

**PINELLAS PLANNING COUNCIL
AGENDA MEMORANDUM**

**PRELIMINARY FOR
PAC REVIEW ONLY**

AGENDA ITEM:

MEETING DATE: February 18, 2009

SUBJECT:

Countywide Coastal Storm Area Discussion Re: Consistency Amendments to the Countywide Rules

RECOMMENDATION:

Council Discuss as and Recommend Action as Deemed Appropriate.

I. BACKGROUND

New terms and definitions for Coastal High Hazard Areas (CHHA) and Coastal Storm Areas were developed during the Countywide Rules amendment process addressing consistency between the Countywide Rules and local government plans and codes. These amendments were in response to new state statutes applying to local governments and in an effort to identify a more accurate way to address Countywide Plan Map amendments in areas that are expected to be inundated by coastal storms.

The concept of a Coastal Storm Area, or CSA, was developed by a working group of the Tampa Bay Regional Planning Council (TBRPC) Planners Advisory Committee, of which PPC staff is a member. It was determined that the new state definition for the CHHA defined the areas in question too narrowly, creating pockets of land that should for all intents and purposes be identified as areas receiving additional analysis during the Future Land Use Plan and Countywide Plan Map amendment processes.

Consistency Amendments

While the first reading of the "Consistency" amendments was held by the Countywide Planning Authority on February 3, 2009, and scheduled for adoption on February 17, 2009, the amendments dealing with the CHHA and CSA were removed from the ordinance by the PPC for further discussion.

The City of St. Petersburg had questioned the introduction and use of the term CSA. Although it has been determined that several local jurisdictions have not yet adopted the CSA concept, the Council staff had proposed to do so to recognize regional and County

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efforts to define a larger area than that encompassed by the newly defined area in Florida Statutes.

Former CHHA

The area defined as the CHHA that is in today's Countywide Rules includes areas of the county that were in the "*evacuation zone for a Category 1 hurricane as established in the Tampa Bay Regional Planning Council's [TBRPC} Evacuation Study, which is further defined as the Level A Hurricane Evacuation Zone, or any area which lies within a Hurricane Evacuation Zone A, as currently delineated by the Pinellas County Emergency Management [PCEM] Department, so as to be inclusive of any area so categorized.*" Since the time that the original evacuation study was completed by the TBRPC and the evacuation areas delineated by PCEM the Florida Legislature has redefined the area that they consider the CHHA. In addition, PCEM has also changed the way that they identify evacuation areas. These two new areas have continued to diverge in area covered and it was determined that, at a minimum, the definition and use of the CHHA for the Countywide Rules should no longer rely on the PCEM evacuation areas, but rather on the Sea, Lake, and Overland Surges from Hurricanes (SLOSH) analysis conducted by the TBRPC.

New Florida Statutes Definition

The new definition included in Chapter 163, Florida Statutes (Ch. 163.3178(2)h, FS) is as follows: "*The coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.*" What was eliminated from the definition was the Evacuation Zone A, which included areas that were not expected to receive damage from category 1 hurricanes.

Coastal Storm Area (CSA) and Countywide Coastal Storm Area (CCSA)

As stated previously, the concept for a CSA was developed by a working group of the TBRPC. The areas to be included in the CSA were as follows:

- The state defined CHHA (described above);
- Areas connected to the mainland by bridges;
- Areas to be inundated by a Category 2 or above hurricane and surrounded by the CHHA or a body of water;
- Areas located in the FEMA Velocity Zone; and
- Parcels that had 20% or more of their area in the CHHA.

PPC staff has concluded that the CSA concept was valid, however with one difference. That is, that the last bulleted item should not be included in the area defined (parcels that

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have 20% or more of their area in the CHHA). Including entire lots in the CSA that had only a portion of their lot in the CHHA would require the property owner to determine where this area was, and once that was completed they would be allowed to build, or cluster, development outside this CHHA. PPC staff sees this as an unnecessary step in the process and therefore eliminated this item from the CSA definition. Since local governments in Pinellas County have been adopting the CSA with all the bulleted items listed above, including the 20% rule, to avoid confusion it was determined that a different term should be used for the provisions in the Countywide Rules. Therefore, the Council staff has revised the term to “Countywide Coastal Storm Area (CCSA)” to distinguish the Countywide Rules concept from those of other jurisdictions.

CCSA Applicability

Areas included in the CCSA would be subject to additional scrutiny during the Countywide Plan Map amendment process and would not preclude an amendment from being approved. Those local governments using the additional 20% rule would be considered more restrictive than the Countywide Rules and would apply this additional criteria only to their local Future Land Use Plan map amendments.

II. RECOMMENDATION

Council discuss the CCSA concept and direct staff to develop an ordinance proposing to amend the Countywide Rules that includes the new definition and use for amendments to the Countywide Plan Map.

III. LIST OF ATTACHMENTS

Attachment 1 Countywide Coastal Storm Area Amendments to the Countywide Rules

IV. SUPPORT DOCUMENTS – available only at www.pinellasplanningcouncil.org (see February PPC Agenda and then click on corresponding agenda item).

