

BOARD OF COUNTY COMMISSIONERS

DATE: December 10, 2013

AGENDA ITEM NO. 36

Consent Agenda ☐

Regular Agenda ☒

Public Hearing ☐

County Administrator's Signature

Subject:

Authorization to Set Public Hearing Dates to Consider Proposed Amendments to the Countywide Rules re: Preservation of Industrial Lands

Department:

Department of Planning and Development Services

Staff Member Responsible:

Larry Arrington, Executive Director

Recommended Action:

IT IS RECOMMENDED THE BOARD OF COUNTY COMMISSIONERS (BOARD), SITTING AS THE COUNTYWIDE PLANNING AUTHORITY (CPA), AUTHORIZE TWO PUBLIC HEARINGS BY THE CPA FOR JANUARY 14, 2014 (9:30 A.M.), AND JANUARY 28, 2014 (6:00 P.M.) TO CONSIDER PROPOSED AMENDMENTS TO THE COUNTYWIDE RULES REGARDING THE PRESERVATION OF INDUSTRIAL LANDS.

Summary Explanation/Background:

A recent proposal to amend the Countywide Plan Map to convert industrially-designated land to another category highlighted the desirability of incorporating additional criteria into the Countywide Plan Rules to assist the Pinellas Planning Council (PPC or Council) and the CPA in making decisions regarding the conversion of industrially-designated land. Concluding that it would be beneficial to have such criteria adopted as part of the Countywide Rules, the PPC adopted Resolution No. 13-3 at their November 13, 2013 meeting approving proposed amendments to the Countywide Rules that would provide criteria to evaluate proposed Countywide Plan Map amendments seeking to convert industrial land to another Plan category. The proposal also includes definitions of four new terms that are used in the criteria. The Council has transmitted the proposed Rule amendments to the CPA for consideration and action.

The Council received considerable feedback and comments on the proposed amendments from the Planners Advisory Committee and other stakeholders that were used in developing the proposal that is now before the CPA. It is intended that a balancing of the proposed criteria by the Council and the CPA would provide sufficient detail for evaluating individual map amendments that proposed to change an industrial Plan category to another designation. County staff supports the proposed Rule amendments approved by the PPC and recommends that the CPA authorize two public hearings on January 14 and January 28 to consider adoption of the proposed Countywide Rule amendments.

Fiscal Impact/Cost/Revenue Summary:


N/A

Exhibits/Attachments Attached:

Council Documentation

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: December 10, 2013 Countywide Planning Authority Agenda
Part I – Regular Agenda Re: Authorization to Set Public Hearing Dates to Consider Proposed Amendments to the Countywide Rules re: Preservation of Industrial Lands

DATE: December 10, 2013

RECOMMENDATION: THE PINELLAS PLANNING COUNCIL RECOMMENDS THE BOARD, IN YOUR CAPACITY AS THE COUNTYWIDE PLANNING AUTHORITY, AUTHORIZE THE TWO REQUISITE PUBLIC HEARINGS BY THE CPA FOR JANUARY 14, 2014 (9:30), AND JANUARY 28, 2014 (6:00), AS OUTLINED BELOW:

DISCUSSION: The Pinellas Planning Council advertised and held a public hearing on October 9, 2013, which was continued to the November 13, 2013, Council meeting. On November 13, the Council adopted Resolution No. 13-3, recommending the Countywide Planning Authority amend the Countywide Rules as set forth in the attached underline/strike-thru ordinance.

The proposed amendment of the Countywide Rules regarding preservation of industrial lands is as set forth in the attached ordinance which identifies the proposed changes to the Rules.

This request is to authorize the two requisite public hearings to be set for January 14, 2014 and January 28, 2014, to consider these amendments to the Countywide Rules.

The Pinellas Planning Council adopted Resolution No. 13-3, by a vote of 10-0, to be forwarded to the Countywide Planning Authority for amendment of the Countywide Rules.

Amendment of the Countywide Rules
Re: Preservation of Industrial Lands

**PINELLAS PLANNING COUNCIL
RESOLUTION NO. 13-3**

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, 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, 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 November 13, 2013 meeting of the Pinellas County Planning Council as hereinafter set forth:

Councilmember Kennedy offered the foregoing Resolution which was seconded by Councilmember Henderson and the vote was: 10-0.

