

**BOARD OF COUNTY COMMISSIONERS**

DATE: January 28, 2014

AGENDA ITEM NO. 27

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature

**Subject:**

Proposed amendments to the Future Land Use and Quality Communities Element of the Pinellas County Comprehensive Plan modifying the Institutional (I) Future Land Use Map (FLUM) category and the Additional Standards section of the FLUM Category Descriptions and Rules.

**Department:**

Planning & Development Services

**Staff Member Responsible:**

Larry Arrington, Director

**Recommended Action:**

I RECOMMEND THAT THE BOARD RECEIVE PUBLIC COMMENT ON THE PROPOSED AMENDMENTS TO THE PINELLAS COUNTY COMPREHENSIVE PLAN, AND AUTHORIZE THEIR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY FOR REVIEW AND COMMENT.

**Summary Explanation/Background:**

This proposal includes modifications to (1) the Institutional Future Land Use Map (FLUM) category, and (2) the Additional Standards section of the FLUM Category Descriptions and Rules of the Future Land Use and Quality Communities Element of the Pinellas County Comprehensive Plan. The amendments are necessary to respond to changing community needs and to promote internal consistency within the Comprehensive Plan.

The proposed amendment to the Institutional FLUM category involves an increase in the allowable density of residential equivalent uses (e.g. assisted living facilities), which is in keeping with the purpose and intent of the Institutional category as being appropriate and desirable for such uses.

The proposed amendments to the Additional Standards section of the FLUM Category Descriptions and Rules promote consistency among various components of the Comprehensive Plan by updating policy references and correcting discrepancies regarding in which FLUM categories public educational uses are allowed.

The Local Planning Agency (LPA) held a public hearing on the proposed amendments on December 12, 2013. Staff concurs with the recommendation of approval by the LPA (attached), and requests that the Board conduct a public hearing and authorize its transmittal to the State Land Planning Agency for review, with final action by the Board anticipated to be in the Spring of 2014.

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

N/A

**Exhibits/Attachments Attached:**

Local Planning Agency Report and Recommendation  
Proposed Ordinance (strikethrough/underline version and clean version)

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



**Regarding: Proposed Amendments to the Institutional (I) Future Land Use Map (FLUM) Category, and to the Additional Standards Section, of the FLUM Category Descriptions and Rules of the Future Land Use and Quality Communities Element of the Pinellas County Comprehensive Plan**

**LPA Recommendation:** The LPA finds that the proposed amendments to the Future Land Use Map Category Descriptions and Rules of the Future Land Use and Quality Communities Element are consistent with the Pinellas County Comprehensive Plan and recommends that the amendments be approved. (The vote was 7-0, in favor)

**LPA Report No. CP-28-11-13**

***LPA Public Hearing Date: December 12, 2013***

**PLANNING STAFF RECOMMENDATION:**

- Staff recommends that the LPA find the proposed amendments to the Institutional (I) FLUM category and the Additional Standards section of the FLUM Category Descriptions and Rules consistent with the Pinellas County Comprehensive Plan.
- Further, staff recommends that the LPA recommend approval of the proposed amendments to the Pinellas County Board of County Commissioners following required public hearings and agency reviews.

**STAFF DISCUSSION AND ANALYSIS**

This is a staff review and recommendation to the LPA on a proposal to amend the Future Land Use and Quality Communities Element of the Pinellas County Comprehensive Plan. The proposed amendments have also been reviewed for consistency with the adopted Pinellas County Comprehensive Plan, pursuant to the Community Planning Act, Chapter 163, F.S., as amended.

The proposed amendments to the Future Land Use and Quality Communities Element consist of (1) modifications to the Institutional (I) FLUM category and (2) modifications to the Additional Standards section of the FLUM Category Descriptions and Rules. The proposed modifications are necessary to respond to changing community needs, to correct discrepancies and to update policy references. They are described in more detail per section below.

**Institutional FLUM Category**

The proposed amendment to the Institutional (I) FLUM category involves an amendment to the Residential Equivalent Use standard as show below:

Residential Equivalent Use – Shall not exceed ~~a maximum density of 25 beds per acre~~ an equivalent of 3.0 beds per permitted dwelling unit at 12.5 dwelling units per acre.

