

ORDINANCE NO. 21-20

AN ORDINANCE AMENDING THE COUNTYWIDE RULES; ADDING PROVISIONS FOR A SENIOR HOUSING BONUS; REVISING AND CLARIFYING THE PROCESS FOR MAP ADJUSTMENTS; CLARIFYING PROCEDURES FOR CONTINUING AND WITHDRAWING COUNTYWIDE PLAN MAP AMENDMENT APPLICATIONS; CLARIFYING THE PUBLIC HEARING SCHEDULE FOR AMENDMENTS TO THE COUNTYWIDE PLAN STRATEGIES AND RULES; ADDING AND AMENDING DEFINITIONS; UPDATING SECTION NUMBERS, REFERENCES AND TERMINOLOGY FOR INTERNAL CONSISTENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners, acting pursuant to its countywide planning authority, has repealed the former Countywide Comprehensive Plan and replaced it by adoption of Ordinance No. 15-30 on August 7, 2015, which has been subsequently amended; and

WHEREAS, as part of Ordinance 15-30, the Board adopted the Countywide Plan Strategies, Countywide Plan Map, and the Countywide Rules, which collectively comprise the Countywide Plan; and

WHEREAS, the Pinellas Planning Council is operating under the fictitious name of Forward Pinellas; and

WHEREAS, the Pinellas Planning Council, pursuant to Section 6(7)(b), Chapter 2012-245, Laws of Florida, is authorized to develop rules, standards, policies, and objectives that will implement the Countywide Plan; and

WHEREAS, the Pinellas Planning Council pursuant to Section 10(3)(a), Chapter 2012-245, Laws of Florida, is authorized to initiate amendment to a rule or strategy of the Countywide Plan, as determined necessary by the Council to establish effective countywide planning; and

WHEREAS, the Countywide Rules provide for local density and intensity bonuses to be established to meet specified planning objectives of the Countywide Plan; and

WHEREAS, the Pinellas Planning Council has determined that it is necessary and appropriate to adopt a density and intensity bonus, inclusive of relevant definitions, to incentivize the creation of additional housing options for the senior population; and

WHEREAS, the Countywide Rules provide for ministerial adjustment of the Countywide Plan Map boundaries of the Preservation and Recreation/Open Space categories and the delineation of submerged lands; and

WHEREAS, the Pinellas Planning Council has determined that it is necessary and appropriate to clarify the intent of the map adjustment process, including relevant definitions, and provide for an administrative approval process; and

WHEREAS, the Pinellas Planning Council has determined that it is necessary and appropriate to clarify the public hearing process for proposed amendments to the Countywide Plan Map, Countywide Plan Strategies, and Countywide Rules; and

WHEREAS, the Pinellas Planning Council has determined that it is necessary and appropriate to update the definition of the Agricultural-Light land use to allow for additional animal-related uses; and

WHEREAS, the requisite procedures concerning notice and public hearing for amendment of the Countywide Rules have been met.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida, pursuant to its countywide planning authority, in regular meeting duly assembled on August 24, 2021, as follows:

SECTION 1. The portions of Article 4, Plan Criteria and Standards; Article 6, Countywide Plan Map Amendment; Article 7, Countywide Plan Map and Countywide Rules Administration; and Article 8, Terms and Definitions are hereby amended as set forth in Exhibit "A". All other portions of the Countywide Rules not included in this ordinance are preserved and remain as previously set forth.

SECTION 2. 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 3. 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
By: David S. Sadowsky
Office of the County Attorney

ARTICLE 4

PLAN CRITERIA AND STANDARDS

DIV. 4.1 APPLICABILITY.

All local government future land use plans and land development regulations shall be consistent with the criteria and standards in these Countywide Rules. The parameters for the criteria and standards have been established by category and shall be the basis for the administration of the Countywide Plan Map. The specific criteria by which consistency of the local future land use plans and land development regulations shall be judged include the following:

- Nomenclature
- Plan Categories
- Density/Intensity Standards
- Use and Locational Characteristics
- Map Delineation
- Acreage Thresholds and Other Standards

DIV. 4.2 CRITERIA AND STANDARDS.

SEC. 4.2.1 NOMENCLATURE.

4.2.1.1 Local government future land use categories shall be utilized in a manner that is consistent with the criteria and standards hereby established.

While the names or titles of local governments' future land use categories are not required to be precisely the same as the Countywide Plan Map categories, the names shall relate to the primary purposes of the categories as they relate to the Countywide Plan Map categories. For example, a local government category name of "Residential/Office Limited" would be deemed consistent with the Countywide Plan Map category of "Office," and "Planned Redevelopment-Mixed Use," would be deemed consistent with the "Activity Center" or "Multimodal Corridor" Countywide Plan Map category, depending upon intended use as addressed in the local government's amendment that addresses the Planning Criteria found in Article 2 for each respective category, specifically items 2-5.

The local government may, where it determines appropriate, append a local term to such category to tailor same to their local application; e.g., "Commercial General - Tarpon Springs Waterfront" or "Office - Downtown." Such local suffix may also be used to distinguish between the Countywide Plan Map category and its more specific local application.

4.2.1.2 This shall not be interpreted to mean that a local future land use plan is required to contain all or any specific number of the Countywide Plan Map categories.

SEC. 4.2.2 PLAN CATEGORIES.

4.2.2.1 Categories. The Countywide Rules hereby establish the following Countywide Plan Map categories:

- Residential Rural
- Residential Very Low
- Residential Low Medium
- Residential Medium
- Residential High
- Office
- Resort
- Retail & Services
- Employment
- Industrial
- Public/Semi-Public
- Recreation/Open Space
- Preservation
- Target Employment Center
- Activity Center
- Multimodal Corridor
- Planned Redevelopment District
- Scenic/Noncommercial Corridor

Each jurisdiction within Pinellas County must include a table or matrix in the future land use element of its comprehensive plan that shows each local future land use category corresponding to one of these Countywide Plan Map categories.

4.2.2.2 Continuum. A local future land use category that reflects a countywide category of equal or lesser density/intensity shall be considered consistent.

4.2.2.2.1 A local future land use plan designation of Preservation shall be considered less dense/intense than all other Countywide Plan Map designations.

4.2.2.2.2 A local future land use plan designation of Recreation/Open Space shall be considered less dense/intense than all other Countywide Plan Map designations except Preservation.

SEC. 4.2.3 DENSITY/INTENSITY AND SPECIAL USE STANDARDS.

4.2.3.1 Provision for Comparison. Each local future land use category shall either:

- Identify specifically the density/intensity standard which shall be applicable to said category, consistent with the applicable standard as set forth in the Countywide Plan Map and these Countywide Rules; or

- Provide a definitive statement that the pertinent density/intensity standard shall comply with the applicable standard as set forth in the Countywide Plan Map and these Countywide Rules and shall be specifically set forth in the corresponding local land development regulations.

4.2.3.2 **Required Consistency.** A local future land use plan with no required reference to, or specific standard for density/intensity, and any local land development regulation that does not specifically set forth the required density/intensity standard, shall be inconsistent with the Countywide Plan Map and these Countywide Rules. The local future land use plan and corresponding land development regulation category shall be considered consistent provided the applicable density/intensity is equal to or less than the density/intensity of the corresponding Countywide Plan Map category.

4.2.3.3 **Measurement of Density/Intensity.** At a minimum, local future land use plan and local development regulation standards will include the following measures of density/intensity:

1. Nonresidential:
 - Floor area ratio (FAR); and
 - If required by the applicable Countywide Plan Map category, impervious surface ratio (ISR).
2. Residential, and Vacation Rental pursuant to the provisions of Section 509.242(1)(c), Florida Statutes:
 - Dwelling units per net acre (UPA); or
 - If permitted by the applicable Countywide Plan Map category, FAR.
3. Residential Equivalent:
 - Equivalent beds per dwelling unit.
4. Temporary Lodging:
 - Temporary lodging UPA; or
 - Nonresidential FAR and (if required) ISR; or
 - If permitted by the applicable Countywide Plan Map category, upon adoption of provisions for compliance with Section 5.2.1.3, the density and intensity standards set forth in Table 6 may be used.
5. Mixed Use:
 - A combination of the applicable residential and nonresidential density/intensity standards, allocated in their respective proportion of the total lot area; or
 - If permitted by the applicable Countywide Plan Map category, all-inclusive FAR; or
 - The mixed-use bonus provisions of Section 4.2.3.6 may be used.

Density and intensity standards are expressed as a maximum, with the upper end of any range being the effective maximum for each category as set forth in Article 2 of these

Countywide Rules. In determining the maximum number of units to be allowed, any proportional fraction thereof can be rounded up to the nearest whole number, at the discretion of the local government with jurisdiction.

4.2.3.4 **Provision for Adjustment.** Adjustment of intensity standards for floor area ratio (FAR) and impervious surface ratio (ISR) is provided for as set forth in Division 7.4 of these Countywide Rules. The provision for adjustment of intensity standards shall be considered a legitimate means by which to administer these Countywide Rules, but shall not be construed to qualify or in any manner diminish the requirement for definitive intensity standards in the local future land use plan and land development regulations, consistent with the Countywide Plan Map and these Countywide Rules.

4.2.3.5 **Housing Density/Intensity Bonus.** A density/intensity bonus may be authorized by local government above the otherwise applicable maximum permitted density/intensity for each category as an incentive to provide affordable or Missing Middle housing, in addition to providing opportunities for more Senior Housing accommodations. This housing density/intensity bonus may permit an increase in the number of dwelling units and floor area allowed as provided for in the local government plan and/or land development regulations. No Countywide Plan Map amendment is required to employ this density/intensity bonus, but amendments are subject to the consistency review procedures outlined in Section 3.3.1.

- A. In order to utilize this bonus provision to encourage affordable housing, the local government shall approve an affordable housing plan and corresponding land development regulations, which shall be filed with the Council. An affordable housing plan shall contain, at a minimum, the following:
1. Definitions of what qualifies as affordable housing and other terms used within the plan;
 2. Methodology for determining the maximum dwelling unit and/or floor area ratio bonuses relative to the underlying zoning district and/or future land use category;
 3. Manner in which affordable housing density and/or intensity bonus units are calculated relative to the otherwise allowable mixed-use density/intensity formula;
 4. Provisions that commit the resulting affordable units to a minimum specified period of time; and
 5. Provisions for enforcement and monitoring, including any periodic reports required to be submitted to the local government.
- B. The purpose of Missing Middle housing, as defined within these Countywide Rules, is to integrate more diverse types of housing into single-family neighborhoods while retaining compatibility with the existing neighborhood character. In order to utilize this housing density/intensity bonus for Missing Middle housing, the local

government shall adopt applicable land development regulations, which shall be filed with the Council and which shall contain, at a minimum, the following:

1. Definitions of what qualifies as Missing Middle housing and other terms used within the regulations;
2. Identified locations or locational characteristics appropriate for Missing Middle housing, consistent with the Forward Pinellas *Finding the Missing Middle* study published October 2017, incorporated by reference in Countywide Plan Strategies LU 11.4;
3. Methodology for determining the maximum dwelling unit and/or floor area ratio bonuses relative to the underlying zoning district and/or future land use category;
4. Form-based or other land development regulations limiting the size and scale of Missing Middle housing to ensure its compatibility with adjacent neighborhood-scale development; and
5. Design features that encourage walking, biking and transit use, such as lower parking standards, reduced setbacks, required sidewalks, etc.

C. The Senior Housing bonus is intended to increase the number and diversity of dwelling units available to senior residents, provide for continuity of care across the aging spectrum, and encourage an active lifestyle. In order to utilize the housing density/intensity bonus for Senior Housing, as defined within these Countywide Rules, the local government shall adopt applicable land development regulations, which shall be filed with the Council and which shall contain, at a minimum, the following:

1. Definitions of what qualifies as Senior Housing and other terms used within the regulations;
2. Methodology for determining the maximum Residential dwelling unit, Residential Equivalent beds, and/or floor area ratio bonuses relative to the underlying zoning district and/or future land use category;
3. Form-based or other land development regulations determining the size and scale of Senior Housing to ensure its compatibility with adjacent developments;
4. Land development regulations prohibiting application of this density/intensity bonus in the Coastal High Hazard Area; and
5. Design features that ensure accessibility and promote age-appropriate physical activity.

4.2.3.6 Mixed Use Density/Intensity Bonus. A local government may authorize a waiver to the proportionate density/intensity allocation requirement of Section 4.2.3.3(5) as an incentive to encourage vertically integrated, transit supportive mixed-use development. This bonus may permit the full allocation of residential density and nonresidential intensity to be used, as provided for in the local government plan and/or land

development regulations, for developments containing a mix of residential and nonresidential land uses within the same building. No Countywide Plan Map amendment is required to employ this density/intensity bonus, but amendments are subject to the consistency review procedures outlined in Section 3.3.1.

