

**PINELLAS PLANNING COUNCIL  
AGENDA MEMORANDUM**

**AGENDA ITEM:** III C-1.

**MEETING DATE:** January 17, 2007

**SUBJECT:**

Proposed Countywide Rule Amendment – Temporary Lodging Use

**RECOMMENDATION:**

Council Review and Recommend To The Countywide Planning Authority Approval of Countywide Rule Amendments By Adopting Resolution Number 07-1.

**I. BACKGROUND**

Linking countywide redevelopment efforts with the tourism industry to complement overall economic development policy is an enumerated strategy in *Pinellas By Design*. Specifically, one of the implementation actions under this strategy is to utilize the findings of previous studies that document the loss of tourist accommodations to guide revision of policies governing redevelopment for such use.

Upon approval of *Pinellas By Design*, the Council and the Board of County Commissioners each developed a specific list of follow-up actions to assist with the implementation of this countywide economic development and redevelopment plan. The third item on this enumerated list of implementation actions to be pursued was to “analyze the transient accommodation to residential density ratio to encourage tourist resort facilities.”

Council staff proceeded to examine this issue and, beginning in the summer of 2006, discussed with the Council potential Countywide Rule amendments intended to address the loss of temporary lodging units in Pinellas County. As a major part of this effort, the PPC, the Countywide Planning Authority, and the Tourist Development Council examined the issue at a joint meeting on August 29<sup>th</sup>, with the parties identifying numerous matters pertaining to incentivizing temporary lodging accommodations.

In follow up to that meeting, the PPC joined the City of St. Pete Beach in funding a study of temporary lodging use issues, including the economic analysis of market conditions and development costs, as well as site design considerations. At the November Council

**PINELLAS PLANNING COUNCIL ACTION:**

**COUNTYWIDE PLANNING AUTHORITY ACTION:**

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meeting, Owen Beitsch, Ph.D., of Real Estate Research Consultants, presented his findings on the economic analysis and related site considerations as part of the joint effort with St. Pete Beach. In addition to Dr. Beitsch's presentation at the November meeting, Council staff reviewed draft amendments to the Countywide Rules that would better reflect the economic realities of developing new or reconstructed temporary lodging facilities. After deliberation, the Council authorized the draft ordinance be advertised for public hearing at the January 2007 meeting.

The proposed Countywide Rule amendments will provide local governments with an alternative to allow higher density and intensity standards for temporary lodging uses. The proposed amendments will allow an additional number of units per acre, and provide for a maximum floor area that is intended to accommodate all ancillary uses to the temporary lodging facility. The increases in density range from 1.5 to 2.5 times the number of temporary lodging units now permitted, depending on the plan category and size of the property. The ordinance requires that adoption of these higher density and intensity standards by local government be subject to establishment of additional applicable requirements, including design guidelines, a coordinated approach to transportation concurrency management, and additional use restrictions. The ordinance also provides amended definitions for temporary lodging uses, commonly referred to as hotels or motels.

**II. RECOMMENDATION**

Staff recommends the Council review and recommend approval of the Countywide Rule amendments to the Countywide Planning Authority (CPA) by adopting Resolution Number 07-1 and accompanying Exhibit 1.

If approved by the Council, the Council's recommendation will be transmitted to the CPA for their February 6, 2007, meeting, with a request to authorize the two requisite public hearings by the CPA for March.

**III. PLANNERS ADVISORY COMMITTEE (PAC)**

The Planners Advisory Committee met on October 9<sup>th</sup> and November 6<sup>th</sup> to discuss the proposed Countywide Rule amendments. At their October meeting, they voted to support the overall efforts to amend the Countywide Rules. Specifically, they recommended that the Council move forward with the proposed changes, considering the three options which were discussed with them. No changes were made to their recommendation at their November meeting and all three options were identified for the Council at the November meeting.

