

ORDINANCE NO. 19- 28

AN ORDINANCE OF THE COUNTY OF PINELLAS, AMENDING THE FUTURE LAND USE AND QUALITY COMMUNITIES ELEMENT AND THE HOUSING ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN TO DELETE POLICIES THAT LIMIT AFFORDABLE HOUSING DENSITIES IN CERTAIN COMMERCIAL AND MIXED-USE FUTURE LAND USE MAP CATEGORIES, RENUMBER SUBSEQUENT POLICIES AND CORRECT POLICY REFERENCES AS NECESSARY; PROVIDING FOR SEVERABILITY; PROVIDING FOR LOCATION OF RECORDS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Planning to Stay Element of the Pinellas County Comprehensive Plan recognizes that the County is maturing to an “urban county”, new policy direction will be necessary, and serves to provide Governing Principles to guide new public policy decisions by the Board of County Commissioners; and

WHEREAS, the Planning to Stay Element of the Pinellas County Comprehensive Plan states as a Guiding Principle, “Sustain a Quality Urban Community and Promote Strong Neighborhoods and Diverse Housing Opportunities”; and

WHEREAS, in accordance with the Guiding Principle stated above, principles 5, 6, 7, 9, 12, 13 and 16 specifically recognize the need for redevelopment in an urban context, the need to maintain existing affordable housing, the need to protect residents subject to relocation, the need for redevelopment to be compatible with surrounding neighborhoods, and that the benefits of a sustainable community are accessible to all members of the community; and

WHEREAS, Objective 1.1 of the Housing Element states that Pinellas County will support the provision of dwelling units in a variety of types, locations and costs so that housing supply matches the projected housing need in Pinellas County; and

WHEREAS, the Planning to Stay Element of the Comprehensive Plan is currently in process of being updated and will contain policies to support this and other similar redevelopment needs of immediate concern; and

WHEREAS, Objective 1.2 of the Housing Element of the Comprehensive Plan states, “Provide incentives and encourage the provision of housing affordable to very low, low- and moderate-income households, through public, private and joint ventures so that sufficient housing units are made available for growth in these income categories through 2025;” and

WHEREAS, Policy 1.2.2 of the Housing Element states, “Continue to review ordinances, codes, regulations, and permitting processes for the purpose of eliminating or modifying conflicting and excessive requirements;” and

WHEREAS, Policy 1.2.8 of the Housing Element states, “In association with the update to the Land Development Code, Pinellas County will review current incentives for providing affordable housing to determine their effectiveness and whether changes need to be made;” and

WHEREAS, a 2018 report by the Foundation for a Healthy St. Petersburg entitled “Home: A Pathway to Health Equity Through Housing” highlights the growing crisis of “cost

burdened” residents in Pinellas County, impacts upon health, growing inequities of housing and cites the need for additional housing choices; and

WHEREAS, this proposed amendment aligns with the following policies of the Pinellas County Strategic Plan:

4.2 Invest in communities that need the most.

4.3 Catalyze redevelopment through planning and regulatory programs.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS of Pinellas County Florida that:

SECTION 1. POLICIES 1.2.9 – 1.2.12 OF THE FUTURE LAND USE AND QUALITY COMMUNITIES ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN ARE AMENDED AND RENUMBERED, AS FOLLOWS:

FUTURE LAND USE AND QUALITY COMMUNITIES ELEMENT

1.2.9. Policy: The Pinellas County Land Development Code may allow a density bonus for Affordable Housing Developments as specified in the County's adopted State Housing Initiatives Partnership Housing Incentive Plan, and subject to program guidelines and specifications as well as compatibility with surrounding development, site constraints, and other appropriate considerations as determined through the Pinellas County Comprehensive Zoning Regulations and the site plan review process. Affordable housing density bonuses may also be granted to mobile home redevelopment transition projects, subject to Future Land Use Element Policy 1.2.11. Subject to the above constraints and considerations, and except as specified in Future Land Use Element Policy 1.2.11, any density bonus allowed for an affordable housing development shall not exceed 50 percent of the allowable density on a property as determined by the Future Land Use Map or the applicable land development regulations, whichever is more restrictive. A density bonus shall not be allowed for affordable housing developments located within the coastal storm area.

1.2.10 Policy: The following criteria will be used in determining preferred locations for Affordable Housing Development (AHD):

1. A mode of transportation other than privately-owned vehicles (e.g. a bus stop) is available within walking distance of the proposed AHD;
2. The proposed AHD is located in proximity to neighborhood services such as a grocery store, pharmacy, or bank;
3. The proposed AHD is located in proximity to places of employment;
4. The proposed AHD is compatible with the surrounding development pattern;
5. There is adequate infrastructure to serve the proposed AHD; and
6. The proposed AHD is located outside the coastal storm area.

