

The Countywide Rules

Amended through August 30, 2021



**FORWARD
PINELLAS**
Integrating Land Use & Transportation

2.3.3.7 Category/Symbol – Resort (R).

Purpose – This plan category is intended to depict areas developed, or appropriate to be developed, in high-density residential and resort use; and to recognize such areas as well-suited for the combination of residential and temporary lodging use consistent with their location, surrounding uses, transportation facilities, and natural resources of such areas.

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

- Permitted Uses Not Subject to Acreage Thresholds – Residential; Residential Equivalent; Vacation Rental pursuant to the provisions of Section 509.242(1)(c), Florida Statutes; Temporary Lodging; Recreational Vehicle Parks; Office; Personal Service/Office Support; Retail Commercial; Convention Center; Commercial/Business Service; Commercial Recreation; Recreation/Open Space; Community Garden; Agricultural-Light.
- Permitted Uses Subject to Acreage Thresholds – Any contiguous use or combination of uses subject to the same acreage threshold specified below, alone or when added together, exceeding the acreage maximum shall require a Countywide Plan Map amendment to another land use category that permits the use(s) where the acreage maximum does not apply:
 - Uses Subject to Three Acre Maximum – Ancillary Nonresidential; Transportation/Utility.
 - Uses Subject to Five Acre Maximum – Institutional
- Locational Characteristics – This category is generally appropriate to locations characterized by, and appropriate for, a highly intensive mix of residential and temporary lodging uses; in locations where unique recreational assets warrant the combination of permanent and temporary accommodations in proximity to and served by the arterial and highway network, as well as Multimodal Corridors and Future Transit Corridors depicted on the Land Use Strategy Map.
- Scenic/Noncommercial Corridor (SNCC) – Amendments to Resort in SNCCs are governed by Section 6.5.4.1.4, which restricts the category to the enhancement connector SNCC classification.
- Traffic Generation Characteristics – The standard for the purpose of calculating typical traffic impacts relative to an amendment for this category shall be 279 trips per day per acre.

Density/Intensity Standards – Shall include the following:

- Residential and Vacation Rental Use – Shall not exceed 30 units per acre (UPA).
- Residential Equivalent Use – Shall not exceed an equivalent of 3.0 beds per permitted dwelling unit at 30 UPA.
- Recreational Vehicle Use – Shall not exceed 30 UPA.

- Temporary Lodging Use – Shall not exceed: 1) 50 UPA; or 2) in the alternative, upon adoption of provisions for compliance with Section 5.2.1.3, the density and intensity standards set forth in Table 6 therein; or 3) in the alternative, the nonresidential intensity standards may be used.
- Nonresidential Use – Shall not exceed a floor area ratio (FAR) of 1.2, nor an impervious surface ratio (ISR) of .95.
- Mixed-Use – Shall not exceed, in combination, the respective number of UPA and FAR permitted, when allocated in their respective proportion to the net land area of the property. In the alternative, the mixed-use bonus provisions of Section 4.2.3.6 may be used.

2.3.3.8 Category/Symbol – Retail & Services (R&S).

Purpose – This plan category is intended to depict areas developed with, or appropriate to be developed with, a mix of businesses that provide for the shopping and personal service needs of the community or region, provide for employment opportunities and accommodate target employment uses, and may include residential uses as part of the mix of uses.