At their meeting on January 8, 2007, the PAC discussed this item and voted 10-2 to recommend approval to the Council. The Pinellas County and City of Clearwater representatives originally expressed the desire to abstain, but voted in opposition for the

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reasons explained following. The Pinellas County representative indicated he had not yet spoken with the County Administrator and was aware of concerns that the ordinance might have the effect of increasing taxes on “mom & pop” hotels and concern that the ordinance did not provide for a reduction in the number of permanent residential units permitted. The Clearwater representative indicated the City anticipated addressing the temporary lodging issue, but may consider another approach.

***IV. ATTACHMENTS***

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|--------------|---|
| Attachment 1 | Resolution 07-1, including draft ordinance with strike through and underline as Exhibit 1 to the resolution |
| Attachment 2 | Final October, November, and Draft January PAC Minutes  |

## PINELLAS PLANNING COUNCIL RESOLUTION NO. 07-1

A RESOLUTION APPROVING THE AMENDMENT OF THE RULES CONCERNING THE ADMINISTRATION OF THE COUNTYWIDE FUTURE LAND USE PLAN, AS AMENDED; ADDRESSING TRANSIENT ACCOMMODATIONS, INCLUDING A CHANGE OF THE TERM TO "TEMPORARY LODGING"; AND RECOMMENDING THE APPROVAL OF SAID COUNTYWIDE RULE AMENDMENTS BY THE PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS, ACTING IN THEIR CAPACITY AS THE COUNTYWIDE PLANNING AUTHORITY.

WHEREAS, the Board of County Commissioners, acting in their capacity 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 Ordinance 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, and 06-61; 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, the requisite procedures concerning notice and public hearing by the Pinellas Planning Council for amendment of the Countywide Rules have been met; and

WHEREAS, after consideration at public hearing, the Pinellas Planning Council has determined that it is necessary and appropriate, in the interest of effective and consistent administration of the Countywide Plan and Rules, to amend the Countywide Rules with respect to the type and size of amendments that may be considered as subthreshold amendments.

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

Section I. The Council hereby approves the amendment of the Countywide Rules set forth in Exhibit I attached hereto.

Section II. The Council hereby transmits a copy of this Resolution, including Exhibit I, to the Pinellas County Board of County Commissioners, acting in their capacity as the Countywide Planning Authority, for consideration and action.

Section III: The Council hereby recommends said Countywide Rule amendments, as set forth in Exhibit I, be approved by the Pinellas County Board of County Commissioners, acting in their capacity as the Countywide Planning Authority.

This Resolution offered and adopted at the January 17, 2007, meeting of the Pinellas County Planning Council as hereinafter set forth:

Councilmember \_\_\_\_\_ offered the foregoing Resolution which was seconded by Councilmember \_\_\_\_\_ and the vote was:

AYES:

NAYS:

ABSENT AND NOT VOTING:

ATTEST:

\_\_\_\_\_  
David P. Healey, Executive Director  
Pinellas Planning Council

\_\_\_\_\_  
Mayor Jerry Beverland, Chairman  
Pinellas Planning Council

ORDINANCE NO. \_\_\_\_\_

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 AMENDMENT OF 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; PROVIDING FOR AMENDED DEFINITIONS OF TRANSIENT ACCOMMODATIONS; 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, and 07-01; 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 effective and consistent administration of the Countywide Plan and Rules, to amend the Countywide Rules with respect to local governing body actions required for Countywide Plan map amendments and the application process for such

amendments; and

WHEREAS, the Pinellas Planning Council, pursuant to Section 10, Paragraph 4 of Chapter 88-464, Laws of Florida, as amended, has forwarded its 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 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 (deleted text is in ~~strike through~~ format and added text is double underlined):

