

ORDINANCE NO. xxxx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, PERTAINING TO ACCESSORY DWELLING UNITS; AMENDING CHAPTER 18, LAND DEVELOPMENT CODE; BY AMENDING SECTION 18-305(A) "RESIDENT POPULATION FACTORS"; BY AMENDING SECTION 18-901 "STANDARD CODES ADOPTED"; BY AMENDING SECTION 18-1502.2(A) "WORDS OR TERMS BEGINNING WITH THE LETTERS "A" THROUGH "E""; BY AMENDING CHAPTER 18, ARTICLE 15, TO CREATE A NEW SECTION 18-1530.28 "ACCESSORY DWELLING UNITS"; BY AMENDING SECTION 18-1531.10(A) "LIST OF CONDITIONAL USES AND REQUIREMENTS"; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE CODE OF THE CITY OF PINELLAS PARK, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (LDC-0223-00003)

WHEREAS, policy LU.1.10.12 of the City of Pinellas Park's adopted Comprehensive Plan states, "The City will encourage the provision of an adequate supply of affordable and workforce housing that is affordable to extremely low-, very low-, low-, moderate-, and middle-income households."; and

WHEREAS, objective H.1.3 of the City of Pinellas Park's adopted Comprehensive Plan states, "Support housing developments that provide a mix of housing to serve a range of income levels, integrating traditional market-value housing with affordable housing opportunities, while avoiding concentration of affordable units in specific areas."; and

WHEREAS, policy H.1.3.4 of the City of Pinellas Park's adopted Comprehensive Plan states, "Encourage mixed use development, density transfers, density bonuses, Planned Unit Development, and other innovative methods to reduce impediments to affordable housing development."; and

WHEREAS, policy H.1.3.5 of the City of Pinellas Park's adopted Comprehensive Plan states, "Developers and landowners shall be encouraged to build a variety of housing types within the CRD, including affordable housing as defined within the Housing Element of the Comprehensive Plan."; and

WHEREAS, Accessory Dwelling Units provide housing for a variety of people, including seniors and young adults, in a range of affordable price points without concentrating such housing in one area; and

WHEREAS, Accessory Dwelling Units provide a source of income making it possible for property owners to stay in their home despite rising property values and taxes; and

WHEREAS, the City of Pinellas Park seeks to allow Accessory Dwelling Units as permitted by Section 163.31771 of the Florida Statutes; and

WHEREAS, the City of Pinellas Park desires for the Land Development Code to function effectively and equitably throughout the city; and

WHEREAS, the Planning and Zoning Commission, sitting as the Local Planning Agency, and the City Council for the City of Pinellas Park, Florida have reviewed and held public hearings on said proposed ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF PINELLAS PARK, FLORIDA:**

SECTION ONE: That Section 18-305(A), of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended as follows:

- (A) RESIDENT POPULATION FACTORS. It is recognized that the ultimate density of a proposed residential development bears directly on the amount of parkland and recreational facilities required to serve the residents of such development. In light of this fact, the following is a listing of those persons per unit factors which are indicative of current and short range projected trends in family size for new residential construction:

TYPE OF UNIT	TOTAL PERSONS PER UNIT
One bedroom (e.g., efficiencies)	1.25
Two bedrooms	2.5
Three or more bedrooms	3.5
Accessory Dwelling Unit ¹	1.25
Institutions ² : (e.g. nursing homes ACLF's, and facilities for the elderly) (excluding hospitals and incarceration centers.)	1/person/bed or unit
NOTE: If an institution with group facilities is a conditional use, then the resident population factor shall be calculated upon the basis of the maximum permitted density.	

Table Notes

1. An accessory dwelling unit shall be calculated as one (1) additional bedroom for the single-family home located on the same lot of record.
2. If an institution with group facilities is a conditional use, then the resident population factor shall be calculated upon the basis of the maximum permitted density.

SECTION TWO: That Section 18-901, of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended as follows:

Sec. 18-901. - STANDARD CODES ADOPTED.

The Florida Building Code as mandated by the State of Florida, including Residential Appendix Q Tiny Houses, with present and subsequent variations and amendments thereto that are promulgated by the Pinellas County Construction Licensing Board pursuant to the authority and procedures set forth in Chapter 75-489, Laws of Florida, are adopted as the Technical Codes of the City of Pinellas Park.

SECTION THREE: That Section 18-1502.2(A), of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended so that said section shall include the following new and/or modified definitions in their proper alphabetic sequence:

Sec. 18-1502.2. - DEFINITIONS.

(A) Words or terms beginning with the letters "A" through "E".

Accessory Dwelling Unit. A self-contained dwelling unit with a separate entrance located on a lot of record with a single-family detached dwelling, which may be attached or detached from the single-family home.

SECTION FOUR: That Chapter 18 of the Land Development Code of the City of Pinellas Park, Florida is hereby amended creating a new subsection 18-1530.28, which said subsection shall read as follows:

Sec. 18-1530.28. - ACCESSORY DWELLING UNITS.

