

1.14.14 #6

TO: The Honorable Chairman and Members of the Board of County Commissioners, in Your Capacity as the Countywide Planning Authority

THROUGH: Robert S. LaSala, County Administrator

FROM: Michael C. Crawford, Interim Executive Director  
Pinellas Planning Council

SUBJECT: Update and Additional Material in reference to: January 14, 2014 Countywide Planning Authority Agenda  
Part III – Public Hearing Agenda Re: Proposed Countywide Rules Amendment Re: Reservation of Industrial Lands

DATE: January 14, 2014

**RECOMMENDATION:** THE PINELLAS PLANNING COUNCIL RECOMMENDS THE BOARD, IN YOUR CAPACITY AS THE COUNTYWIDE PLANNING AUTHORITY, APPROVE PROPOSED CHANGES TO THE COUNTYWIDE PLAN RULES AS OUTLINED BELOW:

**DISCUSSION:** The Pinellas Planning Council recommended the Countywide Planning Authority amend the Countywide Rules as set forth in PPC Resolution Number 13-3, approved at the Council meeting of November 13, 2013. Subsequent to the Council's consideration of and recommendation to adopt the proposed ordinance, the Council has been in receipt of the administrative law judge's recommended order for Case CW 13-2 in Safety Harbor (i.e., the Richman Group). Due to this recently received recommended order, and the amount of time between the November 13 meeting and the CPA meeting of January 14, the Council staff has revised the ordinance and the Council reviewed those changes at its meeting of January 8, 2014.

The administrative law judge concluded that our industrial land use policies found in Council Resolution No. 06-3 are not applicable as criteria and do not implement the Countywide Plan by not having been adopted within the Countywide Rules. This conclusion emphasizes the importance of amending the Rules to address the reservation of industrial land. The administrative law judge also noted that the description of the Industrial Limited Countywide Plan category in the Rules refers to consolidated industrial areas. As written, it is staff's opinion that this can be interpreted incorrectly and not within the original intent, therefore there are suggested changes included to address this item. These suggested changes were fully discussed by the Council on January 8, 2014, and the Council concurred and authorized transmittal to the CPA.

The proposed amendment of the Countywide Rules regarding Reservation of Industrial Lands is as set forth in the attached ordinance which contains the proposed changes to the Rules as transmitted by Resolution No. 14-1. The ordinance includes the revisions recommended by the Council as identified in Exhibit II to the Resolution (underline/strike-thru). Exhibit I is a "clean" copy with all proposed changes incorporated in the meeting of the Council on January 8, 2014. For your ease of reference, we have included Exhibit II, underline strike-thru, with changes from what you received in your previous packet, highlighted in color.

This is the first of two scheduled public hearings. The second public hearing on this ordinance is scheduled and has been advertised for January 28, 2014.

***The Pinellas Planning Council by a vote of 8-1 adopted Resolution No. 14-1 to be forwarded to the Countywide Planning Authority for amendment to the Countywide Rules.***

With this transmittal, the complete record of the public hearings held by the Pinellas Planning Council on this item is on file with the Clerk and is available for review by the Board or any interested party.

**Proposed Countywide Rules Amendment**

**Re: Reservation of Industrial Lands**

**PINELLAS PLANNING COUNCIL  
RESOLUTION NO. 14-1**

**A RESOLUTION APPROVING THE AMENDMENT OF THE RULES CONCERNING THE ADMINISTRATION OF THE COUNTYWIDE FUTURE LAND USE PLAN, AS AMENDED; PROVIDING CRITERIA TO EVALUATE PROPOSED COUNTYWIDE PLAN MAP AMENDMENTS SEEKING TO CONVERT INDUSTRIAL LAND TO OTHER PLAN CATEGORIES, AMENDING THE COUNTYWIDE PLAN MAP AMENDMENT REVIEW CRITERIA, AMENDING THE PURPOSE AND LOCATIONAL CHARACTERISTICS OF THE INDUSTRIAL LIMITED AND INDUSTRIAL GENERAL PLAN CATEGORIES, ADDING DEFINITIONS OF KEY TERMS USED IN ASSOCIATION WITH THE PROPOSED CRITERIA 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 as the Countywide Planning Authority has adopted a Countywide Comprehensive Plan by adoption of Ordinance No. 89-4 on January 31, 1989 and subsequently amended said Countywide Plan by Ordinance Nos. 95-55, 05-32, and 10-42; 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, 06-61, 07-13, 07-50, 08-43, 08-81, 09-3, 09-9, 10-23, 10-31, 10-59, and 11-18; 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**, subsequent to the Pinellas Planning Council's consideration and adoption of Resolution 13-3, amending the Countywide Rules to adopt industrial land conversion evaluation criteria, the administrative law judge's recommended order regarding the Countywide Planning Authority's denial of case CW 13-2 has been received and considered, 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 amendments to the Countywide Rules are necessary to provide criteria for the evaluation of proposed Countywide Plan Map amendments seeking to convert industrial land to other plan categories.

