

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



**Regarding: A Proposed Ordinance to amend the Pinellas County Land Development Code, Chapter 134 General and Administrative Provisions, Chapter 138 Zoning, Chapter 142 Airport Zoning, Chapter 154 Site Development, Right-Of-Way Improvements, Subdivisions, and Platting, Chapter 166 Environmental and Natural Resource Protection and to delete Chapter 162 Signs and Chapter 170 Miscellaneous Provisions in their entirety; and to provide for amendment of the Pinellas County official zoning atlas and geographic information system to reflect changes in zoning district names.**

LPA Recommendation: The LPA finds that the proposed Ordinance amending Chapter 134 General and Administrative Provisions, Chapter 138 Zoning, Chapter 142 Airport Zoning, Chapter 154 Site Development, Right-Of-Way Improvements, Subdivisions, and Platting, Chapter 166 Environmental and Natural Resource Protection and to delete Chapter 162 Signs and Chapter 170 Miscellaneous Provisions in their entirety, with the modified language for Section 138-231 in regards to the criteria for granting variances, is consistent with the Pinellas County Comprehensive Plan and recommends the amendments be adopted by the Board of County Commissioners. (The vote was 4-0, in favor)

**LPA Report No. LDR-19-08-18**

***LPA Public Hearing Date: August 9, 2018***

**PLANNING STAFF RECOMMENDATION:**

- Staff recommends that the LPA find the proposed amendments in compliance with the Pinellas County Comprehensive Plan and recommend adoption by the Board of County Commissioners.

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**BACKGROUND**

Part III of the Pinellas County Code consists of the Land Development Code (LDC). The LDC includes ten Chapters and close to 1,000 pages of regulatory guidance aimed at protecting and promoting the health, safety and welfare of County residents. The County's last major update was completed back in 1990. The Pinellas County Planning Department has completed a major update to the LDC. This update responds to and reflects the changing conditions and character of the County and establishes the necessary regulatory framework to incentivize economic investment, promote responsible growth, and improve the urban design quality throughout unincorporated Pinellas County.

Early established objectives guiding the LDC update include:

- Change the overall LDC from greenfield-centric to redevelopment- and infill-centric
- Incentivize economic investment
- Modernize regulations
- Organize for applicant, first; regulator, second
- Reduce redundancies
- Streamline and consolidate language
- Use graphics, tables and references – less is more
- Produce an overall user-friendly LDC

Many of the changes made throughout the chapters of the LDC, large and small, forward these objectives.

## **NOTEWORTHY MODIFICATIONS**

Some of the more noteworthy modifications to the LDC are as follows:

### Definitions (throughout the LDC)

Overall, the language was modernized and readability improved with less legalese. Definitions were also consolidated where practical and regulations were removed and placed more appropriately within the chapters. Also, attention was given to separating true definitions from usage descriptions.

### Development and Land Use Review Procedures (Chapter 138, Article II)

Review procedures in the currently adopted LDC are spread throughout various chapters, sometimes duplicative. While seasoned staff may be able to easily find and understand certain requirements, it can be difficult for applicants to have a true, complete sense of their requirements and responsibilities. Proposed amendments to the LDC aim to consolidate these into one location. The procedures have also been updated and clarified, where helpful. A newly established Development Review Committee (DRC) consisting of County staff with expertise in the necessary areas of project review will come together to review many of the applications that are normally processed under the zoning chapter, allowing for a clearer, more comprehensive review and response.

### Zoning Districts and Permitted Uses (Chapter 138, Article III)

A new quick and easy-to-use “Table of Uses for Zoning Districts” matrix is included in the proposed amendments to Chapter 138. This allows users to quickly determine what districts can accommodate a specific use and the review process required for approval. This should help to save time and effort for both applicants and regulators alike.

### Community Design Standards (Chapter 138, Article X)

A new Article is being established under the proposed amendments. Many of the site-related planning and design requirements for items such as parking, loading, lighting, fences and landscaping will be housed in one location. Additional design criteria have also been established for certain districts as well.

### Airport Zoning (Chapter 142)

The entire chapter was updated to reflect statutory changes and new requirements.

