

ORDINANCE NO. 17-21

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 ESTABLISH POLICIES REGARDING THE REDEVELOPMENT OF NON-CONFORMING MOBILE HOME PARKS AS AFFORDABLE HOUSING; 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;

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 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, a companion ordinance amending the Land Development Code (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, 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, 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 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. 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. The following policies to the Comprehensive Plan are intended to allow redevelopment of certain mobile home parks, under specific requirements and conditions, 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 2. THE FUTURE LAND USE AND QUALITY COMMUNITIES ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN, POLICY 1.2.9, IS AMENDED AND POLICY 1.2.12 IS CREATED, 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 1.2.12. Subject to the above constraints and considerations, and except as specified in Future Land Use Element Policy 1.2.12, 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.

1.2.12 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 3. THE HOUSING ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN, POLICY 1.2.4, IS AMENDED 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 1.2.12. Subject to the above constraints and

considerations, and except as specified in Future Land Use Element Policy 1.2.12, 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.

SECTION 4. 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 5. 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 of the Pinellas County Comprehensive Plan, located at, and maintained by, the Clerk of the Pinellas County Board of County Commissioners.

SECTION 6. 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.

APPROVED AS TO FORM

By: 

Office of the County Attorney