In order to utilize this provision, a local government shall adopt applicable land development regulations, which shall be filed with the Council and which shall contain, at a minimum, the following:

1. Definitions of what qualifies as vertically integrated, transit supportive mixed-use development, and other terms used within the regulations;
2. Identified locations or locational characteristics appropriate for such mixed-use development, consistent with the Planning and Urban Design Principles described in Land Use Goal 16.0 of the Countywide Plan Strategies, or other best practices;
3. Form-based or other land development regulations governing the size, scale, and mix of uses; and
4. Design features that encourage walking, biking and transit use, such as lower parking standards, reduced setbacks, required sidewalks, etc.

4.2.3.7 **Development Impacts.** Density/intensity permitted at the time of application for platting or site plan approval, and subsequently impacted by the dedication of public right-of-way and/or the creation of submerged land as a function of that approval, shall thereafter be deemed to be consistent and conforming as to the maximum permitted density/intensity of the Countywide Rules.

4.2.3.8 **Previously Approved Transferable Development Rights and Density/Intensity Averaging.** Density/intensity permitted as a function of transfer of development rights or density/intensity averaging through an approved master plan, planned development, or comparable process, prior to the effective date of this provision (Ordinance No. 10-23, April 15, 2010), including any density/intensity or transfer of development rights process adopted into a special area plan consistent with these Countywide Rules prior to that date, shall be deemed to be consistent and conforming as to the maximum permitted density/intensity requirements of the Countywide Rules, and any such permitted development that has received the appropriate development order may remain and be rebuilt or reconstructed to the same density or intensity after the effective date of Ordinance No. 10-23), unless such density or intensity is specifically prohibited by a local government’s code or ordinance. Any such permitted development shall be considered consistent with the recording and filing requirements of the Countywide Rules.

4.2.3.9 **Exemptions from Intensity Standards in the Activity Center and Multimodal Corridor Categories.** To assist in achieving redevelopment goals within the Activity Center and Multimodal Corridor categories, exemptions to otherwise applicable intensity standards may be allowed as an incentive for limited uses that implement the Planning and Urban Design Principles described in Section 6.5.4.6 and Land Use Goal 16.0 of the Countywide Plan Strategies, and other local planning priorities (e.g., workforce housing and historic

preservation), to a maximum of an additional 10% of the otherwise permitted floor area ratio. In order to utilize this provision, the local government shall adopt corresponding land development regulations which shall be filed with the Council. An FAR exemption subject to an applicable special area plan adopted prior to August 7, 2015, shall be considered to be consistent with the provisions of this section.

4.2.3.10 **Temporary Emergency Housing Following a Disaster.** Temporary emergency housing shall be permitted in accordance with the provisions of Pinellas County Code Chapter 34 Article II Division 2, or other applicable local government ordinance that applies to those municipalities that have opted out of the countywide temporary emergency housing ordinance. Such provisions include, but are not limited to, the allowance of temporary emergency housing in certain future land use categories where residential uses are not typically permitted, and the placement of temporary housing units on parcels of land containing uninhabitable permanent dwellings for a length of time as specified in the County Code or applicable municipal ordinance.

4.2.3.11 **Submerged Lands.** Submerged lands, as specifically defined within these Countywide Rules, shall have no designation and no associated density/intensity standards. Drainage detention areas created as a function of development that are recorded on an approved final site plan or other authorized development order action of the local government with jurisdiction, and wetlands landward of the mean and/or ordinary high water line, shall not be considered submerged land, and thus may be included in the computation of net land area for the purpose of determining permitted density/intensity, provided that they are also included in the computation of net land area for any applicable acreage threshold. Submerged lands may be added, deleted, or adjusted pursuant to Section 7.3.8.4.

SEC. 4.2.4 **USE/LOCATIONAL CHARACTERISTICS.**

Local future land use categories shall establish a description of appropriate uses and proper locations, in sufficient detail, so as to be determined comparable to, and consistent with, said characteristics for each Countywide Plan Map category as set forth in these Countywide Rules. Each local government designation in the local land development regulations must be consistent with the local future land use category and the corresponding Countywide Plan Map category.

4.2.4.1 Locational characteristics as set forth in the local government land use plan or land development regulations shall be consistent with and sufficiently detailed so as to be comparable to the corresponding Countywide Plan Map category as enumerated in these Countywide Rules.

4.2.4.2 Use characteristics, as set forth in the local government land use plan or land development regulations, shall be considered consistent where they are comparable to, less extensive than, or more narrowly defined than, the corresponding enumerated list of permitted uses for each category under these Countywide Rules. Such use characteristics in the local plan or regulations shall not exceed the parameters of, or

provide for uses not allowed under, the corresponding categories of these Countywide Rules as established under Section 4.2.2.1, except as expressly and specifically provided in Section 4.2.4.3.

Accessory uses normally found in association with, incidental to, and subordinate to the permitted use characteristics of the Countywide Rules, are allowed as provided for by the local jurisdiction and subject to their specific requirements.

4.2.4.3

Uses in the local government land use plan and land development regulations may provide for use characteristics not normally allowed under the respective category of these Countywide Rules, subject to all of the following criteria:

1. This section shall apply only to the Retail & Services and Office categories and the uses allowed under those categories;
2. This section shall not apply to any property located on a Scenic/Noncommercial Corridor of these Countywide Rules;
3. This section shall not apply to any property which has an area of more than three acres; and
4. Uses in the local government plan and regulations shall be subject to specified provisions of the local plan governing compatible land use relationships, and shall further be subject to all applicable density/intensity standards and traffic generation rates which govern the local plan map category in which the subject use is located, or the Countywide Plan Map category in which the subject use is located, whichever is more restrictive, said determinations to be made as follows:
 - a. The maximum permitted density shall not exceed the maximum number of dwelling units per acre permitted under the land use category of record in the local plan or the Countywide Plan Map, whichever is more restrictive;
 - b. The maximum permitted intensity shall not exceed the maximum floor area ratio or the maximum impervious surface ratio permitted under the land use category of record in the local plan or the Countywide Plan Map, whichever is more restrictive; and
 - c. The maximum permitted density and/or intensity of use shall be further limited such that no additional traffic is generated above that which would have been produced by the maximum density/intensity of the uses otherwise permitted in the category of record in the local plan or the Countywide Plan Map, whichever is more restrictive. Traffic generation rates shall be calculated based upon the Countywide Plan standard for the land use category of record or as provided for under the local plan and regulations, whichever shall be the more restrictive.

SEC. 4.2.5 MAP DELINEATION.

The local future land use plan maps shall be consistent if the local future land use plan designation for each parcel does not exceed the criteria and standards of the corresponding Countywide Plan Map designation.

SEC. 4.2.6 ACREAGE THRESHOLDS AND OTHER STANDARDS.

Local future land use plans and development regulations shall include policies and/or standards consistent with the acreage threshold and other standards contained in the description of each Countywide Plan Map category. Where no such standards are in place in the local future land use plan or land development regulations, the local future land use plan or land development regulation shall be amended to provide for same or be found inconsistent. This shall not be interpreted to preclude the local government from having a smaller, more restrictive acreage threshold for amendment.

SEC. 4.2.7 COASTAL HIGH HAZARD AREAS.

4.2.7.1 The Pinellas Planning Council and the Countywide Planning Authority shall deny an amendment to the Countywide Plan Map within the Coastal High Hazard Area (CHHA) which results in an increase of density or intensity; except that they may, at their sole and absolute discretion, consider approving such amendment based upon a balancing of the following criteria, as are determined applicable and significant to the subject amendment:

- A. Access to Emergency Shelter Space and Evacuation Routes – The uses associated with the requested amendment will have access to adequate emergency shelter space as well as evacuation routes with adequate capacities and evacuation clearance times.
- B. Utilization of Existing and Planned Infrastructure – The requested amendment will result in the utilization of existing infrastructure, as opposed to requiring the expenditure of public funds for the construction of new, unplanned infrastructure with the potential to be damaged by coastal storms.
- C. Utilization of Existing Disturbed Areas – The requested amendment will result in the utilization of existing disturbed areas as opposed to natural areas that buffer existing development from coastal storms.
- D. Maintenance of Scenic Qualities and Improvement of Public Access to Water – The requested amendment will result in the maintenance of scenic qualities, and the improvement of public access, to the Gulf of Mexico, inland waterways (such as Boca Ciega Bay), and Tampa Bay.
- E. Water Dependent Use – The requested amendment is for uses which are water dependent.
- F. Part of Community Redevelopment Plan – The requested amendment is included in a Community Redevelopment Plan, as defined by Florida Statutes for a downtown or other designated redevelopment areas.
- G. Overall Reduction of Density or Intensity – The requested amendment would result in an increase in density or intensity on a single parcel, in concert with corollary amendments which result in the overall reduction of development density or intensity in the surrounding CHHA.

- H. Clustering of Uses – The requested amendment within the CHHA provides for the clustering of uses on a portion of the site outside the CHHA.
- I. Integral Part of Comprehensive Planning Process – The requested amendment has been initiated by the local government as an integral part of its comprehensive planning process, consistent with the local government comprehensive plan.

4.2.7.2 The Pinellas Planning Council and the Countywide Planning Authority shall deny an amendment to the Countywide Plan Map within the CHHA which would permit the siting or expansion of uses that are inconsistent with the CHHA, given their susceptibility to storm damage or special evacuation requirements, including hospitals, nursing homes, convalescent homes, adult living facilities, recreational vehicles, and mobile homes; except that they may, at their sole and absolute discretion, consider approving such amendment based upon a balancing of the criteria in Section 4.2.7.1, A-H, as are determined applicable and significant to the subject amendment.

4.2.7.3 Local government amendments that would result in an increase in density or intensity within the CHHA as discussed in Section 4.2.7.1, or would permit the siting or expansion of uses that are inconsistent with the CHHA as discussed in Section 4.2.7.2 must be reviewed against locally-adopted requirements that are consistent with the balancing criteria found in Section 4.2.7.1 A-H. For Tier II and III amendments, an evaluation of these criteria must be included with a Countywide Plan Map submittal pursuant to Section 6.1.3.2. For Tier I amendments, if a local government has not adopted and utilized the balancing criteria in its review process, any such amendments will be found inconsistent with the Countywide Plan pursuant to the provisions of Article 3.

4.2.7.4 Nothing in these Countywide Rules shall be construed or applied to preclude a local government with jurisdiction from having requirements in the CHHA that are more restrictive than the terms set forth herein.

4.2.7.5 Nothing in these Countywide Rules should be construed as superseding or otherwise modifying the local plan amendment requirements of Section 163.3178(8), Florida Statutes.

ARTICLE 6

COUNTYWIDE PLAN MAP AMENDMENT

SEC. 6.1.1 **APPLICATION.**

Local governments may initiate Countywide Plan Map amendments only as provided for in this Article in accordance with Section 10(3) of Chapter 2012-245, Laws of Florida, as amended, and the particular procedures established in these Countywide Rules. No amendment to the Countywide Plan Map shall be considered by the PPC until the local government applying for such amendment has established jurisdiction.

Applications for amendment of the Countywide Plan Map shall be preceded by, and based upon, a local ordinance considered at public hearing and authorized by an affirmative vote of the governing body for transmittal of, and concurrence with, the local government future land use map amendment; subject to any requisite determination of compliance by the State Land Planning Agency pursuant to Chapter 163, Part II, Florida Statutes, adoption of an ordinance effectuating a consistent amendment of the Countywide Plan Map by the Countywide Planning Authority pursuant to Chapter 2012-245, Laws of Florida, and final action by the local governing body.

SEC. 6.1.2 **TIERED REVIEW PROCESS.**

Local future land use map amendments and other requests to amend the Countywide Plan Map shall be evaluated according to the following process, consistent with Chapter 2012-245, Laws of Florida, as amended, to determine if an amendment to the Countywide Plan Map is required, and if so, to determine the applicable review standards. The PPC Executive Director will make a determination whether the local future land use map amendment is subject to review under the Tier I, II or III process. Boundary interpretations addressed by Section 7.3.8 shall not be subject to the tiered review process.

6.1.2.1 **Tier I.** A local future land use map amendment is classified as Tier I if the current and proposed land use categories fall within the same corresponding designation on the Countywide Plan Map as established pursuant to Section 4.2.2.1, with the exception of the Activity Center, Multimodal Corridor and Planned Redevelopment District categories, which are classified subject to the review provisions of Division 6.2.

Upon determination that an amendment is subject to the Tier I process, an administrative review notice will be forwarded to the local government within ten business days, and to the Pinellas Planning Council at their next scheduled meeting, with a finding that the amendment is subject to a Tier I review and did not require a Tier II or III amendment. As a Tier I amendment will not alter the Countywide Plan Map, a public hearing to amend the Countywide Plan Map is not required.

Tier I amendments that increase densities and/or intensities in the Coastal High Hazard Area shall require local adoption of standards consistent with Section 4.2.7.1 A-H in order to be found consistent.

6.1.2.2 **Tier II.** A local future land use map amendment is classified as a Tier II amendment if the current and proposed land use categories do not fall within the same corresponding designation on the Countywide Plan Map as established pursuant to Section 4.2.2.1, with the exception of amendments to the Activity Center, Multimodal Corridor and Planned Redevelopment District categories, which are classified subject to the review provisions of Division 6.2. A public hearing to amend the Countywide Plan Map shall be required.

