Subject:
Proposed Ordinance Adding Transferable Development Rights Provisions to the Downtown Historic Palm Harbor Master Plan (First Public Hearing)

Department:
Planning

Staff Member Responsible:
Larry Arrington, Director

Recommended Action:
I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS RECEIVE PUBLIC COMMENTS ON THE PROPOSED ORDINANCE TO AMEND THE DOWNTOWN HISTORIC PALM HARBOR MASTER PLAN AND AUTHORIZE ITS TRANSMITTAL TO THE PINELLAS PLANNING COUNCIL FOR REVIEW AND RECOMMENDATION.

Summary Explanation/Background:
The attached Local Planning Agency (LPA) Report and Recommendation explains the steps that have been used in developing the proposal to establish a transferable development rights (TDR) program in Downtown Palm Harbor. Currently, Downtown Palm Harbor is the only portion of the unincorporated area that does not allow the use of TDRs. Since Downtown Palm Harbor is designated with the Community Redevelopment District on the County's Future Land Use Map, the Downtown Historic Palm Harbor Master Plan must be amended in order to allow the application of TDRs in the Downtown area, as required by the recently amended Countywide Plan Rules. In developing the proposal that is before the Board, the County met with interested stakeholders and held public meetings in Downtown during the past summer to discuss the use of TDRs and other subjects of interest to the community, such as modifying the parking requirements for businesses and providing streetlights. The proposed Ordinance resulting from that effort was discussed by the Local Planning Agency (LPA) at their October 13, 2011 public hearing. This item was continued to the December 8th meeting of the LPA to provide County staff an opportunity to modify the proposal, primarily through the inclusion of a waiver provision as discussed below.

The proposed Ordinance would allow unused development rights on a sending parcel located within the East Sub-District of the Old Palm Harbor-Downtown Zoning District to be transferred to another property (a receiving parcel) within this same Zoning District. The area affected and its location is shown on the map included with the attached Staff Report and LPA Recommendation. Establishing a TDR program in Downtown Palm Harbor would introduce increased flexibility in the development regulations for Downtown and provide another tool for encouraging economic development in the area.

Two different procedures would be used when considering whether to approve an application to transfer development rights in Downtown Palm Harbor. There is a cap on the amount of density/intensity that may be transferred to a receiving parcel of land – i.e. transferred development rights cannot exceed 25% of the maximum density/intensity ordinarily allowed by the zoning district for the receiving parcel. As long as this cap is not exceeded, the County Administrator, or his/her designee, would be able to make a decision on whether to approve a TDR application based on standards and criteria contained in the Ordinance. This process includes an opportunity for the public to review a proposed TDR application and provide comments to County staff at a meeting.
of the Planning Review Committee (PRC) before a decision is made on the application. Owners of property located within 200 feet of the parcel that would receive the TDRs should be notified by mail of the PRC public meeting at which the application will be reviewed.

The proposed Ordinance includes the option for an applicant to request a waiver of the restriction that TDRs not exceed 25% of the maximum density/intensity ordinarily permitted by the receiving parcel's zoning district. A proposed development project that requests use of TDRs and a waiver would be required to be reviewed by the Board as a conditional use within the East Sub-district of the Old Palm Harbor-Downtown Zoning District. This would require public hearings by both the LPA and the Board when making a decision on such TDR applications, and conditions may be attached to a project based on standards and criteria contained in the Zoning Code and those listed in the proposed Ordinance. In no case shall the maximum density/intensity on the receiving parcel exceed 75% of the maximum ordinarily allowed on the parcel.

A transfer of development rights must be recorded in the public records with the Clerk of the Circuit Court for all parcels of land involved in the transfer. In addition, the proposed Ordinance would establish a process for rescinding an approved transfer of development rights. Any rescission would require action by the County Administrator, or his/her designee, or by the Board depending upon who had initially approved the transfer.

The LPA considered the proposed TDR program on October 13th and December 8th, and their recommendation is included in the attached report. The proposed amendments to the Downtown Historic Palm Harbor Master Plan require two public hearings by the Board. In addition, the proposed amendments require action by the Pinellas Planning Council and the Countywide Planning Authority (CPA) since the Master Plan also serves as a Special Area Plan for Downtown Palm Harbor under the countywide planning process. It is anticipated that the second local hearing by the Board can be coordinated with the CPA public hearing.

Related amendments to the Old Palm Harbor–Downtown Zoning District are also being proposed, under a separate agenda item, which focus primarily on reducing the minimum on-site parking standards for a portion of Downtown Palm Harbor and respond to discussions with Downtown property owners and business owners, residents in the surrounding community, and the Old Palm Harbor Main Street Board of Directors.

