

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

FILED
OCT 26 1991
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.

2.3.3.6.1 Category/Symbol – Industrial Limited (IL).

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

- Primary Uses – Office; Research/Development; Light Manufacturing/Assembly (Class A) and (Class B); Wholesale/Distribution (Class A) and (Class B); Storage/Warehouse (Class A) and (Class B)
- Secondary Uses – Residential (subject to master development plan approval by the CPA); Retail Commercial; Personal Service/Office Support; Commercial/Business Service; Commercial Recreation; Temporary Lodging; Institutional; Transportation/Utility; Recreation/Open Space; Transfer/Recycling

Density/Intensity Standards – Shall include the following:

- Residential Use – Shall not exceed thirty (30) dwelling units per acre.
- 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.
- All Other Uses – 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.

Other Standards – Shall include the following:

- Industrial Uses Adjacent to Residential Categories – An appropriate buffer, as determined by the local jurisdiction except for an industrial/mixed use project requiring the submission of a master plan as outlined below, shall be provided in and between the Industrial Limited category and an adjoining Residential classification.
- Acreage Limitations for Non-Industrial Secondary Uses That Are Not Part of a Master Development Plan – Institutional; Transportation/Utility; Retail Commercial; Personal Service/Office Support; Commercial/Business Service; Commercial Recreation; Temporary Lodging Uses - shall not exceed a maximum area of five (5) acres. Any such use, alone or when added to existing contiguous like use(s), which exceeds this threshold shall require a plan map amendment which shall include such use and all contiguous like uses. Secondary residential uses are only permitted pursuant to the requirements set forth for “Projects That Include Residential Use.”

Master Development Plan Requirements for Industrial/Mixed Use Projects – Shall include the following:

- Projects That Do Not Include Residential Use – An industrial/mixed-use project which comprises not less than fifty (50) acres may include secondary Institutional;

Transportation/Utility; Retail Commercial; Personal Service/Office Support; Commercial/Business Service; Commercial Recreation; and Temporary Lodging uses subject to the following:

1. The secondary non-industrial uses that are part of a planned industrial/mixed use project shall be subject to a master development plan, providing for unified control of the entire project.
2. Such secondary non-residential uses, alone or in combination, shall not comprise more than 25% of the area of the project governed by the master development plan.
3. The master development plan required for industrial/mixed use projects that do not include residential use shall be approved by the local government with jurisdiction.
4. Where the property included in the master development plan is adjacent to or within five hundred (500) feet of an adjacent municipal or county jurisdiction, the master development plan shall be submitted to that adjoining jurisdiction for review and comment.

SECTION 2. The portions of Article 4. Plan Criteria and Standards, are hereby amended as set forth below. All other portions of Article 4 not included in this ordinance are preserved and remain as previously set forth in the Countywide Rules.

Addition of the following provisions to Section 4.2.7, "Special Rules" of the Countywide Rules:

4.2.7.6 Temporary Lodging Use Standards.

4.2.7.6.1 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, potable water, parks and recreation, schools and transportation facilities, 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 Emergency Management Agency, 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 4.2.7.6.2, the transportation concurrency management provisions in Section 4.2.7.6.3 and the restrictions on temporary lodging use in Section 4.2.7.6.4 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 (14) 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.

**Table 3
TEMPORARY LODGING DENSITY AND INTENSITY STANDARDS**

Plan Category	Temporary Lodging On Property That Is:	Maximum Density/Intensity Standards		
		Units/Acre	FAR	ISR
RFM	Less Than One Acre	45	1.0	0.85
	Between One Acre And Three Acres	60	1.5	0.85
	Greater Than Three Acres	75	2.0	0.85
RFH	Less Than One Acre	75	2.0	0.95
	Between One Acre And Three Acres	100	3.0	0.95
	Greater Than Three Acres	125	4.0	0.95
R/O/R	No Property Size Limitations	45	1.0	0.85
CL		45	1.0	0.85
CR		60	1.2	0.90
CG		60	1.2	0.90
IL		75 [subject to master development plan requirements in Section 2.3.3.6.1]	1.5	0.85
RFO		Not to exceed a ratio of 2.5 temporary lodging units to the permitted number of residential units in the underlying Countywide Plan Map category.	1.2	0.85

- 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 6.4 of these Rules. The FAR's 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 (i.e., 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.

4.2.7.6.2 **Design Considerations.** The purpose of the design considerations is to enable the local government to authorize the increased density and intensity provided for in Table 3, subject to a determination that the project is compatible with the size, location, configuration and character of the site, its relationship to the Countywide Plan Map category in which it is located, and to adjoining uses; and that the overall principles of quality urban design as set forth in *Pinellas By Design – An Economic Development and Redevelopment Plan for Pinellas County* are furthered.

In particular, design considerations applicable to the proposed use shall address the following in the Development Agreement so as to ensure compatibility in terms of context-sensitive design, and the scale and placement of the proposed use so as to achieve a harmonious relationship and fit relative to its location and surroundings:

- A. Building scale - including height, width, location, alignment, and spacing.
- B. Building design - including elevations, façade treatment, entrance and porch or balcony projections, window patterns and roof forms.
- C. Site improvements - including building and site coverage, accessory structures, service and amenity features, walkway and parking areas, open space, and view corridors.
- D. Adjoining property use - including density/intensity, and building location, setbacks, and height.