A request to amend the Countywide Plan Map without a corresponding amendment to a local future land use map may be initiated consistent with Section 4.2.1.1 or to implement a Rule amendment pursuant to Section 7.8.5, and shall be classified as a Tier II amendment. Such amendment may be initiated only by the local government with jurisdiction, pursuant to a formal resolution adopted by its governing body requesting and setting forth the specifics of the amendment.

6.1.2.3 **Tier III.** A local future land use map amendment to the Activity Center or Multimodal Corridor category is classified as Tier III subject to the review provisions of Division 6.2. A public hearing to amend the Countywide Plan Map shall be required.

SEC. 6.1.3 **PROCEDURES.**

Countywide Plan Map amendments shall be considered according to the following process, consistent with Chapter 2012-245, Laws of Florida, as amended, and as provided for in each Division in this Article.

6.1.3.1 **Initiation.** Only the governing body may initiate an amendment to the Countywide Plan Map for a particular parcel of property over which it has jurisdiction. An amendment of the Countywide Plan Map shall be transmitted to the PPC subsequent to the initial action by the governing body authorizing the transmittal of and concurrence with the local ordinance, and prior to finalizing adoption of the local ordinance, except where Section 163.3187(2), Florida Statutes, provides for a small-scale map amendment, which may be submitted subsequent to final adoption.

6.1.3.2 **Submission of Application.** Before an application of a Countywide Plan Map amendment shall be heard by the PPC, a written application shall be submitted in a form established by the PPC, not later than twenty-eight days prior to the PPC meeting at which it is eligible to be considered.

At submittal, a Countywide Plan Map amendment request must include:

- A completed Countywide Plan Map amendment application form;

- A map or map series sufficient to depict the boundaries, current future land use categories, and proposed future land use categories of the subject property and surrounding area;
- A copy of the ordinance being considered by the governing body;
- If technically feasible, a shapefile of any wetlands or other irregular boundaries included in the amendment; and
- A copy of the local government staff report and any other pertinent information considered during the local public hearing process.

In addition, the following items must be submitted if applicable to the amendment:

- A boundary survey;
- A development agreement;
- If located in the Coastal High Hazard Area (CHHA), review against locally-adopted balancing criteria consistent with Section 4.2.7.1 A-H; and
- If amending the Activity Center or Multimodal Corridor category, additional requirements as outlined in Section 6.2.3.

6.1.3.3 **Determination of Completeness.** The Executive Director shall have the authority to make the interpretation as to the completeness of a submitted application to amend the Countywide Plan Map. If the Executive Director determines that the submitted application is not complete, the Executive Director shall provide written notice to the applicant specifying the deficiencies. No action shall be taken on the requested amendment until the Executive Director determines that the deficiencies have been remedied.

6.1.3.4 **Notice and Public Hearing by PPC.** The PPC shall hold a public hearing, advertised and noticed as required by Division 7.8, prior to taking action on a requested amendment of the Countywide Plan Map.

6.1.3.5 **Recommendation by PPC.** The PPC shall make a recommendation to the CPA within sixty days of receipt of a complete application for amendment.

SEC. 6.1.4 **DETERMINATION.**

Amendments to the Countywide Plan Map shall be reviewed by, and require the approval of, the CPA upon recommendation of the PPC. Decisions of the PPC and the CPA, with respect to the disposition of Countywide Plan Map amendments, are considered legislative in nature.

6.1.4.1 **PPC Action.** The PPC may recommend approval, denial, continuation or alternative action to the CPA; any of which such recommendations shall constitute action by the PPC within the stipulated sixty-day period.

- 6.1.4.2** **Notice of Denial.** The PPC shall, within five days, notify the applicant local government in writing of any recommendation by the PPC to deny an amendment eligible for administrative hearing, and shall advise the applicant local government of their right to apply for such administrative hearing and the time limitation applicable thereto.
- 6.1.4.3** **Right to Administrative Hearing.** If the PPC recommends denial of an amendment to the Countywide Plan Map relating to the land use designation of a particular parcel of land, any substantially affected person may apply for an administrative hearing within twenty-one days of denial.
- 6.1.4.4** **Applications for Administrative Hearing.** All applications for administrative hearing by a substantially affected person will be filed with the office of the PPC within twenty-one days of denial. Said application will be in a form for consideration under, and subject to the procedures of, Chapter 120, Florida Statutes. In the event an application for administrative hearing is filed, the Countywide Plan Map amendment shall not be considered by the CPA pending disposition of the administrative hearing.
- 6.1.4.5** **CPA Consideration.** The CPA shall consider an application for amendment of the Countywide Plan Map upon receipt of the recommendation of the PPC.
- 6.1.4.6** **Public Hearing by CPA.** The CPA shall hold a public hearing, advertised and noticed as required by Division 7.8, prior to taking action on a requested amendment of the Countywide Plan Map.
- 6.1.4.7** **CPA Action.** The CPA may approve or deny the application for amendment upon consideration of the recommendation of the PPC. Any action by the CPA contrary to the PPC recommendation shall require a majority plus one vote of the entire CPA.
- 6.1.4.8** **Reconsideration.** The reconsideration of any action on an amendment by the PPC or CPA shall be as otherwise prescribed by the respective operating procedures of each the PPC and the CPA. In the absence of such defined operating procedures, reconsideration shall be by motion of a member of the prevailing side on the applicable amendment vote, and affirmative action on such motion, at the same meeting at which the initial action was taken.
- 6.1.4.9** **Right to Administrative Hearing.** If the CPA denies an amendment which was recommended to be approved by the PPC, any substantially affected person may apply for an administrative hearing within twenty-one days of denial.
- 6.1.4.10** **Final Action by CPA After Administrative Hearing.** Final action by the CPA subsequent to any administrative hearing shall be limited to the findings of fact of the administrative hearing officer.

SEC. 6.1.5 APPLICATIONS CONTAINING DEVELOPMENT AGREEMENTS.

6.1.5.1 Submission of a Development Agreement. A development agreement is not required to be submitted as part of an application for Countywide Plan Map amendment, however a development agreement may be submitted in support of a Countywide Plan Map amendment. Such submission shall be entirely at the discretion of the local government jurisdiction.

Local governments shall enter into, amend, and revoke a development agreement per the requirements pertaining to development agreements found in Sections 163.3220 - 163.3243, Florida Statutes.

Prior to submission of the Countywide Plan Map amendment for consideration by the Council, any development agreement submitted for consideration as part of an application for Countywide Plan Map amendment shall, at a minimum, be approved by the local jurisdiction after public hearing by the legislative body and be executed by the applicant property owner and other private party(ies) to the agreement.

The amendments to the Rules, as contained in Article 6, Section 6.1.6, subsections 6.1.6.1 through 6.1.6.3, shall not apply retroactively to any development agreement submitted and made a condition of a plan amendment approved by the PPC and CPA prior to the effective date of this provision (Ordinance No. 08-81, December 24, 2008),

6.1.5.2 Consideration of Development Agreement by PPC and CPA. The Council and CPA shall consider a development agreement, submitted by a local government jurisdiction in support of a Plan Map amendment request, in accordance with the consistency criteria and Relevant Countywide Considerations of the Countywide Plan Rules.

After all necessary approvals are obtained by the local jurisdiction and the development agreement is fully executed, a true and correct copy of the fully executed development agreement shall be submitted to the Council, to be filed with the corresponding Countywide Plan Map amendment ordinance.

6.1.5.3 Change to Development Agreement Subsequent to Countywide Plan Map Approval. The local government with jurisdiction will make the determination as to whether any change to an approved development agreement constitutes an amendment or revocation of the development agreement, and will make any such amendment or revocation in accordance with Sections 163.3220 – 163.3243, Florida Statutes.

A development agreement submitted and made a condition of a Countywide Plan Map amendment that is approved by the CPA, which development agreement is subsequently amended or revoked by a local government pursuant to the requirements in Sections 163.3220 – 163.3243, Florida Statutes, shall be resubmitted to the PPC and CPA.

The PPC shall recommend, and the CPA shall determine, based on the significance of the amendment or revocation in relation to the consistency criteria and the Relevant Countywide Considerations of the Countywide Rules pertaining to the Plan Map amendment, whether the amendment or revocation of the development agreement requires the Plan Map amendment to which it corresponded to be reconsidered.

If the CPA determines that the amendment or revocation of the development agreement requires the Countywide Plan Map amendment to be reconsidered, the local government jurisdiction will be so notified and may request the Plan Map amendment be reheard, void and amend its local plan consistent with the Countywide Plan Map as it existed prior to the subject Plan Map amendment, resubmit an application for Plan Map amendment, with or without a revised development agreement, or such other action as will result in consistency between the local and Countywide Plan Maps.

A resubmitted Plan Map amendment will be processed as any other application for amendment.

SEC. 6.1.6 OFFICIAL RECORD.

Upon approval of a Countywide Plan Map amendment by the CPA, an official record copy of said ordinance will be maintained in the office of the Clerk of the Board. The office of the PPC shall maintain a record copy of all Countywide Plan Map amendments and, upon transmittal of the ordinance amending the Countywide Plan Map by the Clerk of the Board, shall cause such amendment to be properly recorded on the official Countywide Plan Map.

DIV. 6.2	COUNTYWIDE PLAN MAP AMENDMENTS / ACTIVITY CENTERS, MULTIMODAL CORRIDORS AND PLANNED REDEVELOPMENT DISTRICTS.
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SEC. 6.2.1 NEW ADOPTIONS.

6.2.1.1 Adoption of New Activity Centers and Multimodal Corridors. An amendment adopting the Activity Center (AC) plan category that is not contiguous to, and subject to the same plan/code provisions as, an existing AC designation results in the creation of a new Activity Center. An amendment adopting the Multimodal Corridor (MMC) plan category in a location that is not contiguous to, and subject to the same plan/code provisions as, an existing MMC designation results in the creation of a new Multimodal Corridor.

Each new Activity Center or Multimodal Corridor shall be classified with a subcategory based on the locational criteria of Sections 2.3.3.15-16, or as otherwise approved through the Countywide Plan Map amendment process. The subcategory shall be depicted on the Land Use Strategy Map.

Such amendments are subject to the tiered amendment review process set forth in Section 6.1.2, as determined by the eligibility criteria shown in Table 7.

As part of the adoption process, the highest allowable density and/or intensity standard applicable to the Activity Center or Multimodal Corridor shall be filed of record and used in determining the applicable tier for subsequent amendments as set forth in Section 6.2.2.1. If residential, temporary lodging, nonresidential and/or mixed uses are differentiated with separate standards by the implementing plan/code provisions, these standards shall be recorded separately.

**Table 7
Amendments Creating New Activity Centers or Multimodal Corridors**

Amendment Type	Eligibility Criteria
Tier II	Adoption of the AC or MMC category with implementing plan/code provisions that: <ul style="list-style-type: none"> • Include density/intensity standards at or below the maximum for the applicable AC or MMC subcategory based on the locational criteria of Sections 2.3.3.15-16; and • Do not permit uses enumerated in Section 6.2.4.1; and • Do not eliminate permitted uses enumerated in Section 6.2.4.2.
Tier III	Adoption of the AC or MMC category with implementing plan/code provisions that: <ul style="list-style-type: none"> • Include density/intensity standards above the maximum for the applicable AC or MMC subcategory based on the locational criteria of Sections 2.3.3.15-16; or • Permit uses enumerated in Section 6.2.4.1; or • Eliminate permitted uses enumerated in Section 6.2.4.2.

6.2.1.2 **Adoption of New Planned Redevelopment Districts.** An amendment adopting the Planned Redevelopment District (PRD) plan category in a location that is not contiguous to, and subject to the same plan/code provisions as, an existing PRD designation results in the creation of a new Planned Redevelopment District. Such amendments are subject to the Tier II amendment review process set forth in Section 6.1.2.2.

SEC. 6.2.2 **SUBSEQUENT AMENDMENTS.**

6.2.2.1 **Amendment of Existing Activity Centers or Multimodal Corridors.** An amendment to the local future land use map or plan/code provisions governing an existing Activity Center or Multimodal Corridor that results in a change to the permitted uses, density/intensity standards, or category boundaries on the Countywide Plan Map are subject to the tiered amendment review process set forth in Section 6.1.2, as determined by the eligibility criteria shown in Table 8.

Table 8
Amendments to Existing Activity Centers and Multimodal Corridors

Amendment Type	Eligibility Criteria
Tier I	<p>Amendment does not exceed the highest allowable density or intensity standard filed of record; and</p> <p>Amendment does not alter the boundaries of the AC or MMC category on the Countywide Plan Map; and</p> <p>Amendment does not add permitted uses enumerated in Section 6.2.4.1 nor eliminate permitted uses enumerated in Section 6.2.4.2; and</p> <p>Amendment does not eliminate local future land use map categories enumerated in Section 6.5.4.4; and</p> <p>Planning and Urban Design Principles have previously been addressed and filed of record under the Tier II or Tier III process.</p>
Tier II	<p>Amendment proposes one or more of the following:</p> <ul style="list-style-type: none"> • Increases the highest allowable density or intensity standard consistent with the locational criteria of the Land Use Strategy Map as specified in Section 2.3.3.15-16; or • Alters the boundaries of the AC/MMC category on the Countywide Plan Map; or • Eliminates permitted uses enumerated in Section 6.2.4.2; or • Eliminates local future land use map categories enumerated in Section 6.5.4.4; or • Planning and Urban Design Principles have not previously been addressed and filed of record under the Tier II or Tier III process. <p>and</p> <p>Amendment does not add permitted uses enumerated in Section 6.2.4.1.</p>
Tier III	<p>Amendment increases the highest allowable density or intensity standard exceeding the locational criteria of the Land Use Strategy Map as specified in Section 2.3.3.15-16; or</p> <p>Amendment adds permitted uses enumerated in Section 6.2.4.1.</p>

6.2.2.2

Amendment of Existing Planned Redevelopment Districts. An amendment to the local future land use map or plan/code provisions governing an existing Planned Redevelopment District that results in a change to the permitted uses, density/intensity standards, or category boundaries are subject to the tiered amendment review process set forth in Section 6.1.2, as determined by the eligibility criteria shown in Table 9.