- (A) PURPOSE. The intent of accessory dwelling units, where allowable, is to provide an alternative housing type. Accessory dwelling units contribute to a healthy mix of housing types that respond to the changing needs of residents, make more efficient use of the existing residential infrastructure, and contribute to the revitalization of the existing housing stock. The following standards allow the construction of this housing type in a manner that is subordinate to the principal structure and consistent with the surrounding development.
- (B) APPLICABILITY. Accessory dwelling units are permitted on any lot of record developed with a single-family detached dwelling. The provisions of this section do not override any deed restriction or homeowners' association declarations restricting accessory dwelling units, which the city has no authority to enforce.
- (C) GENERAL REQUIREMENTS.
1. A walkway constructed of concrete, pavers, stepping stones or other similar materials shall connect the parking area for the accessory dwelling unit to the primary entrance of the accessory dwelling unit.
 2. A permit for an accessory dwelling unit shall not be issued without the existence of an existing principal structure or the issuance of a permit for a principal structure.
 3. A certificate of occupancy for an accessory dwelling unit shall not be issued without a certificate of occupancy for the principal structure.
 4. When an accessory dwelling unit is located between the principal structure and the property line abutting the street right-of-way, whether attached or detached from the principal structure, it shall be considered the building in determining the yard setback.

5. Prior to issuance of a Certificate of Occupancy for an accessory dwelling unit, the owner(s) of the lot of record upon which an accessory dwelling unit is located shall record with the Pinellas County Clerk of Courts a deed restriction approved by the City, prohibiting a division of the lot of record or the sale of the accessory dwelling unit separately from the principal structure.

(D) NUMBER PERMITTED. No more than one (1) accessory dwelling unit shall be permitted per lot of record.

(E) MINIMUM SETBACKS.

1. Front Yard Setback: Shall be the front yard setback of the Zoning District for the lot of record.
2. Secondary Front Yard Setback: Shall be the secondary front yard setback of the Zoning District for the lot of record.
3. Side Yard Setback: Shall be the side yard setback of the Zoning District for the lot of record.
4. Rear Yard Setback: Ten (10) feet if detached from the principal structure. If the accessory dwelling unit is attached to the principal structure, then the rear yard setback shall be the rear yard setback of the Zoning District for the lot of record.

(F) MAXIMUM SQUARE FOOTAGE. The air-conditioned area of an accessory dwelling unit shall be no more than six-hundred (600) square feet.

(G) HEIGHT.

1. Detached: twenty-five (25) feet.
2. Attached: Shall be the maximum height of the Zoning District for the lot of record.

(H) PARKING REQUIRED.

1. One (1) off-street parking space shall be required per accessory dwelling unit. This requirement shall be in addition to the off-street parking spaces required for the principal use.
2. All required parking on the site shall comply with the requirements of Section 18-1532.9(A) (1).

3. Under no circumstance shall an accessory dwelling unit reduce the number of off-street parking spaces for the principal use below the number required by this Article.

(I) BUILDING SEPARATION. Detached accessory dwelling units shall be separated by at least ten (10) feet from all structures on the lot of record. An accessory dwelling unit separated by less than ten (10) feet from the principal structure shall be considered attached and subject to the applicable requirements for a principal structure, including all requirements of this Article and the Florida Building Code.

SECTION FIVE: That Section 18-1531.10(A), of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida, is hereby amended creating a new subsection 1, with all subsequent subsections renumbered accordingly, which shall read as follows:

1. Accessory Dwelling Unit.

(a) Administrative approval unless a waiver is requested from one (1) or more of the provisions of Section 18-1530.28, then the application shall require approval by City Council.

SECTION SIX: All other provisions of Chapter 18 of the Code of the City of Pinellas Park not hereby amended shall remain in full force and effect.

SECTION SEVEN: The provisions of this Ordinance shall become and be made a part of the Land Development Code of the City of Pinellas Park, Florida, and the publisher of the Code of Ordinances may renumber, reclassify or otherwise insert this Ordinance in an appropriate place to accomplish such intention.

SECTION EIGHT: The provisions of this ordinance shall be deemed severable, and should any court of competent jurisdiction declare any part of this ordinance unconstitutional or invalid, the remaining parts hereof shall not, in any way, be affected by such determination as to the invalid part.

SECTION NINE: This Ordinance shall be in full force and effect immediately after its passage and approval in the manner provided by law.

PUBLISHED THE _____ DAY OF _____, 2023.

PUBLISHED THE _____ DAY OF _____, 2023.

FIRST PUBLIC HEARING THE ____ DAY OF _____, 2023.

SECOND PUBLIC HEARING THE ____ DAY OF _____, 2023.

PASSED THIS _____ DAY OF _____, 2023.

AYES:

NAYES:

ABSENT:

ABSTAIN:

APPROVED THIS _____ DAY OF _____, 2023.

Sandra L. Bradbury
MAYOR

ATTEST:

Jennifer R. Carfagno, MMC
CITY CLERK



CITY HALL - P.O.Box 1100
PINELLAS PARK, FL 33780-1100

Please Respond To:

City Attorney's Office
Lauren C. Rubenstein
James W. Denhardt
2700 First Avenue North
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(727) 327-3400 - Telephone
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May 17, 2023

Mr. Derek Reeves
Long Range Planning Manager
City of Pinellas Park
P. O. Box 1100
Pinellas Park, Florida 33780-1100

RE: City Document #23-116
Accessory Dwelling Units Ordinance - LDC-0223-00003

Dear Mr. Reeves:

Our office has received and reviewed the above-referenced proposed Ordinance pertaining to Accessory Dwelling Units. Our office would approve of the Ordinance as to form and correctness.

Very truly yours,

Lauren C. Rubenstein
City Attorney

cc: Bart Diebold, City Manager
Diane M. Corna, MMC, City Clerk
Chief Michael Haworth, Asst. City Manager
Nick Colonna, Community Development Administrator
Aaron Petersen, Asst. Community Development Administrator
Erica Lindquist, Planning & Development Services Director

LCR/dh

23-116.05172023.LDR.Access Dwelling Units Ord LDC-0223-00003.wpd