1.2.11 Policy: For permitted mobile home developments within a designated Community

Redevelopment Area (CRA), and existing prior to January 30, 1990, affordable housing development bonuses may be granted to a mobile home redevelopment transition project up to the existing permitted nonconforming density of the subject development as documented by existing site plans on file. As a requirement for utilizing this affordable housing density provision, mobile home redevelopment transition projects shall be developed per the requirements as prescribed in Section 38-100 (Redevelopment of Non-Conforming Mobile Home Parks) of the Pinellas County Land Development Code.

SECTION 2. POLICIES 1.2.4 – 1.2.15 OF THE HOUSING ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN ARE AMENDED AND RENUMBERED, AS FOLLOWS:

HOUSING ELEMENT

- 1.2.4. Policy: The Pinellas County land development regulations may allow a density bonus for Affordable Housing Developments (AHDs) as specified in the County’s adopted Affordable Housing Incentive Plan, and subject to program guidelines and specifications as well as compatibility with surrounding development, site constraints, and other appropriate considerations as determined through the Pinellas County Comprehensive Zoning Regulations and the site plan review process. Affordable housing density bonuses may also be granted to mobile home redevelopment transition projects, subject to Future Land Use Element Policy 1.2.11. Subject to the above constraints and considerations, and except as specified in Future Land Use Element Policy 1.2.11, any density bonus allowed for an affordable housing development shall not exceed 50 percent of the allowable density on a property as determined by the Future Land Use Map or the applicable land development regulations, whichever is more restrictive. A density bonus shall not be allowed for affordable housing developments located within the coastal storm area.
- 1.2.5. Policy: Pinellas County will continue to implement its expedited permitting process for Affordable Housing Developments.
- 1.2.6. Policy: Pinellas County will continue to support the use of Accessory Dwelling Units (ADUs) as a form of affordable housing and, by 2015, will evaluate whether changes to current ADU regulations are necessary to further affordable housing objectives while balancing the need to respect the character of neighborhoods.
- 1.2.7. Policy: In association with the update to the Land Development Code, Pinellas County will review current incentives for providing affordable housing to determine their effectiveness and whether changes need to be made.
- 1.2.8. Policy: Support the provision of additional rental housing for very low, low, and moderate-income households through programs administered by Pinellas County.

- 1.2.9. Policy: Pinellas County shall encourage the creation of non-profit housing development corporations to develop, own and manage affordable housing.
- 1.2.10. Policy: Pinellas County shall continue to administer a Housing Trust Fund for the purpose of supporting affordable housing projects and programs.
- 1.2.11. Policy: In association with the update to the Land Development Code, Pinellas County will evaluate whether to adopt a cottage housing development (CHD) zoning ordinance to expand affordable housing options.
- 1.2.12. Policy: By utilization of resources available through the Pinellas County Community Development Department and the Pinellas County Housing Finance Authority (HFA), continue to provide down payment and financial assistance programs to serve very low, low, and moderate-income households.
- 1.2.13. Policy: Priority should be given to assisting affordable housing development that is proximate to concentrations of employment and public transportation, is easily accessible to a range of services, and that is compatible with the additional locational criteria contained in Policy 1.2.10 of the Future Land Use and Quality Communities Element.
- 1.2.14. Policy: Pinellas County will work with owners of units with expiring Project-Based Section 8 agreements to keep units affordable for extremely low-income persons.

SECTION 3. SEVERABILITY

If any section, paragraph, clause, sentence, or provision of the Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect therefore shall be confined to the section, paragraph, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

SECTION 4. LOCATION OF RECORDS

Pursuant to requirements of Section 125.68, Florida Statutes, this Ordinance to amend the Pinellas County Comprehensive Plan is incorporated into the Future Land Use and Quality Communities Element and the Housing Element of the Pinellas County Comprehensive Plan, located at, and maintained by, the Clerk of the Pinellas County Board of County Commissioners.

SECTION 5. FILING OF ORDINANCE

Establishing an Effective Date. Pursuant to Section 163.3184(3), Florida Statutes, if not timely challenged, an amendment adopted under the expedited provisions of this section shall not become effective until 31 days after adoption. If timely challenged, the amendment shall not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this Amendment may be issued or commence before the amendment has become effective.