**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 (clean ordinance) and Exhibit II (underline/strike-through version of ordinance) attached hereto.

Section II. The Council hereby transmits a copy of this Resolution, including Exhibits I and II, 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 Exhibits I and II, 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 8, 2014 meeting of the Pinellas County Planning Council as hereinafter set forth:

Councilmember Bevis offered the foregoing Resolution which was seconded by Councilmember Kennedy and the vote was: 8-1.

AYES: David Archie, Doug Bevis, Harriet Crozier, Dave Eggers, Doreen Hock-DiPolito, Jim Kennedy, Joanne Kennedy and John Morroni

NAYS: Jerry Mullins

ABSENT AND NOT VOTING: Joe Ayoub, Sam Henderson, Peggy O'Shea and Marvin Shavlan

ATTEST:

  
\_\_\_\_\_  
Michael C. Crawford, Interim Executive Director  
Pinellas Planning Council

  
\_\_\_\_\_  
Mayor David O. Archie, Chairman  
Pinellas Planning Council

**APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY**

By   
\_\_\_\_\_  
Attorney

**PINELLAS PLANNING COUNCIL  
AGENDA MEMORANDUM**

**AGENDA ITEM:** III C.

**MEETING DATE:** January 8, 2014

**SUBJECT:** Amendment of the Countywide Rules re: Reservation of Industrial Lands

**RECOMMENDATION:**

Council Consider at Public Hearing and Adopt Accompanying Resolution No. 14-1 Recommending Approval of the Amendment of the Countywide Rules to the Countywide Planning Authority

**I. BACKGROUND**

At their November 13<sup>th</sup> meeting, the Council adopted the Resolution No. 13-3, recommending amendment of the Countywide Rules to address the reservation of industrial land, and authorized transmittal to the Countywide Planning Authority (CPA) to set public hearing dates (vote 10-0).

However, subsequent to the Council's consideration of and recommendation to adopt the proposed ordinance, the Council has been in receipt of the administrative law judge's recommended order for case CW 13-2 in Safety Harbor involving the loss of industrial lands (see item V C. on the December 11<sup>th</sup> agenda). Due to this recently received recommended order, and the amount of time between the Council's November 13<sup>th</sup> meeting and the scheduled CPA meeting of January 14<sup>th</sup>, Council staff has revised the ordinance in response to parts of the recommended order and is asking the Council to review these changes.

The administrative law judge concluded that our industrial land use policies found in the Council's Resolution No. 06-3 are not applicable as criteria and do not implement the Countywide Plan by not having been adopted within the Countywide Rules. This conclusion emphasizes the importance of amending the Countywide Rules to address the reservation of industrial land. The administrative law judge also noted that the description of the Industrial Limited plan category in the Countywide Rules refers to "consolidated" industrial areas. As written, it is staff's opinion that this can be interpreted incorrectly and not within the original intent, therefore there are suggested changes included to address this item.

**PINELLAS PLANNING COUNCIL ACTION:**

The Council adopted Resolution No. 14-1 recommending approval of the amendment of the Countywide Rules to the Countywide Planning Authority (vote 8-1).

**COUNTYWIDE PLANNING AUTHORITY ACTION:**

**SUBJECT: Amendment of the Countywide Rules re: Reservation of Industrial Lands**

Any changes to the ordinance, as adopted by the Council per Resolution 14-1, will be forwarded to the CPA for their consideration at the January 14<sup>th</sup> hearing.

More specifically, and based upon points expressed by the administrative law judge, as well as County legal staff input, the Council staff proposes the following additional changes to the Countywide Rules:

- Amending the purpose and locational characteristics of the Industrial Limited and Industrial General plan categories to reflect concerns about characterizing these areas as “consolidated” and to introduce language from the proposed evaluation criteria;
- Amending the amendment area characteristics criteria to reflect the administrative law judge’s points expressed concerning characterizing feasible industrial areas as “consolidated”; and
- Amending the target employment definition to make it less onerously specific and to cite the eleven industry clusters identified in the Target Employment Industrial Land Study (TEILS).