**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  
~~Transient Accommodation~~
- 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 ~~Transient Accommodation~~ 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 ration (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 ~~Transient Accommodation~~
- 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 ~~transient accommodation~~ 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 ~~transient accommodation~~ ratio, using the appropriate traffic generation characteristics for temporary lodging ~~transient accommodation~~ 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 Transient Accommodation~~ Use – Shall not exceed: (1) a ratio of 1.67 temporary lodging transient accommodation 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 ration (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 Transient Accommodation~~
- 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 Transient Accommodation~~ 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 ration (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 ~~Transient Accommodation~~
- 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 ~~Transient Accommodation~~ 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 ration (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 ~~Transient Accommodation~~
- 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 ~~Transient Accommodation~~ 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 ration (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 Transient Accommodation; 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 Transient Accommodation 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 ration (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 Transient Accommodation;

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 Transient Accommodation 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 ration (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 Transient Accommodation; 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 Transient Accommodation 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 ration (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 ~~Transient Accommodation~~ 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 ~~Transient Accommodation~~ 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 (deleted text is in ~~strikethrough~~ format and added text is double underlined):

*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**      Local governments may utilize the standard temporary lodging densities specified within each Countywide Plan Map category that provide for such use; or may adopt some or all of the higher temporary lodging densities and associated intensities included in the accompanying Table 3. The densities and intensities set forth in the accompanying table are maximums and a local government may adopt a lesser density and intensity standard.

**4.2.7.6.2**      The floor area ratios in the accompanying Table 3 apply to the temporary lodging use, permanent residential 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.). 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.

**4.2.7.6.3**      Adoption of densities or intensities higher than the standard provided for temporary lodging use in each Countywide Plan Map category will also require adoption of: the design requirements in Section 4.2.7.6.4; the coordinated approach to concurrency management in Section 4.2.7.6.5; the restrictions for temporary lodging uses in Section 4.2.7.6.6.

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

<u>Plan Category</u>	<u>Temporary Lodging On Property That Is:</u>	<u>Maximum Density/Intensity Standards</u>		
		<u>Units/Acre</u>	<u>FAR</u>	<u>ISR</u>
<u>RFM</u>	<u>Less Than One Acre</u>	<u>45</u>	<u>1.0</u>	<u>0.85</u>
	<u>Between One Acre And Three Acres</u>	<u>60</u>	<u>1.5</u>	<u>0.85</u>
	<u>Greater Than Three Acres</u>	<u>75</u>	<u>2.0</u>	<u>0.85</u>
<u>RFH</u>	<u>Less Than One Acre</u>	<u>75</u>	<u>2.0</u>	<u>0.95</u>
	<u>Between One Acre And Three Acres</u>	<u>100</u>	<u>3.0</u>	<u>0.95</u>
	<u>Greater Than Three Acres</u>	<u>125</u>	<u>4.0</u>	<u>0.95</u>
<u>R/O/R</u>	<u>No Property Size Limitations</u>	<u>45</u>	<u>1.0</u>	<u>0.85</u>
<u>CL</u>		<u>45</u>	<u>1.0</u>	<u>0.85</u>
<u>CR</u>		<u>60</u>	<u>1.2</u>	<u>0.90</u>
<u>CG</u>		<u>60</u>	<u>1.2</u>	<u>0.90</u>
<u>IL</u>		<u>75</u> [subject to master development plan requirements in Section 2.3.3.6.1]	<u>1.5</u>	<u>0.85</u>
<u>RFO</u>		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.	<u>1.2</u>	<u>0.85</u>

**4.2.7.6.4** **Design Guidelines.** Local governments electing to permit temporary lodging uses at the densities/intensities in the Density/Intensity Table 3 in section 4.2.7.6, or any density higher than the standard density provided for such use in each applicable Countywide Plan Map category, shall adopt design guidelines sufficient to ensure that appropriate development forms are identified that will result in development that promotes quality urban design. Such concepts as context-sensitive design, scale and proportion, and physical matters such as materials, detailing, and articulation should be included. These guidelines will be locally-determined consistent with the objectives and characteristics of the adopting community.