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

- Permitted Uses Not Subject to Acreage Thresholds – Office; Personal Service/Office Support; Retail Commercial; Commercial/Business Service; Commercial Recreation, Residential; Residential Equivalent; Vacation Rental pursuant to the provisions of Section 509.242(1)(c), Florida Statutes; Recreational Vehicle Park; Temporary Lodging; Research/Development- Light; Storage/Warehouse/Distribution-Light; Manufacturing-Light; Recreation/Open Space; Community Garden; Agricultural-Light.
- Permitted Uses Subject to Acreage Thresholds – Any contiguous use or combination of uses subject to the same acreage threshold specified below, alone or when added together, exceeding the acreage maximum shall require a Countywide Plan Map amendment to another land use category that permits the use(s) where the acreage maximum does not apply:
 - Uses Subject to Three Acre Maximum – Manufacturing-Medium.
 - Uses Subject to Five Acre Maximum – Institutional; Transportation/Utility; Agricultural; Ancillary Nonresidential.
- Locational Characteristics – This category is generally appropriate to locations in and adjacent to activity centers where surrounding land uses support and are compatible with intensive commercial use; in areas in proximity to and with access to major transportation facilities, including transit; and on Multimodal Corridors and Future Transit Corridors depicted on the Land Use Strategy Map, where its proximity to transit service supports the type and density/intensity of the proposed use characteristics.
- Scenic/Noncommercial Corridor (SNCC) – Amendments to Retail & Services in SNCCs are governed by Section 6.5.4.1.4, which restricts the category and its permitted uses to certain SNCC classifications.
- Traffic Generation Characteristics – The standard for the purpose of calculating typical traffic impacts relative to an amendment for this category shall be 433 trips per day per acre; which impacts may take into account the proximity and availability of transit service.

Density/Intensity Standards – Shall include the following:

- Residential and Vacation Rental Use – Shall not exceed 24 units per acre (UPA).
- Residential Equivalent Use – Shall not exceed an equivalent of 3.0 beds per permitted dwelling unit at 24 UPA.

- Recreational Vehicle Use – Shall not exceed 24 UPA.
- Temporary Lodging Use – Shall not exceed: 1) 40 UPA; or 2) in the alternative, upon adoption of provisions for compliance with Section 5.2.1.3, the density and intensity standards set forth in Table 6 therein; or 3) in the alternative, the nonresidential intensity standards may be used.
- Nonresidential Use – Shall not exceed a floor area ratio (FAR) of .55, nor an impervious surface ratio (ISR) of .90.
- Mixed-Use – Shall not exceed, in combination, the respective number of UPA and FAR permitted, when allocated in their respective proportion to the net land area of the property. In the alternative, the mixed-use bonus provisions of Section 4.2.3.6 may be used.
- When located in a Target Employment Center – Shall not exceed an FAR of 1.1 for Manufacturing, Office, and Research/Development uses.

**Table 5
Summary Category Matrix**

CATEGORY/SYMBOL	UPA MAX.	FAR MAX.	ISR MAX.	TRAFFIC GENERATION RATE (ADT/ACRE)
Residential Rural (RR)	0.5	.30	.60	5
Residential Very Low (RVL)	1.0	.30	.60	8
Residential Low Medium (RLM)	10	.50	.75	67
Residential Medium (RM)	15.0	.50	.75	96
Residential High (RH)	30.0	.60	.85	162
Office (O)	15.0	.50	.75	89
		1.0 (specified uses in TEC)		101 (in TEC)
Resort (R)	30.0	1.2	.95	279
Retail & Services (R&S)	24.0	.55	.90	433
		1.1 (specified uses in TEC)		
Employment (E)	N/A	.65	.85	206
		1.3 (specified uses in TEC)		236 (in TEC)
Industrial (I)	N/A	.75	.95	216
		1.5 (specified uses in TEC)		246 (in TEC)
Public/Semi-Public (P/SP)	12.5	.65 (institutional) .70 (trans./utility) 1.0 (hospital)	.85 (institutional) .90 (trans./utility)	192 (institutional) 114 (educational) 173 (medical) 104 (religious/civic) 835 (municipal/public) 67 (other institutional) 15 (transportation) 16 (municipal/public utility) 79 (other transportation/utility)
Recreation/Open Space (R/OS)	N/A	.25	.60	3
Preservation (P)	N/A	.10 (preservation) .25 (water supply)	.20 (preservation) .50 (water supply)	0.3
Target Employment Center (TEC)	See Otherwise Applicable Category and Multiplier Factor			
Activity Center (AC)				
Urban Center	200	8.0	N/A	724
Major Center	150	5.0	N/A	542
Community Center	90	3.0	N/A	325
Neighborhood Center	60	2.0	N/A	216
Multimodal Corridor (MMC)				
Premium Transit Corridor	60	4.0	N/A	600
Primary Corridor	55	3.5	N/A	533
Secondary Corridor	50	3.0	N/A	467
Supporting Corridor	45	2.5	N/A	400
Planned Redevelopment District (PRD)	45	2.0	N/A	364
Scenic/Noncommercial Corridor (SNCC)	See Otherwise Applicable Category			

Key to abbreviations:

UPA: dwelling units per acre
FAR: floor area ratio

ISR: impervious surface ratio
ADT: average daily trips

TEC: Target Employment Center

ARTICLE 3

LOCAL GOVERNMENT CONSISTENCY PROVISIONS

DIV. 3.1 AUTHORITY.