In summary, the ordinance provided also amends the descriptions of the Industrial Limited and Industrial General plan categories found in Article 2; adds the criteria for the evaluation of proposed Countywide Plan Map amendments involving industrial lands in Article 4; amends the review criteria in Article 5 to reinforce the concept that Countywide Plan Map amendments are required to be consistent with all of the Countywide Plan and Rules (and not just Article 4), establishes the reservation of industrial land as a priority, and provides reference to the conversion criteria established in Article 4; and amends Article 7 with the addition of four definitions of words used in the conversion criteria.

***II. THE INDUSTRIAL LIMITED AND INDUSTRIAL GENERAL PLAN CATEGORIES***

Sections 2.3.3.6.1 and 2.3.3.6.2 of the Countywide Rules, which describe the Industrial Limited and Industrial General plan categories, have been amended. Specifically, the purposes and locational characteristics of the two categories have been amended to delete references to the word “consolidated,” and have introduced terms and concepts found in the proposed evaluation criteria.

***III. THE CONVERSION CRITERIA***

Section 5.5.3 of the Countywide Rules, which provides review criteria to be considered in the evaluation of Countywide Plan Map amendments, has been amended to establish that reservation of industrial land is a priority and to refer to the conversion criteria provided in Article 4:

**SUBJECT: Amendment of the Countywide Rules re: Reservation of Industrial Lands**

***Reservation of Industrial Land.*** *If the amendment involves the conversion from the Industrial Limited (IL) or Industrial General (IG) category, the extent to which the amendment area can continue to provide for target employment opportunities as evaluated and set forth in Section 4.2.7.9.*

Article 4 has been amended with the addition of Section 4.2.7.9, which provides the conversion criteria for industrially-designated land as follows:

*Having identified the importance of reserving industrial land in Pinellas County, the Pinellas Planning Council (PPC) and the Countywide Planning Authority (CPA) shall utilize the following criteria to evaluate Plan amendments that would convert land now designated Industrial Limited and/or Industrial General to some other Plan map category. In conducting this evaluation, the PPC and CPA shall make a determination, based upon a balancing of the following criteria, as to whether or not the amendment area can continue to provide for target employment opportunities, with or without the proposed amendment:*

**1. Target Employment Opportunities**

*The extent to which the uses within the proposed category can potentially provide target employment opportunities, as compared to those that can potentially be available within the current industrial plan category.*

**2. Amendment Site Characteristics**

*Under the current or proposed category, the extent to which the site can continue to support target employment uses due to the site's size, configuration, and physical characteristics, and is able to accommodate the provision of site access, loading, and other necessary site improvements.*

*The extent to which the proposed site will be, or is now, used for unique and high-priority functions such as water-dependent or working waterfront uses.*

**3. Amendment Area Characteristics**

*The extent to which the uses within the current or proposed category relate to surrounding and nearby uses and plan classifications, including their compatibility with such uses and plan classifications.*

*The extent to which industrial uses can benefit from or provide benefit to, adjoining or nearby properties.*

*The extent to which the proposed site will be used for unique and high-priority functions, including, but not limited to, transit-oriented uses.*

**SUBJECT: Amendment of the Countywide Rules re: Reservation of Industrial Lands**

**4. Supporting Transportation and Infrastructure Characteristics**

*The location of the property in relationship to, and the current or proposed uses' need for, access to the arterial and thoroughfare network, mass transit, airport, and rail, as well as other infrastructure and service facilities, including water, sewer, stormwater, and parking, and their respective capacities.*

**5. Supporting Redevelopment Plans and/or Special Area Plans**

*The extent to which any amendment is included as part of a community redevelopment plan and/or special area plan that has evaluated and addressed the potential to support target employment uses in the redevelopment area proposed to be reclassified from an industrial designation.*

The balancing of these criteria by the Council and the CPA is intended to provide sufficient detail for consideration in the evaluation of individual Countywide Plan Map amendments that would propose to change an industrial plan category that now provides opportunities for target employment opportunities.

