

ORDINANCE NO. 16-31

AN ORDINANCE AMENDING PINELLAS COUNTY ORDINANCE NO. 15-30, AS AMENDED, THE COUNTYWIDE PLAN REPEAL AND REPLACEMENT ORDINANCE, BY AMENDING THE “COUNTYWIDE RULES;” MODIFYING REQUIREMENTS FOR TARGET EMPLOYMENT CENTERS; MODIFYING LIMITS FOR TRANSFERABLE DEVELOPMENT RIGHTS; MODIFYING TEMPORARY LODGING USE STANDARDS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners, acting pursuant to its countywide planning authority, has repealed the former Countywide Comprehensive Plan and replaced it by adoption of Ordinance No. 15-30 on August 7, 2015; and

WHEREAS, as part of Ordinance 15-30, the Board adopted the Countywide Plan Strategies, Countywide Plan Map, and the Countywide Rules, which collectively comprise the Countywide Plan; and

WHEREAS, the Pinellas Planning Council, pursuant to Section 6(7)(b), Chapter 2012-245, Laws of Florida, is authorized to develop rules, standards, policies, and objectives that will implement the Countywide Plan; and

WHEREAS, the Pinellas Planning Council pursuant to Section 10(3)(a), Chapter 2012-245, Laws of Florida, is authorized to initiate amendment to a rule of the Countywide Plan, as determined necessary by the Council to establish effective countywide planning; and

WHEREAS, the requisite procedures concerning notice and public hearing for amendment of the Countywide Rules have been met; and

WHEREAS, the Board of County Commissioners of Pinellas County, Florida, acting pursuant to its countywide planning authority, desires to amend the Countywide Rules, as amended, for Pinellas County, Florida, as set forth herein; and

WHEREAS, the Council initially adopted 100-acre or larger Target Employment Center areas during its one-time Countywide Plan Map amendment process, and

WHEREAS, the Council has determined that allowing local governments to request said Target Employment Centers at 10-acres or greater would be consistent

with the Countywide Plan Strategies specifically intended to protect or increase the county's employment base; and

WHEREAS, the Council has determined that the transfer of development rights to promote Target Employment is consistent with the Countywide Plan Strategies intended to improve the County's economy; and

WHEREAS, the Council has determined that it is necessary and appropriate, in the interest of supporting a viable tourist industry and establishing economic parity for temporary lodging uses, to amend the Countywide Rules with respect to the permitted intensity for temporary lodging uses occupying smaller parcels.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA:

SECTION 1. The portions of Article 2, Countywide Plan Map Categories, are hereby amended as set forth below. All other portions of Article 2 not included in this Ordinance are preserved and remain as previously set forth in the Plan Rules.

**DIV. 2.3 COUNTYWIDE PLAN MAP AND CATEGORIES.**

**SEC.2.3.3 COUNTYWIDE PLAN MAP CATEGORIES**

**2.3.3.13 Category/Symbol – Target Employment Center (TEC).**

Purpose – It is the purpose of this category to depict, utilizing an overlay, those areas of the county that are now developed, or appropriate to be developed, in a concentrated and cohesive pattern to facilitate employment uses of countywide significance,

Use Characteristics

- Permitted Uses – See applicable underlying categories.
- Locational Characteristics – This category is generally appropriate to those areas based on their size, concentration of, and potential for, target employment opportunities, i.e., those employers and industries paying above-average wages and producing goods and services for sale and consumption that import revenue to the community.
- Scenic/Noncommercial Corridor (SNCC) – Amendments to Target Employment Center in SNCCs are governed by Section

6.5.4.1.4, which restricts the category to certain SNCC classifications.

- Traffic Generation Characteristics – The standard for the purpose of calculating typical traffic impacts relative to an amendment for this category shall be: 1) for the Office, Employment, and Industrial categories, the traffic generation rate (trips per day per acre) of the underlying category, multiplied by 114% to account for the higher intensity allowed for Manufacturing, Office, and Research/Development uses when using this overlay; and 2) for all other categories, the traffic generation rate of the underlying category.

