



# Pinellas County

## Legislation Details (With Text)

**File #:** 21-1401A      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 7/14/2021      **In control:** Board of County Commissioners

**On agenda:** 8/24/2021      **Final action:** 8/24/2021

**Title:** Ordinance amending Chapter 138-Zoning and Chapter 146-Historic Preservation of the Pinellas County Land Development Code establishing the Downtown Palm Harbor Form-Based Code. (Companion to Item Nos. 49 & 50)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. State-Filed ORD 21-21, 2. Adopted ORD 21-21, 3. Ordinance - Clean, 4. Ordinance - Markup, 5. Exhibit B: DPH FBC (Revised 07\_27\_21), 6. DPH Boundary Description, 7. StaffReport\_LDR-27-11-19\_LPA\_061021\_Final, 8. Presentation, 9. Electronic Affidavit of Publication, 10. Affidavit of Publication, 11. Ordinance-AATF

Date	Ver.	Action By	Action	Result
8/24/2021	1	Board of County Commissioners	approved	Pass

**Subject:**

Ordinance amending Chapter 138-Zoning and Chapter 146-Historic Preservation of the Pinellas County Land Development Code establishing the Downtown Palm Harbor Form-Based Code. (Companion to Item Nos. 49 & 50)

**Recommended Action:**

The second of two public hearings for Case Number LDR-27-11-19 (Ordinance). Based upon evidence and findings contained in the staff report and attachments, this Case is recommended for approval.

This Case consists of an Ordinance adding Section 138-2153 to the Pinellas County Land Development Code to adopt the Downtown Palm Harbor Form-Based Code; and adding Article XII - Downtown Palm Harbor Form-Based Code to Chapter 138 of the Pinellas County Land Development Code; and amending related sections of Chapter 138 and Chapter 146 of the Pinellas County Land Development Code. These amendments accomplish the following:

- Adopt a form-based code as the new regulatory mechanism for the greater Downtown Palm Harbor area.
- Replace the current Old Palm Harbor-Downtown district zoning category with a new Downtown Palm Harbor Form-Based Code District zoning category as Article XII of Chapter 138 of the Land Development Code.
- Amend various sections throughout Chapter 138 to align with and conform to the new zoning district.
- Amend Chapter 146 to update regulations and standards broadly affecting historic preservation in Pinellas County and to align with and conform to the new zoning district.

**Strategic Plan:**

Ensure Public Health, Safety, and Welfare

2.5 Enhance pedestrian and bicycle safety.

Foster Continual Economic Growth and Vitality

4.2 Invest in communities that need the most.

4.3 Catalyze redevelopment through planning and regulatory programs.

4.6 Support a vibrant community with recreation, arts, and culture to attract residents and visitors.

**Summary:**

Pinellas County Planning has developed the Downtown Palm Harbor Form-Based Code (DPH-FBC) to serve as the regulatory framework for the greater Downtown Palm Harbor area. The DPH-FBC is intended to guide the development and redevelopment of the greater Downtown Palm Harbor area in a way that achieves a built environment that is consistent with the most recently adopted update to the Downtown Palm Harbor Master Plan, while still being respectful and complementary to the established neighborhoods. The DPH-FBC will apply to all properties located within the focus area designated by the updated Master Plan (approximately 64 acres).

The DPH-FBC establishes four (4) districts that each have their own intent and set of regulatory standards. The standards are based on existing zoning allowances from the Land Development Code; however, they more clearly state where a building is placed on a property and how it relates to the street and public spaces, ultimately promoting walkability and a dynamic pedestrian experience. The provisions within the DPH-FBC are designed to implement the Downtown Palm Harbor Master Plan recommendations.

The DPH-FBC is comprised of the following eight (8) divisions:

1. General Provisions
2. Administration
3. District Map
4. District Standards
5. Development Design Standards
6. Use Standards
7. Parking Standards
8. Definitions

Divisions 3 (District Map), 4 (District Standards), and 5 (Development Design Standards) include the standards that differentiate this Code from a traditional use-based zoning code. These divisions primarily focus on building placement, form, and the overall relationship between the public and private spaces.

**ADDITIONAL LAND DEVELOPMENT CODE (LDC) AMENDMENTS**

Other, related sections of LDC Chapter 138-Zoning and Chapter 146-Historic Preservation have been made to reflect and comport with the establishment of the DPH-FBC. These amendments are included in this Ordinance.