AYES: David Archie, Joe Ayoub, Harriet Crozier, Dave Eggers, Sam Henderson, Doreen Hock-DiPolito, Jim Kennedy, Joanne "Cookie" Kennedy, Peggy O'Shea and Marvin Shavlan

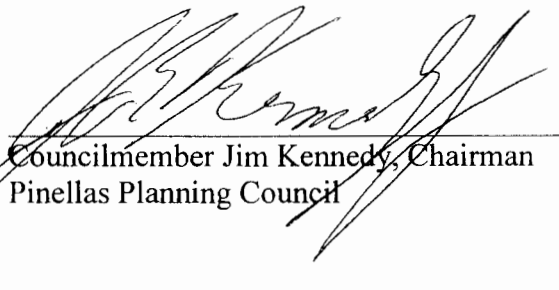
NAYS: None

ABSENT AND NOT VOTING: Doug Bevis, John Morroni and Jerry Mullins

ATTEST:

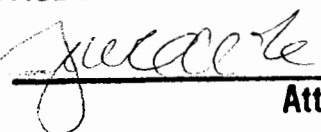


Michael C. Crawford, Interim Executive Director
Pinellas Planning Council



Councilmember Jim Kennedy, Chairman
Pinellas Planning Council

**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; 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; 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 made 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 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 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 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 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 2. 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 **Preservation 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 3. 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 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.

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 4. Severability. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 5. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing with the Department of State.

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; 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; 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 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 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:

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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 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

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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 **Preservation 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 3. 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.

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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 4. Severability. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 5. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing with the Department of State.

PINELLAS PLANNING COUNCIL AGENDA MEMORANDUM

AGENDA ITEM: III C.

MEETING DATE: November 13, 2013

SUBJECT: Amendment of the Countywide Rules re: Preservation of Industrial Lands
(continued from October meeting)

RECOMMENDATION:

Council Consider at Public Hearing and Adopt Accompanying Resolution No. 13-3
Recommending Approval of the Amendment of the Countywide Rules to the Countywide
Planning Authority

I. BACKGROUND

The public hearing for this ordinance amending the Countywide Rules to address preservation of industrial lands was continued from last month. The Council staff had received a number of comments from the Planners Advisory Committee (PAC) and other stakeholders immediately prior to the September 30th PAC meeting, which did not afford the staff enough time to revise the ordinance before the October 9th PPC meeting. Additionally, the staff wanted the PAC members to have the opportunity to review a revised ordinance prior to the public hearing. The Council staff was able to provide the PAC members with the revised ordinance on October 17th, in advance of their November 4th meeting.

The comments received from the PAC members at their November meeting are described below in Section 5. The PAC voted for approval (8-2), with one amendment. The Council staff provided some minor revisions after the PAC meeting.

The ordinance amends Article 4 with the addition of the criteria for the evaluation of proposed Countywide Plan Map amendments involving industrial lands. The ordinance 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), to establish the preservation of industrial land as a priority, and to provide reference to the conversion criteria established in Article 4. As in the previous iteration of the ordinance, Article 7 has been amended with the addition of four definitions of words used in the conversion criteria.

PINELLAS PLANNING COUNCIL ACTION:

10/09/13: Council continued Public Hearing to November 13, 2013 PPC Meeting (vote 9-0).

11/13/13: Council adopted Resolution No. 13-3 and authorized transmittal to the Countywide Planning Authority to set public hearing dates (vote 10-0).

COUNTYWIDE PLANNING AUTHORITY ACTION:

SUBJECT: Amendment of the Countywide Rules re: Preservation of Industrial Lands

II. 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 preservation of industrial land is a priority and to refer to the conversion criteria provided in Article 4:

Preservation 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 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.

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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 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.

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.

III. 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 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.

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

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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.

IV. RECOMMENDATION

Staff recommends the Council consider at public hearing and adopt the accompanying Resolution No. 13-3 recommending approval of the amendment of the Countywide Rules to the Countywide Planning Authority.

V. PLANNERS ADVISORY COMMITTEE (PAC)

Several issues were raised at the PAC meeting. Bob Klute of Largo proposed a de minimus criterion, whereby industrial parcels under a specified acreage threshold would not be required to be preserved. Council staff stated that the intention was not to provide specific numbers or thresholds and that the site and amendment area location criteria should address the issue. In addition, the 2008 *Target Employment and Industrial Land Study (TEILS)* cites such a variety of parcel sizes as being used by Target Employers that setting a specific acreage threshold might suggest an amendment is acceptable, when the parcel is still viable for other reasons.

Greg Rice of Dunedin questioned the relevance of the pre-recession data and employment projections provided in the *TEILS*. The Council staff noted that there is a need for new jobs to maintain the long-term strength of our local economy, independent of short-term fluctuations in the job market, and therefore the need to preserve industrial land for employment opportunities remains. However, the job market statistics cited for the state (the ones that fluctuate) were provided in the *TEILS* for comparison purposes. The jobs shown as needed in Pinellas County are based on data derived from our long-term local economic conditions and needs.