Density/Intensity Standards – Shall include the following:

- Densities and intensities will be guided per the underlying plan categories, plus a 100% intensity bonus for Manufacturing, Office, and Research/Development uses.

Other Standards – Shall include the following:

- Minimum Size – These locations shall be a minimum of ten acres in size.

SECTION 2. The portions of Article 5, Optional Provisions, are hereby amended as set forth below. All other portions of Article 5 not included in this Ordinance are preserved and remain as previously set forth in the Countywide Plan Rules.

## **DIV 5.2 CRITERIA AND STANDARDS**

### **SEC. 5.2.1 SPECIAL RULES.**

#### **5.2.1.1 Transferable Development Rights.**

**5.2.1.1.1** Transfer of development rights shall be as provided for in the applicable local government comprehensive plan, special area plans adopted prior to August 7, 2015, the local plan and/or code provisions that establish the basis for and are filed of record in support of the Activity Center (AC) or Multimodal Corridor (MMC) plan category, and land development regulations, subject to the following:

- A. The land use characteristics within any given Countywide Plan Map category shall be consistent with those land use characteristics enumerated for each Countywide Plan Map category, and no transfer

of development rights shall be permitted which is inconsistent with the use characteristics of a given Countywide Plan Map category.

- B. There shall be no transfer of development rights from existing developed property, irrespective of whether or not that property has been developed to the maximum density/intensity permitted under the Countywide Plan and Countywide Rules, or the local future land use plan designation where it may be more restrictive, except for preservation of archaeological, historical, environmental, or architectural sites or features or for Leadership in Energy and Environmental Design (LEED) building certification purposes.
- C. Transfer of development rights is permitted between all Countywide Plan Map categories except as follows:
  - 1. There shall be no transfer to the Recreation/Open Space or Preservation categories.
  - 2. There shall be no transfer from the AC or MMC category, except as may be provided for in the local plan and/or code provisions that establish the basis for and are filed of record in support of the AC or MMC plan category.
- D. The maximum permitted density/intensity of the Countywide Plan Map category, or the local future land use plan designation where it may be more restrictive, for any parcel of land to which development rights are transferred shall not exceed twenty-five percent of the otherwise maximum permitted density/intensity allowed for each respective Countywide Plan Map category, or the local future land use plan designation where it may be more restrictive, applicable to such parcel, except as may be otherwise specifically provided for as follows:
  - 1. Within the AC and MMC categories on the Countywide Plan Map governed by the local plan and/or code provisions that establish the basis for and are filed of record in support of the AC or MMC plan category, the transfer of development rights and permitted increase in maximum density/intensity as a function of such transfer shall be governed by those provisions.
  - 2. For a parcel of land that provides or contains Manufacturing, Office, or Research/Development uses and to which development rights are transferred, the maximum permitted density/intensity of the Countywide Plan Map category, or the local future land

use plan\_designation where it may be more restrictive, shall not exceed thirty percent of the otherwise maximum permitted density/intensity allowed for each respective Countywide Plan Map category, or the local future land use plan designation where it may be more restrictive, applicable to such parcel.

SECTION 3. The portions of Article 5, Optional Provisions, are hereby amended as set forth below. All other portions of Article 5 not included in this Ordinance are preserved and remain as previously set forth in the Countywide Plan Rules.

