



Staff Report

File #: 16-270A, **Version:** 1

Agenda Date: 3/15/2016

Subject:

Authority to advertise public hearings to be held on May 10 and May 24, 2016, regarding proposed amendments to the Countywide Rules concerning Target Employment Centers, Transferable Development Rights, and Temporary Lodging Intensity Standards.

Recommended Action:

Sitting as the Countywide Planning Authority, authorize two requisite public hearings to consider proposed amendments to the Countywide Rules concerning Target Employment Centers, Transferable Development Rights, and Temporary Lodging Intensity Standards to be held on May 10 and May 24, 2016.

Strategic Plan:

Foster Continual Economic Growth and Vitality

4.3 Catalyze redevelopment through planning and regulatory programs

Summary:

Three items have been brought forward by local governments for potential amendments to the Countywide Rules. They concern Target Employment Centers, Transferable Development Rights, and Temporary Lodging Intensity Standards.

The Pinellas Planning Council advertised and held a public hearing on February 10, 2016. At the public hearing, the Council voted 11-0 to adopt Resolution 16-1, recommending the Countywide Planning Authority amend the Countywide Rules as set forth in the attached ordinance. An amendment to the Countywide Rules requires two public hearings by the Countywide Planning Authority, with at least one of the hearings held in the evening.

Background Information:

Council documentation is attached.

Fiscal Impact:

N/A

Staff Member Responsible:

Gordon Beardslee, Director, Planning Department

Partners:

N/A

Attachments:

PPC Cover Memo

PPC Staff Report

PPC Resolution 16-1
Ordinance Underline/Strike-through
Ordinance Clean

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www.pinellasplanningcouncil.org

Councilmember Jim Kennedy, Chair
Commissioner John Morroni, Vice-Chair
Commissioner Joanne "Cookie" Kennedy, Secretary
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Commissioner Cliff Merz
Deputy Mayor Kevin Piccarreto
Councilmember Darden Rice
Commissioner Karen Williams Seel
Commissioner Michael Smith
Commissioner John Tornga

Whit Blanton, FAICP
Executive Director

Subject: Authorization to Set Public Hearing Dates to Consider Proposed Amendments to the Countywide Rules Re: Target Employment Centers, Transferable Development Rights and Temporary Lodging Intensity Standards

Recommendation:

THE PINELLAS PLANNING COUNCIL RECOMMENDS THE BOARD OF COUNTY COMMISSIONERS (BOARD), IN YOUR CAPACITY AS THE COUNTYWIDE PLANNING AUTHORITY, AUTHORIZE THE TWO REQUISITE PUBLIC HEARINGS BY THE CPA FOR MAY 10, 2016 (9:30), AND MAY 24, 2016 (6:00), AS OUTLINED BELOW:

Summary Explanation/Background:

The Pinellas Planning council advertised and held a public hearing on February 10, 2016. At which time the Council adopted Resolution No. 16-1, recommending the Countywide Planning Authority amend the Countywide Rules as set forth in the attached underline/strike-through ordinance.

The proposed amendments of the Countywide Rules regarding Target Employment Centers, Transferable Development Rights and Temporary Lodging Intensity Standards are as set forth in the attached ordinance which identifies the proposed changes to the Rules.

The PPC adopted Resolution No. 16-1, by a vote of 11-0, to be forwarded to the Countywide Planning Authority for amendment of the Countywide Rules.

Fiscal Impact/Cost/Revenue Summary:

None

Exhibits/Attachments:

PPC Resolution 16-1
Proposed Ordinance – Underline/Strike-through
Proposed Ordinance - Clean
Council Documentation
Legal Ad

I. RECOMMENDATION

Council consider at public hearing and adopt accompanying Resolution No. 16-1 recommending approval of the amendment of the Countywide Rules to the Countywide Planning Authority.

II. BACKGROUND

There are three items that have been brought forward by local governments that involve the potential amendment of the Countywide Rules. These topics are:

- Target Employment Center (TEC) – Section 2.3.3.13. Specifically, the minimum size requirement of “generally 100 acres in size.” St. Petersburg staff has suggested that this minimum be reduced to 10 acres.

During the development of the most recent version of the Countywide Plan and Rules, and based on the “Centers, Corridors, and Districts” concept included in Pinellas by Design, staff chose 100 acres as a cutoff for the identification of areas that would be set aside to provide additional development rights for target employment uses. During the analysis, and specifically for placing on the Countywide Map during the one-time countywide map amendment adoption right given to the Council in the Council’s new Special Act, it was discovered that most groupings of industrial and office parcels were over 100 acres. The remaining conglomerations were closer to 20 acres (or below).

So, in keeping with Pinellas by Design’s Centers, Corridors, and Districts concept, the larger acreage threshold was adopted (the “Districts” term became “Center” as it relates to the TEC Countywide Plan Map category). However, staff is supportive of a change in the threshold if a local government can support an amendment that will assist in keeping or attracting target employment uses in smaller areas, which will further the Strategies in the Countywide Plan. In addition, a 10 acre minimum should still result in creating an area large enough to spur additional employment activity.

