

Clearwater, Florida, August 9, 2018

The Pinellas County Local Planning Agency (LPA) (as established by Section 134-12 of the Pinellas County Land Development Code, as amended) met in regular session in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida at 9:02 A.M. on this date with the following members present:

Ronald Schultz, Chairman  
Regina Kardash  
Susan M. Reiter  
Valerie Hibbard (alternate)

Not Present:

Gerald Figurski, Vice-Chairman  
Steve Klar  
Paul Wikle  
Charlene Beyer (non-voting School Board Representative)

Also Present:

Chelsea Hardy, Assistant County Attorney  
Renea Vincent, Planning Director  
Scott Swearingen, Planning Section Manager  
Other interested individuals  
Chris Bartlett, Board Reporter, Deputy Clerk

CALL TO ORDER

Chairman Schultz called the meeting to order at 9:02 A.M. and reviewed the procedure for the public hearings; whereupon, he explained that the Board of County Commissioners (BCC) will hold the first public hearing on today's recommendations on September 13, 2018, and make the final decision at the second public hearing on September 25, 2018.

MINUTES OF JULY 12, 2018 MEETING – DEFERRED

Chairman Schultz noted that the July 12, 2018 minutes are not yet available for approval; whereupon, Ms. Kardash moved, seconded by Ms. Hibbard and carried unanimously, that the approval of the minutes be deferred to the next meeting.

PUBLIC HEARING ITEMS

Legal notice having been published for the items on the agenda, as evidenced by affidavit of publication filed with the Clerk, public hearings were held on the following items. All correspondence provided to the Clerk's Office has been filed and made a part of the record. All persons planning to give testimony were duly sworn by the Deputy Clerk.

PROPOSED AMENDMENTS TO THE PINELLAS COUNTY LAND DEVELOPMENT CODE

1. AN ORDINANCE OF PINELLAS COUNTY, FLORIDA AMENDING PART THREE OF THE PINELLAS COUNTY CODE, THE LAND DEVELOPMENT CODE, CHAPTER 134-GENERAL AND ADMINISTRATIVE PROVISIONS, CHAPTER 138-ZONING, CHAPTER 142-AIRPORT ZONING, CHAPTER 154-SITE DEVELOPMENT, RIGHT-OF-WAY IMPROVEMENTS, SUBDIVISIONS, AND PLATTING, AND CHAPTER 166-ENVIRONMENTAL AND NATURAL RESOURCE PROTECTION; DELETING CHAPTER 162-SIGNS AND CHAPTER 170-MISCELLANEOUS PROVISIONS IN THEIR ENTIRETY; PROVIDING FOR THE AMENDMENT OF THE PINELLAS COUNTY OFFICIAL ZONING ATLAS AND GEOGRAPHIC INFORMATION SYSTEM TO REFLECT CHANGES IN ZONING DISTRICT NAMES; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE (LDR-19-08-18) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION
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Ms. Vincent introduced the item and stated that the update is essentially a re-write of the entire Land Development Code; that it has gone through several iterations over a two to three year process; and that it has involved nearly every County department. She indicated that 12 to 18 months following the adoption of the new code, staff will address any needed tweaks and adjustments by filing amendments at that time.

Mr. Swearngen conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record, and provided background information regarding the proposed ordinance, noting that the current Land Development Code is nearly three decades old; that the county has moved from a greenfield to an infill and redevelopment posture; and that the update modernizes language and regulations, and includes incentives for economic investment.

Mr. Swearingen discussed the update process and improvements made to the code, and highlighted the following:

- The code has been organized for the applicant first and the regulator second.
- Six of the existing ten chapters in the code have been updated. Additionally, Chapters 162, Signs, and 170, Miscellaneous Provisions, will be removed. Chapters 146, Historic Preservation, and 150, Impact Fees, have been left unchanged.
- Staff have utilized public outreach and have engaged extensively with focus groups, consultants, County departments, and other stakeholders throughout the update process.
- The Board of County Commission will hold public hearings on September 13 and 25 to discuss the updated code. If adopted by the Commission, the new code is expected to be put in place as early as late October 2018.