**4.2.7.6.5** **Countywide Concurrency Management Initiative.** Local governments electing to permit temporary lodging uses at the densities/intensities in the Density/Intensity Table 3 in Section 4.2.7.6, or any density higher than the standard density provided for such use in each applicable Countywide Plan Map category, shall adopt the Metropolitan Planning Organization’s countywide approach to the application of concurrency management for transportation facilities.

**4.2.7.6.6** **Temporary Lodging Use Restrictions.** Local governments electing to permit temporary lodging uses at the densities/intensities in the Density/Intensity Table 3 in Section 4.2.7.6, or any density higher than the standard density provided for such use in each applicable Countywide Plan Map category, shall adopt, at a minimum, the following restrictions:

- A. No temporary lodging unit shall be occupied as a permanent residential dwelling unit, and a locally-determined maximum length of stay for any consecutive period of time shall be established to ensure that any temporary lodging use does not function as a permanent residential use.
- B. Temporary lodging units shall not qualify or be used for homesteading purposes or home occupational licensing.
- C. All temporary lodging units must be included in the inventory of units that are available within a temporary lodging use.
- D. In development providing a combination of temporary lodging and permanent residential dwelling uses, each use shall be allowed in proportion to the size of the property and the permitted density of the respective use.
- E. No conversion of temporary lodging units to permanent residential 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.

- F. 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.
- G. Proper licensing will be required of all temporary lodging uses through all applicable agencies that license hotels and motels prior to any certificate of occupancy being issued. All licenses must be kept current.
- H. Temporary lodging uses shall be subject to all applicable tourist development tax collections.
- I. Any applicable occupational licenses required by the local government with jurisdiction shall be obtained for businesses operating a temporary lodging use.
- J. A reservation system shall be required as an integral part of the temporary lodging use.
- K. There shall be a lobby/front desk area that is internally oriented and must be operated as a typical hotel/motel lobby/front desk area would be operated.
- L. Temporary lodging uses must have sufficient signage viewable by the public designating the use as a temporary lodging use that also complies with local codes.
- M. The books and records pertaining to the rentals 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.
- N. 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 (deleted text is in ~~strikethrough~~ format and added text is double underlined):

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

**Temporary Lodging ~~Transient Accommodation~~ Unit** – An individual room, rooms or suite within a temporary lodging ~~Transient Accommodation~~ Use designed to be occupied as a single unit for temporary occupancy ~~lodging or living quarters~~.

**Temporary Lodging ~~Transient Accommodation~~ Use** – A facility containing one or more temporary lodging ~~transient accommodation~~ 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 ~~transient accommodation~~ 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.

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.

## **FINAL PAC MINUTES FOR OCT. 9, 2006**

### Transient Accommodations – Proposed Rule Amendments – Follow-Up

Mr. Crawford reminded the PAC members of previous PAC meetings where this topic was discussed, reiterating the background information describing the importance of the tourism industry in Pinellas County.

Mr. Crawford reported that the Council is being asked to review a preliminary draft of Countywide Rule amendments addressing temporary lodging uses and authorize a public hearing for adoption of the amendments at their November meeting. He reported that pertinent issues associated with the loss of temporary lodging units in the County have been identified and are being addressed in a report being prepared by staff and discussed by the Council.

Mr. Crawford noted that the PPC staff was authorized by the Council to join the City of St. Pete Beach in funding a research study conducted by Glatting Jackson relative to economic and design issues for temporary lodging uses. The research study includes an economic analysis of market conditions prepared by a sub-consultant, Real Estate Research Consultants of Orlando. The PPC staff has used this economic analysis and other studies as a basis for the attached proposed amendments allowing alternative higher temporary lodging densities. The research study also includes computer three-dimensional architectural models produced by another sub-consultant, the architectural firm HHCP. The graphics will be used to illustrate height, density, and massing impacts of the proposed changes to the Countywide Rules for temporary lodging use.

