

ORDINANCE NO. 17-22

AN ORDINANCE OF PINELLAS COUNTY, FLORIDA, REGARDING REDEVELOPMENT OF MOBILE HOME PARKS; AMENDING THE PINELLAS COUNTY CODE, CHAPTER 38, ARTICLE III TO ADD DIVISION 4 - SECTION 38-100; MODIFYING SECTION 138-240 (20); PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AND 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;

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”;

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;

WHEREAS, Section 138-586 of the Pinellas County Code recognizes legally established mobile home parks preceding the adoption of the current Pinellas Code as well those pre-dating the establishment of zoning regulations (February 5, 1963) and allows such parks to continue to operate in accordance with the established, approved plans, including those that exceed current density limitations of the Comprehensive Plan;

WHEREAS, Policy 1.7.2 of the Future Land Use Element requires that an assessment be performed regarding non-conforming uses, including existing mobile home parks with densities exceeding that allowed by the Future Land Use Map and/or the Zoning Atlas;

WHEREAS, the above policy has led to the continuation of existing sub-standard housing units in perpetuity due to market forces preventing redevelopment at densities restricted by the Comprehensive Plan and, in turn, affects the County’s most vulnerable populations;

WHEREAS, the existing affordable housing density bonus of 50%, even with the maximum available land use density of 12.5 units per acre (usually requiring a Future Land Use Map Amendment, Zoning Amendment, and Conditional Use) will not provide enough density to encourage redevelopment;

WHEREAS, the provisions of this ordinance will require a Special Exception and full site plan review;

WHEREAS, this proposed Mobile Home Park redevelopment ordinance will only apply to pre-1990 mobile home parks located within an established Community Redevelopment Area (CRA) as defined in Florida Statutes;

WHEREAS, throughout the process of establishing/adopting the Lealman CRA and Plan, the detrimental impact of aging and neglected mobile parks has emerged as a constant challenge. Objectives 3 and 9 from the Lealman CRA Plan specifically identifies the need for safe, affordable, high quality housing and provides for a range of strategies to address this need, including assessment of existing County Land Development Codes and development review processes that may inhibit these objectives;

WHEREAS, it is recognized that there may be conflicting policies of the Comprehensive Plan regarding density and land use as it relates to the proposed ordinance. However, on balance the rationale for this ordinance, its furtherance of the Housing Element, and the general health, safety, and welfare of the County's most vulnerable population is recognized as an immediate need;

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;

WHEREAS, concurrently with the Ordinance, a companion text amendment to the Affordable Housing Bonus Density provisions of the Future Land Use Element and Housing Element of the Comprehensive Plan is being processed;

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;"

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;"

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;"

WHEREAS, Policy 1.2.12 of the Housing Element states, "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;"

WHEREAS, Objective 1.3 of the Housing Element states, “Pinellas County supports the retention of viable mobile home/manufactured home communities, and supports modern manufactured home/modular homes, as forms of housing that can be affordable to a broader range of people than traditional site-built homes and add to the variety of available housing options;

WHEREAS, Policies 1.3.1, 1.3.2, 1.3.3 and 1.3.4 of the Housing Element support and encourage mobile, manufactured, home communities and specifically encourages replacement/upgrading of existing mobile homes with modern manufactured homes so that homesites are less likely to be lost in a community in the event of a natural disaster such as a hurricane;

WHEREAS, in the last 10 years there has been a substantial shift toward the use of modular homes, tiny homes, container homes, etc as a preferred alternative to traditional manufactured homes, however these housing types are not specifically recognized within the Comprehensive Plan or Land Development Code;

WHEREAS Policy 1.8.3 states, “Pinellas County will consider converting and/or developing underutilized properties and outdated buildings into affordable housing, including Single-Room Occupancy (SRO) – type housing at appropriate locations.” This housing type, by necessity, requires higher densities than is recognized currently in the Comprehensive Plan, but would be achievable through the provisions of this ordinance;

WHEREAS, Objective 1.11 of the Housing Element states, “Preserve, upgrade and extend the life of existing rental and ownership housing stock and eliminate substandard housing in unincorporated Pinellas County, to provide for quality housing that is affordable to low, low and moderate income households;”

WHEREAS, Policy 1.11.2 of the Housing Element states, “Through both private and public resources, continue to work towards eliminating substandard housing conditions in the unincorporated area.”

WHEREAS, Objective 1.13 of the Housing Element states, “Encourage, and provide incentives, when appropriate for design and construction techniques and building materials capable of significantly reducing the cost of construction, maintenance and energy consumption of housing while providing for a more healthy and durable home environment;”

WHEREAS, Policies 1.13.4 and 1.13.5 promote continued implementation of the Energy Efficiency Code and supports the provision of smaller, energy efficient dwelling units that make homes more affordable by being less expensive to heat and cool; and

WHEREAS, this proposed Mobile Home Park Redevelopment Ordinance 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:

Section 1. Findings.