## **DIV 5.2 CRITERIA AND STANDARDS**

### **SEC. 5.2.1 SPECIAL RULES.**

#### **5.2.1.3 Temporary Lodging Use Standards.**

**5.2.1.3.1** Alternative Density/Intensity. Local governments may utilize the standard temporary lodging densities and intensities specified within each Countywide Plan Map category that provides for such use; or may, in the alternative, utilize all, or any part of, the higher temporary lodging densities and associated intensities included in the accompanying Table 3, subject to the following:

- A. Amendment of the local government comprehensive plan and land development regulations to provide for all, or any portion of, the alternative densities and intensities in Table 3, based on a Development Agreement prepared and approved pursuant to Chapter 163, Sections.3220-.3243, F.S., as amended.
- B. A Development Agreement proposing to utilize the higher densities and intensities identified in Table 3 and authorized by this Section shall address, at a minimum, the following:
  1. The ability of the local government, or the applicable service provider, to meet the concurrency management standards for sanitary sewer, solid waste, drainage, and potable water, as required pursuant to Section 163.3180, F.S., and the applicable local government or service provider plan and regulations.
  2. Provision for all temporary lodging uses to comply with all county and local hurricane evacuation plans and procedures to ensure orderly evacuation of guests and visitors pursuant to the Pinellas County Code, Chapter 34, Article III. In particular, all temporary lodging uses which are located in Hurricane

Evacuation Level A, as identified by the Pinellas County Comprehensive Emergency Management Plan, shall prepare a legally enforceable mandatory evacuation/closure covenant, stating that the temporary lodging use will be closed as soon as practicable after a hurricane watch is posted for Pinellas County by the National Hurricane Center. Further, a plan implementing the closure and evacuation procedures shall be prepared and submitted to the county or municipal emergency management coordinator, whichever is applicable, within 90 days of the issuance of a certificate of occupancy. This plan will be updated and sent for review when there is a change of ownership or substantive change to the plan or as required by the county or municipal emergency management coordinator, whichever is applicable.

3. Design considerations in Section 5.2.1.3.2, the mobility management provisions in Section 5.2.1.3.3 and the restrictions on temporary lodging use in Section. 5.2.1.3.4 set forth following.
- C. A Development Agreement prepared pursuant to this Section shall be approved by the local government governing body, recorded with the Clerk of the Circuit Court pursuant to Section 163.3239, F.S., a copy filed with the Property Appraiser's Office, and a copy submitted to the PPC and CPA for receipt and filing within fourteen days after recording. The development limitations set forth in the Development Agreement shall be memorialized in a deed restriction, which shall be recorded in the Official Records of Pinellas County prior to the issuance of a building permit for the temporary lodging use.
  - D. The alternative densities and intensities set forth in Table 3 are maximums, except as provided for in E. below. A local government may choose to utilize a density and intensity standard equal to or less than the alternative density and intensity standard, when adopted in their comprehensive plan and land development regulations, based on the maximums set forth in Table 3.
  - E. Intensity standards governing floor area ratio (FAR) and impervious surface ratio (ISR) may be varied by the local government with jurisdiction pursuant to the provisions of Division 7.4 of these Rules. The FARs in Table 3 apply to the temporary lodging use, residential dwelling uses integrated in the same structure with the temporary lodging use, associated parking

structures, and uses accessory to temporary lodging uses (e.g., meeting space, restaurants, spas, clubs, etc.).

- F. For development that includes a combination of temporary lodging and residential dwelling use, each use shall be allowed in proportion to the size of the property and the permitted density and intensity of the respective use.

**Table 3**  
**TEMPORARY LODGING DENSITY AND INTENSITY STANDARDS**

Plan Category	Temporary Lodging On Property That Is:	Maximum Density/Intensity Standards		
		Units/Acre	FAR	ISR
R	Less Than One Acre	75	2.2	0.95
	Between One Acre And Three Acres	100	3.0	0.95
	Greater Than Three Acres	125	4.0	0.95
R&S	No Property Size Limitations	60	1.2	0.90
E	Subject To 5-Acre Property Size Limitation Per Section 2.3.3.8	75	1.5	0.85

SECTION 4. Severability. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 5. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing with the Department of State.

APPROVED AS TO FORM

By:   
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 Office of the County Attorney