This amendment makes the Institutional category consistent with the wording and standards of other FLUM categories and with the Countywide Rules. The 12.5 dwelling units per acre standard is consistent with the Institutional category's maximum allowed residential density. The change would allow a maximum residential equivalent use of 37.5 beds per acre for assisted living, group home and nursing facilities. This increase of 12.5 beds per acre from the existing standard of 25.0 is in keeping with the purpose and intent of the Institutional category as being appropriate and desirable for such uses in locations where they can serve the surrounding community. *Residential Equivalent Use* is defined by the Comprehensive Plan as *a residential-like accommodation other than a dwelling unit, including group home, congregate care, nursing home and comparable assisted living facilities. No such use shall be required or eligible to employ the residential equivalent standards for density/intensity for any household that qualifies as a dwelling unit.*

#### Additional Standards Section of the FLUM Category Descriptions and Rules

The Additional Standards section of the FLUM Category Descriptions and Rules lists uses that require plan amendments when applicable acreage thresholds are exceeded. For example, transportation/utility and ancillary nonresidential uses are considered secondary uses within the Residential Rural (RR) FLUM category and are allowed as long as they do not exceed a contiguous acreage threshold of three acres, while institutional uses may not exceed five acres. Each FLUM category has similar type thresholds. For many of the categories, public educational facilities are not subject to the institutional use thresholds as denoted by an asterisk attributed to each applicable category. The three categories listed below are denoted as allowing public educational facilities; however these are not allowed uses within those respective categories. The asterisks should therefore be deleted from the Residential/Office/Retail (R/O/R), Resort Facilities Overlay – Permanent (RFO-P) and Resort Facilities Overlay – Temporary (RFO-T) FLUM categories, as shown by the excerpt from the Additional Standards section below:

<b>FUTURE LAND USE CATEGORY</b>	<b>USES</b>	<b>ACREAGE THRESHOLD</b>
Residential Office Retail (R/O/R)	Transportation/Utility; Ancillary Nonresidential;	3
	Institutional*	5
Resort Facilities Overlay – Permanent (RFO-P)	Transportation/Utility; Ancillary Nonresidential;	3
	Institutional*	5
Resort Facilities Overlay – Temporary (RFO-T)	Transportation/Utility; Ancillary Nonresidential;	3
	Institutional*	5

Related to the public educational facilities issue described above, the footnote attached to the asterisk also contains an outdated Comprehensive Plan policy reference. Public educational facilities are currently defined in Policy 2.1.2 of the Public School Facilities Element, and allowed within those future land use categories listed in Policy 2.1.3. The footnote should therefore be amended as shown below:

~~\*Public educational facilities, as defined and allowed per in Policy 3.8.1. of the Future Land Use Element Policy 2.1.2. and Policy 2.1.3., respectively, of the Public School Facilities Element of the Pinellas County Comprehensive Plan, are not subject to these acreage threshold limitations for public/semi-public uses.~~

<p style="text-align: center;"><b>IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN</b></p>
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The proposed amendments to the Future Land Use and Quality Communities Element are consistent with the following adopted goal, objective and policies of the Pinellas County Comprehensive Plan:

**Future Land Use and Quality Communities Element:**

- Goal 1: The Pattern of land uses 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.
- Policy 1.2.1.: Standards of density, intensity, permitted uses, and other land use characteristics for all land uses shall be listed in the Future Land Use Category Descriptions and Rules of the Future Land Use and Quality Communities Element and incorporated as part of this policy.
- Policy 1.11.1.: Land use categories shall be defined with enough detail to minimize internal conflict among uses and to provide precise indications of the level of development for facility and services planning.

**Public School Facilities Element:**

- Objective 2.1.: Pinellas County shall support efforts that facilitate coordination of planning between Pinellas County and the School District for the location and development of public educational facilities.
- Policy 2.1.2.: For purposes of Objective 2.1, public educational facilities are defined as elementary schools, special education facilities, alternative education facilities, middle schools, high schools, and area vocational-technical schools of the Pinellas County School District.
- Policy 2.1.3.: Public educational facilities of the School District are an allowable use within the following future land use categories: Residential Rural, Residential Estate, Residential Suburban, Residential Low, Residential Urban, Residential Low Medium, Residential Medium, Residential/Office General, Residential/Office Limited, Institutional.