**IV. PROPOSED DEFINITIONS**

Included in the ordinance are definitions to provide additional clarification of words used in the conversion criteria. The following four terms are defined as follows:

**Target Employment** - *high-wage, primary employment that imports revenue from outside of Pinellas County, including but not limited to, the fields of aviation/aerospace, financial services, high tech industries, information technology, marine science, medical technology, microelectronics, modeling/simulation, optics/photonics, research/development, and wireless technology.*

**Transit-oriented Use** - *a use that benefits from proximity to transit in a built environment characterized by compact, mixed-use, pedestrian-friendly, and higher density/intensity development. This may include target employment uses.*

**Water-dependent Use** - *a use that requires a location adjacent to a water body because of the intrinsic nature of its operations, such as seaports, marinas, and marine-related facilities.*

**Working Waterfront** - *property that provides access for water-dependent commercial activities, or provides public access to the water. Working waterfronts require direct access to or a location on, over, or adjacent to a body of water. The term includes water-dependent facilities that are open to the public and offer public access by vessels to a body of water or that are support facilities for recreational, commercial, research, or governmental vessels. These facilities include docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling and*

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*repair facilities, commercial fishing facilities, boat construction facilities, and other support structures over the water.*

**V. RECOMMENDATION**

Staff recommends the Council consider at public hearing and adopt the accompanying Resolution No. 14-1 recommending approval of the amendment of the Countywide Rules to the Countywide Planning Authority.

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

The PAC members recommended adoption of the resolution recommending amendment of the Countywide Rules at their December 30, 2013 meeting (vote 7-0). Note: A quorum of eight members was not present when this recommendation was made.

**VII. LIST OF ATTACHMENTS**

- Attachment 1 Resolution No. 14-1:
  - Exhibit I – Ordinance (Clean)
  - Exhibit II – Ordinance (Strikethrough/Underline)
- Attachment 2 Draft PAC Summary Actions Sheet

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; AMENDING THE PURPOSE AND LOCATIONAL CHARACTERISTICS OF THE INDUSTRIAL LIMITED AND INDUSTRIAL GENERAL PLAN CATEGORIES; ADDRESSING CRITERIA TO BE CONSIDERED WHEN LAND INCLUDED ON THE COUNTYWIDE FUTURE LAND USE PLAN MAP THAT IS INDUSTRIALLY-DESIGNATED IS PROPOSED TO BE CONVERTED TO ANOTHER DESIGNATION; AMENDING THE COUNTYWIDE PLAN MAP AMENDMENT REVIEW CRITERIA; ADDING DEFINITIONS FOR "TARGET EMPLOYMENT," "TRANSIT-ORIENTED USE," "WATER-DEPENDENT USE," AND "WORKING WATERFRONT"; 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 subsequently amended said Countywide Plan by Ordinance Nos. 95-55, 05-32, and 10-42; 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, 06-61, 07-13, 07-50, 08-43, 08-81, 09-3, 09-9, 10-23, 10-31, 10-59, and 11-18; 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, Pinellas by Design, an Economic Development and Redevelopment Plan for the Pinellas Community, and the Target Employment and Industrial Land Study for the Pinellas Community, both recognized the need to retain and protect viable industrially-designated land from conversion to other uses; and

WHEREAS, proposals to convert industrially-designated land to another category continue to be submitted; and

WHEREAS, conversion of industrially-designated land to some other category will result in decreasing the supply of such land necessary for the continued vitality of the Pinellas County economy; and

WHEREAS, it is desirable to have criteria identified and incorporated in the Countywide Plan Rules intended to assist members of the Pinellas Planning Council and the Board of County Commissioners in their capacity as the Countywide Planning Authority to make decisions regarding the conversion of industrially-designated land; and

WHEREAS, in certain, special circumstances conversion of industrially-designated land to other land use categories may be appropriate and conversion criteria will assist in making a decision concerning the appropriateness of the conversion proposal; and

WHEREAS, the Pinellas Planning Council is aware of the cumulative effect of the year to year incremental conversion of industrial lands to other categories, resulting in significantly less land to accommodate target employers, and in part has adopted these criteria to address this incremental loss; 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 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 Plan Rules.

### **2.3.3.6 INDUSTRIAL CLASSIFICATION.**

#### **2.3.3.6.1 Category/Symbol - Industrial Limited (IL).**

Purpose - It is the purpose of this category to depict those areas of the county that are now developed, or appropriate to be developed, in a limited industrial manner; and so as to encourage the reservation and use of areas for industrial or industrial/mixed-use in a manner and location consistent with surrounding use, transportation facilities, other necessary infrastructure, and natural resource characteristics.