Mr. Swearingen discussed the general cleanup, organizational improvements, and changes to Chapters 134, 138, 142, 154, and 170 and related that the Board of Adjustment will be re-named as the Board of Adjustment and Appeals (BAA); that a Development Review Committee (DRC) will be created consisting of staff members who possess the necessary expertise to review various applications; that requests for minor adjustments within 10 to 20 percent of code requirements will be reviewed by the DRC; and that public hearings for adjustments over 20 percent will be held by the BAA.

Referring to Chapter 138 Article II, Mr. Swearingen noted that the LPA will continue to hear Type-3 and Type-4 review type cases related to zoning and Comprehensive Plan changes, and the Future Land Use Map; and that there are five review types overall, and he provided an example of the review procedure for a Type-2 review, noting that a table of information is provided in the Article that describes what is required at each step of the process.

Mr. Swearingen referred to a new zoning and land use matrix provided in Chapter 138 Article III and stated that it provides an easy way to impart quick answers to applicants regarding what is required in various situations. He stated that the names of some zoning districts have been changed for clarity; whereupon, he discussed the changes to Articles IV through VII which outline the requirements for each zoning district, and Article IX which lists all of the special use standards in an easy-to-use reference. He noted that Article X,

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Community Design Standards, provides definitions for measuring height, setbacks, lighting, and other requirements, and includes minor design criteria for building orientation, pedestrian connections, and other matters.

Mr. Swearingen related that Chapter 142, Airport Zoning, was updated to reflect statutory changes and new requirements that need to be met; that drainage requirements have been moved into the Stormwater Manual and have been removed from Chapter 154, Site Development Right-of-Way, Subdivision, and Platting; and that a portion of Chapter 166, Environmental and Natural Resource Protection, including surface water, navigation, mangrove trimming, and other related matters, has been removed and brought more appropriately into the Pinellas County Code.

Mr. Swearingen noted that Chapter 162, Signs, has been removed from the code; that sign regulations are included in Chapter 138; and that Chapter 170, Miscellaneous Provisions, has also been removed, stating that its information has been incorporated throughout the updated Code in the appropriate sections.

Mr. Swearingen indicated that a minor change to Chapter 138, Article II, Section 138.231, has been added and is not reflected in the agenda packet; and that changes have been made to better distinguish variances, waivers, and administrative adjustments, and to combine self-imposed hardship with the unnecessary hardship criteria; whereupon, he asked that the members vote to recommend adoption of the proposed amendments to the Board of County Commissioners.

In response to queries by Mr. Schultz, Ms. Vincent discussed the timeline of the existing code and update process, and Mr. Swearingen provided input.

Responding to queries by Ms. Kardash, Ms. Vincent stated that the Planning Review Committee reviews land use and zoning cases, and cases for the Board of Adjustment; and that the Development Review Committee provides a professional forum for developers to get answers and resolutions, providing a stop-gap for projects that may be getting lost in the process of needing departmental review. She indicated that Type-2 uses such as special exceptions and variances that are over 20 percent, would be reviewed by the BAA in addition to non-conforming uses; and that the BAA and the BCC will be the appealing bodies for most review types, and Attorney Hardy noted that the Board of Adjustment does not have appeal authority under the current code.

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In response to query by Ms. Kardash, Mr. Swearingen noted that Chapter 138 contains calculations for quantifying variances; that the same calculations are used in the current code; and that staff has the ability to review and approve setback and parking variances up to 10 percent. Ms. Vincent indicated that the non-conforming use (NCU) provision is not changing, except to assign approval authority to the BAA; and that there are special provisions to rebuild NCU residential structures after a natural disaster, and Zoning Manager Glenn Bailey stated that the special provisions do not apply to commercial business, and discussion ensued.

Responding to queries by the members, Mr. Swearingen related that developer feedback consisted of suggestions to ensure the code was streamlined in order for projects to move through the system without undue delay; and that the Code references various County manuals that are already adopted by ordinance.

Upon the Chair's call for persons wishing to speak, Alan Bomstein, Dunedin, appeared and indicated that he is a member of the Board of Adjustment (BA). He noted that the BA members have concerns regarding the need to satisfy a hardship requirement; and that they requested that the term "practical difficulty" be used, which has since been added in the revised table of Section 138.231; whereupon, he thanked the County staff and Attorney Hardy for their cooperation with the board's request.

Mr. Bomstein requested that the term "practical difficulty" also be added to the title and last sentence of Paragraph B in the same section of the revised table, noting that it would provide clarity and consistency.