Mr. Crawford noted that this information was presented to the public, on behalf of the City of St. Pete Beach on Saturday, October 7<sup>th</sup>. PPC staff attended that meeting and will present a summary of this information to the PPC on October 18<sup>th</sup>. At the Council meeting staff expects to have a report completed that provides background on the temporary lodging use issues, evaluates the current situation and trends, reviews direction received, and research performed that relate to the proposed amendments to the Countywide Rules.

Discussion followed with regard to the Collaborative Labs meeting held this past Saturday. Mr. Healey then presented three Countywide Rule amendment options to PAC and stated that after considering several options he is suggesting a more simple approach, referring to two “alternate” tables; he noted that whatever residential density allowed now would remain in Alternatives 2 and 3; and then he described the difference in allowable temporary lodging density between the last two alternatives.

Mr. Healey noted that the other component on the team at Saturday's meeting was an architectural firm which looked at room size, space required for amenity packages, etc., and provided a number of graphic examples. He further noted that the overall objective in increasing the number of permitted temporary lodging units is to reach parity with permanent residential units, and that Alternate #3 is the option that will be recommended by staff to the Council.

Mr. Healey also noted that a memorandum was received just prior to the PAC meeting from Brian Smith of the Pinellas County Planning Department. He is suggesting that this item needed further review before moving forward, and that many other issues should be addressed before the Rule amendments are addressed by the CPA.

Mr. Healey stated that the insurance issues, tax problems, etc. will not be solved at the PPC level, that these will evolve over the next year through the State and Legislature appointed committees; and that staff has enough factual information now to address our part of this total solution. Mr. Healey then suggested that this Rule amendment package move forward and that we have asked the economic consultant to come to the PPC's October meeting to address the economic analysis completed.

Mr. Beardslee suggested that the floor area ratio allowed for the Resort Facility Overlay category be reviewed and likely needs to be increased, and in response to the draft ordinance stated that the County does not issue occupational licenses and that this item should be corrected in the draft.

Discussion followed on condo-hotels as an investment for hotels. Mr. Healey stated the architectural consultant indicated they are seeing a return to "true hotels" and that condo-hotels are falling out of favor as an investment vehicle. Gina Clayton noted that the Hyatt was originally proposed as a condo-hotel, but they were now able to get conventional financing for the hotel.

Gina Clayton asked for clarification on what is included in the floor area ratio calculations and Mr. Crawford stated that hotels, associated parking, amenities, and residential uses in the main structure are all part of the calculation – all in order to control the overall bulk of a project. Mr. Healey stated that it is the intent to set the FAR high enough to be all inclusive. Discussion followed as to consideration for a project that includes public parking to which Mr. Healey indicated this would yield a different ratio and that staff would look further into this.

Ms. Clayton made a motion to approve the PPC staff work and general direction of alternates #2 and #3; the motion was seconded by Sharen Jarzen. After a friendly amendment by Rick MacAulay, seconded by Bob Klute, further discussion followed with Ms. Clayton indicating that she would support alternate #2 which maintains residential units at 30 per acre in order to protect the density in developed projects, but believed that staff is going in the right direction with each of the alternatives.

After further discussion of the original motion's content, Mr. MacAulay restated the motion that staff present all three proposals to the Council – the original as well as Alternatives #2 and #3, or some combination of them; and proceed in moving forward with this issue; the motion was seconded by Mr. Metcalf, and carried (Vote 12-0).

## **FINAL PAC MINUTES FOR NOV. 6, 2006**

Temporary Lodging Use – Proposed Countywide Rule Amendment – Mr. Healey noted that the Council did not take action on this at the last PPC meeting due to time constraints; that the Council will hear a presentation by Mr. Beitsch at their November meeting. He stated the proposed amendments have now been put into ordinance form. He noted that communities that do not have a need to make a change will need to do nothing; that those who want to take advantage of the provisions must adopt the associated items.

Mr. Healey noted that the County Administrator has indicated the BCC will want to workshop this issue before considering the Rule amendment as the CPA.