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; Institutional; Transportation/Utility; Recreation/Open Space; Transfer/Recycling; Incinerator Facility; Agricultural

Locational Characteristics - This category is generally appropriate to locations with sufficient size to support target employment and other industrial uses, as well as integrated industrial/mixed-use development, with provision for internal service access and other necessary site improvements in locations suitable for light industrial use with minimal adverse impact on adjoining uses; and served by the arterial and thoroughfare highway network.

#### **2.3.3.6.2 Category/Symbol - Industrial General (IG).**

Purpose - It is the purpose of this category to depict those areas of the county that are now developed, or appropriate to be developed, in a general industrial manner; and so as to encourage the reservation and use of areas for industrial use in a manner and location consistent with surrounding use, transportation facilities, other necessary infrastructure, and natural resource characteristics.

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

- Primary Uses - Research/Development; Light Manufacturing/Assembly (Class A) and (Class B); Heavy Manufacturing/Assembly; Wholesale/Distribution (Class A) and (Class B); Storage/Warehouse (Class A) and (Class B); Agricultural Processing; Vehicular Salvage
- Secondary Uses – Agricultural; Institutional; Transportation/Utility; Commercial Recreation; Solid Waste/Refuse Disposal; Transfer/Recycling; Incinerator Facility; Electric Power Generation Plant; Recreation/Open Space

Locational Characteristics - This category is generally appropriate to locations with sufficient size to encourage an industrial park type arrangement with provision for internal service access and adequate buffering of adverse noise, odor, or emissions; with minimal adverse impact on adjoining uses; and served by the arterial and thoroughfare highway network.

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 Plan Rules.

#### **4.2.7.9 CONVERSION CRITERIA FOR INDUSTRIALLY-DESIGNATED LAND.**

##### **4.2.7.9.1 CONVERSION CRITERIA.**

Having identified the importance of reserving industrial land in Pinellas County, the Pinellas Planning Council (PPC) and the Countywide Planning Authority (CPA) shall utilize the following criteria to evaluate Plan amendments that would convert land now designated Industrial Limited and/or Industrial General to some other Plan map category. In conducting this evaluation, the PPC and CPA shall make a determination, based upon a balancing of the following criteria, as to whether or not the amendment area can continue to provide for target employment opportunities, with or without the proposed amendment:

#### **1. Target Employment Opportunities**

The extent to which the uses within the proposed category can potentially provide target employment opportunities, as compared to those that can potentially be available within the current industrial plan category.

## **2. Amendment Site Characteristics**

Under the current or proposed category, the extent to which the site can continue to support target employment uses due to the site's size, configuration, and physical characteristics, and is able to accommodate the provision of site access, loading, and other necessary site improvements.

The extent to which the proposed site will be, or is now, used for unique and high-priority functions such as water-dependent or working waterfront uses.

## **3. Amendment Area Characteristics**

The extent to which the uses within the current or proposed category relate to surrounding and nearby uses and plan classifications, including their compatibility with such uses and plan classifications.

The extent to which industrial uses can benefit from or provide benefit to, adjoining or nearby properties.

The extent to which the proposed site will be used for unique and high-priority functions, including, but not limited to, transit-oriented uses.

## **4. Supporting Transportation and Infrastructure Characteristics**

The location of the property in relationship to, and the current or proposed uses' need for, access to the arterial and thoroughfare network, mass transit, airport, and rail, as well as other infrastructure and service facilities, including water, sewer, stormwater, and parking, and their respective capacities.

## **5. Supporting Redevelopment Plans and/or Special Area Plans**

The extent to which any amendment is included as part of a community redevelopment plan and/or special area plan that has

evaluated and addressed the potential to support target employment uses in the redevelopment area proposed to be reclassified from an industrial designation.

SECTION 3. The portions of Article 5, Countywide Plan Map Amendment, are hereby amended as set forth below. All other portions of Article 5 not included in this ordinance are preserved and remain as previously set forth in the Countywide Plan Rules.

**SEC. 5.5.3 REVIEW CRITERIA.**

**5.5.3.1 Relevant Countywide Considerations.** In the consideration of a regular Countywide Plan Map amendment, it is the objective of these Countywide Rules to evaluate the amendment so as to make a balanced legislative determination based on the following seven (7) Relevant Countywide Considerations, as they pertain to the overall purpose and integrity of the Countywide Plan.

**5.5.3.1.1 Consistency with the Countywide Rules.** The manner in, and extent to, which the amendment is consistent with the Countywide Rules and with the Countywide Plan as implemented through the Countywide Rules.