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**BCC Transmittal Public Hearing Date:** January 28, 2014

**ATTACHMENTS:**

Proposed Ordinance (strike-through/underline version)

## **CLEAN VERSION of the Ordinance**

## **ORDINANCE 14 - \_\_\_\_**

**AN ORDINANCE OF THE COUNTY OF PINELLAS, AMENDING PART I OF THE FUTURE LAND USE MAP CATEGORY DESCRIPTIONS AND RULES OF THE FUTURE LAND USE AND QUALITY COMMUNITIES ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN BY AMENDING THE INSTITUTIONAL CATEGORY, AND BY AMENDING THE ADDITIONAL STANDARDS SECTION; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THIS ORDINANCE AT THE PUBLIC HEARING AND/OR WITH OTHER RESPONSIBLE PARTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR LOCATION OF RECORDS; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Section 163, Part II, Florida Statutes, establishes the Local Government Comprehensive Planning and Land Development Act; and

**WHEREAS**, Pinellas County adopted its Comprehensive Plan on August 8, 1989, and significantly amended the Plan on March 18, 2008, based on the adopted Evaluation and Appraisal Report and following review by the State; and

**WHEREAS**, the Future Land Use Map (FLUM) Category Descriptions and Rules of the Future Land Use and Quality Communities Element of the Comprehensive Plan establishes standards and criteria to assist in managing development of land in unincorporated areas of Pinellas County; and

**WHEREAS**, it becomes necessary at times to amend the FLUM Category Descriptions and Rules in response to changing needs, to correct discrepancies and to update policy references; and

**WHEREAS**, the proposed amendments to the Pinellas County Comprehensive Plan were considered by the Local Planning Agency at a public hearing on December 12, 2013; and

**WHEREAS**, the recommendations from the Pinellas County Local Planning Agency have been received and considered.

**NOW THEREFORE BE IT ORDAINED**, by the Board of County Commissioners of Pinellas County, Florida, in its regular meeting duly assembled on this \_\_\_\_ day of \_\_\_\_\_, 2014, that:

### **SECTION I: PURPOSE AND INTENT**

The purposes of this Ordinance are to respond to the County's changing needs for Institutional uses, to correct discrepancies regarding institutional acreage thresholds, and to update policy references regarding public educational facilities in Part I of the Future Land Use Map Category Descriptions and Rules within the Future Land Use and Quality Communities Element of the Pinellas County Comprehensive Plan.

**SECTION II: THE INSTITUTIONAL CATEGORY OF THE FUTURE LAND USE MAP CATEGORY DESCRIPTIONS AND RULES OF THE FUTURE LAND USE AND QUALITY COMMUNITIES ELEMENT IS AMENDED TO READ AS FOLLOWS:**

**Category/Symbol – Institutional (I)**

**Purpose** – It is the purpose of this category to depict those areas of the County that are now used, or appropriate to be used, for public/semipublic institutional purposes; and to recognize such areas consistent with the need, character and scale of the institutional use relative to surrounding uses, transportation facilities, and natural resource features.

**Use Characteristics** – Those uses appropriate to and consistent with this category include:

- **Primary Uses** – Public/private Schools, Colleges, Hospital, Medical Clinic; Church, Religious Institution, Cemetery; Social/Public Service Agency; Child Day Care; Fraternal, Civic Organization; Municipal Office Building, Courthouse; Library; Public Safety Facility, emergency Medical Service Building; Convention Center.
- **Secondary Uses** – Residential; Residential Equivalent.

**Locational Characteristics** – This category is generally appropriate to those locations where educational, health, public safety, civic, religious and like institutional uses are required to serve the community; and to recognize the special needs of these uses relative to their relationship with surrounding uses and transportation access.

**Standards** – Shall include the following:

- **Residential Use** – Shall not exceed twelve and one-half (12.5) dwelling units per acre.
- **Residential Equivalent Use** – Shall not exceed an equivalent of 3.0 beds per permitted dwelling unit at 12.5 dwelling units per acre.
- **All Other Uses** – Shall not exceed a floor area ratio (FAR) of .65, nor an impervious surface ratio (ISR) of .85.

**Zoning Compatibility** - The following zoning districts are compatible with the **Institutional (I)** land use category:

PSP Public/Semi-Public District

IL Institutional, Limited

Residential zoning districts permitting up to 12.5 dwelling units per acre.

