



**CITY OF OLDSMAR
CITY COUNCIL
AGENDA ITEM
COVER MEMO**

TO: City Council

FROM: Ann Nixon, City Clerk

DATE: April 5, 2022

AIR #: AIR-1871

SUBJECT: PUBLIC HEARING for Second and Final Reading of Ordinance 2021-26, amending the Town Center Development Code and Architectural and Design Pattern Book to permit a density bonus for vertically integrated mixed-use development and to clarify language regarding density/intensity and floor-area ratio within the district

BACKGROUND

At the December 7, 2021 Council meeting, Council passed the First Reading of Ordinance 2021-26. If Council adopts Ordinance 2021-26, it will take effect after Ordinance 2021-25 is approved by the Florida Department of Economic Opportunity and all appeals have been exhausted.

STRATEGIC GOAL

Quality of Place

RECOMMENDED MOTION

Adopt Ordinance 2021-26, amending the Town Center Development Code and Architectural and Design Pattern Book to permit a density bonus for vertically integrated mixed-use development and to clarify language regarding density/intensity and floor-area ratio within the district.

ATTACHMENTS

[Ordinance 2021-26 \(PDF\)](#)

[Legal Advertisement for Second Readings \(PDF\)](#)

ORDINANCE 2021-26

AN ORDINANCE OF THE CITY OF OLDSMAR, FLORIDA AMENDING THE TOWN CENTER DEVELOPMENT CODE; AMENDING SECTION 2.1 TO ADD DEFINITIONS FOR DENSITY/INTENSITY AVERAGING AND VERTICALLY INTEGRATED MIXED USE DEVELOPMENT; AMENDING SECTION 3.7.1 PROVIDING THAT MIXED USE DENSITIES MAY BE PERMITTED UP TO 65 UNITS PER ACRE SUBJECT TO THE MIXED USE BONUS AREA STANDARDS OF SECTION 3.7.5; AMENDING SECTION 3.7.2 TO PROVIDE THAT TRANSIENT ACCOMMODATIONS MAY BE PERMITTED UP TO 150 UNITS PER ACRE SUBJECT TO THE MIXED USE BONUS AREA STANDARDS OF SECTION 3.7.5; AMENDING SECTION 3.7.5 TO REVISE THE MAXIMUM FLOOR AREA RATIO AND TO ALLOW FOR MIXED USE DEVELOPMENTS AS WELL AS DENSITY/INTENSITY AVERAGING AND PROVIDING FOR MIXED USE BONUS AREA; AMENDING APPENDIX A – ARCHITECTURAL AND DESIGN PATTERN BOOK TO PROVIDE THAT DENSITY AND INTENSITY BONUSES ARE AVAILABLE FOR VERTICALLY INTEGRATED MIXED USE DEVELOPMENTS SUBJECT TO THE MIXED USE BONUS AREA STANDARDS OF SECTION 3.7.5 OF THE TOWN CENTER DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, to support the City Council priority for downtown redevelopment, City staff proposed a Town Center Code Amendment and Comprehensive Plan Amendment to encourage mixed-use development within the Town Center Commercial Residential district and to allow a density bonus for vertically integrated mixed-use development in the that district; and

WHEREAS, the Planning Board of the City of Oldsmar held a public hearing and duly considered the proposed changes and made its recommendation to City Council; and

WHEREAS, the City Council has received input from the public at two public hearings.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLDSMAR, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1: That Section 2.1 of Article II of the Town Center Development Code is hereby amended to add the following definitions:

Density/Intensity Averaging. The aggregation of the otherwise permitted density and/or intensity of a parcel or parcels of land in a non-uniform or consolidated manner on a portion of such contiguous parcel(s) in accordance with Sec. 3.7.5 of this land development code.

Vertically Integrated Mixed-Use Development. A single building which accommodates multiple land uses, with more active uses (e.g., retail commercial) established at ground level and less active uses (e.g., residential, office) on higher floors.

Section 2: That Section 3.7.1 of Article III of the Town Center Development Code shall be amended to read as follows:

3.7.1. - General.