**5.5.3.1.2 Adopted Roadway Level of Service (LOS) Standard.** The manner in, and extent to, which the amendment significantly impacts a roadway segment where the existing Level of Service (LOS) is below LOS “D” or where projected traffic resulting from the amendment would cause the existing LOS to fall below LOS “D.”

**5.5.3.1.3 Scenic/Noncommercial Corridors.** If located within a Scenic/Noncommercial Corridor, the manner in, and extent to, which the amendment conforms to the criteria and standards contained in Section 4.2.7.1, and Section 4.2.7.1.4 of these Countywide Rules.

**5.5.3.1.4 Coastal High Hazard Areas (CHHA).** If located within a Coastal High Hazard Area, the manner in, and extent to, which the amendment conforms to the terms set forth in Section 4.2.7.5.

**5.5.3.1.5 Designated Development/Redevelopment Areas.** If the amendment involves the creation, expansion, or contraction of a Residential Very High (RVH), Activity Center (AC), Community Redevelopment District (CRD), Central Business District (CBD) category, or the Planned Redevelopment categories, the manner in,

and extent to, which the amendment conforms to the purpose and requirements of the applicable category and Section 4.2.7.6.

**5.5.3.1.6** **Impact on a Public Educational Facility or an Adjoining Jurisdiction.** The manner in, and extent to, which the amendment significantly impacts a public educational facility or an adjoining jurisdiction.

**5.5.3.1.7** **Reservation of Industrial Land.** If the amendment involves the conversion from the Industrial Limited (IL) or Industrial General (IG) category, the extent to which the amendment area can continue to provide for target employment opportunities as evaluated and set forth in Section 4.2.7.9.

SECTION 4. The portions of Article 7, Terms and 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 Plan Rules.

#### **DIV. 7.2 DEFINITIONS.**

**Target Employment** - high-wage, primary employment that imports revenue from outside of Pinellas County, including but not limited to, the fields of aviation/aerospace, financial services, high tech industries, information technology, marine science, medical technology, microelectronics, modeling/simulation, optics/photonics, research/development, and wireless technology.

**Transit-oriented Use** - a use that benefits from proximity to transit in a built environment characterized by compact, mixed-use, pedestrian-friendly, and higher density/intensity development. This may include target employment uses.

**Water-dependent Use** - a use that requires a location adjacent to a water body because of the intrinsic nature of its operations, such as seaports, marinas, and marine-related facilities.

**Working Waterfront** – property that provides access for water-dependent commercial activities, or provides public access to the water. Working waterfronts require direct access to or a location on, over, or adjacent to a body of water. The term includes water-dependent facilities that are open to the public and offer public access by vessels to a body of water or that are support facilities for recreational, commercial, research, or governmental vessels. These

facilities include docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, commercial fishing facilities, boat construction facilities, and other support structures over the water.

SECTION 5. 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 6. 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.

APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY

By   
Attorney

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; AMENDING THE PURPOSE AND LOCATIONAL CHARACTERISTICS OF THE INDUSTRIAL LIMITED AND INDUSTRIAL GENERAL PLAN CATEGORIES; ADDRESSING CRITERIA TO BE CONSIDERED WHEN LAND INCLUDED ON THE COUNTYWIDE FUTURE LAND USE PLAN MAP THAT IS INDUSTRIALLY-DESIGNATED IS PROPOSED TO BE CONVERTED TO ANOTHER DESIGNATION; AMENDING THE COUNTYWIDE PLAN MAP AMENDMENT REVIEW CRITERIA; ADDING DEFINITIONS FOR "TARGET EMPLOYMENT," "TRANSIT-ORIENTED USE," "WATER-DEPENDENT USE," AND "WORKING WATERFRONT"; 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 subsequently amended said Countywide Plan by Ordinance Nos. 95-55, 05-32, and 10-42; 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, 06-61, 07-13, 07-50, 08-43, 08-81, 09-3, 09-9, 10-23, 10-31, 10-59, and 11-18; 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, Pinellas by Design, an Economic Development and Redevelopment Plan for the Pinellas Community and the Target Employment and Industrial Land Study for the Pinellas Community both recognized the need to retain and protect viable industrially-designated land from conversion to other uses; and

WHEREAS, proposals to convert industrially-designated land to another category continue to be submitted; and

WHEREAS, conversion of industrially-designated land to some other category will result in decreasing the supply of such land necessary for the continued vitality of the Pinellas County economy; and

WHEREAS, it is desirable to have criteria identified and incorporated in the Countywide Plan Rules intended to assist members of the Pinellas Planning Council and the Board of County Commissioners in their capacity as the Countywide Planning Authority in making decisions regarding the conversion of industrially-designated land; and

WHEREAS, in certain, special circumstances conversion of industrially-designated land to other land use categories may be appropriate and conversion criteria will assist in making a decision concerning the appropriateness of the conversion proposal; and

WHEREAS, the Council is aware of the cumulative effect of the year to year incremental conversion of industrial lands to other categories, resulting in significantly less land to accommodate target employers, and in part has adopted these criteria to address this incremental loss; 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 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 Plan Rules. (Note: Proposed changes are denoted by underline/~~strike-thru~~).

