

ORDINANCE NO. 07-50

AN ORDINANCE AMENDING PINELLAS COUNTY ORDINANCE NO. 89-4, AS AMENDED, THE COUNTYWIDE PLAN ADOPTION ORDINANCE, BY AMENDING THE "RULES CONCERNING THE ADMINISTRATION OF THE COUNTYWIDE FUTURE LAND USE PLAN," AS AMENDED; PROVIDING FOR ALTERNATIVE DENSITY AND INTENSITY STANDARDS FOR TEMPORARY LODGING USE; PROVIDING FOR REQUIREMENTS APPLICABLE TO THE UTILIZATION OF SUCH ALTERNATIVE DENSITY/INTENSITY STANDARDS, INCLUDING PROVISION FOR DEVELOPMENT AGREEMENTS TO BE APPROVED AT THE LOCAL LEVEL AND MEMORIALIZED BY DEED RESTRICTION; PROVIDING FOR AMENDED DEFINITIONS OF TRANSIENT ACCOMMODATION UNIT, TRANSIENT ACCOMMODATION USE, AND TOURIST FACILITY USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR MODIFICATION THAT MAY ARISE FROM CONSIDERATION OF THE ORDINANCE AT PUBLIC HEARING.

WHEREAS, the Board of County Commissioners acting as the Countywide Planning Authority has adopted a Countywide Comprehensive Plan by adoption of Ordinance No. 89-4 on January 31, 1989; and

WHEREAS, as part of Ordinance 89-4, the Board also adopted the Rules Concerning the Administration of the Countywide Future Land Use Plan (Countywide Rules) and subsequently amended said Countywide Rules by Ordinances Nos. 89-66A, 91-5, 92-4, 92-51, 93-112, 94-20, 94-55, 95-78, 96-17, 96-32, 96-47, 96-55, 96-87, 97-71, 98-41, 99-22, 99-76, 00-60, 01-16, 03-23, 04-5, 05-49, 06-52, 06-61 and 07-13; and

WHEREAS, the Pinellas Planning Council, pursuant to Section 5(7)(b), Chapter 88-464, Laws of Florida, as amended, is authorized to develop rules, standards, policies and objectives that will implement the Countywide Future Land Use Plan; and

WHEREAS, the Pinellas Planning Council pursuant to Section 10(4)(a) of Chapter 88-464, Laws of Florida, as amended, is authorized to initiate amendment to a rule, standard, policy or objective of the Countywide Future Land Use Plan, as determined necessary by the Council to establish effective countywide planning; and

WHEREAS, after consideration at public hearing, the Pinellas Planning 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 density and intensity for temporary lodging uses and the process for the consideration thereof; and

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CLERK OF COUNTY COMMISSIONERS  
PINELLAS COUNTY FLORIDA

WHEREAS, the Pinellas Planning Council, pursuant to Section 10, Paragraph 4 of Chapter 88-464, Laws of Florida, as amended, forwarded its original recommended action on amendment of the Countywide Rules, as amended, to the Board of County Commissioners acting in their capacity as the Countywide Planning Authority, as set forth in PPC Resolution No. 07-1 dated January 17, 2007; and

WHEREAS, the Board of County Commissioners, in their capacity as the Countywide Planning Authority, considered the Pinellas Planning Council recommendation as set forth in PPC Resolution No. 07-1 at work sessions on March 22 and May 7, 2007, and suggested revisions thereto; and

WHEREAS, the Tourist Development Council and the Pinellas Planning Council subsequently concurred with revisions to the original Pinellas Planning Council recommendation; and

WHEREAS, the recommended revisions to the original Pinellas Planning Council recommendation were incorporated in an ordinance as set forth in PPC Resolution No. 07-4; and

WHEREAS, the Board of County Commissioners, in their capacity as the Countywide Planning Authority, considered the Pinellas Planning Council recommendation as set forth in PPC Resolution No. 07-4, as well as alternative recommendations, at public hearings on August 7 and 21, 2007; and

WHEREAS, the Board of County Commissioners, based on input at said public hearings, provided direction and referred the proposed ordinance back to the PPC for further consideration and public hearing; and

WHEREAS, the Pinellas Planning Council, after public hearing on September 19, 2007, forwarded its revised recommendation to the Board, in its capacity as the Countywide Planning Authority, as set forth in PPC Resolution No. 07-5; and

WHEREAS, the procedures of Chapter 88-464, Laws of Florida, as amended, and the County Charter have been followed by the Pinellas Planning Council and the Board of County Commissioners acting as the Countywide Planning Authority, concerning this proposed amendment of the Countywide Rules, as amended; and

WHEREAS, the notice of public hearings and advertisements have been accomplished as required by Chapter 88-464, Laws of Florida, as amended; and

WHEREAS, the Board of County Commissioners of Pinellas County, Florida, acting in their capacity as the Countywide Planning Authority, desires to amend the Countywide Rules, as amended, for Pinellas County, Florida, as set forth herein.

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 Classifications and 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 Countywide Rules.