Intent and purpose of the district. The town center commercial residential (TCCR) district is established to provide suitable areas for retailing and service establishments and for residential development or redevelopment at densities of up to 30 units per acre conveniently located in the town center. Mixed use densities in this district may be permitted up to 65 units per acre, subject to the mixed use bonus area standards of Section 3.7.5.

The TCCR district shall provide for appropriate development and redevelopment of lands that are designated in the comprehensive plan as community redevelopment district and the town center plan as TCCR.

Section 3: That Section 3.7.2 of Article III of the Town Center Development Code shall be amended to read as follows:

3.7.2. - Permitted uses.

1. Retail sales and service establishments.
2. Retail centers.
3. Transient accommodations, not to exceed 80 units per acre. ~~Increases in density, accompanied with a Development Agreement, may be permitted subject to approval of a Countywide Plan Map amendment permitting the density increase.~~ Transient accommodations may be permitted up to 150 units per acre, subject to the mixed use bonus area standards of Section 3.7.5.
4. Restaurants, except drive through.
5. Financial institutions and banks, except drive through.
6. Professional services, including medical, dental and optical offices, real estate, travel agencies, brokerage houses, office supplies.

7. Business services, including advertising, employment services, management and consulting services, and similar uses.
8. Commercial recreation including the following:
 - a. Health clubs and spas.
 - b. Movie theaters and multiplexes, except drive in.
 - c. Bars and nightclubs, with or without music, live or recorded.
 - d. Amusement arcades within completely enclosed buildings.
9. Civic and assembly uses, whether public or private, including offices, libraries, galleries, performing arts theaters, museums and similar uses and associated ancillary uses.
10. Mixed use development.
11. Parking lots and parking structures, whether public or private; provided, however, that parking structures shall be of a closed construction type only and that said structures shall comply with architectural standards set forth in Article V and the accompanying Architectural and Design Pattern Book of this Code.
12. Automobile rental businesses may be permitted as an accessory use so long as that business is located within a transient accommodation use, provided that long-term parking and marked reserved spaces of rental vehicles be prohibited.
13. Transit stops.
14. Places of worship.
15. Brewpubs, provided the following standards are met:
 - a. No outdoor storage shall be permitted.
 - b. All malt, vinous, or distilled liquor production shall be within completely enclosed structures.
 - c. By-products or waste from the production of the malt, vinous, or distilled liquor shall be properly disposed of off-site.
 - d. All mechanical equipment, visible from the street or adjacent to residential uses, shall be screened using architectural features consistent with the principal structure.

Section 4: That Section 3.7.5 of Article III of the Town Center Development Code shall be amended to read as follows:

3.7.5. - Standards.

Building height regulations.

Maximum building height: six stories up to 75 feet. All structures are required to step back a minimum of ten feet after 55 feet or four stories of building height.

Lot setbacks.

Front: Maximum of ten feet. Structures fronting Tampa Road shall be consistent with the Tampa Road Corridor Plan.

Side: Minimum of five feet.

Rear: Minimum of twenty feet.

Railroad: Minimum of zero feet.

Maximum impervious surface ratio.

Maximum impervious surface ratio (ISR): 0.90.

Maximum floor area ratio.

Maximum floor area ratio (FAR): ~~2.0~~ 1.0.

Maximum floor area ratio (FAR), Mixed Use Developments: Up to 2.0, subject to the mixed use bonus area standards of this section.

Density/intensity averaging.

Density/intensity averaging shall be permitted provided that:

- There shall be no density/intensity averaging to the Preservation or Recreation/Open Space future land use categories.
- There shall be no density/intensity averaging from a sending area within the Town Center to a receiving area outside the Town Center.
- There shall be no density/intensity averaging from or to submerged land, or from outside the coastal high hazard area into the coastal high hazard area.
- Following density/intensity averaging, the combined density/intensity entitlements of the sending and receiving areas may not exceed the combined entitlements allowed prior to density/intensity averaging.
- There shall be no transfer of nonconforming density or intensity from the sending area in excess of what is permitted by the underlying land use category.
- Following transfer of density and/or intensity, permitted uses in both the sending and receiving areas must remain consistent with their respective land use categories.
- Density/intensity averaging shall require the property(ies) to be subject to a site plan or comparable approval process.
- A written record of the density/intensity averaging shall be recorded in the public record with the Clerk of the Circuit Court for Pinellas County, and a copy shall be filed with Forward Pinellas.