### **2.3.3.6 INDUSTRIAL CLASSIFICATION.**

#### **2.3.3.6.1 Category/Symbol - Industrial Limited (IL).**

Purpose - It is the purpose of this category to depict those areas of the county that are now developed, or appropriate to be developed, in a limited industrial manner; and so as to encourage the reservation and use of consolidated areas for industrial and or industrial/mixed-use in a manner and location consistent with surrounding use, transportation facilities, other necessary infrastructure, and natural resource characteristics.

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; Institutional; Transportation/Utility; Recreation/Open Space; Transfer/Recycling; Incinerator Facility; Agricultural

Locational Characteristics - This category is generally appropriate to locations with sufficient size to encourage an industrial park arrangement support target employment and other industrial uses, as well as integrated industrial/mixed-use projects development, with provision for internal service access and other necessary site improvements in locations suitable for light industrial use with minimal adverse impact on adjoining uses; and served by the arterial and thoroughfare highway network, as well as mass transit.

#### **2.3.3.6.2 Category/Symbol - Industrial General (IG).**

Purpose - It is the purpose of this category to depict those areas of the county that are now developed, or appropriate to be developed, in a general industrial manner; and so as to encourage the reservation and use of consolidated areas for industrial use in a manner and location consistent with surrounding use, transportation facilities, other necessary infrastructure, and natural resource characteristics.

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

- Primary Uses - Research/Development; Light Manufacturing/Assembly (Class A) and (Class B); Heavy Manufacturing/Assembly; Wholesale/Distribution (Class A) and (Class B); Storage/Warehouse (Class A) and (Class B); Agricultural Processing; Vehicular Salvage
- Secondary Uses – Agricultural; Institutional; Transportation/Utility; Commercial Recreation; Solid Waste/Refuse Disposal; Transfer/Recycling; Incinerator Facility; Electric Power Generation Plant; Recreation/Open Space

Locational Characteristics - This category is generally appropriate to locations with sufficient size to encourage an industrial park type arrangement with provision for internal service access and adequate buffering of adverse noise, odor, or emissions; with minimal adverse impact on adjoining uses; and served by the arterial and thoroughfare highway network, ~~as well as mass transit.~~

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 Plan Rules. (Note: Proposed changes are denoted by underline/~~strike thru~~).

#### 4.2.7.9            CONVERSION CRITERIA FOR INDUSTRIALLY-DESIGNATED LAND.

##### 4.2.7.9.1        CONVERSION CRITERIA.

Having identified the importance of preserving industrial land in Pinellas County, the Pinellas Planning Council (PPC) and the Countywide Planning Authority (CPA) shall utilize the following criteria to evaluate Plan amendments that would convert land now designated Industrial Limited and/or Industrial General to some other Plan map category. In conducting this evaluation, the PPC and CPA shall make a determination, based upon a balancing of the following criteria, as to whether or not the amendment area can continue to provide for target employment opportunities, with or without the proposed amendment:

**1. Target Employment Opportunities**

The extent to which the uses within the proposed category can potentially provide target employment opportunities, as compared to those that can potentially be available within the current industrial plan category.

**2. Amendment Site Characteristics**

Under the current or proposed category, the extent to which the site can continue to support target employment uses due to the site's size, configuration, and physical characteristics, and is able to accommodate the provision of site access, loading, and other necessary site improvements.

The extent to which the proposed site will be, or is now, used for unique and high-priority functions, such as water-dependent or working waterfront uses.

**3. Amendment Area Characteristics**

The extent to which the uses within the current or proposed category relate to surrounding and nearby uses and plan classifications, including their compatibility with such uses and plan classifications.

The extent to which industrial uses can expand, consolidate, or benefit from or provide benefit to, adjoining or nearby properties.

The extent to which the proposed site will be used for unique and high-priority functions, such as including, but not limited to, transit-oriented uses.