**2.3.3.4.3 Category/Symbol – Residential/Office/Retail (R/O/R).**

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

- Primary Uses – Residential; Residential Equivalent; Office; Retail Commercial; Personal Service/Office Support; Commercial/Business Service; Temporary Lodging
- Secondary Uses – Institutional; Transportation/Utility; Ancillary Non-Residential; Recreation/Open Space; Research/Development; Light Manufacturing/Assembly (Class A)

Density/Intensity Standards – Shall include the following:

- Residential Use – Shall not exceed eighteen (18) dwelling units per acre.
- Residential Equivalent Use – Shall not exceed an equivalent of 2.0 to 3.0 beds per permitted dwelling unit at 18 dwelling units per acre. The standard for the purpose of establishing relative intensity and potential impacts shall be the equivalent of 2.5 beds per dwelling unit.
- Temporary Lodging Use – Shall not exceed: (1) thirty (30) units per acre; or (2) in the alternative, upon adoption of provisions for compliance with Section 4.2.7.6, the density and intensity standards set forth in Table 3 therein.
- Non-Residential Use – Shall not exceed a floor area ratio (FAR) of .40, nor an impervious surface ratio (ISR) of .85, except as provided for in Section 4.2.7.6. The standard for the purpose of establishing relative intensity and potential impacts shall be a FAR of .24 and an ISR of .65.
- Mixed use – Shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.

**2.3.3.4.4 Category/Symbol – Resort Facilities Overlay (RFO).**

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

- Primary Uses – Residential; Temporary Lodging
- Secondary Uses – Residential Equivalent; Institutional; Transportation/Utility; Ancillary Non-Residential; Recreation/Open Space

Locational Characteristics – This category is generally appropriate to locations where it would identify existing low to moderately intensive mixed residential and small scale temporary lodging use in and adjacent to the resort areas of the County; in locations where unique recreational assets warrant the combination of permanent and temporary accommodations in close proximity to and served by the arterial and major thoroughfare network.

Traffic Generation Characteristics – The standard for the purpose of calculating typical traffic impacts relative to an amendment for this category shall be based upon the underlying residential category, adjusted to account for the temporary lodging ratio, using the appropriate traffic generation characteristics for temporary lodging use.

Density/Intensity Standards – Shall include the following:

- Residential Use – Shall not exceed the maximum number of dwelling units per acre determined by the underlying residential category.
- Residential Equivalent Use – Shall not exceed an equivalent of 2.0 to 3.0 beds per permitted dwelling unit at the underlying residential density. The standard for the purpose of establishing relative intensity and potential impacts shall be the equivalent of 2.5 beds per dwelling unit.
- Temporary Lodging Use – Shall not exceed: (1) a ratio of 1.67 temporary lodging units to the permitted number of underlying residential units; or (2) in the alternative, upon adoption of provisions for compliance with Section 4.2.7.6, the density and intensity standards set forth in Table 3 therein.
- Non-Residential Use – Shall not exceed the maximum floor area ratio (FAR) nor the maximum impervious surface ratio (ISR) of the underlying residential category, except as provided for in Section 4.2.7.6. The standard for the purpose of establishing relative intensity and potential impacts shall be the FAR and ISR as called for in the underlying residential category.
- Mixed use – Shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.

**2.3.3.4.5 Category/Symbol – Resort Facilities Medium (RFM).**

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

- Primary Uses – Residential; Temporary Lodging
- Secondary Uses- Residential Equivalent; Tourist Facilities; Office; Personal Service/Office Support; Commercial Recreation; Institutional; Transportation/Utility; Ancillary Non-Residential; Recreation/Open Space

Density/Intensity Standards – Shall include the following:

- Residential Use – Shall not exceed eighteen (18) dwelling units per acre.
- Residential Equivalent Use – Shall not exceed an equivalent of 2.0 to 3.0 beds per permitted dwelling unit at 18 dwelling units per acre. The standard for the purpose of establishing relative intensity and potential impacts shall be the equivalent of 2.5 beds per dwelling unit.
- Temporary Lodging Use – Shall not exceed: (1) thirty (30) units per acre; or (2) in the alternative, upon adoption of provisions for compliance with Section 4.2.7.6, the density and intensity standards set forth in Table 3 therein.
- Non-Residential Use – Shall not exceed a floor area ratio (FAR) of .65, nor an impervious surface ratio (ISR) of .85, except as provided for in Section 4.2.7.6. The standard for the purpose of establishing relative intensity and potential impacts shall be a FAR of .39 and an ISR of .65.
- Mixed use – Shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.