The attached ordinance indicates a 10-acre minimum size for new TEC areas.

- Transferable Development Rights (TDRs) – Section 5.2.1.1. Specifically, 5.2.1.1.1 D limits a receiving parcel to an increase of no more than 25 percent over the otherwise

PPC Action: The Council adopted Resolution No. 16-1 recommending approval of the amendment of the Countywide Rules to the Countywide Planning Authority (vote 11-0).

CPA Action:

maximum permitted density/intensity allowed for each applicable Countywide Plan Map category. Pinellas County staff suggests that this limit be raised by an additional five percent for projects meeting specified criteria, such as economic development objectives.

The attached ordinance includes a new section outlining how this extra five percent of development rights can be utilized by local government.

- Temporary Lodging Use Standards – Section 5.2.1.3. Specifically, 5.2.1.3.1 E that includes ground level parking under a hotel in the calculation of floor area ratio (FAR). Treasure Island staff wishes to “level the playing field for inland and barrier island communities” relative to Temporary Lodging Use standards.

These Countywide Rule standards for temporary lodging uses are optional for local governments, as they may choose to utilize them in their local future land use plans and land development regulations. They were developed as part of a countywide effort to improve the regulatory framework for temporary lodging uses so they could compete more effectively with residential development that was beginning to dominate our coastal areas, resulting in the loss of thousands of temporary lodging units. There were several reasons for adopting these more permissive rules, including avoiding significant detrimental economic impacts due to losing temporary lodging uses, but another important aspect of these new optional standards was to ensure that the resulting structures were not too large and did not overwhelm the surrounding area or beach communities. The temporary lodging study primarily focused on the beach areas of Pinellas County, but it was also understood that these heightened standards could be used on mainland properties.

Temporary lodging uses on the barrier islands are required to elevate their structures due to flooding hazards. As a result, it is typical for them to devote the ground level to parking. The argument provided by Treasure Island staff is that the mainland temporary lodging uses have a built-in relative advantage because they do not have to elevate their structures for flood purposes and can therefore gain additional building area by placing parking outside of the structure. To remove the perceived inequity, Treasure Island staff suggests removing ground level parking from the FAR calculation. However, Council staff notes that when parking is placed outside the building, it still consumes land that could otherwise be used for the temporary lodging structure, and that a parcel of a given size would have the same development potential whether located on the barrier islands or mainland. We also note that the standards that were developed took this ground level parking into account and should accommodate a standard size room temporary lodging use and associated parking. In other words, the FARs that were adopted in the original ordinance were set to accommodate the temporary lodging use and associated parking structures.

The suggested local government revision would apply to all categories that offer these optional provisions, and across all parcel sizes regardless of location. Essentially, the

removal of the first floor of parking from the calculations for the FAR standard would allow an additional floor of height, or a larger building footprint, depending on the parcel configuration.

Council staff has reviewed the backup materials that were part of the original study of temporary lodging uses, and discussed this with Treasure Island staff. We conclude that a change to the regulations is warranted, but only for the smaller parcels identified in the table that regulates FAR (i.e., less than one acre in the Resort Countywide Plan Map category) and not across the board of all size parcels and all categories that allow temporary lodging uses. Instead of erasing a perceived level of unfairness between the mainland and barrier island properties, it provides an appropriate FAR to accommodate small scale temporary lodging uses (see discussion below).

These smaller parcels (less than one acre) typically house temporary lodging uses that have a low number of rooms, so to be more viable and to compete with larger temporary lodging establishments, they often require a different product to attract clientele. After discussion with Treasure Island staff, we see that these smaller uses are more specialized in their product and are requesting larger than normal size rooms (typically above 700 square feet and up to 1,300 square feet). The current FAR of 2.0 for these smaller parcels is adequate for uses that have small to medium size rooms, parking structures, and with a modest amount of associated uses (e.g., coffee shop or gift shop). However, for room sizes exceeding the norm, staff has concluded that an additional 10% of FAR (changing from 2.0 to 2.2) should adequately address the issue and allow smaller uses to produce a more unique and attractive hotel product. This has a similar effect as removing parking that is below flood elevation requirements¹ from the calculation of FAR, but is a more consistent and clear way to accomplish it.

Please follow this link to access the Countywide Rules on-line (click Countywide Rules once at the home page): <http://www.pinellasplanningcouncil.org>.

III. RECOMMENDATION

Staff recommends the Council consider at public hearing and adopt the accompanying Resolution No. 16-1 recommending approval of the amendment of the Countywide Rules to the Countywide Planning Authority.

IV. PLANNERS ADVISORY COMMITTEE

At the Planners Advisory Committee meeting on February 1, 2016, the members discussed and recommended approval of staff recommendation (vote 12-0).

¹ It is important to note that actual ground elevations and flood elevation requirements vary considerable depending on location, and may require the base floor of the structure to be elevated higher than the minimum flood elevation requirement in order to accommodate parking. This has the effect of increasing the size and height of the structure.