### Drainage Requirements (formerly in Chapter 154, Article II)

The majority of drainage requirements have been moved to the Stormwater Manual.

### Roadways (Chapter 154, Article III)

New matrices have been created that describe application of the various roadway functional classification design elements (e.g., sidewalks, planter strips, bike lanes), as well as design standards for such elements. This should allow the future design of roadways to be more context sensitive to the adjacent land uses and neighborhood character. Also proposed amendments include additional roadway layout and design alternatives and guidance.

### Model Sign Ordinance (Chapter 162)

This chapter of the LDC was intended to be a model sign ordinance for Pinellas County municipalities to adopt as their own. The County's actual sign regulations are located in Chapter 138. Therefore, this chapter is being proposed for deletion in its entirety.

### Environmental and Natural Resource Protection (Chapter 166)

A number of countywide functions in Chapter 166 of the LDC (e.g., Water and Navigation Regulations, Surface Water Management, Mangrove Trimming and Preservation) are being moved to more appropriate locations in Chapter 58 of the broader County Code.

### Miscellaneous Provisions (Chapter 170)

This chapter has historically been a repository for newly adopted regulations to the LDC. All articles of Chapter 170 are being moved to other, more closely associated LDC chapters elsewhere. For example, the access management standards housed in Chapter 170 are being moved to Chapter 154 where the roadway and rights-of-way standards are located.

## **COUNTY STAFF, STAKEHOLDER AND GENERAL PUBLIC REVIEW**

This update is the culmination of years of work, including data collection, analysis, best practices research, code drafting, and meetings with and reviews by internal and external stakeholders, as well as numerous draft revisions along the way. Much of the LDC is being completely reorganized to streamline the language, clarify the intent and requirements, and reduce confusing duplications and redundancies. Due to the complexity of this reorganization, it is nearly impossible and practically unhelpful to create an edited, strikethrough-underline version of the LDC changes. Therefore, 'clean copies' of the updated chapters of the LDC are included.

The very latest final drafts of the proposed amended chapters were provided for final review, inspection, comment, and proposed edits and additions. County staff and Forward Pinellas were provided final draft documents via the Planning Department's SharePoint webpage on May 7, 2018 with a 10-week timeframe for review. The County's Marketing & Communications Department issued a press release on May 9, 2018 that included a link to the proposed final draft documents housed on *Open Pinellas*, the County's online public engagement platform. A project topic was setup on *Open Pinellas* to allow the general public to learn about the LDC update, review the amended chapters, and provide comments through July 14, 2018. In addition, a direct link to a searchable PDF copy of the amended LDC chapters, a link to the existing LDC on *Municode*, and a link to the LDC project topic on *Open Pinellas* were all provided on the Planning Department's webpage.

In addition to the press release, on May 9, 2018, the Planning Department sent email invitations to identified project stakeholders, some of which have been involved with the project since inception, to review the amended chapters and provide comment on Open Pinellas. Similar invitations were also sent to the LPA, Board of Adjustment (BA) and the Office of the County Administrator.

## **PRESENTATIONS TO COUNTY BOARDS**

Planning Department staff also met with relevant county boards and provided presentations on the status of the project, key changes to the LDC, and the adoption strategy moving forward. Planning Department staff met with the Board of County Commissioners on February 27, 2018; the LPA on March 8, 2018; and the BA twice on April 5, 2018 and May 3, 2018, respectively. BCC representatives were generally optimistic for the proposed amendments and overall update to the LDC. LPA representatives were also generally optimistic, however, cautioned staff against over-regulating development with too many design requirements that could make development decisions more cumbersome.

BA representatives expressed substantive concerns with some of the changes proposed in Chapter 138, Article II, specifically pertaining to variances. Some Board members were primarily concerned with the changes to the 'guidance' language for evaluating applications against the criteria established for granting a variance. The currently adopted language states that the BA "shall consider the following criteria." Proposed changes to such language as shown at the April 5, 2018 BA meeting stated that the BA "shall make a positive finding of fact to the following criteria." A number of BA representatives expressed concern that the proposed language changes were too ridged.