**SECTION III: THE ADDITIONAL STANDARDS OF THE FUTURE LAND USE MAP CATEGORY DESCRIPTIONS AND RULES OF THE FUTURE LAND USE AND QUALITY COMMUNITIES ELEMENT IS AMENDED TO READ AS FOLLOWS:**

**ADDITIONAL STANDARDS**

Any of the uses listed below when considered for property designated with the future land use category to the left, shall require a plan amendment when the use by itself or when

added to existing contiguous like uses exceeds the applicable acreage threshold. The plan amendment shall include such use and all contiguous like uses.

<b>FUTURE LAND USE CATEGORY</b>	<b>USES</b>	<b>ACREAGE THRESHOLD</b>
Residential Rural (RR)	Transportation/Utility; Ancillary Nonresidential; Institutional*	3 5
Residential Estate (RE)	Transportation/Utility; Ancillary Nonresidential; Institutional*	3 5
Residential Suburban (RS)	Transportation/Utility; Ancillary Nonresidential; Institutional*	3 5
Residential Low (RL)	Transportation/Utility; Ancillary Nonresidential; Institutional*	3 5
Residential Urban (RU)	Transportation/Utility; Ancillary Nonresidential; Institutional*	3 5
Residential Low Medium (RLM)	Transportation/Utility; Ancillary Nonresidential; Institutional*	3 5
Residential Medium (RM)	Transportation/Utility; Ancillary Nonresidential; Institutional*	3 5
Residential High (RH)	Transportation/Utility; Ancillary Nonresidential; Institutional*	3 5
Residential Office Limited (R/OL)	Transportation/Utility; Ancillary Nonresidential; Institutional*	3 5
Residential Office General (R/OG)	Transportation/Utility; Ancillary Nonresidential; Institutional*	3 5
Residential Office Retail (R/O/R)	Transportation/Utility; Ancillary Nonresidential; Institutional	3 5
Resort Facilities Overlay – Permanent (RFO-P)	Transportation/Utility; Ancillary Nonresidential; Institutional	3 5
Resort Facilities Overlay – Temporary (RFO-T)	Transportation/Utility; Ancillary Nonresidential; Institutional	3 5
Commercial Neighborhood (CN)	Transportation/Utility; Institutional	5
Commercial Recreation (CR)	Transportation/Utility; Institutional	5
Commercial General (CG)	Transportation/Utility; Institutional	5
Industrial Limited (IL)**	Retail Commercial; Personal Service/Office Support; Commercial/Business Service Support; Transportation/Utility; Institutional Transient Accommodations	5
Industrial General (IG)	Transportation/Utility; Institutional	5

\*Public educational facilities, as defined and allowed per Policy 2.1.2. and Policy 2.1.3., respectively, of the Public School Facilities Element of the Pinellas County Comprehensive Plan, are not subject to these acreage threshold limitations for public/semi-public uses.

\*\*These Additional Standards do not apply to planned Industrial Mixed Use projects described in the "Standards" for this land use category.

These conditions do not apply if any of the uses discussed in this table are also considered as a primary use within the future land use category.



#### **SECTION IV: 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.

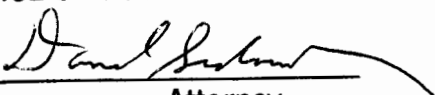
#### **SECTION V: LOCATION OF RECORDS**

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 VI: 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  
OFFICE OF COUNTY ATTORNEY**

By   
Attorney

**STRIKE-THROUGH/UNDERLINE**  
**Version of the Ordinance**

## **ORDINANCE 14 - \_\_\_\_**

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Commercial General (CG)	Transportation/Utility; Institutional	5
Industrial Limited (IL)**	Retail Commercial; Personal Service/Office Support; Commercial/Business Service Support; Transportation/Utility; Institutional	5
Industrial General (IG)	Transient Accommodations Transportation/Utility; Institutional	5

\*Public educational facilities, as defined and allowed per in Policy 3.8.1. of the Future Land Use Element Policy 2.1.2. and Policy 2.1.3., respectively, of the Public School Facilities Element of the Pinellas County Comprehensive Plan, are not subject to these acreage threshold limitations for public/semi-public uses.

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These conditions do not apply if any of the uses discussed in this table are also considered as a primary use within the future land use category.

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