On December 20, 2011, this item (and the related agenda item amending zoning and parking provisions for Old Downtown Palm Harbor) were scheduled for a public hearing by the Board. At that hearing, the Board had questions regarding parking, the review process, and the specific proposal by the business likely to utilize the TDR provision should the ordinance be approved. For that reason, the Board decided to continue the item and allow the opportunity for a workshop on this agenda item, as well as the related ordinance amending zoning/parking provisions, prior to their taking final action. The workshop has subsequently been scheduled for January 6, 2012, followed by the public hearing on January 10, 2012.

**Fiscal Impact/Cost/Revenue Summary:**

N.A.

**Exhibits/Attachments Attached:**

Proposed Ordinance
Staff Report and LPA Recommendation
ORDINANCE No.

AN ORDINANCE OF THE COUNTY OF PINELLAS, AMENDING THE DOWNTOWN HISTORIC PALM HARBOR MASTER PLAN, BY ADDING TRANSFER OF DEVELOPMENT RIGHTS PROVISIONS TO THE SECTION ON THE DOWNTOWN REVITALIZATION CODE; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT A PUBLIC HEARING AND/OR WITH REASONABLE PARTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pinellas County and the community of Palm Harbor have been working together since the early 1990s to protect the historical integrity of Downtown Palm Harbor; and

WHEREAS, In 1994, the Pinellas County Board of County Commissioners established the Downtown Palm Harbor Historic District to support the community's efforts to recognize and protect the unique heritage of this unincorporated area of north Pinellas County; and

WHEREAS, In 1997, the voters of Pinellas County approved a referendum extending the Penny for Pinellas Infrastructure Sales Tax for another ten years, which included a commitment to fund streetscape improvements in Downtown Palm Harbor; and

WHEREAS, In 1998, the residents and business owners in Old Palm Harbor developed a Vision Statement emphasizing that Old Palm Harbor and its Downtown is a special place worthy of protection; and

WHEREAS, The Pinellas County Comprehensive Plan includes an objective to assist communities in providing opportunities and/or public facilities and other features that promote a community's identity and maintain its unique character; and

WHEREAS, The local community and the County coordinated working with a consultant team to assist them in developing a Master Plan to include a conceptual streetscape plan, a basic framework for a new zoning district for Downtown Palm Harbor, and other components necessary to achieve the Vision for Old Palm Harbor and to complete the streetscape improvements approved in 1997 by the voters; and

WHEREAS, Local residents, property and business owners, County staff, and the Downtown Palm Harbor Main Street Program worked with the consultant team to develop a draft Downtown Historic Palm Harbor Master Plan in the Fall of 2000; and

WHEREAS, The Downtown Historic Palm Harbor Master Plan (Master Plan) was adopted by the Board of County Commissioners on December 18, 2001; and
WHEREAS, After adoption of the Master Plan, the Board of County Commissioners established the Old Palm Harbor-Downtown Zoning District (OPH-D) to implement provisions of the Master Plan, and

WHEREAS, The Board of County Commissioners on April 26, 2011 amended the Transfer Development Right (TDR) provisions in the Future Land Use Map (FLUM) Category Descriptions and Rules of the Pinellas County Comprehensive Plan; and

WHEREAS, These amended TDR provisions in the Comprehensive Plan do not apply to properties in Downtown Palm Harbor, which are designated with the Community Redevelopment-District Activity Center FLUM designation; and

WHEREAS, In order to allow for the transfer of development rights in Downtown Palm Harbor, the Comprehensive Plan requires that the Master Plan be amended to include provisions specific to Downtown; and

WHEREAS, The allowance of TDRs within the East Sub-District of the OPH-D District will provide additional flexibility in the Downtown Palm Harbor development regulations to encourage revitalization of Downtown; and

WHEREAS, The Old Palm Harbor Main Street Board of Directors, Downtown property and business owners, and County staff have met and discussed the proposed transfer of development rights program for the OPH-D East Sub-District at meetings on April 14, June 9, July 20, August 24, and August 31, 2011; and

WHEREAS, The provision for transfer of development rights in the Master Plan enhances the implementation of the Master Plan and supports the Vision for Old Palm Harbor; and

WHEREAS, The Pinellas County Local Planning Agency (LPA) held public hearings on May 12, October 13, and December 8, 2011 to receive public comment on the proposed amendments to the Downtown Historic Palm Harbor Master Plan.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Pinellas County, Florida in regular meeting duly assembled on this ___ day of __________, 2012, that:

SECTION 1. The Downtown Historic Palm Harbor Master Plan is hereby amended to add the following provisions on Transferable Development Rights after the Downtown Revitalization Code section of the Master Plan.
Transferable Development Rights (TDR) in Downtown Palm Harbor

On May 21, 2002, the Board of County Commissioners established a revitalization code for Downtown Palm Harbor through adoption of the Old Palm Harbor-Downtown Zoning District (OPH-D). This new zoning district is comprised of two sub-districts; the East Sub-District consists of parcels located east of Alternate U.S. Highway 19, and the West Sub-District includes parcels situated west of Alternate U.S. Highway 19.