**Table 9
Amendments to Existing Planned Redevelopment Districts**

Amendment Type	Eligibility Criteria
Tier I	Amendment does not alter the boundaries of the PRD category on the Countywide Plan Map; and Amendment does not add permitted uses enumerated in Section 6.2.4.1 nor eliminate permitted uses enumerated in Section 6.2.4.2; and Amendment does not eliminate local future land use map categories enumerated in Section 6.5.4.4; and Planning and Urban Design Principles have previously been addressed and filed of record under the Tier II or Tier III process.
Tier II	Amendment proposes one or more of the following: <ul style="list-style-type: none"> • Alters the boundaries of the PRD category on the Countywide Plan Map; or • Adds permitted uses enumerated in Section 6.2.4.1; or • Eliminates permitted uses enumerated in Section 6.2.4.2; or • Eliminates local future land use map categories enumerated in Section 6.5.4.4; or • Planning and Urban Design Principles have not previously been addressed and filed of record under the Tier II or Tier III process.

A local map or plan/code amendment governing an existing Activity Center, Multimodal Corridor or Planned Redevelopment District that does not change the permitted uses, density/intensity standards, or category boundaries on the Countywide Plan Map is classified as Tier I.

6.2.2.3

Reclassification of Special Centers and Special Corridors. An Activity Center or Multimodal Corridor utilizing the Special Center or Special Corridor subcategory prior to October 24, 2019 shall, on October 24, 2019, be reclassified with a subcategory pursuant to Sections 2.3.3.15-16, which shall be depicted on the Land Use Strategy Map. Such subcategory reclassification shall occur in coordination with the local government

with jurisdiction, shall be sufficient to accommodate the locally-adopted maximum density and intensity standards governing the Activity Center or Multimodal Corridor as of October 24, 2019, and shall not result in any nonconforming standard. Subsequent amendments to this subcategory classification shall be subject to the amendment process for existing Activity Centers and Multimodal Corridors outlined in the remainder of this section.

The highest allowable density and/or intensity standard filed of record for each reclassified Activity Center or Multimodal Corridor shall be used in determining the applicable tier for subsequent amendments as set forth in Section 6.2.2.1. If residential, temporary lodging, nonresidential and/or mixed uses are differentiated with separate standards by the implementing plan/code provisions, these standards shall be considered separately.

SEC. 6.2.3 SUBMITTAL REQUIREMENTS.

6.2.3.1 Additional Requirements for Tier I, II, and III Amendments.

In addition to the general submittal requirements of Section 6.1.3.2, Tier I, II and III amendments to the Activity Center (AC), Multimodal Corridor (MMC), or Planned Redevelopment District (PRD) plan categories must include and address the items set forth below as part of the application, review, and approval process:

- A. **Boundary Map** – A parcel specific map or map series of sufficient detail to delineate the boundaries of the AC, MMC or PRD category. If technically feasible, a GIS shapefile of the boundary shall be provided, otherwise a list parcels to be amended shall be included with the submittal.
- B. **Current Land Use Designations** – A list of local future land use map designations that are currently within the proposed boundaries of the AC, MMC or PRD category, their acreages, and their associated permitted uses and maximum densities/intensities.
- C. **Proposed Land Use Designations** – A list of proposed future land use map designations, character districts, zoning districts or subdistricts within the proposed boundaries of the AC, MMC or PRD category, their acreages, and their associated permitted uses and maximum density/intensity standards.

If density/intensity averaging is being used pursuant to Section 5.2.1.2.4, provide a calculation of the average areawide density/intensity that could potentially be achieved based on the proposed land use designations, and documentation that it is consistent with the proposed subcategory.

- D. **Size (AC Only).** If the acreage of the proposed AC category exceeds the size criteria for the applicable subcategory pursuant to Section 2.3.3.15, demonstrate that the amendment area is organized into one or more subareas meeting the criteria.

- E. **Planning and Urban Design Principles** – For amendments affecting 10 acres or more, provide documentation of how the Planning and Urban Design Principles will be addressed, pursuant to Section 6.2.6 and Countywide Planning Strategies Land Use Goal 16.0, together with the purpose, objectives, and professionally established best practices contained therein.

6.2.3.2 Additional Requirements for Tier II and Tier III Amendments.

In addition to the submittal requirements of Section 6.1.3.2 and Section 6.2.3.1, Tier II and Tier III amendments to the Activity Center (AC), Multimodal Corridor (MMC) or Planned Redevelopment District (PRD) plan categories must include and address the items set forth below as part of the application, review, and approval process:

- A. **Pre-Application Meeting** – At least one pre-application coordinating conference with PPC staff will be required. The purpose of this meeting will be to discuss the review and approval process and to review the applicant’s proposed implementation plan to ensure that the strategies are met. After the conclusion of the meeting, PPC staff will provide meeting notes documenting topics covered, concerns/issues addressed, and any action steps agreed to with the applicant.
- B. **Transportation Impact Analysis** – Amendments affecting 10 acres or more must meet the requirements of Section 6.2.5.
- C. **Implementation Tools** – For each proposed AC, MMC or PRD designation, the applicant will enumerate any existing and proposed plan/code provisions (e.g., special area plan, current zoning designations, special zoning designations, design overlays, and/or other regulatory tools) that will be used to implement the Planning and Urban Design Principles. In addition, the applicant will be required to submit a proposed adoption schedule for any new policies and/or regulations that will be required for such implementation.
- D. **Subsequent Review of Implementation Tools** – Upon initial adoption of the provisions identified by the implementation tools (described in subsection C above) by the local government, the implementation ordinances will be submitted and reviewed under the provisions of Section 6.2.2, in fulfillment of and for compliance with the Countywide Plan Map amendment to which they correspond. Addition or elimination of permitted uses consistent with the corresponding Countywide Plan Map amendment shall not be considered new changes under the provisions of Section 6.2.2.

6.2.3.3 Additional Requirements for Tier III Applications.

In addition to the submittal requirements of Section 6.1.3.2, Section 6.2.3.1, and Section 6.2.3.2, Tier III amendments to the Activity Center or Multimodal Corridor plan categories must include a Justification Narrative as to why the proposed amendment is consistent with the Countywide Plan.

The narrative must document the changes in conditions or other factors that warrant the proposed amendment, which could potentially include but are not limited to the following:

- A. **Improved transit facilities and service to the proposed Activity Center or Multimodal Corridor** – Improvements may include investment by PSTA in premium services that were not planned for during the most recent amendment of the Land Use Strategy Map, or a commitment by the applicant government to invest in multimodal infrastructure in the near term (5 to 15 years) that will quicken the evolution of the area into one that is transit-ready. These types of improvements will be coordinated closely with PSTA to ensure that they are consistent with the required standards for future premium transit.
- B. **Increases in population and/or employment densities not projected in adopted planning documents (MPO Long Range Transportation Plan, local comprehensive plans, etc.)** – These new increases in population and/or employment would need to be documented in an Economic Development Study that compares the new projections of population and/or employment to the projections contained in the MPO’s LRTP and the local comprehensive plans. The economic benefit from the increases in population and of employment would be quantified as well as the ability of the area to attract and absorb the increased population and/or employment over other similar developing areas.
- C. **Local government funding study for public infrastructure within the proposed Activity Center or Multimodal Corridor** – The funding study will include a detailed analysis of multimodal infrastructure needs within the study area, including the improvements identified in A. above and associated funding strategies to develop a financing plan that funds infrastructure projects within specific timeframes. The results of the Economic Development Study from B., if conducted, will be incorporated into the Funding Study.
- D. **Other unique conditions that would allow for consideration** – As an example, these conditions could include unique agreements or development partnerships that would create a significant opportunity for a more diverse development mix resulting in higher taxable values per acre and a more attractive mixed-use multimodal environment. The emphasis should be on getting both local government and development commitments needed to build unfunded multimodal projects build in the short- to mid-term within the subject area.

SEC. 6.2.4 USE PROVISIONS.

- 6.2.4.1** The purpose of the Activity Center and Multimodal Corridor categories is to create areas of intensive residential density, nonresidential intensity, and mixed uses in conjunction with urban design that allows and encourages multimodal transportation, including pedestrian/bicycle circulation and transit use. Uses that do not support this purpose, as defined in Article 8 of these Countywide Rules, include:

- Storage/Warehouse/Distribution-Light and -Heavy;
- Commercial/Business Service Use; and
- Automobile-Oriented Retail Commercial Use.

An amendment adding one or more of these enumerated uses as a permitted use within an Activity Center or Multimodal Corridor, or within a character district, zoning district or subdistrict thereof, shall be classified as a Tier III amendment.

The enumerated uses may be permitted in the Planned Redevelopment District category in accordance with the Planning and Urban Design Principles. An amendment allowing one or more of these uses as a permitted use within a Planned Redevelopment District, or within a character district, zoning district or subdistrict thereof, shall be classified as a Tier II amendment.

6.2.4.2 An amendment eliminating any of the following uses as a permitted use from an Activity Center, Multimodal Corridor, or Planned Redevelopment District, or from a character district, zoning district or subdistrict thereof, shall be classified as a Tier II amendment and reviewed against the provisions of Section 6.5.4.4:

- Manufacturing-Light, -Medium or -Heavy;
- Office; or
- Research/Development-Light or -Heavy.

SEC. 6.2.5 TRANSPORTATION IMPACT ANALYSIS.

An amendment adopting or amending the AC, MMC or PRD category and affecting 10 acres or more shall include the following transportation impact analysis:

- Calculate the average daily trips for the current land use category(ies) of the proposed AC, MMC or PRD category based on the acreage and traffic generation characteristics for each applicable category described in Section 2.3.3.
- Calculate the average daily trips for the proposed AC, MMC or PRD category based on the acreage and traffic generation characteristics for each applicable category described in Section 2.3.3, multiplied by 50%.
- If the proposed average daily trips calculated in (B) is smaller than the current average daily trips calculated in (A), then only the requirements of Section 6.2.3 must be met and no additional transportation assessment is required. If the proposed average daily trips is a larger number than the current average daily trips, then an additional transportation assessment will be required. This assessment will include the following steps:

1. Safety – Documentation of safety issues and concerns within the proposed AC, MMC or PRD category boundary will be required. This documentation will at a minimum include a review and analysis of automobile and bike/pedestrian crashes over the last five years, and a summary of any plans or programs that are being implemented to address safety issues.
 2. Roadway Level of Service – Documentation of existing level of services on roadways within and intersecting with the proposed AC, MMC or PRD category boundary.
 3. Net Trips Impact on Level of Service – Completion of a level of service analysis documenting the projected level of service and potential impacts resulting from the difference in trips between the existing land use category(ies) and the AC, MMC or PRD designation.
 4. Multimodal Facilities and Services – Documentation of existing multimodal facilities and services within and adjacent to the proposed boundary for the AC, MMC or PRD category. This includes sidewalks, crosswalks, trails, bike treatments or facilities, bus stops and associated amenities, bus terminals/transfer centers, and bus route services. Other amenities may include, but are not limited to streetscape, landscaping and buffering improvements. The documentation will also identify any gaps in sidewalk, bike lane, or trail networks and areas where bus stop pads are not connected to sidewalks within the AC, MMC or PRD category.
 5. Planned Improvements – Documentation of planned/programmed multimodal improvements that will serve the purpose of reducing automobile congestion. Documentation shall include estimated reduction in automobile congestion, as well as the funding source and timing of planned/programmed multimodal improvements.
- D. Local governments are strongly encouraged to coordinate fulfillment of the transportation assessment requirement, if applicable, with the provisions of the Pinellas County Mobility Plan, as implemented by the countywide Multimodal Impact Fee ordinance.

SEC. 6.2.6 PLANNING AND URBAN DESIGN PRINCIPLES.

For all Tier II and Tier III amendments to the Activity Center (AC), Multimodal Corridor (MMC) or Planned Redevelopment District (PRD) category, the applicant must provide an evaluation of Countywide Planning Strategies Land Use Goal 16.0, Planning and Urban Design Principles, together with the purpose, objectives, and professionally established best practices contained therein.