4.2.7.6.3 **Transportation Concurrency Management.** The purpose of this provision is to ensure that a project authorized to use the increased density and intensity provided for in Table 3 is consistent with the Metropolitan Planning Organization's (MPO) countywide approach to the application of concurrency management for transportation facilities.

In particular, transportation analysis for the project shall include the following:

- A. Recognition of standard data sources as established by the MPO.
- B. Identification of level of service (LOS) standards for state and county roads as established by the MPO.
- C. Utilization of proportionate fair share requirements consistent with Chp. 163, F.S., and the MPO model ordinance.
- D. Utilization of the MPO Traffic Impact Study Methodology.
- E. Recognition of the MPO designation of "Constrained Facilities" as set forth in the most current MPO Annual Level of Service Report.

4.2.7.6.4 Operating Characteristics and Restrictions. The purpose of this provision is to ensure that a project authorized to use any portion of the increased density and intensity provided for in Table 3 is built, functions, operates and is occupied exclusively as temporary lodging.

In particular, temporary lodging uses at the densities/intensities in Table 3 or any density higher than the standard density provided for such use in each applicable Countywide Plan Map category, shall comply with the following restrictions:

- A. No temporary lodging unit shall be occupied as a residential dwelling unit, and a locally-determined maximum length of stay for any consecutive period of time shall be established by the local government to ensure that any temporary lodging use does not function as a residential use.
- B. Temporary lodging units shall not qualify or be used for homestead or home occupation purposes.
- C. All temporary lodging units must be included in the inventory of units that are available within a temporary lodging use.
- D. No conversion of temporary lodging units to residential dwelling units shall be permitted unless the conversion is in compliance with the Countywide Rules with respect to the permitted residential density and, where applicable, the intensity for associated non-residential uses.
- E. A temporary lodging use may include accessory uses, such as recreational facilities, restaurants, bars, personal service uses, retail uses, meeting space, fitness centers, spa facilities, parking structures and other uses commonly associated with temporary lodging uses. All such uses shall be included in the calculation of allowable floor area ratio.

- F. Any license required of a temporary lodging use by the local government, county, or state agency shall be obtained and kept current.
- G. Temporary lodging uses shall be subject to all applicable tourist development tax collections.
- H. A reservation system shall be required as an integral part of the temporary lodging use and there shall be a lobby/front desk area that must be operated as a typical lobby/front desk area for temporary lodging would be operated.
- I. Temporary lodging uses must have sufficient signage that complies with local codes and is viewable by the public designating the use as a temporary lodging use.
- J. The books and records pertaining to use of each temporary lodging unit shall be open for inspection by authorized representatives of the applicable local government, upon reasonable notice, in order to confirm compliance with these regulations as allowed by general law.
- K. The applicable local government may require affidavits of compliance with this Section from each temporary lodging use and/or unit owner.

SECTION 3. The portions of Article 7. Definitions, are hereby amended as set forth below. All other portions of Article 7 not included in this ordinance are preserved and remain as previously set forth in the Countywide Rules.

Amendment of the definitions in Article 7 of the Countywide Rules as follows:

Temporary Lodging Unit – An individual room, rooms or suite within a temporary lodging use designed to be occupied as a single unit for temporary occupancy.

Temporary Lodging Use – A facility containing one or more temporary lodging units, the occupancy of which occurs, or is offered or advertised as being available, for a term of less than one (1) month, more than three (3) times in any consecutive twelve (12) month period. In determining whether a property is used as a temporary lodging use, such determination shall be made without regard to the form of ownership of the property or unit, or whether the occupant has a direct or indirect ownership interest in the property or unit; and without regard to whether the right of occupancy arises from a rental agreement, other agreement, or the payment of consideration.

Tourist Facility Use – Those facilities and services, such as retail shops, eating and drinking establishments, meeting space and recreation facilities designed primarily to serve tourists,

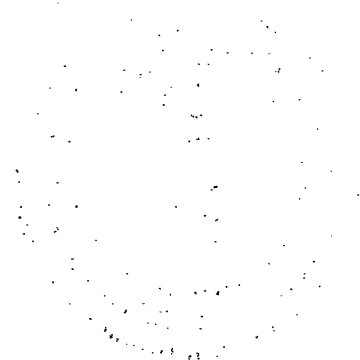
visitors, and seasonal residents in conjunction with the residential and temporary lodging uses where provided for in the Resort Facilities categories.

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
OFFICE OF COUNTY ATTORNEY

By *[Signature]*
Attorney



STATE OF FLORIDA

COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on October 16, 2007 relative to:

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.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this October 24, 2007.

KEN BURKE
Clerk of the Circuit Court
and Ex-officio Clerk to the
Board of County Commissioners

By:


Linda R. Reed, Deputy Clerk