V. LIST OF ATTACHMENTS

Attachment 1 Resolution No. 16-1, including:
Exhibit I – Ordinance strike through and underline
Exhibit II – Ordinance clean

**PINELLAS PLANNING COUNCIL
RESOLUTION NO. 16-1**

A RESOLUTION APPROVING THE AMENDMENT OF THE COUNTYWIDE RULES; MODIFYING REQUIREMENTS FOR TARGET EMPLOYMENT CENTERS; MODIFYING LIMITS FOR TRANSFERABLE DEVELOPMENT RIGHTS; MODIFYING TEMPORARY LODGING USE STANDARDS; RECOMMENDING THE APPROVAL OF SAID COUNTYWIDE RULE AMENDMENTS BY THE PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS, ACTING PURSUANT TO ITS COUNTYWIDE PLANNING AUTHORITY.

WHEREAS, the Board of County Commissioners, acting pursuant to its countywide planning authority, has repealed the former Countywide Comprehensive Plan and replaced it by adoption of Ordinance No. 15-30 on August 7, 2015; and

WHEREAS, as part of Ordinance 15-30, the Board adopted the Countywide Plan Strategies, Countywide Plan Map, and the Countywide Rules, which collectively comprise the Countywide Plan; and

WHEREAS, the Pinellas Planning Council, pursuant to Section 6(7)(b), Chapter 2012-245, Laws of Florida, is authorized to develop rules, standards, policies and objectives that will implement the Countywide Plan; and

WHEREAS, the Pinellas Planning Council, pursuant to Section 10(3)(a), Chapter 2012-245, Laws of Florida, is authorized to initiate amendment to a rule, of the Countywide Plan, as determined necessary by the Council to establish effective countywide planning; and

WHEREAS, the Council initially adopted 100-acre or larger Target Employment Center areas during its one-time Countywide Plan Map amendment process; and

WHEREAS, the Council has determined that allowing Employment Centers at 10-acres or greater would be consistent with the Countywide Plan Strategies specifically intended to protect or increase the county's employment base; and

WHEREAS, the Council has determined that the transfer of development rights to promote Target Employment is consistent with the Countywide Plan Strategies intended to improve the county's economy; and

WHEREAS, the Council has determined that it is necessary and appropriate, in the interest of supporting a viable tourist industry and establishing economic parity for temporary lodging uses, to amend the Countywide Rules with respect to the permitted intensity for temporary lodging uses occupying smaller parcels; AND

WHEREAS, the requisite procedures concerning notice and public hearing by the Pinellas Planning Council for amendment of the Countywide Rules have been met.

NOW, THEREFORE, BE IT RESOLVED by the Pinellas Planning Council that:

Section I. The Council hereby recommends approval of the amendment of the Countywide Rules set forth in Exhibit I (~~underline/strike-through~~ version of ordinance) and Exhibit II (clean ordinance) attached hereto.

Section II. The Council hereby transmits a copy of this Resolution, including Exhibits I and II, to the Pinellas County Board of County Commissioners, acting pursuant to its countywide planning authority, for consideration and action.

Section III: The Council hereby recommends said Countywide Rule amendments, as set forth in Exhibits I and II, be approved by the Pinellas County Board of County Commissioners, acting in pursuant to its countywide planning authority.

This Resolution offered and adopted at the February 10, 2016 meeting of the Pinellas Planning Council as hereinafter set forth:

Councilmember C. Kennedy offered the foregoing Resolution

which was seconded by Councilmember Smith and the vote

was:

AYES:

NAYS:

ABSENT AND NOT VOTING:

ATTEST:

Whit Blanton
Whit Blanton, Executive Director
Pinellas Planning Council

Jim Kennedy
Councilmember Jim Kennedy, Chairman
Pinellas Planning Council

APPROVED AS TO FORM
OFFICE OF THE COUNTY
ATTORNEY

By: Chris Wary

ORDINANCE NO. _____

AN ORDINANCE AMENDING PINELLAS COUNTY ORDINANCE NO. 15-30, AS AMENDED, THE COUNTYWIDE PLAN REPEAL AND REPLACEMENT ORDINANCE, BY AMENDING THE “COUNTYWIDE RULES;” MODIFYING REQUIREMENTS FOR TARGET EMPLOYMENT CENTERS; MODIFYING LIMITS FOR TRANSFERABLE DEVELOPMENT RIGHTS; AND MODIFYING TEMPORARY LODGING USE STANDARDS.