The local government evaluation shall include: 1) documentation that for each Planning and Urban Design Principle, the local government can satisfy the purpose and objectives

utilizing associated and necessary implementation initiatives (i.e., comprehensive plan policies, design guidelines, land development code amendments, etc.); and 2) documentation that each best practice was examined and determined to be applicable or not, and if not, demonstration that the purpose and objectives are being achieved through alternative means. At a minimum, this documentation will include narrative descriptions of how each of the Planning and Urban Design Principles will be addressed. Graphic illustrations of the implementation tools are strongly encouraged.

Documentation that the Planning and Urban Design Principles have been addressed shall be filed of record and used in determining the applicable tier for subsequent amendments to the AC, MMC, or PRD category as set forth in Section 6.2.2.

These review criteria addressing Planning and Urban Design Principles are in addition to and supplement the review criteria in Section 6.5.3, the Relevant Countywide Considerations.

Where a local government has made commitments to complete certain plans, programs, and initiatives to prove adherence to the Planning and Urban Design Principles, the commitments identified by the local government must be undertaken within five years of the approval of the plan amendment application. The local government shall request an extension of time if the commitments will not be implemented within the five year period. Such request for time extension shall be submitted to the PPC board who shall act on the local government request for time extension. A local government that does not meet its commitments for implementation within five years and does not obtain an extension will be found inconsistent with the Countywide Plan pursuant to Article 3 of these Countywide Rules.

SEC. 6.2.7 THE LAND USE STRATEGY MAP.

6.2.7.1 Locational Criteria. The Land Use Strategy Map, located in the Countywide Plan Strategies as Figure 1, is an adopted policy document that provides guidance regarding proposed amendments to the Countywide Plan Map, by identifying those areas in the County most able to accommodate higher densities and intensities in coordination with transit service, other multimodal transportation, and other redevelopment factors, in concert with the MPO Long Range Transportation Plan.

Together with the eligible locations provided in Tables 2 and 4 of these Countywide Rules, the Land Use Strategy Map designates appropriate locations for Activity Center subcategories (including Urban Centers, Major Centers, Community Centers, and Neighborhood Centers) and Multimodal Corridor subcategories (including Premium Transit Corridors, Primary Corridors, Secondary Corridors, and Supporting Corridors).

Additional appropriate locations may be approved through the Countywide Plan Map amendment process, and once approved, shall be depicted on the Land Use Strategy Map. Where a more permissive subcategory is depicted on the Land Use Strategy Map, it shall supersede Tables 2 and 4.

6.2.7.2 **Amendments to the Land Use Strategy Map.** Countywide Plan Map amendments creating a new Activity Center or Multimodal Corridor, or reclassifying an applicable subcategory, will trigger an amendment to the Land Use Strategy Map pursuant to the requirements of Section 7.8.3. The amendment to the Land Use Strategy Map will be processed concurrently with the Countywide Plan Map amendment.

The Land Use Strategy Map will also be amended as necessary following relevant changes to the long range transportation plan adopted by the Metropolitan Planning Organization, or to Pinellas Suncoast Transit Authority provision of service, as determined appropriate. The PPC Executive Director may initiate an amendment of the Land Use Strategy Map for this purpose pursuant to the provisions of Section 7.8.3.

DIV. 6.3	COUNTYWIDE PLAN MAP AMENDMENTS / SPECIAL ACTION.
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With respect to any recommendation for an alternative compromise recommendation or request to continue, withdraw, resubmit, or modify an amendment to the Countywide Plan Map which has been submitted for consideration, the provisions as set forth following shall govern.

SEC. 6.3.1 **ALTERNATIVE COMPROMISE RECOMMENDATION.**

Pursuant to Section 10(3)(b) of Chapter 2012-245, Laws of Florida, as amended, the PPC shall forward recommendations for Countywide Plan Map amendments to the applicant local government when said action by the PPC constitutes denial with an alternative compromise recommendation. The process for referral to and action by the governing body shall be as hereinafter set forth.

6.3.1.1 The PPC shall transmit any such denial with an alternative compromise recommendation for amendment to the applicant local government within five days of action by the PPC.

6.3.1.2 The applicant governing body shall consider the alternative compromise recommendation of the PPC at an official meeting of the governing body and take formal action to accept or reject the PPC recommendation. The governing body action to accept or reject the PPC recommendation shall be as is determined necessary by the governing body to lawfully accomplish such action, and in the form required by the PPC.

6.3.1.3 The governing body action to accept or reject the PPC recommendation shall be transmitted to the PPC within forty-five days of receipt of the PPC recommendation, except as the governing body may require additional time to lawfully accomplish such action and shall request an extension as set forth below within the forty-five days.

6.3.1.4 If the governing body accepts the recommendation of the PPC, and transmits said acceptance in the requisite form within the required forty-five days, or as same may be extended, the PPC staff shall advertise and notice the amended application for Countywide Plan Map amendment in accordance with Section 6.1.5.6 for public hearing

by the CPA, and forward the compromise amendment to the CPA with the PPC recommendation for approval.

6.3.1.5 Upon approval of the alternative compromise amendment by the CPA, the local governing body shall conform the ordinance amending the local government future land use map with the action of the CPA on the alternative compromise amendment to the Countywide Plan Map.

6.3.1.6 If the governing body does not accept the recommendation of the PPC as forwarded, or fails to take action in the requisite form or within the required forty-five days, or as same may be extended, the PPC staff shall advertise and notice the original application for Countywide Plan Map amendment in accordance with Section 6.1.5.6 for public hearing by the CPA, and forward the original application to the CPA with the PPC recommendation for denial.

SEC. 6.3.2 **CONTINUATION.**

A request to continue an amendment to the Countywide Plan Map, once formally submitted, shall be in writing by an authorized representative of the local government with jurisdiction. Such request for continuation may be submitted to the PPC at, or prior to, the applicant local government's opening statement to the PPC. The PPC shall review such request for continuation, consistent with the public purpose and intent of these Countywide Rules and their enabling legislation, and if approved, may reschedule the public hearing on the application for amendment to a specified future date. A request for continuation may also be submitted to the CPA subsequent to the PPC action, at or prior to the applicant local government's opening statement to the CPA. The CPA shall review such request for continuation, consistent with the public purpose and intent of these Countywide Rules and their enabling legislation, and if approved, may reschedule the public hearing on the application for amendment to a specified future date. If not rescheduled to a specified future date, the public hearing must be readvertised pursuant to the requirements of Section 7.8.4.

Nothing herein shall be construed to prohibit the PPC or CPA from continuing a public hearing at any time in the course of the proceeding, consistent with the public purpose and intent of these Countywide Rules and their enabling legislation.

Nothing herein shall prevent the CPA from continuing its hearing and requesting the PPC to rehear, clarify, or explain its initial action.

SEC. 6.3.3 **WITHDRAWAL.**

Withdrawal of an application for an amendment to the Countywide Plan Map, once formally submitted, shall be in writing by an authorized representative of the local government with jurisdiction. The withdrawal shall be reported to the PPC at, or prior to, the applicant local government's opening statement to the PPC, and shall be forwarded to the CPA. A withdrawal may also be submitted to the CPA subsequent to

PPC action, at or prior to the applicant local government’s opening statement to the CPA. Withdrawal of an application for amendment shall remove the application for amendment from further consideration.

SEC. 6.3.4 **RESUBMISSION.**

No Countywide Plan Map amendment denied by the CPA shall be resubmitted for consideration by the PPC within six months of the date of denial; except where denial is “without prejudice,” which shall allow an application, as previously submitted, to be resubmitted without limitation as to the six month restriction. Any such resubmitted application shall be treated pursuant to, and meet the requirements of, Section 6.1.1.

SEC. 6.3.5 **MODIFICATION.**

Any request by a local government to modify an amendment to the Countywide Plan Map shall require the original amendment to be withdrawn as set forth in Section 6.3.3, and the modified amendment to be submitted as for a new amendment, as required in Section 6.1, including action by the applicant governing body as required in Sections 6.1.1, 6.1.2, and 6.1.3 to initiate the modified amendment, and consideration and recommendation by the PPC after public hearing.

DIV. 6.4	COUNTYWIDE PLAN MAP AMENDMENTS / ECONOMIC DEVELOPMENT – EXPEDITED REVIEW.
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SEC. 6.4.1 **PURPOSE.**

It is the purpose of this expedited review process to recognize and provide for amendments of the Countywide Plan Map that result from economic development projects that have been certified by the Governor’s Office of Tourism, Trade, and Economic Development pursuant to Senate Bill 1154.

SEC. 6.4.2 **PROCEDURE.**

The procedure for expedited Countywide Plan Map amendments shall be conducted in accordance with the requirements of Division 6.1 and the process outlined herein.

6.4.2.1 **Notice and Public Hearing.** All expedited amendments shall be advertised, noticed and considered at a public hearing as required under Division 7.8. The advertisement, notice and public hearing will identify amendments to be considered under this expedited process. A single published advertisement and requisite personal notice for all expedited amendment actions shall be provided which shall include notice of both the PPC and CPA public hearings.

6.4.2.2 **Submission Requirements.** In addition to the application items in Section 6.1.3.2, all local government submittals of an expedited amendment shall include: 1) copy of the recommendation of the governing body for expedited review; 2) copy of the certificate of eligibility from the Governor’s Office of Tourism, Trade and Economic Development; and 3) copy of the finalized 90 day time schedule negotiated between the local government and the state, incorporating all deadlines, including public meetings and notices.

6.4.2.3 **Action by PPC and CPA.** The PPC and CPA shall act upon an expedited amendment within the finalized 90 day time schedule established between the local government and the State for the subject property.

DIV. 6.5	COUNTYWIDE PLAN MAP AMENDMENTS / CRITERIA AND ADDITIONAL PROCEDURES.
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SEC. 6.5.1 **PURPOSE.**

It is the purpose of this amendment review process to recognize and provide for amendments of the Countywide Plan Map that do not otherwise qualify as subthreshold amendments, but that do impact Relevant Countywide Considerations.

SEC. 6.5.2 **PROCEDURE.**

The procedure for Countywide Plan Map amendments shall be conducted in accordance with the requirements of Division 6.1.

SEC. 6.5.3 **REVIEW CRITERIA.**

6.5.3.1 **Relevant Countywide Considerations.** In the consideration of a 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 Relevant Countywide Considerations, as they pertain to the overall purpose and integrity of the Countywide Plan.

6.5.3.1.1 **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 Strategies as implemented through the Countywide Rules.

6.5.3.1.2 **Transportation Impacts.** For amendments not involving the Activity Center (AC), Multimodal Corridor (MMC) and Planned Redevelopment District (PRD) categories, 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.” An amendment adopting or amending the AC, MMC or PRD category is subject to the requirements of Section 6.2.5.

- 6.5.3.1.3** **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 6.5.4.1 of these Countywide Rules.
- 6.5.3.1.4** **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.
- 6.5.3.1.5** **Activity Center, Multimodal Corridor, and Planned Redevelopment District Plan Categories.** If the amendment involves the creation, expansion, contraction of, or substantive change to the Activity Center, Multimodal Corridor, or Planned Redevelopment District category, the manner in, and extent to, which the amendment conforms to the purpose and requirements of the applicable category, and addresses the relevant Planning and Urban Design Principles described in Section 6.2.6 and Land Use Goal 16.0 of the Countywide Plan Strategies.
- 6.5.3.1.6** **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.
- 6.5.3.1.7** **Reservation of Industrial Land.** If the amendment involves the conversion from the Employment (E), Industrial (I), or Target Employment Center (TEC) category, the extent to which the amendment area can continue to provide for target employment opportunities as evaluated and set forth in Section 6.5.4.5.

SEC. 6.5.4 **SPECIAL RULES.**

6.5.4.1 **Scenic/Noncommercial Corridors.**

6.5.4.1.1 Designated Scenic/Noncommercial Corridors, as set forth in these Countywide Rules and depicted on the Countywide Plan Map, shall be deemed to have countywide significance and will be recognized as Scenic/Noncommercial Corridors, consistent with the Scenic/Noncommercial Corridor Plan Element of the Countywide Plan.

6.5.4.1.2 The intent and purpose of the Scenic/Noncommercial Corridor designation is to guide the preservation and enhancement of scenic qualities, to ensure the integrity of the Countywide Plan Map, and to maintain and enhance the traffic operation of these especially significant roadway corridors in Pinellas County.

The principal objectives of Scenic/Noncommercial Corridor designations are:

- A. To preserve and enhance scenic qualities found along these corridors and to foster community awareness of the scenic nature of these corridors.
- B. To encourage superior community design and enhanced landscape treatment, both outside of and within the public right-of-way.

- C. To encourage land uses along these corridors which contribute to an integrated, well planned and visually pleasing development pattern, while discouraging the proliferation of commercial, office, industrial, or intense residential development beyond areas specifically designated for such uses on the Countywide Plan Map.
- D. To assist in maintaining the traffic operation of roadways within these corridors through land use type and density/intensity controls, and by conformance to access management regulations, by selective transit route location, and by the development of integrated and safe pedestrian and bicycle access systems.
- E. To encourage design standards identified within the Pinellas County Countywide Scenic/Noncommercial Corridor Master Plan, through the adoption of local ordinances and regulations consistent with those standards set forth within the Master Plan.