Development rights of property in Downtown Palm Harbor located within the East Sub-District of the Old Palm Harbor-Downtown (OPH-D) Zoning District may be transferred to another property (receiving parcel) within the East Sub-District of the OPH-D Zoning District. Both residential density and floor area ratio may be transferred using the mechanism established under this section of the Downtown Historic Palm Harbor Master Plan. These provisions for permitting the transfer of development rights do not restrict application of the mandatory rules on density/intensity averaging contained in the Pinellas County Comprehensive Plan within Downtown Palm Harbor.

Any parcel from which development rights are transferred will be limited to the use and density/intensity that remains after the transfer. In particular:

1. The residual development rights on the sending parcel will be limited to the remnant use and density/intensity available under the parcel's zoning designation and not transferred.

2. Determination of the available remnant use and density/intensity on the sending parcel shall be consistent with the Pinellas County Comprehensive Plan and the governing zoning district.

3. Where all development rights have previously been transferred from a sending parcel, no additional development rights shall be transferrable from that sending parcel.

4. A sending parcel from which all development rights are transferred shall not thereafter be available for use except for the following: (a) a use consistent with the use characteristics and density/intensity standards of the Recreation/Open Space Future Land Use Map category, or (b) public parking consistent with the requirements of the OPH-D Zoning District.

5. The transfer of development rights shall not result in any combination of use or density/intensity above that which is otherwise permitted under the zoning districts for the sending and receiving parcels, when taken together.
An application to transfer development rights shall be accompanied with the following:

1. A site plan application for the receiving parcel. The site plan application shall include all parcels that comprise the proposed development project, including any parcel(s) required to satisfy the on-site parking requirements.

2. An application for a Certificate of Appropriateness (COA) for the receiving parcel in accordance with the Pinellas County Land Development Code, or an approved COA for the receiving parcel if one has already been issued.

The County Administrator, or his/her designee, shall decide on whether to approve an application to transfer development rights in Downtown Palm Harbor, based on the following standards and criteria:

1. Development rights may only be transferred to a receiving parcel that are consistent with the use characteristics of the zoning district for the receiving parcel;

2. The maximum permitted density/intensity for any parcel of land to which development rights are transferred shall not exceed twenty-five (25) percent of the otherwise maximum permitted density/intensity allowed by the governing zoning district for the receiving parcel.

3. Only one application for a transfer of development rights may be approved for a receiving parcel or for a sending parcel. The development rights transferred to the receiving parcel through that one application may come from one or more sending parcels.

4. Post transfer of development rights in the receiving area will result in development that is compatible with the Downtown Historic Palm Harbor Master Plan and with existing and planned land uses on adjacent properties.

5. The receiving parcel's site plan shall be consistent with the applicable land development regulations, including but not limited to, height and parking requirements.

6. The sending parcel(s) shall be in compliance with all property maintenance standards specified in the Pinellas County Land Development Code for Downtown Palm Harbor.

7. The extent to which the proposed development on the receiving parcel is compatible with the historic character of Downtown Palm Harbor and satisfies the design criteria for the OPH-D zoning district.

Prior to the County Administrator, or his/her designee, making a decision on an application for a transfer of development rights, the application shall be reviewed by County staff at a regularly scheduled meeting of the Pinellas County Planning Review Committee (PCPRC). This is a public meeting at which members of the public will have an opportunity to provide comments.
Owners of property, as listed in the county property appraiser's office, located within 200 feet of the parcel of land being requested to receive the transfer of development rights should be notified by mail of the PCPRC public meeting at which the application will be reviewed. This distance may be increased if deemed appropriate by the County Administrator or his/her designee.

An application to transfer development rights in Downtown Palm Harbor may request a waiver of the restriction that transferred development rights not exceed 25 percent of the maximum development otherwise permitted by the zoning district for the receiving parcel. A proposed development project that requires use of transferable development rights and a waiver may be permitted by the Board of County Commissioners as a conditional use within the East Sub-District of the OPH-D Zoning District. In addition to general standards (2) through (7) in Section 138-269 of the Zoning Chapter of the Land Development Code, the following standards and criteria shall be considered when making a decision on an application to transfer development rights that is accompanied with a request for a waiver:

1. Development rights may only be transferred to a receiving parcel that are consistent with the use characteristics of the zoning district for the receiving parcel;

2. Only one application for a transfer of development rights may be approved for a receiving parcel or for a sending parcel. The development rights transferred to the receiving parcel through that one application may come from one or more sending parcels.

3. Post transfer of development rights in the receiving area will result in development that is compatible with the Downtown Historic Palm Harbor Master Plan and with existing and planned land uses on adjacent properties;

4. The receiving parcel’s site plan shall be consistent with the applicable land development regulations, including but not limited to, height and parking requirements.