**4. Supporting Transportation and Infrastructure Characteristics**

The location of the property in relationship to, and the current or proposed uses' need for, access to the arterial and thoroughfare network, mass transit, airport, and rail, as well as other infrastructure and service facilities, including water, sewer, stormwater, and parking, and their respective capacities.

**5. Supporting Redevelopment Plans and/or Special Area Plans**

The extent to which any amendment is included as part of a community redevelopment plan and/or special area plan that has evaluated and addressed the potential to support target employment uses in the redevelopment area proposed to be reclassified from an industrial designation.

SECTION 3. The portions of Article 5, Countywide Plan Map Amendment, are hereby amended as set forth below. All other portions of Article 5 not included in this ordinance are preserved and remain as previously set forth in the Countywide Plan Rules. (Note: Proposed changes are denoted by underline/strike thru).

**SEC. 5.5.3 REVIEW CRITERIA.**

**5.5.3.1 Relevant Countywide Considerations.** In the consideration of a regular Countywide Plan Map amendment, it is the objective of these Countywide Rules to evaluate the amendment so as to make a balanced legislative determination based on the following seven (7) ~~six (6)~~ Relevant Countywide Considerations, as they pertain to the overall purpose and integrity of the Countywide Plan.

**5.5.3.1.1 Consistency with the Countywide Rules.** The manner in, and extent to, which the amendment is consistent with ~~Article 4, Plan Criteria and Standards~~ of these Countywide Rules and with the Countywide Plan as implemented through the Countywide Rules.

**5.5.3.1.2 Adopted Roadway Level of Service (LOS) Standard.** The manner in, and extent to, which the amendment significantly impacts a roadway segment where the existing Level of Service (LOS) is below LOS "D" or where projected traffic resulting from the amendment would cause the existing LOS to fall below LOS "D."

**5.5.3.1.3 Scenic/Noncommercial Corridors.** If located within a Scenic/Noncommercial Corridor, the manner in, and extent to, which the amendment conforms to the criteria and standards contained in Section 4.2.7.1, and Section 4.2.7.1.4 of these Countywide Rules.

**5.5.3.1.4 Coastal High Hazard Areas (CHHA).** If located within a Coastal High Hazard Area, the manner in, and extent to, which the amendment conforms to the terms set forth in Section 4.2.7.54.

**5.5.3.1.5 Designated Development/Redevelopment Areas.** If the amendment involves the creation, expansion, or contraction of a Residential Very High (RVH), Activity Center (AC), Community Redevelopment District (CRD), Central Business District (CBD)

category, or the Planned Redevelopment categories, the manner in, and extent to, which the amendment conforms to the purpose and requirements of the applicable category and Section 4.2.7.65.

**5.5.3.1.6 Impact on a Public Educational Facility or an Adjoining Jurisdiction.** The manner in, and extent to, which the amendment significantly impacts a public educational facility or an adjoining jurisdiction.

**5.5.3.1.7 PrReservation of Industrial Land.** If the amendment involves the conversion from the Industrial Limited (IL) or Industrial General (IG) category, the extent to which the amendment area can continue to provide for target employment opportunities as evaluated and set forth in Section 4.2.7.9.

SECTION 4. The portions of Article 7, Terms and 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 Plan Rules. (Note: Proposed changes are denoted by underline/strike-thru).

#### DIV. 7.2 DEFINITIONS.

**Target Employment** - high-wage, primary employment that pays wages of at least 115 percent of the average area or state wage (whichever is lower) and imports a minimum 51 percent of its revenue from outside of Pinellas County, including but not limited to, the fields of aviation/aerospace, financial services, high tech industries, information technology, marine science, medical technology, microelectronics, modeling/simulation, optics/photonics, research/development, and wireless technology.

**Transit-oriented Use** - a use that benefits from proximity to transit in a built environment characterized by compact, mixed-use, pedestrian-friendly, and higher density/intensity development. This may include target employment uses.

**Water-dependent Use** - a use that requires a location adjacent to a water body because of the intrinsic nature of its operations, such as seaports, marinas, and marine-related facilities.

**Working Waterfront** - property that provides access for water-dependent commercial activities, or provides public access to the water. Working waterfronts require direct access to or a location on, over, or adjacent to a body of water. The term includes water-

dependent facilities that are open to the public and offer public access by vessels to a body of water or that are support facilities for recreational, commercial, research, or governmental vessels. These facilities include docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, commercial fishing facilities, boat construction facilities, and other support structures over the water.

SECTION 5. 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 6. 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.