



Pinellas County

Staff Report

File #: 18-1327A, **Version:** 1

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 (second 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. 52 and 53)

Recommended Action:

Conduct the second of two public hearings and adopt 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.

A first reading and public hearing on the proposed ordinance was conducted by the Board of County Commissioners on September 13, 2018. This meeting constitutes the second reading and adoption public hearing on the proposed ordinance by the Board of County Commissioners, 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 with the ordinance.

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. Descriptions of some of the overall, more noteworthy modifications to the LDC can be found in the September 13, 2018, Board of County Commissioners regular meeting agenda staff report for this proposed ordinance. Below, include descriptions of the minor modifications made to the ordinance since the September 13, 2018, meeting. Such changes are limited to Chapters 138 and 154. Strikethrough-underline versions of these chapters showing such interim changes are attached.

Interim changes made between hearings:

- > Chapter 138-Zoning:
 - Sec. 138-01. Definitions - Added a definition for 'freeboard'.
 - Sec. 138-67. Local Planning Agency - Removed last sentence as it references a section that no longer exists.
 - Sec. 138-84. Type 4 Review - Added the additional reviews under the Board of County Commissioners.
 - Sec. 138-235. Variances - Removed 'building coverage' as an allowed variance to dimensional requirements. Could be misconstrued to mean that FAR or ISR can be varied, which is not permitted. This should be adequately covered under the subsection allowing 'building size' to be varied, followed by "...not where the Comp Plan imposes limitations."
 - Table 138-355. Use Table - Permitted health clubs/fitness centers as Type 2 uses in the E-1 and I

zoning districts, subject to specific use provisions.

- Sec. 138-3232. Short-Term Vacation Rentals - The responsible party language was slightly modified to reflect the need to respond to potential problems as they might arise.
- Sec. 138-3248. Health Club/Fitness Center - Added industrial and warehouse districts within designated CRAs to the list of permitted zoning districts.
- Sec. 138-3281. Commercial Recreation - Added 'personal instruction in schools of dance, gymnastics, martial arts and similar sports' to the use description. Permitted within office, industrial and warehouse districts within designated CRAs and limited size to 20,000 square feet thereto.
- Sec. 138-3352. Non-Traditional Pets - Inadvertently deleted. Put back in place.
- Sec. 138-3501. Measurement of Height and Limitations - Added the ability to measure building height from base flood elevation 'including any additional required freeboard' to the building height measurement provisions.
- Sec. 138-3503. Road Frontage - Added a sentence clarifying the ability to build a private road when property is platted per the private roadway provisions and regulations established in Chapter 154.
- Sec. 138-3505. Setback Measurements, Allowances and Restrictions - Address pool enclosure setbacks (in addition to swimming pool setbacks).
- Table 138-3602.a. Required Parking Quantity - Added Vehicle Repair to 'Industrial, Manufacturing and Warehouse Uses'. (Better fit than including as 'retail sales and service'.)
- Sec. 138-3702. Fences and Walls - Permitted eight-foot decorative fence or wall (residential) along secondary arterial and collector frontages. (Previously six feet.) Also, permitted eight-foot decorative fence or wall along perimeter of residential development adjacent to secondary arterial and collector frontages. (Previously six feet.)

> Chapter 154-Site Development, Right-of-Way Improvements, Subdivisions, and Platting:

- Table 154-126.a. Block Lengths - Corrected zoning district acronyms with their updated acronyms.
- Sec. 154-232. General Permitting Procedures (ROW utilization permit insurance requirements) - Updated proof of insurance requirements to be provided annually by Pinellas County Risk Management.
- Sec. 154-303. Insurance and Sureties (Utilities) - Updated proof of insurance requirements to be provided annually by Pinellas County Risk Management.

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.

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).
- > On September 13, 2018, the Board of County Commissioners held a first reading and public hearing on the proposed ordinance. One public comment was heard requesting minor modification to the short-term vacation rental regulations found in Section 138-3232 of Chapter 138 Zoning. The Planning Department held a subsequent meeting with the public commenter to discuss further and, thus, a minor change was made to the responsible party language of the section.

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

Interim Edits (strikethrough-underline) - Chapter 138

Interim Edits (strikethrough-underline) - Chapter 154

LPA Report

Presentation