5. The sending parcel(s) shall be in compliance with all property maintenance standards specified in the Pinellas County Land Development Code for Downtown Palm Harbor.

6. The extent to which the accompanying site plan application supports the goal, objectives and policies of the Economic Element of the Pinellas County Comprehensive Plan, including the number and types of jobs that would be located on the receiving parcel.

7. The extent to which the accompanying site plan application requires variances from development regulations to develop the receiving parcel at the increased density/intensity being requested.

8. The extent to which the proposed development on the receiving parcel is compatible with the historic character of Downtown Palm Harbor and satisfies the design criteria for the OPH-D zoning district.
If the application and waiver request are approved, the Board shall specify the maximum density/intensity that would be permitted on the receiving parcel through the transfer of development rights. In no case shall the maximum density/intensity exceed 75 percent of the otherwise maximum allowed by the governing zoning district for the receiving parcel. The Board of County Commissioners may establish additional conditions for the proposed development project based on the General Standards contained in Section 138-269 of the Zoning Chapter of the Land Development Regulations and the standards and criteria listed above.

A transfer of development rights shall require recording the transfer in the public records with the Clerk of the Circuit Court of Pinellas County for all parcels involved in the transfer. The recording shall be in a form approved by the Countywide Planning Authority, and a record copy filed with the Pinellas Planning Council. A transfer of development rights shall also require that the approved site plan for the receiving parcel document the transfer in the site plan records.

An application to rescind an approved transfer of development rights may be submitted to the County Administrator or his/her designee, by the owners of record for both the parcel that received the transfer and for the parcel(s) from which the development rights had been previously transferred. The County Administrator, or his/her designee, shall decide on whether to approve an application to rescind a transfer of development rights in Downtown Palm Harbor that had been approved by the County Administrator, or his/her designee. Rescission of a transfer of development rights in Downtown Palm Harbor that had been approved by the Board of County Commissioners shall require Board action at a public hearing. If the approved transfer of development rights is rescinded, the transferred development rights shall be reallocated to the sending parcel(s) as they were prior to approval of the transfer. An application for a rescission shall not be approved if it would create a non-conforming situation on the parcel that had received the transfer of development rights. The rescission of an approved transfer of development rights shall require recording the rescission action in the public records with the Clerk of the Circuit Court of Pinellas County. A rescission of an approved transfer of development rights shall also require that an approved site plan for the receiving parcel document the rescission of the transfer in the site plan records.

SECTION 2. Severability.

It is declared to be the intent of the Board of County Commissioners that, if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional, such invalidity of unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.
SECTION 3. Effective Date.

This ordinance shall become effective upon receipt of acknowledgement from the Department of State that the ordinance has been duly filed.

SECTION 4. Inclusion in the Downtown Historic Palm Harbor Master Plan.
APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By
Attorney
LOCAL PLANNING AGENCY (LPA) RECOMMENDATION to the Board of County Commissioners

LPA Report No. LPA-24-10-11

Regarding: Proposed Ordinance amending the Downtown Historic Palm Harbor Master Plan, by adding Transferable Development Rights Provisions to the Section of the Master Plan that discusses the Downtown Revitalization Code.

LPA Recommendation (October 13, 2011): The LPA continued this item to the December 8, 2011 LPA meeting to allow staff an opportunity to modify the proposed Ordinance based on direction provided at the October LPA hearing.

LPA Recommendation (December 8, 2011): The LPA finds that the proposed Ordinance amending the Downtown Historic Palm Harbor Master Plan is consistent with the Pinellas County Comprehensive Plan and recommends that the Board adopt the proposed Ordinance. (The vote was 4-1, in favor)

PLANNING STAFF RECOMMENDATION:

Staff recommends that the LPA find that the proposed amendment to the Downtown Historic Palm Harbor Master Plan as modified based on direction provided at the October 13, 2011 LPA meeting is consistent with the Pinellas County Comprehensive Plan, based on the findings of this report.

Staff further recommends that the LPA recommend adoption of the proposed amendment.

NOTE: This staff report was originally presented at the October 13, 2011 Local Planning Agency (LPA) public hearing. The LPA continued this item to the December 8, 2011 LPA hearing. The changes to the proposed Ordinance recommended by the LPA on October 13th and the resulting Ordinance modifications are discussed below.
Discussion:

At its October 13, 2011 public hearing, the LPA moved to continue this agenda item to December 8, 2011 and have staff bring back a modified Transferrable Development Rights proposal for Downtown Palm Harbor that incorporates the following modifications:

1. Remove the requirement that a sending parcel and the receiving parcel must have the same owner of record;
2. Require that any transfer of development rights must be recorded for all parcels of land involved (both the sending parcel(s) and the receiving parcel);
3. Include a provision in which an applicant may request a waiver of the restriction that transferred development rights not exceed 25 percent of the maximum development otherwise permitted on the receiving parcel. A request for a waiver would go to the BCC for a decision based on criteria to be included in the proposed Ordinance.