WHEREAS, the Board of County Commissioners, acting pursuant to its countywide planning authority, has repealed the former Countywide Comprehensive Plan and replaced it by adoption of Ordinance No. 15-30 on August 7, 2015; and

WHEREAS, as part of Ordinance 15-30, the Board adopted the Countywide Plan Strategies, Countywide Plan Map, and the Countywide Rules, which collectively comprise the Countywide Plan; and

WHEREAS, the Pinellas Planning Council, pursuant to Section 6(7)(b), Chapter 2012-245, Laws of Florida, is authorized to develop rules, standards, policies, and objectives that will implement the Countywide Plan; and

WHEREAS, the Pinellas Planning Council pursuant to Section 10(3)(a), Chapter 2012-245, Laws of Florida, is authorized to initiate amendment to a rule of the Countywide Plan, as determined necessary by the Council to establish effective countywide planning; and

WHEREAS, the requisite procedures concerning notice and public hearing for amendment of the Countywide Rules have been met; and

WHEREAS, the Board of County Commissioners of Pinellas County, Florida, acting pursuant to its countywide planning authority, desires to amend the Countywide Rules, as amended, for Pinellas County, Florida, as set forth herein; and

WHEREAS, the Council initially adopted 100-acre or larger Target Employment Center areas during its one-time Countywide Plan Map amendment process, and

WHEREAS, the Council has determined that allowing local governments to request said Target Employment Centers at 10-acres or greater would be consistent with the Countywide Plan Strategies specifically intended to protect or increase the county’s employment base; and

WHEREAS, the Council has determined that the transfer of development rights to promote Target Employment is consistent with the Countywide Plan Strategies intended to improve the county's economy; and

WHEREAS, the Council has determined that it is necessary and appropriate, in the interest of supporting a viable tourist industry and establishing economic parity for temporary lodging uses, to amend the Countywide Rules with respect to the permitted intensity for temporary lodging uses occupying smaller parcels; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA:

SECTION 1. The portions of Article 2, Countywide Plan Map Categories, are hereby amended as set forth below. All other portions of Article 2 not included in this ordinance are preserved and remain as previously set forth in the Plan Rules.

DIV. 2.3 COUNTYWIDE PLAN MAP AND CATEGORIES.

SEC.2.3.3 COUNTYWIDE PLAN MAP CATEGORIES

2.3.3.13 Category/Symbol – Target Employment Center (TEC).

Purpose – It is the purpose of this category to depict, utilizing an overlay, those areas of the county that are now developed, or appropriate to be developed, in a concentrated and cohesive pattern to facilitate employment uses of countywide significance,

Use Characteristics

- Permitted Uses – See applicable underlying categories.
- Locational Characteristics – This category is generally appropriate to those areas based on their size, concentration of, and potential for, target employment opportunities, i.e., those employers and industries paying above-average wages and producing goods and services for sale and consumption that import revenue to the community.
- Scenic/Noncommercial Corridor (SNCC) – Amendments to Target Employment Center in SNCCs are governed by Section 6.5.4.1.4, which restricts the category to certain SNCC classifications.

- Traffic Generation Characteristics – The standard for the purpose of calculating typical traffic impacts relative to an amendment for this category shall be: 1) for the Office, Employment, and Industrial categories, the traffic generation rate (trips per day per acre) of the underlying category, multiplied by 114% to account for the higher intensity allowed for Manufacturing, Office, and Research/Development uses when using this overlay; and 2) for all other categories, the traffic generation rate of the underlying category.

Density/Intensity Standards – Shall include the following:

- Densities and intensities will be guided per the underlying plan categories, plus a 100% intensity bonus for Manufacturing, Office, and Research/Development uses.

Other Standards – Shall include the following:

- Minimum Size – These locations shall be a minimum of ten acres in size.

SECTION 2. The portions of Article 5, Optional Provisions, are hereby amended as set forth below. All other portions of Article 5 not included in this ordinance are preserved and remain as previously set forth in the Countywide Plan Rules.

DIV 5.2 CRITERIA AND STANDARDS

SEC. 5.2.1 SPECIAL RULES.

5.2.1.1 Transferable Development Rights.

5.2.1.1.1 Transfer of development rights shall be as provided for in the applicable local government comprehensive plan, special area plans adopted prior to August 7, 2015, the local plan and/or code provisions that establish the basis for and are filed of record in support of the Activity Center (AC) or Multimodal Corridor (MMC) plan category, and land development regulations, subject to the following:

- A. The land use characteristics within any given Countywide Plan Map category shall be consistent with those land use characteristics enumerated for each Countywide Plan Map category, and no transfer

of development rights shall be permitted which is inconsistent with the use characteristics of a given Countywide Plan Map category.

- B. There shall be no transfer of development rights from existing developed property, irrespective of whether or not that property has been developed to the maximum density/intensity permitted under the Countywide Plan and Countywide Rules, or the local future land use plan designation where it may be more restrictive, except for preservation of archaeological, historical, environmental, or architectural sites or features or for Leadership in Energy and Environmental Design (LEED) building certification purposes.
- C. Transfer of development rights is permitted between all Countywide Plan Map categories except as follows:
 - 1. There shall be no transfer to the Recreation/Open Space or Preservation categories.
 - 2. There shall be no transfer from the AC or MMC category, except as may be provided for in the local plan and/or code provisions that establish the basis for and are filed of record in support of the AC or MMC plan category.
- D. The maximum permitted density/intensity of the Countywide Plan Map category, or the local future land use plan designation where it may be more restrictive, for any parcel of land to which development rights are transferred shall not exceed twenty-five percent of the otherwise maximum permitted density/intensity allowed for each respective Countywide Plan Map category, or the local future land use plan designation where it may be more restrictive, applicable to such parcel, except as may be otherwise specifically provided for as follows:
 - 1. Within the AC and MMC categories on the Countywide Plan Map governed by the local plan and/or code provisions that establish the basis for and are filed of record in support of the AC or MMC plan category, the transfer of development rights and permitted increase in maximum density/intensity as a function of such transfer shall be governed by those provisions.
 - 2. For a parcel of land that provides or contains Manufacturing, Office, or Research/Development uses and to which development rights are transferred, the maximum permitted density/intensity of the Countywide Plan Map category, or the