Amendments to certain Countywide Plan Map categories shall be subject to locational and use limitations as specified in Section 6.5.4.1.4, Table 10.

It is the intent of this provision to discourage the proliferation of nonresidential use and to monitor any increase in the density/intensity on a SNCC. Proposed map amendments allowing higher density and/or intensity on a parcel identified as within a Future Transit Corridor on the Land Use Strategy Map, and also within a Scenic/Noncommercial Corridor as indicated on the Scenic/Noncommercial Corridor Map, will be discouraged unless located within either a mixed-use node or an enhancement connector on the Scenic/Noncommercial Corridor Map.

6.5.4.1.3 Delineation of Scenic/Noncommercial Corridors shall be as follows:

- A. Corridors shall be as set forth herein and as depicted on the Countywide Plan Map and Submap No. 1 entitled *Countywide Scenic/Noncommercial Corridor Map*, including:

“Primary” Scenic/Noncommercial Corridors:

- Keystone Road from US 19 to Hillsborough County Line
- Alderman Road from US Alternate 19 to Fish Hatchery Road
- Tampa Road from US Alternate 19 to East Lake Woodlands Parkway
- Curlew Road from US Alternate 19 to McMullen-Booth Road
- CR-1/Keene Road from Alderman Road to East Bay Drive
- Belcher Road from Klosterman Road to 38th Avenue North
- McMullen-Booth Road/East Lake Road from Pasco County Line to SR-60
- 102nd Avenue North/Bryan Dairy Road from Oakhurst Road to Belcher Road
- Pinellas County Bayway from Gulf Boulevard to U.S. 19/I-275
- 113th Street/Ridge Road from West Bay Drive to Madeira Beach Causeway
- Park Street from Park Boulevard to Central Avenue
- Tyrone Boulevard from 113th Street North to Park Street

“Unique” Scenic/Noncommercial Corridors:

- Edgewater Drive from Scotland Street (Dunedin) to Sunset Point Road
- Bayshore Drive from Main Street (Safety Harbor) to SR-60
- Courtney Campbell Parkway (Causeway) from McMullen-Booth Road/Bayside Bridge (49th Street Bridge) to Hillsborough County Line
- Dunedin Causeway from Honeymoon Island Park to east approach
- Memorial Causeway and its approaches
- Bayside Bridge (49th Street Bridge) and its approaches
- Gandy Bridge approach to Hillsborough County Line
- Howard Frankland Bridge (I-275) approach to Hillsborough County Line
- Belleair Causeway and its approaches
- Park Boulevard Bridge and its approaches
- Treasure Island Causeway and its approaches
- Pinellas Bayway (SR-679) from Fort DeSoto Park to Pinellas County Bayway (SR-682)
- Sunshine Skyway Bridge (I-275) approach to Hillsborough County line

- B. All corridors or portions (segments) thereof shall be classified as either Rural/ Open Space, Residential, Mixed Use, Unique/Scenic View, or Enhancement Connector as identified on the Scenic/Noncommercial Corridor Map, as approved and as it may be subsequently amended. Corridor subclassifications are intended to be consistent with the corresponding approved Countywide Plan Map categories as enumerated in the Scenic/Noncommercial Corridor Plan Element. Upon amendment of the Countywide Plan Map adjacent to a Scenic/Noncommercial Corridor, the Corridor Subclassification (and all standards which apply) shall be changed concurrently to be consistent with the amended Countywide Plan Map categories. Specifically, any amendment of the Countywide Plan Map adjacent to a Scenic/Noncommercial Corridor will include, as a function of that amendment, any requisite change to the Corridor Subclassification and said change will be reflected on Submap No. 1 concurrent with the effective date of the Countywide Plan Map amendment, except as specifically provided for herein.

The PPC and CPA shall have the authority to grant exceptions to the concurrent change to the Corridor Subclassification, as reflected on Submap No. 1, upon approval of an amendment to the Countywide Plan Map adjacent to a Scenic/Noncommercial Corridor, based upon a finding that:

1. The size and configuration of the amendment is *de minimus* in relationship to its frontage on the affected Scenic/Noncommercial Corridor; or
2. The size and configuration of the amendment is *de minimus* in relationship to the length of the affected Scenic/Noncommercial Corridor; or
3. The size and location of the amendment is consistent in relationship to the surrounding existing Countywide Plan Map designations.

- C. Corridor width shall be determined, considering the depth of each land use which abuts or functionally relates to the roadway right-of-way, from a land use, visual or traffic operations standpoint, generally to a depth of 500 feet (measured from the right-of-way that is required to implement the current MPO Long Range Transportation Plan). The 500-foot distance may be expanded or diminished at the discretion of the Pinellas Planning Council and Countywide Planning Authority for the purpose of reviewing amendments to the Countywide Plan Map only where exceptional circumstances warrant, based upon, but not limited to, the following considerations:
 - 1. The distance to and sight-line for a particular scenic view or visual characteristic;
 - 2. Access from the property in question to the Scenic/Noncommercial Corridor and its relationship thereto; and
 - 3. The location and degree to which any man-made structure or natural feature interrupts or precludes a view or visual relationship from the roadway.

6.5.4.1.4

The following criteria shall be considered by the Pinellas Planning Council and Countywide Planning Authority, in concert with other consistency and amendment criteria, in the review of an application by local government for amendment of the Countywide Plan Map on a Scenic/Noncommercial Corridor:

- A. Countywide Plan Map Consistency - The extent to which the local government request is consistent with the following Table 10, *Countywide Plan Map/SNCC Classification Consistency*. Nothing in these consistency guidelines shall preclude a local government from being more restrictive, i.e., to determine that a particular category shall not be considered consistent with a particular corridor subclassification, irrespective of provision for same in Table 10.
- B. Considerations by Countywide Plan Map Category
 - 1. With respect to a Residential Countywide Plan Map category, the extent to which the local government request discourages the intensification of residential use on a Scenic/Noncommercial Corridor. In particular, an amendment to the Countywide Plan Map to increase residential density shall be discouraged, except where such amendment is determined to be consistent with the existing delineation of Countywide Plan Map categories, adjoining existing use, and the purpose and intent of the Scenic/Noncommercial Corridor Plan Element as applied through these Countywide Rules and the otherwise applicable amendment process.

2. With regard to the Office, Resort, Retail & Services, Employment, or Industrial Countywide Plan Map categories:
 - a. The extent to which the local government request discourages nonresidential uses on a Scenic/Noncommercial Corridor. In particular, amendment to the Countywide Plan Map to allow a new or expanded Office, Resort, Retail & Services, Employment, or Industrial category shall be discouraged, except where such amendment is:
 - i. the logical in-fill, extension or terminus of an existing nonresidential category; and
 - ii. the logical in-fill, extension or terminus of an adjoining existing nonresidential use; and
 - iii. considered in relationship to the existing delineation of surrounding categories on the Countywide Plan Map and Corridor Subclassification(s); and
 - iv. consistent with the purpose and intent of the Scenic/Noncommercial Corridor Plan Element, as applied through these Countywide Rules and the otherwise applicable amendment process.
 - b. The extent to which the local government request minimizes any increase in density/intensity on a Scenic/Noncommercial Corridor. Specifically, in reviewing any application for nonresidential use on a Scenic/Noncommercial Corridor, the proposed density/intensity of use as measured by dwelling units per acre, floor area ratio and impervious surface ratio, as is applicable, shall be considered with the objective of not exceeding the density/intensity of either the adjoining nonresidential uses or the mid-point of the range for the density/intensity standards of the applicable category, whichever is less.
 - c. The adoption of local government land development regulations that implement the use restrictions for specified future land use categories as identified in Section 6.5.4.1.4, Table 10.

Table 10
Countywide Plan Map/SNCC Classification Consistency¹

Countywide Plan Map Designation	Rural/Open Space	Residential	Mixed Use	Unique Scenic View	Enhancement Connector
Residential Rural (RR)	C	C	C		C
Residential Very Low (RVL)	C	C	C		C
Residential Low Medium (RLM)		R ²	C		C
Residential Medium (RM)		R ²	C		C
Residential High (RH)			C		C
Office (O)			C		C
Resort (R)			C		C
Retail & Services (R&S)			R ³		C
Employment (E)			R ³		C
Industrial (I)					C
Public/Semi-Public (P/SP)		C	C		C
Recreation/Open Space (R/OS)	C	C	C	C	C
Preservation (P)	C	C	C	C	C
Target Employment Center (TEC)			C		C
Activity Center (AC)			C		C
Multimodal Corridor (MMC)			C		C
Planned Redevelopment District (PRD)			C		C

Notes:

- ¹ A “C” indicates that an amendment to the Countywide Plan Map category is potentially consistent, subject to all other applicable criteria, with the corresponding SNCC Classification. An “R” indicates that the amendment to the Countywide Plan Map category is potentially consistent subject to specified use restrictions. The absence of either a “C” or an “R” indicates that the Countywide Plan Map category is not considered compatible with the SNCC Classification, unless a specific finding to the contrary is made in accordance with Sec. 6.5.4.1.3 B. Category and/or use restrictions apply only to new Countywide Plan Map amendments after August 7, 2015 and are not retroactive.
 - ² Office, personal service/office support, and retail commercial uses are restricted to the mixed use and enhancement connector SNCC classifications.
 - ³ Manufacturing-Medium and Incinerator Facility uses are restricted to the enhancement connector SNCC classification.
3. With respect to the Public/Semi-Public, Recreation/Open Space, and Preservation Countywide Plan Map categories, the extent to which the local government request provides for Public/Semi-Public, Recreation/Open Space, and Preservation categories consistent with the character, intensity, and scale of the uses permitted within these respective categories in relation to the existing delineation of Countywide Plan Map categories, adjoining existing use, the need for and service area of the public/semi-public, recreation/open space, and preservation use, and the purpose and intent of the Scenic/Noncommercial Corridor Plan Element, as applied through these Countywide Rules and the otherwise applicable amendment process.

4. Activity Center and Multimodal Corridor Countywide Plan Map Categories that are required to address the relevant Planning and Urban Design Principles, described in Section 6.2.6 and Land Use Goal 16.0 of the Countywide Plan Strategies, shall be evaluated for how the local government request minimizes any increase in density/intensity on a Scenic/ Noncommercial Corridor.
- C. The extent to which the local government request has taken into account the Scenic/Noncommercial Corridor Plan Element, including the goals, objectives, and policies articulated within the Plan Element, as is relevant to the particular amendment under consideration. Consistent with its advisory nature, the Scenic/Noncommercial Corridor Plan Element shall not serve as a basis for denial of an amendment.
 - D. The extent to which the local government request has taken into account the current MPO Long Range Transportation Plan, and any enhanced access management standards, as is relevant to the particular roadway under consideration. Particular consideration shall be given to the established policies of the governmental entity having construction and maintenance responsibility over the subject facility.

6.5.4.2 Public Educational Facility Siting.

6.5.4.2.1 It is the intent and purpose of this section to provide for and encourage compliance with Section 1013.33, Florida Statutes (F.S.), regarding coordination of educational facilities planning with local governing bodies, in a uniform and consistent manner.

6.5.4.2.2 These Countywide Rules provide for an exception for Public Educational Facilities to the otherwise applicable acreage threshold limitation for Institutional uses in the Residential Rural, Residential Very Low, Residential Low Medium, Residential Medium, Residential High, and Office categories.

6.5.4.2.3 In furtherance of the objectives of Section 1013.33, F.S., a Public Schools Interlocal Agreement has been developed for utilization by the Pinellas County School Board and local governments. This Interlocal Agreement provides for an alternative process as authorized under Section 1013.33, F.S., and locational review criteria that foster a uniform approach to public school siting throughout Pinellas County.

6.5.4.4 Conversion Criteria for Employment-Related Categories and Uses.

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:

- A. A Countywide Plan Map amendment that converts land now designated Employment, Industrial, or Target Employment Center to some other Countywide Plan Map category; or

- B. For lands designated as Activity Center, Multimodal Corridor, or Planned Redevelopment District on the Countywide Plan Map:
1. A local future land use map (FLUM) amendment that converts a category corresponding to Employment, Industrial, or Target Employment Center, as determined pursuant to Section 4.2.2.1, to some other local FLUM category; or
 2. An amendment to the implementing plan/code provisions, adopted pursuant to Section 6.2.3.2, that eliminates Manufacturing, Office, or Research/Development as a permitted use.

In the consideration of such amendments, the PPC and CPA shall make a determination, based upon a balancing of the following criteria, as they pertain to the overall purpose and integrity of the Countywide Plan:

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 Employment, Industrial, Target Employment Center, or corresponding FLUM 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 interstate highway network, transit, international airport, and functional rail line, as well as other infrastructure and service facilities, including water, sewer, stormwater, and parking, and their respective capacities.

5. Supporting Redevelopment Plans, Special Area Plans, or Planning and Urban Design Principles Implementation Framework

The extent to which any amendment is included as part of a community redevelopment plan, special area plan, or Planning and Urban Design Principles implementation framework pursuant to Section 6.2.6 that has evaluated and addressed the potential to support target employment uses in the redevelopment area proposed to be reclassified from an Employment, Industrial, Target Employment Center, or corresponding FLUM designation.

