

INTERLOCAL AGREEMENT BETWEEN PINELLAS COUNTY AND THE CITY OF LARGO TO ESTABLISH THE LARGO PLANNING AREA

THIS INTERLOCAL AGREEMENT, is made and entered into this _____ day of _____, 2016, by and between PINELLAS COUNTY, FLORIDA, a political subdivision of the State of Florida (herein, the “County”), and the CITY OF LARGO, FLORIDA, a Florida municipality (herein the “City”).

WHEREAS, both the County and the City exercise comprehensive planning authority pursuant to the Community Planning Act, as set forth in Part II of Chapter 163, Florida Statutes, and enforce land development regulations to regulate the development of land within the respective jurisdiction of each party; and

WHEREAS, numerous parcels of unincorporated land subject to the planning jurisdiction of the County are enclaves or are otherwise within adjacent areas of possible future voluntary annexation by the City, but lie outside of the planning jurisdiction of the City; and

WHEREAS, Ch. 163.3171, provides that a county and an incorporated municipality may jointly exercise the powers granted under the provisions of the Ch. 163, Part II, the Community Planning Act, upon formal adoption of an official agreement by the governing bodies, following a public hearing with public notice, and

WHEREAS, the City and the County desire to engage in joint planning activities; and

WHEREAS, Pinellas County’s Strategic Plan contains a goal to “Foster Continual Economic Growth and Vitality” that includes a strategy to “invest in communities that need the most”; and

WHEREAS, portions of two “At Risk Communities” identified in the Economic Impact of Poverty Report (2012) as Highpoint and Greenwood are within and adjacent to the City of Largo’s municipal boundaries; and

WHEREAS, the County has requested that the City and County engage in joint planning activities to address the economic impact of poverty in these two At-Risk Communities; and

WHEREAS, the County and the City wish to participate cooperatively in the performance of a coordinated, comprehensive transportation planning process to assure facilities will be properly located and developed in relation to the overall community development; and

WHEREAS, the parties hereto entered into the Interlocal Agreement dated October 23, 2000, for the purpose of creating the Largo Planning Area and establishing procedures for the joint designation of municipal land use designations of unincorporated land that may be annexed by the City of Largo in the future; and

WHEREAS, said Interlocal Agreement expired on September 30, 2010; and

WHEREAS, the City of Largo Planning Area Map (Exhibit B) depicts the areas subject to this Agreement; and

WHEREAS, in order to facilitate local land planning cooperation, the City has agreed to exclude the St. Petersburg-Clearwater International Airport (Airport) properties from the Largo Planning Area, but does not waive any legislative authority under Ch. 171 Florida Statutes to annex any properties outside of the Largo Planning Area, including all Airport properties.

NOW THEREFORE, in consideration of the mutual terms, conditions, promises, and covenants set forth, the County and the City agree as follows:

SECTION 1. Authority. This Interlocal Agreement is entered into pursuant to Section 163.3171 (3), Florida Statutes, the Community Planning Act (herein, Planning Act) and Section 163.01, the Florida Interlocal Cooperation Act of 1969.

SECTION 2. Term. This initial term of this Interlocal Agreement shall be ten (10) years commencing on the first date written above. The term of this Interlocal Agreement may be extended for an additional ten (10) years upon mutual agreement of both parties.

SECTION 3. Largo Planning Area Created. The County and City hereby designate those lands described in Exhibit A and graphically depicted in Exhibit B as the Largo Planning Area (LPA).

SECTION 4. Planning Authority for Largo Planning Area.