Planning Department staff returned to the BA at their regularly scheduled meeting on May 3, 2018 to present modified changes to the variance language, removing the "positive finding of fact" statement, and replacing with new language stating that the BA "shall determine the following criteria have been satisfied" as an alternative. A number of BA representatives expressed similar concerns with the alternative language as well. It is the Planning Department's position that established criteria for granting variances should not be subjective, rather, it is established to determine whether or not an actual, unique hardship is being imposed by application of certain requirements of the LDC. Furthermore, the Planning Department believes that the existing adopted language requiring that the BA "consider" variance criteria is too subjective and should be more clearly and directly applied.

Another concern expressed by BA representatives was in the proposed name change from the "Board of Adjustment" to the "Community Development Board". The proposed change in name was intended to reflect the additional responsibilities provided to the BA under the proposed amendments. A number of BA representatives felt that the new name did not adequately represent the Board's responsibilities and at least one BA representative suggested a new name, "Board of Adjustment and Appeals." The change in name under the currently proposed amendments reflect this suggestion and, thus, upon adoption of the Ordinance, the Board of Adjustment will be called the Board of Adjustment and Appeals.

## **ADOPTION AND NEXT STEPS**

Staff respectfully request the Local Planning Agency find the proposed amendments in compliance with the Pinellas County Comprehensive Plan and, furthermore, recommend adoption by the Board of County Commissioners.

A first reading of the Ordinance and public hearing by the Board of County Commissioners is scheduled for September 13, 2018. A subsequent adoption hearing is scheduled for September 25, 2018. Upon adoption, Planning Department staff will spend the next 12 to 18 months monitoring the application of the updated LDC, keeping track of any necessary modifications and updates. Staff will watch for unforeseen issues, unintended consequences and necessary clarifications. Staff will also begin exploring some of the thoughtful suggested additions and changes to the LDC proposed by County staff that were outside of this project

scope for a future ordinance amending the LDC.

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

Staff finds that the proposed amendments to the Land Development Code, at a minimum, are consistent with the following principles, goal, objectives and policies of the Comprehensive Plan:

### **Planning to Stay, Governing Principles for a Sustainable Future Element**

*Sustain a Quality Urban Community and Promote Strong Neighborhoods and Diverse Housing Opportunities.*

- Principle 1: As Pinellas County achieves build out and the focus shifts to infill development within existing urban areas and redevelopment, no community should be left behind economically and socially, and no neighborhood should be allowed to deteriorate.
- Principle 5: Pinellas County recognizes that successful neighborhoods are central to the quality of life in Pinellas County. Therefore, redevelopment and urban infill should not compromise the integrity and viability of existing residential neighborhoods.
- Principle 9: One challenge facing Pinellas County and its municipalities is ensuring that as the post-World War II subdivisions, condominiums, mobile home communities, and apartment complexes age that they are able to adapt successfully to the changing needs of the homebuyer and renter. Pinellas County must be sensitive to these changing needs and be a facilitator in helping change to occur in a manner that is compatible with a community's character and vision for the future.
- Principle 11: Pinellas County should promote revitalization of those land use corridors along the County's roadways that suffer from inefficient road access conditions, obsolete land development patterns, changes in demographics, and inadequate building maintenance.

### **Future Land Use & Quality Communities Element**

**GOAL ONE: THE PATTERN OF LAND USE IN PINELLAS COUNTY SHALL PROVIDE A VARIETY OF URBAN ENVIRONMENTS TO MEET THE NEEDS OF A DIVERSE POPULATION AND THE LOCAL ECONOMY, CONSERVE AND LIMIT DEMANDS ON NATURAL AND ECONOMIC RESOURCES TO ENSURE SUSTAINABLE BUILT AND NATURAL ENVIRONMENTS, BE IN THE OVERALL PUBLIC INTEREST, AND EFFECTIVELY SERVE THE COMMUNITY AND ENVIRONMENTAL NEEDS OF THE POPULATION.**

- 1.2. Objective: Establish development regulations that respond to the challenges of a mature urban county with established communities that are experiencing infill development and redevelopment activity.

1.2.4. Policy: Recognizing should be compatible with and support the integrity and viability of existing residential neighborhoods.