local future land use plan designation where it may be more restrictive, shall not exceed thirty percent of the otherwise maximum permitted density/intensity allowed for each respective Countywide Plan Map category, or the local future land use plan designation where it may be more restrictive, applicable to such parcel.

SECTION 3. The portions of Article 5, Optional Provisions, are hereby amended as set forth below. All other portions of Article 5 not included in this ordinance are preserved and remain as previously set forth in the Countywide Plan Rules.

DIV 5.2 CRITERIA AND STANDARDS

SEC. 5.2.1 SPECIAL RULES.

5.2.1.3 Temporary Lodging Use Standards.

5.2.1.3.1 Alternative Density/Intensity. Local governments may utilize the standard temporary lodging densities and intensities specified within each Countywide Plan Map category that provides for such use; or may, in the alternative, utilize all, or any part of, the higher temporary lodging densities and associated intensities included in the accompanying Table 3, subject to the following:

- A. Amendment of the local government comprehensive plan and land development regulations to provide for all, or any portion of, the alternative densities and intensities in Table 3, based on a Development Agreement prepared and approved pursuant to Chapter 163, Sections.3220-.3243, F.S., as amended.
- B. A Development Agreement proposing to utilize the higher densities and intensities identified in Table 3 and authorized by this Section shall address, at a minimum, the following:
 - 1. The ability of the local government, or the applicable service provider, to meet the concurrency management standards for sanitary sewer, solid waste, drainage, and potable water, as required pursuant to Section 163.3180, F.S., and the applicable local government or service provider plan and regulations.
 - 2. Provision for all temporary lodging uses to comply with all county and local hurricane evacuation plans and procedures to ensure orderly evacuation of guests and visitors pursuant to

the Pinellas County Code, Chapter 34, Article III. In particular, all temporary lodging uses which are located in Hurricane Evacuation Level A, as identified by the Pinellas County Comprehensive Emergency Management Plan, shall prepare a legally enforceable mandatory evacuation/closure covenant, stating that the temporary lodging use will be closed as soon as practicable after a hurricane watch is posted for Pinellas County by the National Hurricane Center. Further, a plan implementing the closure and evacuation procedures shall be prepared and submitted to the county or municipal emergency management coordinator, whichever is applicable, within 90 days of the issuance of a certificate of occupancy. This plan will be updated and sent for review when there is a change of ownership or substantive change to the plan or as required by the county or municipal emergency management coordinator, whichever is applicable.

3. Design considerations in Section 5.2.1.3.2, the mobility management provisions in Section 5.2.1.3.3 and the restrictions on temporary lodging use in Section. 5.2.1.3.4 set forth following.
- C. A Development Agreement prepared pursuant to this Section shall be approved by the local government governing body, recorded with the Clerk of the Circuit Court pursuant to Section 163.3239, F.S., a copy filed with the Property Appraiser's Office, and a copy submitted to the PPC and CPA for receipt and filing within fourteen days after recording. The development limitations set forth in the Development Agreement shall be memorialized in a deed restriction, which shall be recorded in the Official Records of Pinellas County prior to the issuance of a building permit for the temporary lodging use.
 - D. The alternative densities and intensities set forth in Table 3 are maximums, except as provided for in E. below. A local government may choose to utilize a density and intensity standard equal to or less than the alternative density and intensity standard, when adopted in their comprehensive plan and land development regulations, based on the maximums set forth in Table 3.
 - E. Intensity standards governing floor area ratio (FAR) and impervious surface ratio (ISR) may be varied by the local government with jurisdiction pursuant to the provisions of

Division 7.4 of these Rules. The FARs in Table 3 apply to the temporary lodging use, residential dwelling uses integrated in the same structure with the temporary lodging use, associated parking structures, and uses accessory to temporary lodging uses (e.g., meeting space, restaurants, spas, clubs, etc.).

- F. For development that includes a combination of temporary lodging and residential dwelling use, each use shall be allowed in proportion to the size of the property and the permitted density and intensity of the respective use.

Table 3
TEMPORARY LODGING DENSITY AND INTENSITY STANDARDS

Plan Category	Temporary Lodging On Property That Is:	Maximum Density/Intensity Standards		
		Units/Acre	FAR	ISR
R	Less Than One Acre	75	2.2	0.95
	Between One Acre And Three Acres	100	3.0	0.95
	Greater Than Three Acres	125	4.0	0.95
R&S	No Property Size Limitations	60	1.2	0.90
E	Subject To 5-Acre Property Size Limitation Per Section 2.3.3.8	75	1.5	0.85

SECTION 4. 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 or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 5. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing with the Department of State.