Support Document 1 Countywide Coastal Storm Area Maps

DIV. 7.2 DEFINITIONS.

Coastal High Hazard Areas – Means the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model the evacuation zone for a Category 1 hurricane as established in the Tampa Bay Regional Planning Council’s Evacuation Study, which is further defined as the Level A Hurricane Evacuation Zone, or any area which lies within a Hurricane Evacuation Zone A, as currently delineated by the Pinellas County Emergency Management Department, so as to be inclusive of any area so categorized.

Countywide Coastal Storm Area – Shall include the Coastal High Hazard Area (CHHA), all land connected to the mainland of Pinellas County by bridges or causeways, those isolated areas that are defined by the Sea, Lake, and Overland Surges from Hurricanes (SLOSH) model to be inundated by a Category 2 hurricane or above and that are surrounded by the CHHA or by the CHHA and a body of water, and all land located within the Velocity Zone as designated by the Federal Emergency Management Agency.

SEC. 4.2.7 SPECIAL RULES.

4.2.7.4 Countywide Coastal Storm Areas Coastal High Hazard Areas.

4.2.7.4.1 An amendment to the Countywide Plan Map within the Countywide Coastal Storm Area (CCSA) that would result in an increase in density or intensity shall be approved only upon an affirmative determination that such amendment is in the public interest after accounting for the nature of the proposed use, the size and location of the property in question, and its particular relationship to the CCSA based upon a balancing of the following criteria, as are determined applicable and significant to the subject amendment: The Pinellas Planning Council and the Countywide Planning Authority shall deny an amendment to the Countywide Plan Map within the Coastal High Hazard Area (CHHA) which results in an increase of density or intensity; except that they may, at their sole and absolute discretion, consider approving

~~such amendment based upon a balancing of the following criteria, as are determined applicable and significant to the subject amendment:~~

- A. CCSA Determination. If a portion of a parcel of land is located within the CCSA, the property owner may elect to provide a survey of the parcel to determine the location of the CCSA and to demonstrate the feasibility of development on the portion of the parcel not located within the CCSA.

- B. A. Distinction Between Location Within the CHHA as Defined and the CCSA as Defined. The requested amendment is for a parcel that is included within the CCSA but not within the CHHA Direct Storm Damage and Damage to Evacuation Routes. The requested amendment is for a parcel that is included within the CHHA because of evacuation difficulties caused by projected storm damage to evacuation routes, not because of predicted storm damage to the parcel, and where it can be established that adequate evacuation routes are available;

- C. B. Access to Emergency Shelter Space and Evacuation Routes. The uses associated with the requested amendment will have access to adequate emergency shelter space as well as evacuation routes with adequate capacities and evacuation clearance times;

- D. C. Utilization of Existing and Planned Infrastructure. The requested amendment will result in the utilization of existing infrastructure as opposed to requiring the expenditure of public funds for the construction of new, unplanned infrastructure with the potential to be damaged by coastal storms;

- E. D. Utilization of Existing Disturbed Areas. The requested amendment will result in the utilization of existing disturbed areas as opposed to natural areas that buffer existing development from coastal storms;

- F. E. Maintenance of Scenic Qualities and Improvement of Public Access to Water. The requested amendment

will result in the maintenance of scenic qualities, and the improvement of public access, to the Gulf of Mexico, inland waterways (such as Boca Ciega Bay), and Tampa Bay;

G. F. Water Dependent Use. The requested amendment is for uses which are water dependent;

H. G. Integral Part of Comprehensive Planning Process. The requested amendment has been initiated by the local government as an integral part of its comprehensive planning process consistent with the local government comprehensive plan;

I. H. Part of Community Redevelopment Plan. The requested amendment is included in a Community Redevelopment Plan as defined by Florida Statutes for a downtown or other designated redevelopment areas;

J. I. Overall Reduction of Density or Intensity. The requested amendment would result in an increase in density or intensity on a single parcel, in concert with corollary amendments which result in the overall reduction of development density or intensity in the surrounding CCSA CHHA; and

K. J. Clustering of Uses. The requested amendment within the CCSA CHHA provides for the clustering of uses on a portion of the site outside the CCSA CHHA.

4.2.7.4.2

The Pinellas Planning Council and the Countywide Planning Authority shall deny an amendment to the Countywide Plan Map within the CCSA CHHA which would permit the siting or expansion of uses that are inconsistent with the CCSA CHHA given their susceptibility to storm damage or special evacuation requirements, including hospitals, nursing homes, convalescent homes, adult living facilities, recreational vehicles, and mobile homes; except that they may, at their sole and absolute discretion, consider approving such amendment based upon a balancing of the criteria in Section 4.2.7.4.1, A-K J, as are determined applicable and significant to the subject amendment.

4.2.7.4.3

Nothing in these Countywide Rules shall be construed or applied to preclude a local government with jurisdiction from having requirements in the CCSA ~~Coastal High Hazard Area~~ that are more restrictive than the terms set forth herein.