1.2.5. Policy: The Board shall implement land development regulations that are compatible with the density, intensity, and other relevant standards of those land use categories defined in the Future Land Use and Quality Communities Element.

1.3. Objective: Pinellas County, through its comprehensive planning program and land development regulations, shall support efforts to create, recreate, and maintain areas of mixed-use development at appropriate locations to achieve the following objectives:

- provide vibrant and safe walkable areas;
- concentrate growth in relatively discrete areas that are compatible with the community character, local traditions, and historic heritage;
- place housing in proximity to employment opportunities, services and amenities;
- establish urban areas that support transportation choices other than privately-owned vehicles and are more efficiently served by transit;
- establish quality-designed urban environments that create vibrant, livable places;
- provide locations that create a range of housing opportunities and choices, including the provision of affordable housing;
- provide urban areas that incorporate well-designed public spaces;
- encourage development at an intensity and scale that is compatible with proximate residential neighborhoods;
- provide adequate buffering and a transition gradient between non-residential and/or higher density residential development and proximate residential neighborhoods and/or less intensive nonresidential development;
- encourage development that is compatible with the natural environment and the overall vision of the community;
- transition to a pattern of various types of land use that is more efficient in the use of energy and reduces the emission of greenhouse gases.

1.3.10. Policy: In association with the update to the Land Development Code, Pinellas County shall identify proposed amendments to the Land Development Code to include mixed-use development standards to achieve the intent expressed in Objective 1.3. The proposals shall also consider additional code amendments to implement recommendations in Pinellas by Design and the livable community objectives and policies under Goal 2 of this element.

1.9. Objective: Through the application of innovative land development regulations the County will support planned residential developments and mixed land use development techniques which include intensity and use characteristics designed to make these developments more livable and compatible with the natural environment.

- 1.9.1. Policy: The Board shall continue to utilize its innovative development regulations and staff shall continue to examine innovative techniques used elsewhere for incorporation into the Board's planning and regulatory program.

**GOAL TWO: IMPROVE THE QUALITY OF LIFE IN PINELLAS COUNTY BY CREATING DIVERSE AND WELL-DESIGNED WALKABLE DESTINATIONS THAT PROVIDE CHOICES IN HOUSING, SERVICES, WORKPLACES, AND TRAVEL MODES.**

- 2.4. Objective: The County Land Development Code will promote high quality design standards that support a community's image and contribute to its identity and unique sense of place.

- 2.4.7. Policy: Promote housing diversity and avoid creation of homogeneous developments, and promote the inclusion of a variety of housing types in all residential communities through local land development regulations.

### **Natural Resources Element**

**GOAL TWO: PINELLAS COUNTY WILL CONSERVE, PROTECT, RESTORE AND APPROPRIATELY MANAGE ITS NATURAL SYSTEMS AND LIVING RESOURCES ENSURE THE HIGHEST ENVIRONMENTAL QUALITY POSSIBLE.**

- 2.1.4. Policy: Pinellas County shall continue to require that development of a site require maintenance or improvement of existing native vegetative communities and shall continue to require the removal of ecologically undesirable non-native vegetation.

### **Economic Element**

**GOAL ONE: TO FACILITATE A STRONG AND ROBUST LOCAL ECONOMY THAT PROVIDES GROWTH OPPORTUNITIES FOR EXISTING BUSINESSES, ATTRACTS NEW HIGH-WAGE PRIMARY EMPLOYERS AND PROMOTES A DIVERSE RANGE OF INDUSTRIES THROUGH INNOVATIVE, SUSTAINABLE METHODS THAT, IN A RESPONSIBLE MANNER, ENHANCE THE COUNTY'S VITALITY AND THE QUALITY OF LIFE FOR RESIDENTS AND VISITORS.**

- 1.6. Objective: To provide a system of land development regulations that facilitate design flexibility, demonstrate a commitment to environmental improvement, and ensure provisions for quality redevelopment.

- 1.6.6. Policy: Pinellas County will evaluate potential changes to land development regulations that streamline the development review process and create more of a redevelopment-oriented code that increases the viability of redevelopment opportunities and ensures that the County remains competitive with surrounding areas that have considerably more developable greenfield acreage.