APPROVED AS TO FORM

By: 

Office of the County Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING PINELLAS COUNTY ORDINANCE NO. 15-30, AS AMENDED, THE COUNTYWIDE PLAN REPEAL AND REPLACEMENT ORDINANCE, BY AMENDING THE “COUNTYWIDE RULES;” MODIFYING REQUIREMENTS FOR TARGET EMPLOYMENT CENTERS; MODIFYING LIMITS FOR TRANSFERABLE DEVELOPMENT RIGHTS; AND MODIFYING TEMPORARY LODGING USE STANDARDS.

WHEREAS, the Board of County Commissioners, acting pursuant to its countywide planning authority, has repealed the former Countywide Comprehensive Plan and replaced it by adoption of Ordinance No. 15-30 on August 7, 2015; and

WHEREAS, as part of Ordinance 15-30, the Board adopted the Countywide Plan Strategies, Countywide Plan Map, and the Countywide Rules, which collectively comprise the Countywide Plan; and

WHEREAS, the Pinellas Planning Council, pursuant to Section 6(7)(b), Chapter 2012-245, Laws of Florida, is authorized to develop rules, standards, policies, and objectives that will implement the Countywide Plan; and

WHEREAS, the Pinellas Planning Council pursuant to Section 10(3)(a), Chapter 2012-245, Laws of Florida, is authorized to initiate amendment to a rule of the Countywide Plan, as determined necessary by the Council to establish effective countywide planning; and

WHEREAS, the requisite procedures concerning notice and public hearing for amendment of the Countywide Rules have been met; and

WHEREAS, the Board of County Commissioners of Pinellas County, Florida, acting pursuant to its countywide planning authority, desires to amend the Countywide Rules, as amended, for Pinellas County, Florida, as set forth herein; and

WHEREAS, the Council initially adopted 100-acre or larger Target Employment Center areas during its one-time Countywide Plan Map amendment process, and

WHEREAS, the Council has determined that allowing local governments to request said Target Employment Centers at 10-acres or greater would be consistent with the Countywide Plan Strategies specifically intended to protect or increase the county’s employment base; and

WHEREAS, the Council has determined that the transfer of development rights to promote Target Employment is consistent with the Countywide Plan Strategies intended to improve the county's economy; and

WHEREAS, the Council has determined that it is necessary and appropriate, in the interest of supporting a viable tourist industry and establishing economic parity for temporary lodging uses, to amend the Countywide Rules with respect to the permitted intensity for temporary lodging uses occupying smaller parcels; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA:

SECTION 1. The portions of Article 2, Countywide Plan Map Categories, are hereby amended as set forth below. All other portions of Article 2 not included in this ordinance are preserved and remain as previously set forth in the Plan Rules.

DIV. 2.3 COUNTYWIDE PLAN MAP AND CATEGORIES.

2.3.3.13 Category/Symbol – Target Employment Center (TEC).

Purpose – It is the purpose of this category to depict, utilizing an overlay, those areas of the county that are now developed, or appropriate to be developed, in a concentrated and cohesive pattern to facilitate employment uses of countywide significance,

Use Characteristics

- Permitted Uses – See applicable underlying categories.
- Locational Characteristics – This category is generally appropriate to those areas based on their size, concentration of, and potential for, target employment opportunities, i.e., those employers and industries paying above-average wages and producing goods and services for sale and consumption that import revenue to the community.
- Scenic/Noncommercial Corridor (SNCC) – Amendments to Target Employment Center in SNCCs are governed by Section 6.5.4.1.4, which restricts the category to certain SNCC classifications.

- Traffic Generation Characteristics – The standard for the purpose of calculating typical traffic impacts relative to an amendment for this category shall be: 1) for the Office, Employment, and Industrial categories, the traffic generation rate (trips per day per acre) of the underlying category, multiplied by 114% to account for the higher intensity allowed for Manufacturing, Office, and Research/Development uses when using this overlay; and 2) for all other categories, the traffic generation rate of the underlying category.

Density/Intensity Standards – Shall include the following:

- Densities and intensities will be guided per the underlying plan categories, plus a 100% intensity bonus for Manufacturing, Office, and Research/Development uses.

Other Standards – Shall include the following:

- Minimum Size – These locations shall ~~generally~~ be a minimum of ~~one hundred~~ ten acres in size.

SECTION 2. The portions of Article 5, Optional Provisions, are hereby amended as set forth below. All other portions of Article 5 not included in this ordinance are preserved and remain as previously set forth in the Countywide Plan Rules.

DIV 5.2 CRITERIA AND STANDARDS

SEC. 5.2.1 SPECIAL RULES.