The PAC members also asked if the 2008 study was going to be updated; the Council staff indicated it would inquire with Economic Development staff if they have more recent data to share with PAC. The suggestion was made that the criteria address market issues; the Council staff noted that they did not think it appropriate to address such variables as price and length of time on the market.

Matt McLachlan of Safety Harbor requested that the Amendment Area Characteristics criterion address uses of both the current and proposed categories, not just uses of the proposed category; PAC members recommended approval of the ordinance with this amended language (vote 8-2).

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VI. LIST OF ATTACHMENTS

- Attachment 1 Resolution No. 13-3:
 Exhibit I – Ordinance (Clean)
 Exhibit II – Ordinance (Strikethrough/Underline)
- Attachment 2 Draft PAC Summary Actions Sheet

PAC AGENDA – SUMMARY AGENDA ACTION SHEET

DATE: November 4, 2013

ITEM	ACTION TAKEN	VOTE
I. <u>MINUTES OF REGULAR PAC MEETING</u> <u>September 30, 2013</u>	<u>Approved</u> Motion: Dean Neal Second: Marie Dauphinais	9-0
II. <u>REVIEW OF PPC AGENDA FOR NOV. 13, 2013</u> A. <u>Subthreshold Land Use Plan Amendments -</u> None		
B. <u>Regular Land Use Plan Amendments -</u> None		
C. <u>Amendment of the Countywide Rules re:</u> <u>Preservation of Industrial Lands</u> – (continued from October)	<p>Mr. Mettler provided overview of proposed Rule amendment and discussion ensued. Mr. Klute proposed a de minimus provision for smaller parcels to which Mr. Mettler noted staff is not looking at specific numbers and acres and has attempted to address site and location issues in the first couple of criteria; discussion continued concerning need to update the 2008 study which has “pre-recession numbers”; Mr. Rice noted an upcoming 25-acre project and noted that Pinellas By Design growth projections and current DEO projections differ; that current projections are far below starting point of that study. Ms. Fisher discussed Target Employment Centers and need for protection of resources to make the County competitive; need to create a climate of certainty noting staff is working closely with our Economic Development staff. PAC members inquired of any update of the data and findings of the IL study and Ms. Fisher will talk to the Economic Development staff about whether that information can be provided to PAC. Discussion continued whether there is need for another 4,000 acres with Mr. Rice discussing issue of a large parcel, vacant for 8 years, with no expressed interest. Mr. McLachlan questioned #3 - <u>Amendment Area Characteristics</u> and would like “current uses” put back in and the group concurred. Motion was made to approve</p>	

	<p>with one amendment on #3. Amendment Area Characteristics, that both current and proposed categories be included in that analysis.</p> <p><u>Approved with one amendment to #3.</u></p> <p>Motion: Dean Neal Second: Fred Metcalf (Dunedin and Largo dissenting; one member out of the room)</p>	8-2
D. <u>Countywide Plan Map – 2013 Annual Update</u>	<p><u>Approved</u></p> <p>Motion: Jan Norsoph Second: Marie Dauphinais</p>	11-0
E. <u>Annexation Report – October 2013</u>	<u>No Action – Information Only</u>	
F. <u>Enterprise Geographic Information System (EGIS) Update</u>	<p>Mr. Schoderbock provided update inviting PAC to participate in GIS Day activities, Nov. 20, 2 p.m.</p> <p><u>No Action – Information Only</u></p>	
G. <u>CPA Actions October 2013</u>	<u>No Action – Information Only</u>	
H. <u>PPC/MPO Unification Update</u>	<p>Update provided by Ms. Fisher with Rick MacAulay, MPO, providing input as to the Reapportionment Plans for Hillsborough and Pinellas noting they are in FDOT General Counsel office; that they are waiting to go to the Governor; as of noon today he was told that when the opportunity arises they will be sent to the Governor's office, by themselves, instead of a batch of 8-10 plans; hopefully the "logjam" breaks soon.</p> <p><u>No Action – Information Only</u></p>	
I. <u>Countywide Plan and Transportation Update</u>	<p>Ms. Fisher noted the ACPT meeting is this afternoon; that Mr. Crawford is at that meeting; that the Council will vote on the Greenlight Pinellas support resolution on November 13. She noted the BCC met in Work Session on October 29 to discuss ballot language and will hold a public hearing to finalize that language in December; that the Countywide plan update is still on schedule and the Working Group met last week and will meet again December 13, 9-noon, to go over proposed new categories. Power Points are posted on PPC website under What's New</p> <p><u>No Action – Information Only</u></p>	
III. <u>OLD BUSINESS</u> - None		