The above “Whereas” clauses are hereby incorporated as findings.

Section 2. Purpose and Intent.

It is recognized that many older, declining mobile home parks have legally non-conforming densities exceeding what is currently allowable by the Land Development Code and Comprehensive Plan. Many of these parks continue to deteriorate and provide marginal living conditions to the County’s most vulnerable populations. This mobile home park redevelopment ordinance is intended to allow redevelopment of certain mobile home parks, under specific requirements and conditions, and to encourage the replacement of outdated, unsafe structures with new, energy efficient, affordable housing options at equal or less density as is currently recognized.

Section 3. Chapter 38 – Article III, Division 4, Section 38-100 is hereby added to the Pinellas County Code to read as follows:

Chapter 38 – COMMUNITY DEVELOPMENT

ARTICLE III. – COMMUNITY REDEVELOPMENT

DIVISION 4. – Redevelopment of Non-Conforming Mobile Home Parks

Sec 38-87-38-99. – Reserved.

Sec 38-100. – Redevelopment of non-conforming mobile home parks.

It is recognized that many older, declining mobile home parks have legally non-conforming densities exceeding what is currently allowable by the Land Development Code and Comprehensive Plan. Many of these parks continue to deteriorate and provide marginal living conditions to the County’s most vulnerable populations. As an incentive to redevelop such outdated mobile home parks, while maintaining neighborhood affordability and compatibility, the following redevelopment provisions may be applied:

- (a) Notwithstanding the requirements of Chapter 138, Article IV, Division 9, legally established nonconforming mobile home parks (in any zoning district) located within a

Community Redevelopment Area and in existence prior to January 30, 1990, may be redeveloped as a Special Exception use. An Affordable Housing Density Bonus may be granted up to the existing legally established density as verified by existing site plans on file. A concept plan shall be required as part of the application for the Special Exception and affordable housing density bonus.

- (b) Application of this Section shall require approval of a site plan in accordance with this Section and Chapter 154 – Site Development and Platting.
- (c) The redevelopment site plan shall conform to the following:
  - i. Permitted Uses
    - 1) Single Family, duplex, triplex and townhome dwellings, stacked flats (no more than 8 attached townhomes/stacked flats per building)
    - 2) Customary accessory structures and uses such as home occupations and accessory dwelling units
  - ii. Property Development Regulations
    - 1) Maximum density, floor area ratio and impervious surface ratio shall be in accordance with the approved Special Exception
    - 2) Maximum height shall not exceed 45 feet
    - 3) Minimum lot size: N/A
    - 4) Setbacks
      - a. Front: minimum 10 feet, maximum 15 feet, 20 feet to front loading garage. It is preferred that access to garages be via rear alleys, rather than the primary frontage.
      - b. Side: 5 feet (single family) otherwise 0
      - c. Rear: 5 feet
- (d) The following housing construction types shall be allowable in order to provide for more affordable housing choices:
  - i. Modular Homes: Homes constructed in sections or pieces (usually in a manufacturing facility) and assembled on a residential home site. Modular homes must meet all requirements of the Florida Building Code.
  - ii. Container Homes: Homes constructed from re-purposed shipping containers. Such homes must meet all residential construction standards of the Florida Building Code. Container home exteriors, at a minimum, shall be painted to replace the industrial finish and remove any original signage. Exterior cladding, doors, windows, porches, and similar architectural elements are encouraged.
  - iii. Tiny Homes, subject the standards of the Florida Building Code.
  - iv. New or replacement manufactured housing constructed after June 1994.
- (e) The mobile home park must not be considered “abandoned” in accordance with Section 138-1.
- (f) Redevelopment plans must meet the criteria of an Affordable Housing Development as defined in Section 138-1346.

- (g) An acceptable mobile home tenant relocation plan must be demonstrated as part of the special exception.
- (h) Redevelopment under this Section shall not be permitted within the Coastal Storm Area or the 100 year floodplain.
- (i) Established Mobile Home Redevelopment projects, subsequently damaged, may be re-established in accordance with the approved Special Exception.

Section 38-101-38-115. Reserved.

Section 4. Chapter 138, Article II, Division 7, Section 138-240 (20) is hereby amended as follows:

Chapter 138 – ARTICLE II ADMINISTRATION AND ENFORCEMENT

DIVISION 7. – SPECIAL EXCEPTIONS

Section 138-240. – Uses which may be authorized.

(20) Redevelopment of mobile home parks in accordance with Section 38-100.

Section 5. 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 judgement shall 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 judgement or decree shall be rendered.

Section 6. Inclusion in Code.

The provision of this Ordinance shall be included and incorporated in the Pinellas County Code, as an amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

Section 7. 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 10 (ten) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the ordinance with the Department of State.

APPROVED AS TO FORM

By:   
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Office of the County Attorney