In response to queries by the members regarding Mr. Bomstein's request, Attorney Hardy related that Florida Law requires an applicant to show that a hardship exists in order to be granted a variance; that the update language was crafted in a specific way to reflect the State requirement; and that the LPA could include Mr. Bomstein's request in any recommendation they choose to make to the BCC; whereupon, she provided information on what would or would not qualify as a hardship under Florida Law.

Upon the Chair's request for a motion, Ms. Kardash moved, seconded by Ms. Reiter and carried unanimously, that the LPA recommend the proposed Pinellas County Land Development Code amendments to the Board of County Commissioners for approval.

Responding to queries by Ms. Vincent and Attorney Hardy, Ms. Kardash indicated that her motion included the added amendment presented by Mr. Swearngen and did not include the additional language requested by Mr. Bomstein, and Ms. Reiter concurred.

2. AN ORDINANCE OF PINELLAS COUNTY, FLORIDA AMENDING PART THREE OF THE PINELLAS COUNTY CODE, THE LAND DEVELOPMENT CODE, CHAPTER 158-FLOODPLAIN MANAGEMENT; ADDING APPENDIX E TO THE PINELLAS COUNTY CODE FOR INCORPORATION OF CERTAIN LOCAL ADMINISTRATIVE AND TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE RELATING TO FLOODPLAIN MANAGEMENT; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE (LDR-20-08-18) – RECOMMEND APPROVAL AS PER STAFF RECOMMENDATION

Assistant County Administrator Rahim Harji provided background information and related that Chapter 158 was significantly revised in 2014; that the proposed changes in the amendment are mostly minor clarifications; and that the details are included in the agenda packet. He discussed the following provisions in the Floodplain Management Ordinance amendments:

- The changes define and add a requirement for declarations of land restriction (non-conversion agreements) for enclosures below elevated buildings in flood hazard areas to reduce the number of potential floodplain violations and civil suits for nondisclosure to buyers.
- The changes increase the minimum elevation requirement for certain buildings and structures in flood hazard areas, which would otherwise be at risk for flood damage.
- The changes define and add specifications for Coastal A zones, which are shown on the Federal Emergency Management Agency (FEMA) preliminary Flood Insurance Rate Maps, which will be adopted after review.
- The changes clarify a process for considering requests for variances from the strict application of the floodplain management regulations and requests for appeals.
- The changes clarify a process for the inspection of buildings and structures with enclosed areas below the lowest floor.

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- The changes would amend portions of the Florida Building Code to include the declaration of land restriction (non-conversion agreement) and other updates.

Mr. Harji indicated that current flood maps do not have Coastal A zones; that the revised maps are expected to be released in the next couple of months; and that Coastal A zones will be included to define the limits of moderate wave action, which will affect specific requirements on building construction.

In response to queries by Ms. Kardash, Mr. Harji indicated that while requirements are currently defined for non-coastal AE zones, they are not defined for Coastal AE zones; and that Coastal AE zones will be treated as VE zones, as both zones have the same types of associated risks in impacts and wave action.

Mr. Harji related that the Community Rating System Working Group is a local group of floodplain administrators that meet monthly to discuss various issues; and the Working Group has endorsed a consolidated countywide approach for review of the revised FEMA maps, as opposed to having each local jurisdiction working separately. He noted that the County has hired a consultant to assist in the review from a countywide perspective; that each municipality is part of the review team; and that interlocal agreements are in place to help share the cost of the work, based on the size of the community, and discussion ensued.

Responding to queries by Ms. Hibbard regarding lower enclosures, Mr. Harji stated that breakaway walls are allowed in certain areas, but the enclosed area cannot be a livable space with plumbing, air conditioning, and other amenities; that current enclosures will not be grandfathered and must comply because any existing enclosure is not in compliance with the County's existing ordinance or with FEMA minimum regulations; and that the changes provide a mechanism for inspections, and protections for future property owners, and Ms. Vincent provided input.

Ms. Reiter moved, seconded by Ms. Kardash and carried unanimously, that the LPA recommend the proposed Pinellas County Land Development Code amendments to the Board of County Commissioners for approval.

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ADJOURNMENT

There being no further business and upon motion by Ms. Hibbard, seconded by Ms. Kardash and carried unanimously, Chairman Schultz adjourned the meeting at 10:18 A.M.

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Chairman