In response to the action taken by the LPA, the proposed Ordinance considered in October has been revised to include the above modifications and some additional changes recommended by County staff, as summarized below:

1. The site plan application that must accompany an application to transfer development rights (TDR) must include all the parcels that comprise the development project.
2. A sending parcel may only be used one time as a source of TDRs. This limitation had initially only been applied to receiving parcels.
3. The public would be provided an opportunity to review and comment on TDR applications where the transfer does not exceed 25% of the maximum allowed on the receiving parcel. This would be accomplished through the Pinellas County Planning Review Committee process.
4. A waiver provision has been included if an applicant wants to exceed the 25% threshold on TDRs. A TDR request requiring a waiver would be considered by both the LPA and the Board of County Commissioners at a public hearing as a conditional use within the OPH-D Zoning District. The conditional use process contained in the Zoning Chapter of the County's Land Development Code would we used when considering a TDR request that included a waiver. This has the benefit of using an established process for reviewing the larger TDR requests and provides the opportunity for the Board to attach conditions to a proposed project that incorporates TDRs to ensure that certain standards and criteria are met.
5. The general standards in the Zoning Chapter for evaluating conditional uses are supplemented with additional standards and criteria within the proposed Ordinance. An upper limit on the amount of development that could be transferred would be established, i.e. no more than 75% of the maximum density/intensity ordinarily permitted on the receiving parcel.
6. All parcels of land involved in the transfer (both sending and receiving) would be required to have the transfer recorded in the public records.
7. Rescinding a transfer of development rights that had been approved by the Board of County Commissioners would require Board action at a public hearing.

In summary, the primary modifications to the proposed Ordinance would establish two levels of review for requests to transfer development rights in Downtown Palm Harbor - an administrative approval process that provides an opportunity for public comment and a process that requires County Commission approval at a public hearing for applications that exceed the
25% threshold. Standards and criteria would have to be considered when making a decision on a TDR application and a request for a waiver to ensure that the resulting development is aligned with the Vision for Old Downtown Palm Harbor and the Downtown Historic Palm Harbor Master Plan, and complies with the applicable land development regulations and site plan requirements.

The original staff analysis provided to the LPA on October 13, 2011 continues below.

Background

Over the past nineteen years, residents and business owners in Old Palm Harbor have worked together with Pinellas County to establish the Downtown Palm Harbor Historic District in 1994, to establish the Vision for the Old Palm Harbor area in 1998, and to develop a Downtown Historic Palm Harbor Master Plan that would guide their Vision for the future of this historic community. The Downtown Historic Palm Harbor Master Plan was adopted by the Board of County Commissioners on December 18, 2001. The purpose of the Master Plan is to enhance the image of, and investment in, Downtown Palm Harbor by protecting its historic inheritance and providing spaces for public interaction. The Master Plan provides direction for both public and private projects, and outlines a continuity of design features that are compatible with the Downtown Palm Harbor Historic District. Furthermore, the Master Plan formalizes and documents the decisions that were arrived at by the community and the County working together with a consultant team in planning for the future of Downtown.

The Master Plan was developed through an extensive public participation process. The two major components of the Master Plan are a concept plan for downtown streetscape improvements, and the rationale and basic structure for a new Revitalization Code for Downtown Palm Harbor. The streetscape plan includes the concepts agreed to by the community and the County for improving the public spaces downtown. A new Revitalization Code supports public investment in downtown by allowing a development pattern that is compatible with the historic lot pattern and existing urban design features.

Based on the Master Plan, the County amended the Pinellas County Comprehensive Plan and the Land Development Code in 2002. Later in 2006, the County completed construction of the streetscape and other improvements to public spaces in the downtown area. These two initiatives encourage revitalization of Downtown in support of the Master Plan. The amendments to the Comprehensive Plan in 2002 included creation of a new Community Redevelopment District-Activity Center Future Land Use Map category and the addition of policies supporting establishment of this mixed use category in Downtown Palm Harbor. A change to the Land Development Code was also implemented by creating the Old Palm Harbor-Downtown (OPH-D) Zoning District, which provided development standards and criteria unique to Downtown Palm Harbor. The area encompassed by the OPH-D District is comprised of a West Sub-District and an East Sub-District separated by Alternate U.S. Highway 19. (See attached map.)
Staff Discussion and Analysis

The Board of County Commissioners on April 26, 2011 amended the Transferrable Development Rights (TDR) provisions in the Future Land Use Map (FLUM) Category Descriptions and Rules of the Pinellas County Comprehensive Plan. These TDR provisions do not apply to properties in Downtown Palm Harbor which are designated with the Community Redevelopment-District Activity Center FLUM designation. In order to allow for TDR provisions in Downtown Palm Harbor, the Comprehensive Plan requires that the Downtown Historic Palm Harbor Master Plan be amended to include provisions specific to the Downtown area.

