

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



**Regarding: A Proposed Ordinance to amend the Pinellas County Land Development Code, Chapter 138 – Zoning, related to definitions and the standards for Accessory Dwelling Units.**

**LPA Recommendation:** The LPA finds that the proposed amendments to the Pinellas County Land Development Code are consistent with the Pinellas County Comprehensive Plan and **recommends approval** to the Board of County Commissioners (vote 5-1).

**LPA Report No. LDR-24-01**

***LPA Public Hearing Date: April 10, 2024***

### **DEVELOPMENT REVIEW COMMITTEE STAFF RECOMMENDATION:**

**Staff recommends** that the LPA find the proposed amendments to the Pinellas County Land Development Code **consistent** with the Pinellas County Comprehensive Plan.

**Staff further recommends** that the LPA recommend **approval** of the proposed amendments to the Pinellas County Land Development Code to the Pinellas County Board of County Commissioners.

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### **SUMMARY REPORT:**

In residential zoning districts, an accessory dwelling unit (ADU) is a smaller, independent dwelling unit located on the same lot or parcel as a primary single-family detached home. ADUs contain their own kitchen, bathroom, and sleeping area. Other terms commonly used to describe them include garage apartments, in-law apartments, granny flats, carriage houses, backyard cottages, and guest houses. They help provide options for affordable housing, extended family/multigenerational living arrangements, and can be an income source for the property owner when rented. ADUs have been allowed in unincorporated Pinellas County for many years. The major update to the Pinellas County Land Development Code (LDC) in 2019 provided some increased flexibility for them. The intent of this current LDC amendment proposal is to further enhance flexibility, provide additional clarification and incentives, and ultimately provide increased opportunity for new ADUs and overall housing options that can be more affordable.

ADUs are allowed as an accessory use to a single-family detached home in all residential zoning districts (one per parcel). They are also allowed in nonresidential districts as housing for an owner or employee (i.e., a caretaker, security guard, manager, etc.). They are exempt from density requirements and separate metered utility connections are permitted. Mobile homes and RVs are not allowed as ADUs, however tiny homes and container homes can be if they meet

building code requirements. Like other structures, ADUs must meet lot coverage, minimum setbacks, and maximum building height requirements of the zoning district.

The proposed amendments include the following changes:

- Increasing the maximum ADU size from 750 square feet to 1,000 square feet. ADUs on properties within the Coastal Storm Area and certain other flood hazard areas, however, will still be subject to the current maximum size of 750 square feet. The intent is to help limit population increases in storm vulnerable areas.
- Clarifying that unconditioned space connected to and serving the ADU (e.g., garage, storage space, etc.) is counted toward the ADU size calculation.
- Allowing administrative adjustments (staff level review) for ADUs larger than the typical maximum size (up to 20 percent) if certain criteria are met. Anything larger than 20 percent would require a variance from the Board of Adjustment & Appeals.
- Allowing both the primary dwelling unit and the ADU to be rented if both qualify as affordable to households at 80 percent or below of median family income and are under a Land Use Restriction Agreement (LURA) for at least 20 years. Otherwise, either the primary dwelling unit or ADU must be owner-occupied. The intent of owner-occupation is to help minimize potential negative effects of short-term rentals (noise, parking, etc.). Such effects are less likely with the property owner residing on the premises.
- Clarifying that an ADU may be detached or attached to the primary dwelling unit.
- Not allowing detached ADUs to be taller than the primary home on the property. The intent is to help limit potential impacts to neighboring properties.
- Clarifying that to qualify as an ADU, it must have an entrance separate from the primary dwelling unit and it must contain its own sleeping quarters, a bathroom, and a full kitchen with sink, cooking unit and refrigerator.
- Clarifying that ADUs 750 square feet or smaller are exempt from parking requirements. ADU's are currently exempt from parking requirements but this is stated only in the separate parking requirements section of the LDC. As proposed, ADUs larger than 750 square feet will require a minimum of one off-street parking space, which will help offset the potential impact from the additional parking needs they could generate.
- Waiving applicable development review fees for ADUs as an incentive.
- Allowing a single-family dwelling to have a second kitchen (only one kitchen is allowed currently) if certain conditions are met (one primary entrance, one address, and no separate metered utility connections). The intent is to facilitate extended or generational family living arrangements. If the conditions are not met, the second kitchen would only be allowed as part of an ADU or as part of a duplex if allowed by the zoning district.
- Clarifying that multifamily dwelling units on a single lot or parcel can be either detached or attached to each other. This would allow for cottage style or tiny home rental

developments on a single lot of ownership. Currently, the code reads that the units must be attached by common walls or in a stacking arrangement.

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## **IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN**

Staff finds that the proposed Ordinance, at a minimum, is consistent with the following adopted goals, objectives, policies, and strategies of the Pinellas County Comprehensive Plan:

### **Future Land Use Element**

- Goal 1: Provide a variety of land use character areas to meet the needs of a diverse population and support thriving, resilient, quality communities.
- Objective 1.2: Maintain a Land Development Code that responds to the unique challenges of infill and (re)development within Unincorporated Pinellas County.
- Policy 1.2.1: Utilize the Land Development Code to regulate the use, intensity, and design of (re)development in a manner consistent with the Future Land Use Categories and Future Land Use Map.
- Policy 1.2.2: Consider creative regulatory solutions to support (re)development.
- Goal 3: Promote mixed-income communities that provide a range of housing types and costs to meet the needs of our residents.
- Objective 3.1: Increase development and design flexibility to encourage a greater diversity of housing types in Unincorporated Pinellas County.
- Policy 3.1.1: Encourage development of accessory dwelling units (ADUs).
- Strategy 3.1.1.1: Utilize the Land Development Code to support an increase in the number of ADUs built.
- Strategy 3.1.1.2: Consider development of non-regulatory (e.g., low interest loans, grants, reduced fees) programs and incentives to support ADU development.

### **Housing Element**

- Goal 1: Provide a range of housing options for all current and anticipated future residents.
- Policy 1.1.1: Support a land use pattern that provides a wide range of housing options at varying densities, sizes, types, and tenures in appropriate locations.
- Strategy 1.3.1.2: Utilize the Land Development Code to support a mix of affordable housing development opportunities, such as: support accessory dwelling units (ADUs) as a form of affordable housing that respects the character of the

neighborhood. Utilize the Land Development Code to provide regulations for ADUs.

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**PROPOSED BCC HEARING DATE:** May 21, 2024 (1<sup>st</sup> of two required hearings)

**CORRESPONDENCE RECEIVED TO DATE:** No correspondence received.

**PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING:** No one appeared.

**ATTACHMENTS:**

- Strikethrough/underline amendments to Chapter 138
- Proposed Ordinance