**2.3.3.4.6 Category/Symbol – Resort Facilities High (RFH).**

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

- Primary Uses – Residential; Temporary Lodging
- Secondary Uses – Residential Equivalent; Tourist Facilities; Office; Personal Service/Office Support; Convention Center; Commercial Recreation; Institutional; Transportation/Utility; Ancillary Non-Residential; Recreation/Open Space

Density/Intensity Standards – Shall include the following:

- Residential Use – Shall not exceed thirty (30) dwelling units per acre.
- Residential Equivalent Use – Shall not exceed an equivalent of 2.0 to 3.0 beds per permitted dwelling unit at 30 dwelling units per acre. The standard for the purpose of establishing relative intensity and potential impacts shall be the equivalent of 2.5 beds per dwelling unit.
- Temporary Lodging Use – Shall not exceed: (1) fifty (50) units per acre; or (2) in the alternative, upon adoption of provisions for compliance with Section 4.2.7.6, the density and intensity standards set forth in Table 3 therein.
- Non-Residential Use – Shall not exceed a floor area ratio (FAR) of 1.2, nor an impervious surface ratio (ISR) of .95, except as provided for in Section 4.2.7.6. The standard for the purpose of establishing relative intensity and potential impacts shall be a FAR of .72 and an ISR of .72.
- Mixed use – Shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.

### **2.3.3.5.2 Category/Symbol – Commercial Limited (CL).**

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

- Primary Uses – Office; Personal Service/Office Support; Retail Commercial; Commercial/Business Service; Temporary Lodging
- Secondary Uses- Residential; Residential Equivalent; Commercial Recreation; Storage/Warehouse (Class A); Wholesale/Distribution (Class A); Institutional; Transportation/Utility; Recreation/Open Space

Density/Intensity Standards – Shall include the following:

- Residential Use – Shall not exceed eighteen (18) dwelling units per acre.
- Residential Equivalent Use – Shall not exceed an equivalent of 2.0 to 3.0 beds per permitted dwelling unit at 18 dwelling units per acre. The standard for the purpose of establishing relative intensity and potential impacts shall be the equivalent of 2.5 beds per dwelling unit.
- Temporary Lodging Use – Shall not exceed: (1) thirty (30) units per acre; or (2) in the alternative, upon adoption of provisions for compliance with Section 4.2.7.6, the density and intensity standards set forth in Table 3 therein.
- Non-Residential Use – Shall not exceed a floor area ratio (FAR) of .45, nor an impervious surface ratio (ISR) of .85, except as provided for in Section 4.2.7.6. The standard for the purpose of establishing relative intensity and potential impacts shall be a FAR of .27 and an ISR of .65.
- Mixed use – Shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.

### **2.3.3.5.3 Category/Symbol – Commercial Recreation (CR).**

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

- Primary Uses – Commercial Recreation including Waterfront/Marina Facilities; Sports Stadium; Race Track/Para-mutual Facility
- Secondary Uses- Residential; Residential Equivalent; Office; Personal Service/Office Support; Retail Commercial; Commercial/Business Service; Temporary Lodging; Institutional; Transportation/Utility; Recreation/Open Space

Density/Intensity Standards – Shall include the following:

- Residential Use – Shall not exceed twenty-four (24) dwelling units per acre.
- Residential Equivalent Use – Shall not exceed an equivalent of 2.0 to 3.0 beds per

permitted dwelling unit at 24 dwelling units per acre. The standard for the purpose of establishing relative intensity and potential impacts shall be the equivalent of 2.5 beds per dwelling unit.

- Temporary Lodging Use – Shall not exceed: (1) forty (40) units per acre; or (2) in the alternative, upon adoption of provisions for compliance with Section 4.2.7.6, the density and intensity standards set forth in Table 3 therein.
- Non-Residential Use – Shall not exceed a floor area ratio (FAR) of .55, nor an impervious surface ratio (ISR) of .90, except as provided for in Section 4.2.7.6. The standard for the purpose of establishing relative intensity and potential impacts shall be a FAR of .33 and an ISR of .68.
- Mixed use – Shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.

#### **2.3.3.5.4 Category/Symbol – Commercial General (CG).**

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

- Primary Uses – Office; Personal Service/Office Support; Retail Commercial; Commercial/Business Service; Temporary Lodging; Wholesale/Distribution (Class A); Storage/Warehouse (Class A)
- Secondary Uses – Commercial Recreation; Residential; Residential Equivalent; Institutional; Transportation/Utility; Recreation/Open Space; Research/Development; Light Manufacturing/Assembly (Class A)

Density/Intensity Standards – Shall include the following:

- Residential Use – Shall not exceed twenty-four (24) dwelling units per acre.
- Residential Equivalent Use – Shall not exceed an equivalent of 2.0 to 3.0 beds per permitted dwelling unit at 24 dwelling units per acre. The standard for the purpose of establishing relative intensity and potential impacts shall be the equivalent of 2.5 beds per dwelling unit.
- Temporary Lodging Use – Shall not exceed: (1) forty (40) units per acre; or (2) in the alternative, upon adoption of provisions for compliance with Section 4.2.7.6, the density and intensity standards set forth in Table 3 therein.
- Non-Residential Use – Shall not exceed a floor area ratio (FAR) of .55, nor an impervious surface ratio (ISR) of .90, except as provided for in Section 4.2.7.6. The standard for the purpose of establishing relative intensity and potential impacts shall be a FAR of .33 and an ISR of .68.
- Mixed use – Shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.