The proposed amendment to the adopted Downtown Historic Palm Harbor Master Plan would include provisions for allowing TDRs in the downtown area using a process specifically designed for properties designated with the OPH-D Zoning District. The main reason and the impetus for this initiative is to provide increased flexibility in the Downtown Palm Harbor development regulations by allowing a business (Geographic Solutions) with multiple properties within the OPH-D East Sub-District to transfer some unused development potential from developed properties they own to another property they own in the OPH-D East Sub-District that they plan to develop or redevelop for office use.

County staff met with the Old Palm Harbor Main Street Board of Directors and downtown property and business owners on April 14, 2011 to discuss establishing a TDR program for the OPH-D East Sub-District. At this meeting, there was also discussion about the need to revisit the Downtown parking requirements as a way to attract more business activity and the need for streetlights. The Local Planning Agency (LPA) on May 12, 2011 conducted a public hearing on the proposal to amend the Downtown Historic Palm Harbor Master Plan to include a TDR program in Downtown Palm Harbor. The LPA voted 6-0 to recommend that the proposed TDR program for Downtown Palm Harbor be approved.

As staff was proceeding with scheduling a community meeting in Downtown Palm Harbor in June to explain and answer questions about the proposed TDR program, it became apparent that it would be better to also include a discussion on streetlights and parking since these three topics were being considered together in developing recommendations to resolve issues facing Downtown. The Planning Department conducted a community meeting on July 20, 2011 to explain the proposed TDR program and to receive public comments and ideas concerning the provision of TDRs, parking and streetlights in Downtown Palm Harbor. Based on this community input, the Planning Department developed proposals to address these three topics and discussed them with the community at a public meeting on August 31st. An additional meeting was held on August 24th with the Main Street Board of Directors and Downtown business and property owners to discuss the Planning Department's proposals prior to the August 31st community meeting.

As a result of comments received at these additional meetings and further analysis by County staff, some changes have been made to the original proposed TDR program that the LPA considered in May 2011. The primary difference from what the LPA considered in May is that the current TDR proposal would now limit the density/intensity that may be transferred to a receiving parcel to no more than 25% of the maximum density/intensity ordinarily allowed by the receiving parcel's zoning district. This 25% limitation on the transfer of development rights is consistent with the TDR provisions adopted by the Board in April 2011 for the remainder of
the unincorporated area. In addition, the current proposal would allow only one application of TDRs for a receiving parcel in order to simplify tracking the use of TDRs. A section has also been added that would allow for the County Administrator to consider an application to rescind an approved transfer of development rights.

Including the proposed provisions for transfer of development rights in the Downtown Historic Palm Harbor Master Plan would enhance implementation of the Master Plan and supports the Vision for Old Palm Harbor. Below is a summary of the proposed Ordinance.

1. Development rights of property in Downtown Palm Harbor located within the East Sub-District of the Old Palm Harbor-Downtown (OPH-D) Zoning District may be transferred to another property (receiving parcel) within the East Sub-District of the OPH-D Zoning District if the sending and receiving parcels have the same owner of record at the time the transfer is approved.

2. Both residential density and floor area ratio may be transferred. Any parcel from which development rights are transferred will be limited to the use and density/intensity that remains after the transfer.

3. The County Administrator, or his/her designee, shall decide on whether to approve an application to transfer development rights in Downtown Palm Harbor.

4. The maximum permitted density/intensity for any parcel of land to which development rights are transferred cannot exceed twenty-five (25) percent of the otherwise maximum permitted density/intensity allowed by the governing zoning district for the receiving parcel.

5. Only one application for a transfer of development rights may be approved for a receiving parcel.

6. Development rights may only be transferred to a receiving parcel that are consistent with the use characteristics of the zoning district for the receiving parcel.

7. Development of parcels that receive a transfer of development rights must be compatible with the Downtown Historic Palm Harbor Master Plan and with existing and planned land uses in adjacent and surrounding areas.

8. The Old Palm Harbor Main Street Board of Directors shall be provided an opportunity to review and comment on an application for a transfer of development rights prior to the County Administrator making a decision on the application.

9. An application to transfer development rights shall be accompanied with submittal of a site plan application for the receiving parcel. Proposed development for the receiving parcel must obtain a Certification of Appropriateness as stipulated in the Pinellas County Land Development Code.
10. A transfer of development rights shall require recording the transfer in the public records with the Clerk of the Circuit Court of Pinellas County. A transfer of development rights shall also require that the approved site plan for the receiving parcel document the transfer in the site plan records.