5.2.1.1 Transferable Development Rights.

5.2.1.1.1 Transfer of development rights shall be as provided for in the applicable local government comprehensive plan, special area plans adopted prior to August 7, 2015, the local plan and/or code provisions that establish the basis for and are filed of record in support of the Activity Center (AC) or Multimodal Corridor (MMC) plan category, and land development regulations, subject to the following:

- A. The land use characteristics within any given Countywide Plan Map category shall be consistent with those land use characteristics enumerated for each Countywide Plan Map category, and no transfer

of development rights shall be permitted which is inconsistent with the use characteristics of a given Countywide Plan Map category.

- B. There shall be no transfer of development rights from existing developed property, irrespective of whether or not that property has been developed to the maximum density/intensity permitted under the Countywide Plan and Countywide Rules, or the local future land use plan designation where it may be more restrictive, except for preservation of archaeological, historical, environmental, or architectural sites or features or for Leadership in Energy and Environmental Design (LEED) building certification purposes.
- C. Transfer of development rights is permitted between all Countywide Plan Map categories except as follows:
 - 1. There shall be no transfer to the Recreation/Open Space or Preservation categories.
 - 2. There shall be no transfer from the AC or MMC category, except as may be provided for in the local plan and/or code provisions that establish the basis for and are filed of record in support of the AC or MMC plan category.
- D. The maximum permitted density/intensity of the Countywide Plan Map category, or the local future land use plan designation where it may be more restrictive, for any parcel of land to which development rights are transferred shall not exceed twenty-five percent of the otherwise maximum permitted density/intensity allowed for each respective Countywide Plan Map category, or the local future land use plan designation where it may be more restrictive, applicable to such parcel, except as may be otherwise specifically provided for as follows:
 - 1. Within the AC and MMC categories on the Countywide Plan Map governed by the local plan and/or code provisions that establish the basis for and are filed of record in support of the AC or MMC plan category, the transfer of development rights and permitted increase in maximum density/intensity as a function of such transfer shall be governed by those provisions.
 - 2. For a parcel of land that provides or contains Manufacturing, Office, or Research/Development uses and to which development rights are transferred, the maximum permitted density/intensity of the Countywide Plan Map category, or the

local future land use plan designation where it may be more restrictive, shall not exceed thirty percent of the otherwise maximum permitted density/intensity allowed for each respective Countywide Plan Map category, or the local future land use plan designation where it may be more restrictive, applicable to such parcel.

SECTION 3. The portions of Article 5, Optional Provisions, are hereby amended as set forth below. All other portions of Article 5 not included in this ordinance are preserved and remain as previously set forth in the Countywide Plan Rules.

DIV 5.2 CRITERIA AND STANDARDS

SEC. 5.2.1 SPECIAL RULES.

5.2.1.3 Temporary Lodging Use Standards.

5.2.1.3.1 Alternative Density/Intensity. Local governments may utilize the standard temporary lodging densities and intensities specified within each Countywide Plan Map category that provides for such use; or may, in the alternative, utilize all, or any part of, the higher temporary lodging densities and associated intensities included in the accompanying Table 3, subject to the following:

- A. Amendment of the local government comprehensive plan and land development regulations to provide for all, or any portion of, the alternative densities and intensities in Table 3, based on a Development Agreement prepared and approved pursuant to Chapter 163, Sections.3220-.3243, F.S., as amended.
- B. A Development Agreement proposing to utilize the higher densities and intensities identified in Table 3 and authorized by this Section shall address, at a minimum, the following:
 - 1. The ability of the local government, or the applicable service provider, to meet the concurrency management standards for sanitary sewer, solid waste, drainage, and potable water, as required pursuant to Section 163.3180, F.S., and the applicable local government or service provider plan and regulations.
 - 2. Provision for all temporary lodging uses to comply with all county and local hurricane evacuation plans and procedures to ensure orderly evacuation of guests and visitors pursuant to the Pinellas County Code, Chapter 34, Article III. In particular, all

temporary lodging uses which are located in Hurricane Evacuation Level A, as identified by the Pinellas County Comprehensive Emergency Management Plan, shall prepare a legally enforceable mandatory evacuation/closure covenant, stating that the temporary lodging use will be closed as soon as practicable after a hurricane watch is posted for Pinellas County by the National Hurricane Center. Further, a plan implementing the closure and evacuation procedures shall be prepared and submitted to the county or municipal emergency management coordinator, whichever is applicable, within 90 days of the issuance of a certificate of occupancy. This plan will be updated and sent for review when there is a change of ownership or substantive change to the plan or as required by the county or municipal emergency management coordinator, whichever is applicable.