ARTICLE 7

COUNTYWIDE PLAN MAP AND
COUNTYWIDE RULES ADMINISTRATION

DIV. 7.1

GENERAL PROVISIONS.

SEC. 7.1.1 COMPLIANCE.

7.1.1.1

All local government future land use plans and land development regulations shall be consistent with the Countywide Plan, inclusive of the Countywide Rules. Subsequent to any amendment to the Countywide Rules, all local governments shall have one (1) year to amend their future land use plan and/or land development regulations as may be necessary to become consistent with the amended Countywide Rules. Such local government plan and/or regulation amendments shall be processed according to the terms contained in Article 3 herein.

7.1.1.2

Any local future land use plan and land development regulations determined to be inconsistent with the Countywide Plan, inclusive of the Countywide Rules, is subject to enforcement pursuant to Division 7.7.

SEC. 7.1.2 MORE RESTRICTIVE LOCAL PLANS/REGULATIONS.

Local governments may enact and enforce more detailed and more restrictive comprehensive plans and land development regulations than the Countywide Plan, inclusive of the Countywide Rules.

SEC. 7.1.3 TRAFFIC GENERATION CHARACTERISTICS.

7.1.3.1

Utilization of Traffic Generation Characteristics. The traffic generation characteristics contained in each category will be utilized to review Countywide Plan Map amendments for that category. Nothing herein shall preclude an applicant local government from submitting additional traffic generation data based on local government concurrency management standards or site specific conditions as part of an application for Countywide Plan Map amendment.

7.1.3.2

Traffic Studies. A third party traffic impact study may be completed by the local government requesting the amendment, or by a qualified professional engineer or planner selected by the applicant.

The third party responsible for completing the study shall attend a methodology meeting with the MPO and PPC staffs to discuss the reason for the study, study submittal requirements, and to obtain closure on all issues pertaining to the study. The responsible third party shall submit a methodology letter to the MPO and PPC staffs documenting the items discussed and agreements reached at the meeting, and prepare the study according to such discussion and agreements.

The submittal requirements for the study are as follows:

1. Table of Contents, including reference to all sections, tables, figures, and appendices, as appropriate;

2. Summary of relevant findings and recommendations;
3. The main report narrative, including, as appropriate, tables and figures, and a summary of all field data; and
4. Report appendices, as appropriate, including detailed information concerning field data.

The process for MPO and PPC review of third party traffic impact studies, including dispute resolution, shall be according to the steps set forth in the current Metropolitan Planning Organization *Traffic Impact Study Methodology*.

DIV. 7.2	PLANNERS ADVISORY COMMITTEE.
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Directors of individual local government land use and planning departments, or their designees, shall be members of the Planners Advisory Committee (PAC). The PAC may also include a representative from the planning departments maintained by the Pinellas County School Board, the Pinellas Suncoast Transit Authority, the Florida Department of Transportation, and other agencies as the council may determine appropriate. The PAC may, at the direction of the PPC, perform a professional planning review of such PPC staff recommendations as are to be acted on by the PPC and such other duties assigned to it by the PPC, consistent with the provisions of Section 7(2), Chapter 2012-245, Laws of Florida, as amended.

DIV. 7.3	INTERPRETATIONS.
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SEC. 7.3.1 **AUTHORITY.**

The Executive Director shall have the authority to make all interpretations of the text of the Countywide Plan, including the Countywide Plan Strategies, the Countywide Plan Map, these Countywide Rules, and the boundaries of land use categories on the Countywide Plan Map.

SEC. 7.3.2 **INITIATION.**

An interpretation may be requested from the Executive Director by any local government, the PPC, or the CPA.

SEC. 7.3.3 **PROCEDURES.**

7.3.3.1 **Submission of Request for Interpretation.** Requests for interpretation shall be submitted in writing to the Executive Director.

7.3.3.2 **Determination of Completeness.** Within five (5) days after a Request for Interpretation has been received, the Executive Director shall determine whether the request is complete. If the Executive Director determines that the request is not complete, written notice shall be provided to the applicant specifying the deficiencies. The Executive Director shall take no further action on the Request for Interpretation until the deficiencies are remedied.

7.3.3.3 **Rendering of Interpretation.** Within thirty (30) days after the Request for Interpretation has been determined complete, the Executive Director shall review and evaluate the request in light of the Countywide Plan, including the Countywide Plan Strategies, the Countywide Plan Map, and these Countywide Rules, and render an interpretation. The Executive Director may consult with Legal Counsel for the PPC.

SEC. 7.3.4 **FORM.**

The interpretation shall be in writing and shall be sent to the applicant.

SEC. 7.3.5 **OFFICIAL RECORD.**

The Executive Director shall maintain an official record of all interpretations in the PPC Offices. The official record shall be available for public inspection during normal business hours. A copy of any official interpretation shall be transmitted to each local government for their information and records.

SEC. 7.3.6 **APPEAL OF INTERPRETATION.**

7.3.6.1 **Appeal to PPC.** Within thirty (30) days after issuance of a written interpretation by the Executive Director, the applicant may appeal the interpretation to the PPC. The PPC shall hold a public meeting on the appeal and shall consider the interpretation of the Executive Director and public testimony in light of the Countywide Plan Strategies, these Countywide Rules, and pertinent laws, whichever is applicable. The PPC may adopt the Executive Director's interpretation, with or without modifications or conditions, or reject the interpretation. Any such interpretation by the PPC must be supported by substantial competent evidence, and be consistent with the Countywide Plan Strategies, these Countywide Rules, or pertinent laws, whichever is applicable.

7.3.6.2 **Appeal to CPA.** Within thirty (30) days after the decision of the PPC, the applicant may appeal the interpretation to the CPA. The CPA shall hold a public hearing on the appeal and shall consider the interpretation of the Executive Director, the PPC, and public testimony in light of the Countywide Plan Strategies, these Countywide Rules, and pertinent laws, whichever is applicable. The CPA may adopt the PPC's interpretation, with or without modifications or conditions, or reject its interpretation. Any interpretation by the CPA must be supported by substantial competent evidence and be consistent with the Countywide Plan Strategies, these Countywide Rules, or pertinent laws, whichever is applicable.

SEC. 7.3.7 RULES OF INTERPRETATION.

7.3.7.1 Generally. In construction and interpretation of the language of the Countywide Plan, including the Countywide Plan Strategies, the Countywide Plan Map, and these Countywide Rules, the rules established in this division shall be observed unless such construction would be inconsistent with Chapter 2012-245, Laws of Florida, as amended, as expressed in said statute, any ordinances or resolutions adopted thereunder, the Countywide Plan, or an element or portion thereof, or Chapters 163, Part II, and 186, Florida Statutes, as applicable. The rules of interpretation and definitions established herein shall not be applied to any express provisions excluding such interpretation or construction, or where the subject matter or context of such section is repugnant thereto.

All provisions, terms, phrases and expressions contained in these rules shall be liberally construed in order that the true intent and meaning of the PPC and CPA may be fully carried out. Terms used in these Countywide Rules, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this State for the same terms.

In the interpretation and application of any provision of these Countywide Rules, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of these Countywide Rules, the Countywide Plan Strategies, or any other law or regulation in effect in incorporated or unincorporated Pinellas County, Florida, imposes greater restrictions upon the subject matter than any other provision of these Countywide Rules, the Countywide Plan Strategies, or any other law or regulation in effect in the incorporated or unincorporated Pinellas County, Florida, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

In all circumstances, the provisions of these Countywide Rules shall be interpreted and construed to be consistent with the Countywide Plan and Chapter 2012-245, Laws of Florida, as amended. These Countywide Rules are not required to comply with Chapter 163, Part II, F.S., but shall not conflict therewith. Where any provision(s) of these Countywide Rules are determined to be in conflict with Chapter 2012-245, Laws of Florida, as amended, or Chapter 163, Part II, F.S., the applicable provisions of these respective laws shall control.

7.3.7.2 Text. In case of any difference of meaning or implication between the text of the Countywide Plan Strategies, or these Countywide Rules, and any figure, the text shall control.

7.3.7.3 Computation of Time. The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.

7.3.7.4 Day. The word “day” shall mean a calendar day.

- 7.3.7.5 **Delegation of Authority.** Whenever a provision appears which requires or designates the Executive Director or some other PPC officer or employee to do some act or perform some duty, it shall be construed to authorize the Executive Director or other officer or employee to designate, delegate and authorize professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

- 7.3.7.6 **Gender.** Words importing the masculine gender shall be construed to include the feminine and neuter.

- 7.3.7.7 **Month.** The word “month” shall mean 30 calendar days, unless a calendar month is indicated.

- 7.3.7.8 **Nontechnical and Technical Words.** Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

- 7.3.7.9 **Number.** A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. The use of the plural number shall be deemed to include any single person or thing.

- 7.3.7.10 **Shall, May.** The word “shall” is mandatory; “may” is permissive.

- 7.3.7.11 **Tense.** Words used in the past or present tense include the future as well as the past or present.

- 7.3.7.12 **Week.** The word “week” shall be construed to mean seven (7) calendar days.

- 7.3.7.13 **Written or In Writing.** The term “written” or “in writing” shall be construed to include any representation of words, letters or figures whether by printing or other form or method of writing.

- 7.3.7.14 **Year.** The word “year” shall mean 365 calendar days, unless a fiscal year is indicated, or unless a calendar year is indicated.

SEC. 7.3.8 RULES FOR INTERPRETATION OF THE COUNTYWIDE PLAN MAP AND COUNTYWIDE PLAN MAP BOUNDARIES.

Interpretations regarding the Countywide Plan Map or the boundaries of categories on the Countywide Plan Map shall be made by the Executive Director based on the official Countywide Plan Map and in accordance with the provisions of this section. The official record shall govern in the event of any discrepancy between the official action taken by the PPC and CPA and the printed Countywide Plan Map.

- 7.3.8.1** **Category Rules Extend to all Portions of Category Surrounded by Boundaries.** Except as otherwise specifically provided, a category symbol, color or name shown within category boundaries on the Countywide Plan Map indicates that category regulations pertaining to the category extend throughout the whole area surrounded by the boundary line. The official Countywide Plan Map shall be the final determinant of Countywide Plan Map category boundaries.
- 7.3.8.2** **Interpretation.** Where uncertainty exists as to the boundaries of land use categories as shown on the Countywide Plan Map, the following rules shall apply:
- 7.3.8.2.1** Boundaries indicated as approximately following dedicated streets, highways, alleys, or rights-of-way shall be construed as following the lot or parcel lines of the property adjacent to such right-of-way. In case of a street vacation, the boundary shall be construed as moving with the ownership.
- 7.3.8.2.2** Boundaries indicated as approximately following lot lines, public property lines, and the like shall be construed as following such lines. In the event of street vacation, interpretation shall be as provided in Sec. 7.3.8.2.1.
- 7.3.8.2.3** Boundaries indicated as approximately following city or county limits shall be construed as following such city or county limits.
- 7.3.8.2.4** Boundaries indicated as following physical features other than those listed above shall be construed as following such physical features, except as such may be more specifically determined by survey.
- 7.3.8.2.5** Distances not specifically indicated on the Countywide Plan Map shall be determined by the scale of the map on the page of the map showing the property in question.
- 7.3.8.3** **Transportation Facilities.** All existing highways and nonvehicular rights-of-way and easements shall be as depicted on the Countywide Plan Map. All proposed highways and nonvehicular rights-of-way and easements depicted on the Countywide Plan Map may be generalized and the current Metropolitan Planning Organization Long Range Transportation Plan shall be determinative of all proposed highway facility locations, classifications, and rights-of-way.
- 7.3.8.4** **Map Adjustment Consistent with Boundary Interpretation.** The Preservation and Recreation/Open Space categories depicted on the Countywide Plan Map, as well as submerged lands and drainage detention areas which may have no Countywide Plan Map designation, are intended to delineate natural characteristics that may change over time, or may be altered consistent with the rules of the state agency with jurisdiction. These changes may be reflected through the boundary adjustment process subject to the provisions of subsections 7.3.8.4.1 and 7.3.8.4.2 below. Map adjustments consistent with this section shall not be subject to the Countywide Plan Map amendment process governed by Article 6, but shall be reported to the PPC and CPA at their next scheduled respective meetings.

7.3.8.4.1

Requests for map adjustments must include:

- A survey or site plan of the adjustment area, as applicable pursuant to subsections 7.3.8.4.2 and 7.3.8.4.3 below;
- If not clearly shown on the survey or site plan, a map or map series sufficient to depict the current and proposed Countywide Plan Map categories of the adjustment area; and
- A shapefile of the adjustment area, or a legal description of sufficient detail to allow the boundary to be mapped.

7.3.8.4.2

Boundary adjustments for the Preservation and Recreation/Open Space categories, including the creation of new Preservation areas, may be adjusted if one or both of the following criteria are met:

- The boundary adjustment is consistent with a jurisdictional boundary survey depicting existing conditions on the site, under all applicable state agency rules. A site plan or mitigation plan depicting future conditions shall not qualify as a jurisdictional boundary survey, even if approved by the state agency with jurisdiction. Or,
- The area to be adjusted is less than one acre, and the local government with jurisdiction demonstrates that it has been devoid of any environmental features or ecological functions for at least 10 years.