11. An application to rescind an approved transfer of development rights may be submitted to the County Administrator, or his/her designee, by the owners of record for both the parcel that received the transfer and for the parcel(s) from which the development rights had been previously transferred.

While the County staff proposal would place a 25% limitation on the amount of development rights that could be transferred to a receiving parcel of land, there is not a consensus within the community on this part of the proposal. The business that the TDR proposal is intended to initially benefit, has expressed a concern that the amount of development rights that could be transferred to their receiving parcel located on Georgia Avenue would be inadequate to meet the needs of their growing business. The building that Geographic Solutions would like to construct on Georgia Avenue would require that the proposed TDR provisions be modified so that the intensity on the receiving parcel could increase up to 80% above the maximum intensity that is ordinarily allowed by the zoning district. This would increase the permitted maximum Floor Area Ratio (FAR) on the receiving parcel from the 0.60 currently allowed in the OPH-D East Sub-District to 1.08. This level of development intensity on a parcel of land exceeds by a substantial margin what is permitted elsewhere in the unincorporated area, and the parking requirement may still limit the development to less than this. County staff, therefore, feels that exceeding the maximum development ordinarily allowed on a parcel by 80% through TDRs is not in line with the TDR provisions applicable within the remainder of the unincorporated area, and is not recommending this amount of transfer. Furthermore, this level of development would require that Geographic Solutions provide additional on-site parking beyond what can be provided on the receiving parcel. Both the Old Palm Harbor Main Street Board of Directors and the Greater Palm Harbor Area Chamber of Commerce have taken positions that support a level of development rights transfer that would allow Geographic Solutions to construct their new building. (Their letters of support are attached.) It should also be noted that at the community meetings held in Downtown Palm Harbor there were residents and property owners opposed to amending the Downtown Historic Palm Harbor Master Plan to permit the use of TDRs within Downtown. TDRs are permitted in the remainder of the unincorporated area and have been used primarily for the purpose of preserving open space and environmental resources such as wetlands. Downtown Palm Harbor is the only portion of the unincorporated area that does not currently permit the use of TDRs, and the County's Comprehensive Plan requires that the Master Plan be amended in order to allow their use Downtown. The proposed amendments including the 25% limitation on the transfer of development rights in Downtown Palm Harbor is felt to be appropriate and justified since it is
comparable to the TDR provisions that have been adopted for the remainder of the unincorporated area.

IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN

Staff finds that the proposed amendments to the Downtown Historic Palm Harbor Master Plan as recommended by County staff are consistent with the following adopted goal, objectives and policies of the Comprehensive Plan:

**Future Land Use and Quality Communities Element**

GOAL ONE: THE PATTERN OF LAND USE IN PINELLAS COUNTY SHALL PROVIDE A VARIETY OF URBAN ENVIRONMENTS TO MEET THE NEEDS OF A DIVERSE POPULATION AND THE LOCAL ECONOMY, CONSERVE AND LIMIT DEMANDS ON NATURAL AND ECONOMIC RESOURCES TO ENSURE SUSTAINABLE BUILT AND NATURAL ENVIRONMENTS, BE IN THE OVERALL PUBLIC INTEREST, AND EFFECTIVELY SERVE THE COMMUNITY AND ENVIRONMENTAL NEEDS OF THE POPULATION.

1.2. Objective: Establish development regulations that respond to the challenges of a mature urban county with established communities that are experiencing infill development and redevelopment activity.

1.2.2. Policy: The Local Planning Agency (LPA) of the Board shall ensure that zoning provisions within the Land Development Code are in conformance with the density, intensity, and other relevant standards contained within the Future Land Use and Quality Communities Element.

1.2.4. Policy: Recognizing that successful neighborhoods are central to the quality of life in Pinellas County, redevelopment and urban infill development should be compatible with and support the integrity and viability of existing residential neighborhoods.

1.2.5. Policy: The Board shall implement land development regulations that are compatible with the density, intensity, and other relevant standards of those land use categories defined in the Future Land Use and Quality Communities Element.

1.3.4. Policy: Use of the Community Redevelopment District-Activity Center Future Land Use Map (FLUM) category shall require a special area plan approved by the Board of County Commissioners. The special area plan shall, at a minimum, address the following:
a. Permitted uses and locational criteria;
b. Density and intensity standards;
c. Provisions for mixed use;
d. Design guidelines, if any;
e. Provisions for affordable housing and employment, if any;
f. Provisions that achieve a walkable area;
g. Impacts on public services and facilities;
h. Integration with planned and existing mobility systems;
i. Integration and compatibility with the surrounding community;
j. Incentives that may be offered to encourage development that has an overall community benefit; and
k. Consistency with the Pinellas County Comprehensive Plan.