Mr. Healey noted that alternative #3 is the option that has been placed into ordinance form, but that the PPC will see all three options that were presented to the PAC last month.

# **DRAFT PAC MINUTES FOR JAN. 8, 2007**

## Proposed Amendments to the Countywide Plan Rules – Temporary Lodging Use

Mr. Mettler stated that linking countywide redevelopment efforts with the tourism industry to complement overall economic development policy is an enumerated strategy in *Pinellas by Design*; that specifically, one of the implementation actions under this strategy is to utilize the findings of previous studies that document the loss of tourist accommodations to guide revision of policies governing redevelopment for such use.

Mr. Mettler referred to the staff report which provides the historical background on this item which led to the PPC joining the City of St. Pete Beach in funding a study of temporary lodging use issues, including the economic analysis of market conditions and development costs, as well as site design considerations. He referred to the November 2006 PPC meeting at which Dr. Owen Beitsch of Real Estate Research Consultants presented his findings on the economic analysis and related site considerations as part of the joint effort with St. Pete Beach. In addition to Dr. Beitsch's presentation at the November meeting, Council staff reviewed draft amendment to the Countywide Rules that would better reflect the economic realities of developing new or reconstructed temporary lodging facilities. After deliberation, the Council authorized the draft ordinance be advertised for public hearing at its January 2007 meeting.

Mr. Mettler stated that the proposed Countywide Rule amendments will provide local governments with an alternative to allow higher density and intensity standards for temporary lodging uses. The proposed amendments will allow an additional number of units per acre, and provide for a maximum floor area that is intended to accommodate all ancillary uses to the temporary lodging facility. The increases in density range from 1.5 to 2.5 times the number of temporary lodging units now permitted, depending on the plan category and size of the property. The ordinance requires that adoption of these higher density and intensity standards by local government be subject to establishment of additional applicable requirements, including design guidelines, a coordinated approach to transportation concurrency management, and additional use restrictions. The ordinance also provides amended definitions for temporary lodging uses, commonly referred to as hotels or motels.

He stated that staff is recommending approval of the Countywide Rule amendments to the CPA by adopting Resolution 07-1.

Discussion followed with regard to concerns from Treasure Island and St. Pete Beach to which it was noted that St. Pete Beach is continuing to resolve the issue of higher temporary lodging densities at the local level. Council staff has discussed the issues with Treasure Island and concludes that they apparently do not wish to pursue higher densities at this time.

Mr. Healey noted that this doesn't address Special Area Plans and if a municipality has standards in their Community Redevelopment Districts these may need to be looked at separately to ensure that higher density allowed outside these areas does not create a disincentive to redevelop within the district.

Gordon Beardslee noted that he would abstain from voting on this proposal because he had not yet had a chance to talk to the County Administrator and that preliminarily they have heard the Board of County Commissioners would like to have assurances that increasing development intensity does not increase taxes on "mom & pop" hotels, and they discussed having a commensurate lowering of residential density. Mr. Crawford noted that in discussions with Dr. Owen Beitsch that the concern for a negative impact to these smaller hotels from these regulations was unfounded. In fact, inaction has resulted in damage to these uses because areas continue to redevelop with high-valued residential projects, which in turn have resulted in these smaller hotel taxable values being increased based on the potential for redevelopment with residential uses.

Rick MacAulay moved approval of staff recommendation; the motion was seconded by Sharen Jarzen and carried (Vote 10-2, representatives of Pinellas County and Clearwater abstaining). After a general discussion of the proper use of a vote to abstain by Mr. Crawford and the PAC, it was concluded that the appropriate vote for Clearwater and Pinellas County would be for denial, that abstentions are appropriate only in the event of a conflict of interest. The representatives from Clearwater and Pinellas County agreed to vote for denial instead, but asked that the minutes reflect that the dissenting vote from Clearwater was due to their desire to discuss a different set of actions and regulations and the Pinellas County representative's position was due to the reasons noted above.