3. Design considerations in Section 5.2.1.3.2, the mobility management provisions in Section 5.2.1.3.3 and the restrictions on temporary lodging use in Section. 5.2.1.3.4 set forth following.
- C. A Development Agreement prepared pursuant to this Section shall be approved by the local government governing body, recorded with the Clerk of the Circuit Court pursuant to Section 163.3239, F.S., a copy filed with the Property Appraiser's Office, and a copy submitted to the PPC and CPA for receipt and filing within fourteen days after recording. The development limitations set forth in the Development Agreement shall be memorialized in a deed restriction, which shall be recorded in the Official Records of Pinellas County prior to the issuance of a building permit for the temporary lodging use.
- D. The alternative densities and intensities set forth in Table 3 are maximums, except as provided for in E. below. A local government may choose to utilize a density and intensity standard equal to or less than the alternative density and intensity standard, when adopted in their comprehensive plan and land development regulations, based on the maximums set forth in Table 3.
- E. Intensity standards governing floor area ratio (FAR) and impervious surface ratio (ISR) may be varied by the local government with jurisdiction pursuant to the provisions of Division 7.4 of these Rules. The FARs in Table 3 apply to the

temporary lodging use, residential dwelling uses integrated in the same structure with the temporary lodging use, associated parking structures, and uses accessory to temporary lodging uses (e.g., meeting space, restaurants, spas, clubs, etc.).

- F. For development that includes a combination of temporary lodging and residential dwelling use, each use shall be allowed in proportion to the size of the property and the permitted density and intensity of the respective use.

Table 3
TEMPORARY LODGING DENSITY AND INTENSITY STANDARDS

Plan Category	Temporary Lodging On Property That Is:	Maximum Density/Intensity Standards		
		Units/Acre	FAR	ISR
R	Less Than One Acre	75	2.0 2.2	0.95
	Between One Acre And Three Acres	100	3.0	0.95
	Greater Than Three Acres	125	4.0	0.95
R&S	No Property Size Limitations	60	1.2	0.90
E	Subject To 5-Acre Property Size Limitation Per Section 2.3.3.8	75	1.5	0.85

SECTION 4. 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 or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 5. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing with the Department of State.

Tampa Bay Times

Published Daily

STATE OF FLORIDA } ss
COUNTY OF Pinellas County

Before the undersigned authority personally appeared **Sarah Potts** who on oath says that he/she is **Legal Clerk of the Tampa Bay Times** a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter **RE: NOTICE OF PROPOSED A** was published in **Tampa Bay Times: 1/25/16**, in said newspaper in the issues of **B Pinellas**

Affiant further says the said **Tampa Bay Times** is a newspaper published in Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as a second class mail matter at the post office in said Pinellas County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid not promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper



Signature of Affiant

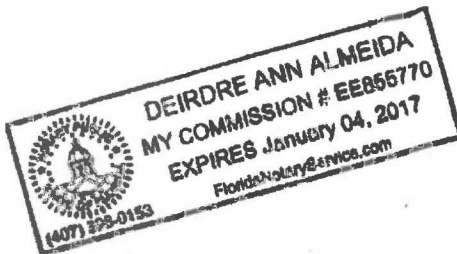
Sworn to and subscribed before me this 01/25/2016.



Signature of Notary Public

Personally known _____ or produced identification

Type of identification produced _____

**Received****JAN 29 2016****Pinellas Planning
Council**

NOTICE OF PROPOSED AMENDMENT TO THE RULES CONCERNING THE ADMINISTRATION OF THE COUNTYWIDE PLAN

The Pinellas Planning Council (PPC) will conduct a public hearing on an ordinance to amend the Countywide Rules, as set forth below:

The Pinellas Planning Council (PPC) public hearing will be held on Wednesday, February 10, 2016 at 3:00 P.M., or as soon thereafter as the agenda permits, in the Board of County Commissioners Assembly Room, 5th Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida.

The Countywide Planning Authority (CPA) will subsequently hold two public hearings to be scheduled by the CPA, and advertised separately, subsequent to receiving the recommendation of the PPC.

The proposed ordinance to amend the Countywide Rules is titled:

AN ORDINANCE AMENDING PINELLAS COUNTY ORDINANCE NO. 15-30, BY AMENDING THE COUNTYWIDE RULES; MODIFYING REQUIREMENTS FOR THE TARGET EMPLOYMENT CENTER COUNTYWIDE PLAN MAP CATEGORY; MODIFYING LIMITS FOR TRANSFERABLE DEVELOPMENT RIGHTS; AND MODIFYING TEMPORARY LODGING USE STANDARDS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This is an ordinance to amend the Countywide Rules to modify existing requirements for utilizing the Target Employment Center Countywide Plan Map overlay category, modify the requirements for Transferable Development Rights and modify Temporary Lodging Use Standards.

The PPC will make a recommendation to the CPA and the CPA will subsequently schedule two public hearings to consider approval, modification, or denial of the proposed amendment to the Countywide Rules in accordance with Chapter 2012-245, Laws of Florida, as amended.

Copies of the proposed amendment to the Countywide Rules are available at the office of the Pinellas Planning Council, 310 Court St., 2nd Floor, Clearwater, Florida 33756-5137; further information about the proposed amendment can be obtained by calling (727) 464-8250. Interested parties are invited to attend the hearings to present facts or express views on the proposed ordinance identified in this advertisement.

If a person substantially affected decides to request an administrative hearing based on a decision at either of these hearings, they will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the petition for the hearing is to be based.

Persons with disabilities requiring reasonable accommodation to participate in this proceeding should call 727-464-4062 (Voice/TDD), Fax 727-464-4157, not later than seven days prior to the proceeding.

1/25/2016

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