration and remedy some of the issues resulting from the original development of the site as an unrecorded plat, (FLUE 10-44 - 10-45, Policies 17.15.3, 17.15.6, 10-172 10173); and

WHEREAS, the redevelopment of Pirate's Cove will implement (as to the former restaurant, motel and recreational vehicle portions of the property), the recognition in the Comprehensive Plan of vested commercial developments of less than 10 acres, (FLUE 10-102, Policy 17.6.11, 10-165); and

WHEREAS, the redevelopment of Pirate's Cove will reflect existing development, recognize environmental constraints, not generate an inordinate amount of traffic, is adequately



served by a public water supply system and will adequately served by an onsite sewage disposal system, and, as a resort condominium, will also reflect existing and appropriate market conditions. (FLUE 10-129);

WHEREAS, the redevelopment of Pirate's Cove will not violate Citrus County's concurrency requirements. (FLUE 10-145 - 10-146); and

WHEREAS, the redevelopment of Pirate's Cove is consistent with the primary Goal of the Citrus County Comprehensive Plan as expressed in the Future Land Use Element to enhance the quality of life of the citizens of Citrus County through provisions for ... protection of the environment; creation of favorable economic conditions; and the elimination of incompatible land uses, hazards and nuisances, (FLUE Goal #17, 10-153); and

WHEREAS, the redevelopment of Pirate's Cove, although proceeding by means of a Development Agreement, is suitable for treatment as a Planned Development Overlay, the alternative to a Development Agreement, as providing for innovative development of commercial and other appropriate land uses, while protecting natural resources and providing for a liveable, attractive and functional mix of uses, (FLUE Objective 17.5, Policies 17.5.2, 17.5.3, 10-162); and

WHEREAS, the redevelopment of Pirate's Cove is consistent with the County's objective of providing for a range commercial uses and densities, (FLUE, Objective 17.6, 10-163); and

WHEREAS, the redevelopment of Pirate's Cove is consistent with Citrus County's policy of supporting the development of water-related uses including temporary accommodations for tourists and related commercial facilities, (FLUE Policy 17.6.5, 10-164); and

WHEREAS, the redevelopment of Pirate's Cove will enhance the accommodations and food service sector of the Citrus County economy, a sector which is becoming increasingly important despite its volatility, (ED 15-30), and provide hostelry and restaurant functions to support eco-tourism, (ED 15-28 - 15-29); and

WHEREAS, the redevelopment of Pirate's Cove will help to fulfill Goal #22 of the Comprehensive Plan by promoting orderly and diversified economic growth and increased employment opportunities while protecting the natural environment and current quality of life, (ED 15-52); and

WHEREAS, the redevelopment of Pirate's Cove will promote economic development activity which utilizes and protects the County's natural resources, provides shoreline access, and creates jobs, (ED Objectives 22.4 and 22.5, Policies 22.3.1 and 22.4.1, 15-53 - 15-55); and

WHEREAS, the redevelopment of Pirate's Cove is not impeded by the site's soils.

topography or vegetation beyond the proposed and required preservation of jurisdictional wetlands; and

B. OTHER LAND USE CONSIDERATIONS

WHEREAS, the redevelopment of Pirate's Cove is proposed to be accomplished in complete compliance with all FEMA and Citrus County flood regulations including those regulations applicable to the CHHA; and

WHEREAS, the redevelopment of Pirate's Cove will provide onsite stormwater retention as required by applicable Citrus County and State of Florida regulations; and

WHEREAS, the redevelopment of Pirate's Cove has available to it electrical, telephone and cable television service; and

WHEREAS, the redevelopment of Pirate's Cove will not unduly impact or burden the provision of law enforcement, fire prevention and response, or emergency medical services; and

WHEREAS, the redevelopment of Pirate's Cove will not adversely affect the roadway Level of Service of the Ozello Trail which provides access to the site; and

C. RESORT CONDOMINIUM

WHEREAS, the redevelopment of Pirate's Cove as a resort condominium will be in a relatively new but increasingly popular form of land use/ownership; and

WHEREAS, the redevelopment of Pirate's Cove as a resort condominium will be an innovative form of land use/ownership as contemplated by the Citrus County Comprehensive Plan; and

WHEREAS, the redevelopment of Pirate's Cove will result in a development that is subject to regulation by Citrus County and by the State of Florida, Department of Business and Professional Regulation; and

WHEREAS, the redevelopment of Pirate's Cove will provide for short- and medium-term tourist and second home occupancies which will enhance Citrus County's economic base while not impacting matters such as evacuation times, need for schools, libraries, social services and neighborhood parks; and

WHEREAS, the redevelopment of Pirate's Cove will provide non-residential taxes to



Citrus County; and

WHEREAS, the redevelopment of Pirate's Cove as a resort condominium will operate as the functional equivalent of a hotel with some short- and mid-term owner occupancies; and

WHEREAS, the redevelopment of Pirate's Cove is expected to include within the hotel operation, rooms fully furnished and supplied by the hotel, room service, maid service, maintenance service, concierge service; a fitness facility, meeting and business facilities; and a restaurant open to guests and to the public, and

WHEREAS, the redevelopment of Pirate's Cove is expected to include outdoor recreation facilities including a swimming pool and spa, tennis court, a small number of docks for shallow draft boats, and a ground level area for the service of beverages and light snacks; and

D. LAND DEVELOPMENT CODE

E. DEVELOPMENT AGREEMENT

WHEREAS, the redevelopment of Pirate's Cove is appropriately governed by a Development Agreement between Citrus County and the property owner as provided for in Chapter 78, Citrus County Code; and

WHEREAS, the redevelopment of Pirate's Cove subject to a Development Agreement has been requested by the property owner and the Citrus County Board of County Commissioners has determined that it wishes to pursue negotiations with the property towards the establishment of a Development Agreement; and

WHEREAS, the redevelopment of Pirate's Cove has been reviewed in a detailed development proposal meeting the requirements of §§ 78-35 and 78-39 of the Citrus County Code; and

WHEREAS, the redevelopment of Pirate's Cove is the subject of a tentative agreement between the County Administrator and the property owner as contemplated by § 78-37 of the Citrus County Code; and

WHEREAS, the tentative agreement described in the preceding paragraph has been reduced to writing and signed by the property owner;