1.3.6 Policy: Special area plans, as described in Policy 1.3.4. and the County's land development regulations as they apply to the Community Redevelopment District-Activity Center FLUM category may require that development above an established base residential density or intensity of use rely upon the transfer of development rights from other properties to the subject property or properties.

1.3.7 Policy: Mixed-use development shall enhance, and not compromise, the integrity and viability of existing and planned residential neighborhoods.

1.3.8 Policy: Mixed-use development shall create a strong sense of community identity through consideration of such mechanisms as optional and/or required urban design and architectural design criteria, recognizing historic setback patterns and lot sizes, the creation of places that are oriented to the pedestrian and alternative modes of travel such as bicycle use, providing green space and landscaping in public spaces, and other appropriate mechanisms that may be specific to a particular location.

1.9. Objective: Through the application of innovative land development regulations the County will support planned residential developments and mixed land use development techniques which include intensity and use characteristics designed to make these developments more liveable and compatible with the natural environment.
1.9.1. Policy: The Board shall continue to utilize its innovative development regulations and staff shall continue to examine innovative techniques used elsewhere for incorporation into the Board's planning and regulatory program.

1.17 Objective: Pinellas County shall preserve and seek to enhance established community values, a community's unique identity, and their social support structure, and will make decisions that are in concert with a community's established vision for their future.

Attachments
The Board of Directors of Old Palm Harbor Main Street, Inc. (OPHMS) will be making a recommendation to the Pinellas County Planning Department and the Board of County Commissioners to reevaluate the percentage of transferable development rights, utilize a variance, and/or examine other options that would allow Geographic Solutions to remain in the historic district and build their proposed building.

At present, Geographic Solutions, Inc. is actively searching for relocation space and it is the consensus of the OPHMS Board of Directors that this would devastate our historic district and the businesses that occupy it. Instead of a thriving, viable business we would be left with vacated, empty buildings, not to mention a mass exodus of more than 100 employees, many of whom frequent our restaurants and coffee shops; buy gas, water, sodas, snacks and other sundries; have their oil changed and other auto repairs while at work; and who stop in for a haircut before or after work or on lunch breaks.

The two informational meeting that were hosted by Pinellas County Planning were largely attended by individuals who were not district property owners or business owners. The harsh dialogue was representative of the same. The majority of the district’s stakeholders do not want to see Geographic Solutions, Inc. leave our area but would rather find solutions that would benefit all parties involved.

These are tough economic times and instead of laying off employees, we have a company in our district that is growing and bringing more jobs to our community. We do not have companies or other businesses knocking down doors, looking for space to occupy in our district. The cold hard facts imply just the opposite as we have seen many businesses come and go, leaving unoccupied buildings for months, even years. It is the stance of the OPHMS Board of Directors that we work together to insure that all of the businesses in the historic district have staying power and will thrive.

Respectfully,

The Board of Directors
Old Palm Harbor Main Street, Inc.
The Greater Palm Harbor Area Chamber of Commerce
1151 NEBRASKA AVENUE
PALM HARBOR, FLORIDA 34683
PHONE 727-784-4287   FAX 727-786-2336
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BOARD OF DIRECTORS:
Mona Lisa Johnson, COB; Tom McKone, Secretary; Shannon Shipley, Treasurer; Arlene Tracht, Past COB; Paul Hittos, COB-elect; Connie Davis, President/CEO; Lania Berger; Joann Bradley; Char Corsa; Steve Fiske; Marcus Harrison; Mike Jenkins; Vince Kassay; Steve Klar; Susan Long; Joe Meggison; Laura Pesci

September 22, 2011

PINELLS COUNTY BOARD OF COUNTY COMMISSIONERS
PINELLS COUNTY ADMINISTRATOR
PINELLS COUNTY PLANNING DEPARTMENT

The Greater Palm Harbor Area Chamber of Commerce Board of Directors voted unanimously in support of Geographic Solutions’ request to utilize all the space in their proposed office building for commercial purposes.

Geographic Solutions is a valuable employer in Palm Harbor and Pinellas County with over 100 employees that bring a hugely positive economic impact to the downtown and outlying areas. Service stations, restaurants, barbers, hair salons, banks, physicians, retail shops and other worthwhile enterprises enjoy the benefits of Mr. Toohey's employees’ frequent and daily visits.

It would be extremely unfortunate to our community and Pinellas County as a whole for this valuable resource to be exploring alternatives outside of Palm Harbor. We need to be doing more for businesses like Geographic Solutions and continue to make Palm Harbor and Pinellas County an attractive place to live and work.

Respectfully,

Mona Lisa Johnson, Chairman of the Board
Connie Davis, President CEO
The Board of Directors of the Greater Palm Harbor Area Chamber of Commerce

Serving the Unincorporated Area of Pinellas County
from Curlew Road to Klosterman Road
from the Gulf to the County Line