- (a) The County shall have full authority for the preparation and adoption of the Comprehensive Plan and any amendments thereto pursuant to the Planning Act, and for the adoption, amendment and enforcement of land development regulations thereunder, for all parcels of property within the LPA lying outside the corporate limits of the City unless and until such parcel is annexed by the City.
- (b) The City, in preparing and adopting its Comprehensive Plan (Plan) for the development of land within the City, and amendments thereto, may include the Largo Planning Area within the City's Plan in order to advise both the County and the owners of parcels of property therein of the City's Plan for the LPA. The City acknowledges that the inclusion in the City's Plan of parcels of property within the LPA which lie outside the corporate limits of the City shall not be binding on the County or the property owners prior to such annexation of such parcels by the City.
- (c) Any affected person within the Largo Planning Area shall have standing to participate in any administrative, legislative, quasi-judicial or judicial proceeding in which the adoption or effect of the City's comprehensive plan or any amendment thereto upon the affected person's property is an issue, and may challenge the adoption of the plan or any amendment thereto, to the same extent that the affected person would have standing if the property were included within the boundaries of

the City. For the purpose of this sub-paragraph, affected person "includes the owner of the property and any person residing upon it or owning or operating a business thereon, and shall be synonymous with the "affected person" as defined by Section 163.3184(1)(a), Florida Statutes (2014), as the same may be amended from time to time.

- (d) In the event that an owner of property within the LPA applies to the City for voluntary annexation of the property, the owner may assent to the City's Plan as it applies to the property if the City's Plan provides for intensity of use or density which is equal to or less than the County's Comprehensive Plan. In such case, the City's Plan shall take effect for the annexed property at the time of annexation.
- (e) If the property owner's assent is not provided or the designation of the property provides for intensity of use or density that is greater than the County's Comprehensive Plan, it shall require an amendment to the City's Plan and be subject to any necessary amendments to the Countywide Plan Map maintained by the Pinellas Planning Council.
- (f) Property in the Largo Planning Area shall become subject to the planning authority of the City upon the effective date of annexation by the City as provided by Section 171.062, Florida Statutes.

SECTION 5. Joint Planning Studies. The City and the County recognize that certain areas within the LPA have particular community needs. The City and County may cooperatively and voluntarily engage in joint planning studies for areas of mutual concern, including, both not limited to transportation facilities plans and redevelopment plans for At-Risk communities as identified in the County's Economic Impacts of Poverty Report dated May 2012. Such joint planning studies shall be mutually adopted by the City and County for their respective jurisdictions. In the event that a property voluntarily annexes into the City, the City's plan shall take effect upon annexation to the extent allowed by law and this Interlocal Agreement.

SECTION 6. Conflict Resolution.

- (a) In the event that a disagreement or conflict arises regarding the application or interpretation of this Interlocal Agreement, the parties shall attempt to resolve the matter through informal negotiation.
- (b) If a dispute cannot be resolved informally, the parties agree to follow the provisions of Ch. 164, Florida Statutes, the "Florida Governmental Conflict Resolution Act".

SECTION 7. Notice. All notices pursuant to his agreement shall be in writing and sent via certified mail, return receipt requested to the following:

If to the County: County Administrator
Pinellas County Courthouse
315 Court Street
Clearwater, FL 33756

If to the City: City Manager
City of Largo
P.O. Box 296
Largo, FL 33779-0296

SECTION 8. Construction. This Interlocal Agreement shall be construed as an expression of interlocal cooperation enabling each party to make the most efficient use of its powers in furtherance of the objectives of the Community Planning Act. However, this Interlocal Agreement shall not be construed as delegating or authorizing the delegation of the constitutional or statutory duties of either party to the other.

SECTION 9. Termination. Either party may terminate this Interlocal Agreement upon 60 days notice to the other.

SECTION 10. Filing; effective date. As required by Section 163.01(11), Florida Statutes, this Interlocal Agreement shall be filed with the Clerk of the Circuit Court of Pinellas County, after execution by the parties, and shall take effect upon the date of filing.

CITY OF LARGO, FLORIDA

Louis L. Brown, Mayor

ATTEST:

REVIEWED AND APPROVED:

Diane Bruner, City Clerk

Alan S. Zimmet, City Attorney

PINELLAS COUNTY, FLORIDA

Charlie Justice, Chairman

ATTEST:

Clerk

APPROVED AS TO FORM

By: 

Office of the County Attorney