The specific authority for consistency is contained in Sections 6(7)(b), 10(1)(e), 10(2)(a), and 10(2)(b) of Chapter 2012-245, Laws of Florida, as amended, as it relates to the Countywide Plan, including the Countywide Plan Map and the Countywide Rules. The consistency requirements as set forth in these Countywide Rules pertain to the Countywide Plan Map and were derived from Chapter 2012-245, Laws of Florida, as amended.

Chapter 2012-245, Laws of Florida, as amended, clearly distinguishes the Countywide Plan Map and the Countywide Rules from the Countywide Plan in its application of the consistency requirement. Sections 10(2)(b) and 6(7)(b), Chapter 2012-245, Laws of Florida, as amended, define consistency specifically with regard to how the local government future land use elements and plans and local land development regulations, and amendments thereto, relate to the Countywide Plan Map and the Countywide Rules. Section 6(7)(b), Chapter 2012-245, Laws of Florida, as amended, provides clear direction as to the minimum criteria to be used by the PPC and CPA to evaluate the consistency of local future land use plans and local development regulations, and amendments thereto, with the Countywide Plan Map and these Countywide Rules.

DIV. 3.2 CONSISTENCY REQUIREMENT.

Amendments to local future land use plans and land development regulations shall be consistent with the Countywide Plan Map and the criteria and standards set forth in these Countywide Rules.

Consistency, as used in the determination of whether or not a local government future land use plan or land development regulation is consistent with the Countywide Plan Map and these Countywide Rules, shall be construed to mean that the compared item is in accordance with, and is within the parameters specified, for the item by the criterion to which it is compared. If any one or combination of item(s), required to be compared, deviate or depart in any way from the parameters specified, other than as specifically provided in Chapter 2012-245, Laws of Florida, as amended, the compared item shall be deemed to be inconsistent with the norm and shall render the local government plan or land development regulation so compared, inconsistent.

DIV. 3.3 LOCAL FUTURE LAND USE PLAN AND LAND DEVELOPMENT REGULATION AMENDMENTS.**SEC. 3.3.1 REQUIRED PROCEDURES.**

Local future land use plan and land development regulation amendments, other than future land use plan map amendments, which deal with any matter addressed by the criteria and standards set forth in Article 4 and Article 5 of these Countywide Rules, and which are proposed to be adopted by the local government, shall utilize the process set

forth herein in order to assure that consistency, once established, is maintained. Local future land use plan map amendments that require a corresponding Countywide Plan Map amendment shall be processed as set forth in Article 6 of these Countywide Rules.

3.3.1.1 **Local Government Referral.** Amendments to local future land use plans and local land development regulations which relate to, and are governed by, the criteria and standards in Article 4 and Article 5 of these Countywide Rules shall be submitted by the local government to the PPC not less than twenty-one days prior to the initial public hearing by the governing body.

3.3.1.2 **PPC Staff Review.** The PPC staff shall, within fifteen days of the receipt of such proposed amendment, notify the local government if such amendment is not consistent with the criteria contained in these Countywide Rules. Absent such notification, the local government may proceed to adopt such amendment.

If notified by the PPC staff that such amendment is not consistent with the criteria contained in these Countywide Rules, the local government shall be given an opportunity to correct the inconsistency or request a determination by the PPC and CPA prior to adoption of the local ordinance. However, such amendment shall not be adopted by the local government until the issue as to the consistency of the proposed amendment has been reconciled pursuant to this Division.

3.3.1.3 **Recording with the PPC.** Upon adoption by the local government, a final copy of the ordinance, and any such subsequent codification thereof, for all such amendments shall be filed with and maintained by the PPC.