Architectural and design standards.

Refer to Article V, TCCR district and the Architectural and Design Pattern Book.

Public/semi-public threshold.

Public/semi-public uses shall not exceed a maximum of five acres. Such use or contiguous like uses in excess of this threshold shall require a plan amendment.

Mixed use.

Mixed use development may ~~exceed~~ utilize, in combination, the full allocation ~~respective number~~ of units per acre and floor area ratio permitted, ~~when allocated~~ in their respective proportion to ~~for~~ the gross net land area of the property, subject to review by the city.

Mixed use bonus area.

Properties located within the area south of Tampa Road and north of State Street East (SR 580)/State Street West, shall additionally allow vertically integrated mixed use development in accordance with the mixed use bonus provisions of Section 4.2.3.6 of the Countywide Rules. As an incentive to encourage, transit supportive, vertically integrated mixed-use developments in this area, such developments shall be permitted a maximum density of sixty-five (65) units per acre, transient accommodations density of 150 units per acre, and a FAR of 2.0. Any such developments exceeding a density of thirty (30) units per acre, a transient accommodations density of 80 units per acre, or a FAR of 1.0 shall meet the requirements of Section 4.2.7.1 of the Countywide Rules and Section 163.3178(8)(a), Florida Statutes, and shall require the following:

1. Transient accommodation uses shall provide a hurricane evacuation and closure plan that complies with all Pinellas County hurricane evacuation plans and procedures to ensure orderly evacuation of guests and visitors pursuant to the Pinellas County Code, Chapter 34, Article III.
2. Multi-family residential dwelling units shall provide a hurricane evacuation and re-entry plan requiring mandatory evacuation in accordance with emergency management directives. The plan shall include operating procedures for how the project will handle loss of off-site or grid power, transition to a backup source of power (if available), and transition back to normal operation.
3. Such requirements shall be incorporated into a Development Agreement approved by the City in accordance with Section 14.7 of the Land Development Code.

Section 5: That the description for Town Center Commercial Residential as set forth in Section 2 of Appendix A – Architectural and Design Pattern Book shall be amended to read as follows:

Town Center Commercial Residential (TCCR). The TCCR district is a more intense mixed use district that is suited for retail and service establishments as well as residential uses of up to 30 dwelling units per acre residential density. This district allows for hotels and motels with up to 80 units per acre density and parking lots or parking structures as permitted uses. Density and intensity bonuses are available for vertically integrated mixed use developments up to 65 units per acre for residential, 150 units per acre for transient accommodations, and a FAR of 2.0 for the area south of Tampa Road and north of State Street East (SR 580)/State Street West, subject to the mixed use bonus area standards of Section 3.7.5 of the Town Center Development Code. Drive through establishments, places of worship, self-service storage facilities, and specific assembly or research and development facilities are permitted in this district as conditional uses.

Section 6: That this ordinance shall take effect immediately upon its adoption.

Section 6: That this ordinance shall take effect immediately after passage and adoption of Ordinance 2021-25, approval of Ordinance 2021-25 by the Florida Department of Economic Opportunity and all appeals, if any, of Ordinance 2021-25 have been exhausted.

PASSED ON FIRST READING:

_____.

PASSED ON SECOND READING AND ADOPTED:

_____.

Daniel M. Saracki, Mayor
City of Oldsmar

ATTEST:

**Ann Nixon, City Clerk, MMC
City of Oldsmar**

APPROVED AS TO FORM:

**Thomas J. Trask, B.C.S.
City Attorney, City of Oldsmar**



PUBLIC HEARING NOTICES CITY OF OLDSMAR, FLORIDA COMPREHENSIVE PLAN AND TOWN CENTER DEVELOPMENT CODE AMENDMENTS

Notices are hereby given that the **Oldsmar City Council** will hold a meeting on **Tuesday, April 5, 2022 at 7:00 p.m.** at **Council Chamber, 101 State Street West, Oldsmar**, or as soon thereafter as the proposed ordinances can be heard. Following the Public Hearings the City Council will consider the Second and Final readings of the following ordinances, described below by title only. The ordinances can be read in their entirety in the Office of the City Clerk, 100 State Street West, Oldsmar, FL.

