



## Staff Report

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**File #:** 18-1311A, **Version:** 1

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### **Subject:**

Ordinance amending 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, and Chapter 166-Environmental and Natural Resource Protection; deleting Chapter 162-Signs and Chapter-170 Miscellaneous Provisions in their entirety (first hearing); and providing for amendment of the Pinellas County official zoning atlas and geographic information system to reflect changes in zoning district names. (Companion to Items No. 6 and 7)

### **Recommended Action:**

Conduct the first of two public hearings for the proposed ordinance amending certain chapters of the Pinellas County Land Development Code

### **Strategic Plan:**

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to ensure a safe and secure community

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

4.5 Provide safe and effective transportation systems to support the efficient flow of motorists, commerce, and regional connectivity

### **Summary:**

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 proposed ordinance amends five LDC chapters, including Chapters 134, 138, 142, 154, and 166 in their entirety. The proposed ordinance also deletes two LDC chapters, including Chapters 162 and 170. These amendments are intended to respond to and reflect the changing conditions and character of the County and establish the necessary regulatory framework to incentivize economic investment, promote responsible growth, and improve the urban design quality throughout unincorporated Pinellas County. A companion agenda item will adopt changes to Chapter 158 Floodplain Management.

This meeting constitutes the first reading and public hearing on the proposed ordinance by the Board of County Commissioners. A subsequent adoption hearing is scheduled for October 23, 2018, with an effective date of January 1, 2019. 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 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.

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.

#### NEW CODE STRUCTURE, ORGANIZATION & NOTABLE CHANGES:

A substantial portion 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, only 'clean copies' of the updated chapters of the LDC are included.

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
- > Improve review times
- > 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, align with these objectives. 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 and timely 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. The Manual provides criteria, technical guidance and design specifications for stormwater management systems requirements with a focus on stormwater best management practices (BMPs) used to treat stormwater.

#### 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; and should allow for more complete street improvements. 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.

#### **Background Information:**

The County's current LDC was adopted in 1990 to meet the requirements of Florida's then growth management legislation and to further the implementation of the County's Comprehensive Plan. The genesis for updating the LDC can be found in the supporting plans completed for the County over the past decade, the two most important being Pinellas by Design and the County's Comprehensive Plan. Pinellas by Design was prepared to provide policy guidance to countywide leaders, focusing on sound strategies to improve the quality of life and economic growth over the

long term future. The last major update to the County's Comprehensive Plan was completed in 2008 and utilized the findings and recommendations of Pinellas by Design to update policies primarily related to land use and transportation in order to respond to the County's evolving redevelopment posture. Both plans recognized the need to ultimately update the LDC to follow through with the regulatory framework necessary to implement the newly established policies for Pinellas County's future success.

At the initiation of the update process, stakeholders were brought together consisting of the general public, as well as professionals active in the development process, to establish the new format and regulatory framework. Regular meetings were held among the stakeholder group, County staff, and consultants who facilitated the process and provided professional code writing expertise as well as best practices in the industry. The stakeholder group established the initial framework to guide the update and provided insight and perspective into the land development process. Once this framework was established, a core working group of staff from various departments, with the assistance of a consultant completed the "final draft" of the proposed updated Land Development Code.

#### Interim Amendments:

County staff prepared a separate set of LDC amendments in tandem to tackle pressing issues and opportunities that could be easily addressed in the meantime. The first ordinance, adopted in August 2015, was known as the 'quick fix' ordinance, as it required only minimal changes to existing regulations that resulted in substantial improvements. The majority of the 'quick fix' amendments were tailored to address long standing issues such as the fence and wall heights; accessory dwelling unit size limitations; and the establishment of a conditional (zoning) overlay option en lieu of a development agreement. The quick-fix ordinance also addressed more redevelopment-related needs by the creation of a new Residential Urban (R-5) zoning district to allow for smaller residential lot sizes with a wider variety of housing product options; and establishment of a new Form Based Code (FBC) zoning district.

Shortly after adoption of the 'quick fix' LDC amendments, the County's Stormwater Manual was adopted (February 2017). Adoption of the Stormwater Manual also included certain changes to the existing LDC, primarily, moving specifications and requirements for addressing stormwater management into a cohesive manual that included new, additional technical guidance and a focus on stormwater best management practices (BMPs) used for treatment.

Most recently, a singular amendment was adopted in July, 2017 to provide a process for the redevelopment of dilapidated mobile home parks, at existing non-conforming densities to promote new, safe, affordable housing.

#### Final Draft review by County Staff, Agency, Stakeholder and the General Public:

- 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. Forward Pinellas stated that they did not find any inconsistencies between the proposed LDC update and the Countywide Rules.
- 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.

- Lastly, the Planning Department sent direct email invitations on May 9, 2018 to identified project stakeholders, many of which have been involved with the project since inception, to review the amended chapters and provide comment through 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. BA representatives 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.

#### The Adoption Process:

- On August 9, 2018, the LPA held a public hearing on the proposed ordinance and, after finding the proposed amendments in compliance with the Pinellas County Comprehensive Plan, recommended adoption of such amendments by the Board of County Commissioners. (see attached LPA Report).

#### **Fiscal Impact:**

N/A

#### **Staff Member Responsible:**

Renea Vincent, Director, Planning

#### **Partners:**

N/A

#### **Attachments:**

Ordinance

Attachment A - Chapter 134 General and Administrative Provisions

Attachment B - Chapter 138 Zoning

Attachment C - Chapter 142 Airport Zoning

Attachment D - Chapter 154 Site Development, Right-of-Way Improvements, Subdivisions, and Platting

Attachment E - Chapter 166 Environmental and Natural Resource Protection

LPA Report

Presentation