SEC. 3.3.2 APPEAL OF STAFF DETERMINATION.

3.3.2.1 **Appeal to the Pinellas Planning Council.** If the local government disputes the PPC staff interpretation, they may request the PPC to review the subject amendment. The PPC will review the staff and local government positions at a public meeting and make a recommended determination concerning the consistency of the proposed amendment. If found consistent by the PPC, the local government may then adopt the proposed local amendment.

If the PPC concurs with staff and finds the item inconsistent, such amendment shall not be adopted by the local government.

3.3.2.2 **Appeal to the Countywide Planning Authority.** If the local government disputes the determination of the PPC, they may appeal such determination to the CPA. If the CPA determines the amendment to be consistent by a majority plus one vote of the entire CPA, the local government may then adopt the proposed amendment. If the CPA agrees with the PPC and determines the amendment not to be consistent, such amendment shall not be adopted by the local government.

3.3.2.3

Administrative Hearing. If the local government disagrees with the determination of the CPA, the local government may petition for administrative hearing under and pursuant to the Chapter 120, F.S., administrative hearing process as authorized in Chapter 2012-245, Laws of Florida, as amended. A final decision shall be rendered by the CPA following any administrative hearing based upon the findings of fact of the hearing officer.

ARTICLE 5

OPTIONAL PROVISIONS

5.2.1.2.5 Density/intensity averaging as otherwise governed by these Countywide Rules shall be allowed to include any development rights available to, but previously unused by, existing developed property that is being added to or redeveloped using the density/intensity averaging provisions of these Rules.

5.2.1.3 **Alternative Temporary Lodging Use Standards.**

5.2.1.3.1 **Alternative Density/Intensity.** Local governments may utilize the provisions of this section in lieu of the standard temporary lodging densities or intensities specified within each Countywide Plan Map category that provides for such use, subject to the following:

- A. A local government may utilize all, or any part of, the higher temporary lodging densities and associated intensities included in the accompanying Table 6, provided that both a density and intensity standard are applied to the temporary lodging use.
- B. 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 6, based on a Development Agreement prepared and approved pursuant to Chapter 163, Sections.3220-.3243, F.S., as amended.
- C. A Development Agreement proposing to utilize the higher densities and intensities identified in Table 6 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, and potable water, 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 Comprehensive Emergency Management Plan, 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 5.2.1.3.2, the mobility management provisions in Section 5.2.1.3.3 and the restrictions on temporary lodging use in Section 5.2.1.3.4 set forth following.
- D. 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 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.
 - E. The alternative densities and intensities set forth in Table 6 are maximums, except as provided for in F. 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 6.
 - F. 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 7.4 of these Rules. The FARs in Table 6 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 (e.g., meeting space, restaurants, spas, clubs, etc.).
 - G. 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.

Table 6
Alternative Temporary Lodging Density and Intensity Standards

Plan Category	Temporary Lodging On Property That Is:	Maximum Density/Intensity Standards		
		Units/Acre	FAR	ISR
R, AC, MMC, PRD	Less Than One Acre	75	2.2	0.95
	Between One Acre And Three Acres	100	3.0	0.95
	Greater Than Three Acres	125	4.0	0.95
R&S	No Property Size Limitations	60	1.2	0.90
E	Subject To 5-Acre Property Size Limitation Per Section 2.3.3.9	75	1.5	0.85

5.2.1.3.2 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 6, 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 the Pinellas Community* 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.

5.2.1.3.3 Mobility Management. The applicant shall ensure that a project authorized to use the increased density and intensity provided for in Table 6 adequately addresses its impacts on the surrounding road network through the implementation of mobility improvements or strategies consistent with the Pinellas County Mobility Plan, as implemented by the countywide Multimodal Impact Fee Ordinance.

5.2.1.3.4 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 6 is built, functions, operates, and is occupied exclusively as temporary lodging.

In particular, temporary lodging uses at the densities/intensities in Table 6, or any density higher than the standard density provided for such use in each applicable Countywide Plan Map category, or the local future land use plan designation where it may be more restrictive, 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 nonresidential 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.