ORDINANCE 2021-25

AN ORDINANCE OF THE CITY OF OLDSMAR, FLORIDA AMENDING POLICY 6.1.5 OF THE FUTURE LAND USE ELEMENT AND OBJECTIVE 2.2 OF THE COASTAL MANAGEMENT AND CONSERVATION ELEMENT OF THE CITY OF OLDSMAR COMPREHENSIVE PLAN TO ALLOW FOR DENSITY/INTENSITY INCENTIVE WITHIN THE CHHA FOR MIXED USE DEVELOPMENTS WITHIN CERTAIN AREAS OF THE COMMUNITY REDEVELOPMENT DISTRICT; AMENDING THE COMMUNITY REDEVELOPMENT DISTRICT LAND USE CATEGORY LISTED IN ARTICLE VII FUTURE LAND USE MAP TO PROVIDE FOR TRANSIENT ACCOMMODATIONS AND PROVIDE INCENTIVES FOR VERTICALLY INTEGRATED MIXED USE DEVELOPMENTS WITHIN THE AREA SOUTH OF TAMPA ROAD AND NORTH OF STATE STREET; CREATING A PROPERTY RIGHTS ELEMENT AS REQUIRED BY FLORIDA STATUTE 163.3177; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

ORDINANCE 2021-26

AN ORDINANCE OF THE CITY OF OLDSMAR, FLORIDA AMENDING THE TOWN CENTER DEVELOPMENT CODE; AMENDING SECTION 2.1 TO ADD DEFINITIONS FOR DENSITY/INTENSITY AVERAGING AND VERTICALLY INTEGRATED MIXED USE DEVELOPMENT; AMENDING SECTION 3.7.1 PROVIDING THAT MIXED USE DENSITIES MAY BE PERMITTED UP TO 65 UNITS PER ACRE SUBJECT TO THE MIXED USE BONUS AREA STANDARDS OF SECTION 3.7.5; AMENDING SECTION 3.7.2 TO PROVIDE THAT TRANSIENT ACCOMMODATIONS MAY BE PERMITTED UP TO 150 UNITS PER ACRE SUBJECT TO THE MIXED USE BONUS AREA STANDARDS OF SECTION 3.7.5; AMENDING SECTION 3.7.5 TO REVISE THE MAXIMUM FLOOR AREA RATIO AND TO ALLOW FOR MIXED USE DEVELOPMENTS AS WELL AS DENSITY/INTENSITY AVERAGING AND PROVIDING FOR MIXED USE BONUS AREA; AMENDING APPENDIX A - ARCHITECTURAL AND DESIGN PATTERN BOOK TO PROVIDE THAT DENSITY AND INTENSITY BONUSES ARE AVAILABLE FOR VERTICALLY INTEGRATED MIXED USE DEVELOPMENTS SUBJECT TO THE MIXED USE BONUS AREA STANDARDS OF SECTION 3.7.5 OF THE TOWN CENTER DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

Ann Nixon, MMC, City Clerk
City of Oldsmar, Florida

Interested parties may appear at the Council Meeting and be heard with respect to the proposed ordinances. The proposed ordinances and background materials are available at the City Clerk's Office, City Hall, 100 State Street, Oldsmar, Florida 34677, Monday through Friday, 8:30 AM to 5:00 PM. Interested parties may appear to be heard or file written notice of approval or objection with the Planning and Redevelopment Office at the address listed above prior to the meeting. If a person decides to appeal any decision made by the Board, Agency or City Council with respect to any matter discussed at such meeting or hearing, he or she will need a record of the proceedings and may need to ensure that a verbatim record of the proceedings is made. Verbatim transcripts are not furnished by the City. Arrangements should be made in advance should a verbatim transcript be required (i.e., Court reporter). Any person with a disability requiring reasonable accommodation in order to participate in this meeting should contact the City Clerk's Office with your request; Telephone (813) 749-1115, Fax (813) 854-3121 or Operator Assistance (800) 955-8770.