**COMPANION ITEMS:**

#### CASE NO. Z/LU 28-11-19 - ZONING ATLAS AMENDMENT

An amendment to the Zoning Atlas is proposed as a companion item to this Case. A Resolution as part of Case Number Z/LU-27-11-19 is proposed to change the zoning category for approximately 64 acres comprising the greater Downtown Palm Harbor area to DPH-FBC, Downtown Palm Harbor - Form-Based Code District. The proposed amendment will effectively establish a cohesive zoning district boundary that follows the updated Downtown Palm Harbor Master Plan and associated new Future Land Use Map category boundary configuration. It will also create a smoother transition between the downtown core and outlying neighborhoods and will include all of the Downtown Palm Harbor Historic District.

#### CASE NO. 21-1431A - DPH-FBC DESIGN GUIDELINES

A new set of building design guidelines to support the DPH-FBC is proposed as a companion item to this Case. A Resolution as part of Case Number 21-1431A is proposed to add guidance and clarity to the building design regulations and standards found primarily in Division 5 of the new Code. The guidelines are intended to apply to non-historic properties and buildings within the DPH-FBC District and include numerous typical and common building design elements that are emblematic of and intended to enhance the greater downtown area.

#### **Background Information:**

In 2001, a Master Plan was adopted for Historic Downtown Palm Harbor. Beginning in late 2016, the Planning Division met with the community to address current needs of the downtown, which resulted in the Downtown Palm Harbor Master Plan Update, adopted in October 2020. This update contained a series of recommendations including the need to support additional retail in the downtown; the need to simplify and streamline the development approval process while continuing to address the historic character; and the desire to enhance the pedestrian experience. To address these issues the Master Plan Update recommended the creation of a Form Based Code (FBC).

This specific case along with the associated Zoning Atlas amendment for the subject area (Case Number Z/LU-28-11-19) were initially heard and recommended by the Local Planning Agency (LPA) for adoption in November 2019. Since then, Planning staff have gone back to area stakeholders and County departments to solicit further input and recommendations for changes and improvements to the Code. While the resulting changes have not specifically impacted proposed residential densities and nonresidential intensities, due to the extent of such changes and the amount of time since the LPA last heard the item, Planning staff restarted the adoption process for these zoning-related amendments in May 2021, beginning with the Development Review Committee (DRC).

The DRC reviewed this application on May 10, 2021 and forwarded it to the LPA for their recommendation to the Board of County Commissioners, which occurred in June 10, 2021 with a 6-0 vote recommending approval. The Board of County Commissioners conducted their first of two public hearings on this application on July 13, 2021.

The Housing and Community Development Department worked extensively with the community to identify current issues and concerns within the greater Downtown Palm Harbor area through a series of focus group meetings and open houses. The information gathered during this time provided valuable insight that aided the preparation of the FBC and establishment of the zoning district, as well as the most recently adopted update to the Downtown Palm Harbor Master Plan.

A few modifications have been made to the proposed DPH-FBC since the July 13, 2021, hearing.

The substantive modifications are described below:

**Building Design Elements:**

Additional language has been added to comply with SB 401 adopting restrictions and exemptions on regulating certain building design elements as applied to single family and two family dwelling units. Note, these new restrictions do not apply to properties located within the Downtown Palm Harbor Historic District.

**Front Setback Requirements (DPH-1):**

The minimum building front setback requirement along Georgia Avenue in the Central District (DPH-1) has been reduced from five feet to zero feet, subject to approval by the County Engineer and an alternative frontage landscape design plan approved by the Code Administrator.

**Building Frontage Requirements (DPH-1):**

The minimum building frontage requirement along streets (except for Florida Avenue) in the Central District (DPH-1) has been reduced from 60% to 50%. Any approved reductions below 50% require continuation of the building façade wall.

**Building Façade Fenestration Requirements:**

Minor reductions have been made to the minimum building façade fenestration requirements for the ground story of most buildings throughout the DPH FBC District in order to allow for more design variation and creativity.

**Minimum Sidewalk Width Requirements (DPH-1):**

The minimum sidewalk widths along Florida Avenue and Georgia Avenue in the Central District (DPH-1) have been reduced from ten feet to eight feet.

**Appeals to the Historic Preservation Board:**

Challenges to final determinations on building design standards made by the Historic Preservation Board are to go to a court of competent jurisdiction.

**Fiscal Impact:**

N/A

**Staff Member Responsible:**

Carol Stricklin, Director, Housing and Community Development

**Partners:**

N/A

**Attachments:**

Ordinance amending the LDC - strikethrough  
Ordinance amending the LDC - clean copy  
Downtown Palm Harbor Form Based Code  
Boundary Description  
LPA Report - final  
Presentation