For adjustments that include submerged lands in addition to the Preservation or Recreation/Open Space category, all adjustments on the site shall be required to meet the requirements of this subsection.

7.3.8.4.3

Except as provided in subsection 7.3.8.4.2, submerged lands as defined within these Countywide Rules, as well as drainage detention areas created as a function of development that are not considered submerged lands pursuant to subsection 4.2.3.11, may be added, deleted or modified through the map adjustment process for the purpose of stormwater management, at the request of the local government with jurisdiction and based on an approved site plan for such project. Nothing in these Countywide Rules shall require a local government with jurisdiction to seek or obtain a Countywide Plan Map amendment or adjustment in advance of a project to create, expand, reconfigure, or otherwise establish a body of water and/or drainage detention area consistent with this subsection.

7.3.8.4.3

Determinations by the Executive Director under subsection 7.3.8.4 are interpretations governed by Division 7.3. Any map boundary adjustment determined under the applicable provisions of these Countywide Rules for interpretation to be of such significance as to require plan map amendment, shall comply with the otherwise applicable provisions of these Countywide Rules for map amendment.

7.3.8.5

Cases Not Covered by 7.3.8.1 through 7.3.8.4. In cases not covered by Sec. 7.3.8.1 through 7.3.8.4, or where the property or street layout existing on the ground is at variance with that shown on the Countywide Plan Map, the interpretation of the

Countywide Plan Map shall be in accordance with the purpose and intent of the Countywide Plan Map, these Countywide Rules, and Chapter 2012-245, Laws of Florida, as amended.

DIV. 7.4	ADJUSTMENT OF INTENSITY STANDARDS.
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SEC. 7.4.1 **APPLICABILITY.**

In specific cases, an adjustment from the terms of the floor area ratio (FAR) standards and the impervious surface ratio (ISR) standards of these Countywide Rules as will not be contrary to the public interest may be granted by the appropriate local government governing body, or their designee, authorized to hear and determine such adjustments, where, owing to special conditions peculiar to the property, a literal enforcement of such FAR and ISR standards would result in unnecessary and undue hardship. No adjustment from the terms of these Countywide Rules or the Countywide Plan Map shall be granted or otherwise allowed for uses, densities, or any other matter except for FAR standards and ISR standards as set forth in these Countywide Rules. An adjustment from the FAR standards and ISR standards of these Countywide Rules may be granted by the appropriate local government governing body, or their designee, based on the requirements of this division.

SEC. 7.4.2 **LOCAL GOVERNMENT REQUIRED PROCEDURES.**

7.4.2.1 **Initiation.** An adjustment may be requested from any local government governing body or their designee by any affected person, resident, developer, landowner, or any person having a contractual interest in land within the jurisdiction of such local government as provided for by the local government.

7.4.2.2 **Submission of Application.** Before an application for adjustment shall be heard by the appropriate local government governing body or their designee, a written application for adjustment shall be submitted to such local government in a form established by the local government.

7.4.2.3 **Notice of Public Hearing.** After the application for adjustment has been determined complete, the local government shall provide notice of such public hearing as may be required before the local government governing body, or their designee, in accordance with the notice requirements for similar types of adjustments in that local government jurisdiction.

7.4.2.4 **Determination by Local Government.** After any required notice, the adjustment shall be considered by the local government governing body or their designee and shall be granted, granted with conditions, or denied. An adjustment under this division shall only be granted by the local government governing body, or its designee, when substantial competent evidence in the official record of the hearing supports findings consistent with the criteria in Section 7.4.3.1.

SEC. 7.4.3 LOCAL GOVERNMENT REQUIRED FINDINGS.

7.4.3.1 In order to grant an adjustment under this division, the local government governing body, or its designee, shall consider the following criteria:

1. A literal interpretation of the provisions of the FAR and ISR standards as governed by these Countywide Rules would result in an undue hardship due to the unique nature of the project and the applicant’s property;
2. The alleged hardship is not self-imposed by the applicant and does not result from an illegal act or the actions of the applicant;
3. The adjustment, if allowed, will be the minimum adjustment that will make possible the reasonable use of the land, building or structure;
4. The granting of the adjustment will be in harmony with the Countywide Plan Map and these Countywide Rules, the local government’s Comprehensive Plan, and the local government’s land development regulations, and will not be otherwise detrimental to the public interest or welfare;
5. The adjustment, if allowed, shall not constitute an amendment to the local government’s comprehensive plan, land development regulations, or to the Countywide Plan Map, or Countywide Rules.

7.4.3.2 The local government land development regulations shall set forth these required findings, or contain an appropriate reference thereto, and require compliance therewith for any adjustment of the intensity standards of the Countywide Plan Map and these Countywide Rules.

SEC. 7.4.4 CONDITIONS AND SAFEGUARDS.

In granting any adjustment under this division, the local government governing body or their designee may prescribe appropriate conditions and safeguards in conformity with the Countywide Plan Map, the local government future land use plan and land development regulations, including, but not limited to, reasonable time limits within which action for which the adjustment is required shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the adjustment is granted, shall be deemed a violation of the Countywide Plan Map and these Countywide Rules.

SEC. 7.4.5 REPORTING REQUIREMENT.

7.4.5.1 **Submission.** Each local government shall submit to the Executive Director copies of all adjustments to intensity standards granted by the local government which exceed the Countywide standards within thirty (30) days of approval.

7.4.5.2 **Review by Executive Director.** All adjustments to intensity standards submitted by each local government which exceeded the Countywide Rules standards shall be reviewed by the Executive Director for compliance or noncompliance with this division and for

consistency with the Countywide Plan Map and these Countywide Rules, and this information made available to the PPC and CPA. In the event the Executive Director finds an adjustment to be noncompliant, a recommendation for appropriate action shall be furnished by the Executive Director to the PPC and the PPC shall in turn make an advisory recommendation to the CPA.

SEC. 7.4.6 OFFICIAL RECORD.

Upon receipt of a copy of an intensity standards adjustment that exceeded the Countywide standards, all such adjustments shall be maintained in an official record in the PPC offices.

DIV. 7.5 <u>NONCONFORMITIES TO THE COUNTYWIDE PLAN MAP AND COUNTYWIDE RULES.</u>

SEC. 7.5.1 APPLICABILITY.

7.5.1.1 It is the intent of these Countywide Rules that existing land use, lots, and structures nonconforming as to the Countywide Plan Map and these Countywide Rules be administered by the respective local government with jurisdiction. It is the further intent of these Countywide Rules that such local government administration provide for the means by which to regulate the expansion, alteration, replacement, or discontinuance of such nonconformities in a manner that shall encourage consistency with the Countywide Plan Map and these Countywide Rules.

7.5.1.2 Nonconformities to the Countywide Plan Map and Countywide Rules shall be prohibited except as indicated in this division.

SEC. 7.5.2 NONCONFORMING USES, STRUCTURES, AND LOTS.

7.5.2.1 All existing uses, structures and lots that are nonconforming to the Countywide Plan Map or these Countywide Rules shall be prohibited, except to the extent permitted to be continued, replaced, expanded or altered, and according to the limitations thereof, as provided for in the applicable local government future land use plan and land development regulations.

DIV. 7.6 <u>MONITORING AND REVIEW PROVISIONS.</u>

SEC. 7.6.1 REVIEW OF THE COUNTYWIDE PLAN MAP AND COUNTYWIDE RULES.

The Executive Director of the PPC shall review and prepare a report for the PPC on the Countywide Plan Map and these Countywide Rules no less than once every five years.

The Executive Director shall review and prepare a report to the PPC on an annual basis concerning official interpretations rendered under these Countywide Rules, such report to include any recommended amendment of the Countywide Rules.

SEC. 7.6.2 REVIEW OF LOCAL PLANS AND REGULATIONS.

The Executive Director of the PPC shall, in conjunction with each local government, review the consistency of the local future land use plan and land development regulations on an as-needed basis, as determined by the Council, to assure compliance with the Countywide Plan Map and these Countywide Rules.

SEC. 7.6.3 COORDINATION WITH OTHER AGENCIES.

The PPC shall coordinate all revisions to these Countywide Rules which deal with the Regional Policy Plan or the State Comprehensive Plan with the Tampa Bay Regional Planning Council (TBRPC) and the Department of Economic Opportunity (DEO) as is applicable.

DIV. 7.7 <u>ENFORCEMENT.</u>

SEC. 7.7.1 AUTHORITY.

Pursuant to Section 10(1)(e) of Chapter 2012-245, as amended, and County Ordinance No. 15-30, the Board of County Commissioners, acting as the Countywide Planning Authority, has the authority and responsibility to enforce the Countywide Plan, including the Countywide Plan Map and these Countywide Rules, through the appropriate civil action in the court or tribunal of appropriate jurisdiction. The enforcement action of the CPA shall be governed by Chapter 164, Florida Statutes, titled Governmental Disputes, when applicable.

SEC. 7.7.2 PROCEDURE.

The procedure for an enforcement action of the CPA may be initiated as follows:

1. The PPC may recommend to the CPA to take enforcement action; or
2. The CPA may take enforcement action notwithstanding number 1 above.

7.7.2.1 Initiation. The procedure for an enforcement action of the CPA may be initiated as follows:

1. The PPC may recommend to the CPA to take enforcement action; or
2. The CPA may take enforcement action notwithstanding number 1 above.

7.7.2.2 Administrative Hearing. Determination by the CPA to consider enforcement action against an alleged violation may provide that the matter first be considered pursuant to an administrative hearing process.

The administrative hearing process, if employed, will be convened under and conducted pursuant to an agreement between the PPC and the State Department of Administrative Hearings (DOAH), by an administrative law judge.

- 7.7.2.3** **CPA Action.** In the event of an administrative hearing, the administrative law judge shall make findings of fact and issue a recommended order that shall be considered by the CPA in determining any appropriate enforcement action, as provided for above.

DIV. 7.8	AMENDMENTS TO THE COUNTYWIDE PLAN STRATEGIES, COUNTYWIDE PLAN MAP, AND COUNTYWIDE RULES.
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SEC. 7.8.1 **AMENDMENTS TO THE COUNTYWIDE PLAN MAP FOR LESS THAN FIVE PERCENT OF THE AREA OF THE COUNTY.**

- 7.8.1.1** For Countywide Plan Map amendments where such property is less than five percent of the area of the county, the Planning Council shall hold one advertised public hearing and the Countywide Planning Authority shall hold one advertised public hearing.

- 7.8.1.2** One advertisement shall be published at least fourteen days prior to the Planning Council public hearing. Such advertisement shall include the date and time of the Countywide Planning Authority public hearing.

- 7.8.1.3** For an alternative compromise recommendation pursuant to Section 6.3.1, an advertisement shall be published at least seven days prior to the second Countywide Planning Authority public hearing, if applicable. Such advertisement shall include the date and time of the Countywide Planning Authority public hearing.

- 7.8.1.4** One mailed notice containing the essential parts of the published advertisement shall be provided to property owners affected by this map amendment, and to the local government with jurisdiction over such amendment area at least thirty days prior to the Countywide Planning Authority public hearing.

SEC. 7.8.2 **AMENDMENTS TO THE COUNTYWIDE PLAN MAP FOR FIVE PERCENT OR MORE OF THE AREA OF THE COUNTY.**

- 7.8.2.1** For Countywide Plan Map amendments where such property is five percent or more of the area of the county, the Planning Council shall hold one advertised public hearing and the Countywide Planning Authority shall hold two advertised public hearings. At least one of the Countywide Planning Authority hearings shall be held after 5 p.m. on a weekday. The second hearing shall be held at least 10 days after the first hearing.

- 7.8.2.2** Three advertisements shall be published as follows:

1. The first advertisement shall be published at least fourteen days prior to the Planning Council public hearing. Such advertisement shall note that the date and

time of the two Countywide Planning Authority public hearings will be determined at a later date.

2. The second advertisement shall be published at least seven days prior to the first Countywide Planning Authority public hearing. Such advertisement shall note the date and time of the two Countywide Planning Authority public hearings.
3. The third advertisement shall be published at least five days prior to the second Countywide Planning Authority public hearing. Such advertisement shall note the date and time of the second Countywide Planning Authority public hearing.

SEC. 7.8.3 AMENDMENTS TO THE COUNTYWIDE PLAN STRATEGIES AND THE COUNTYWIDE RULES.

7.8.3.1 For amendments to the Countywide Plan Strategies and the Countywide Rules, the Planning Council shall hold one advertised public hearing and the Countywide Planning Authority shall hold two advertised public hearings. At least one of the Countywide Planning Authority hearings shall be held after 5 p.m. on a weekday. The second hearing shall be held at least 14 days after the first hearing.

7.8.3.2 Three advertisements shall be published as follows:

1. The first advertisement shall be published at least fourteen days prior to the Planning Council public hearing. Such advertisement shall note that the date and time of the two Countywide Planning Authority public hearings will be determined at a later date.
2. The second advertisement shall be published at least seven days prior to the first Countywide Planning Authority public hearing. Such advertisement shall note the date and time of the two Countywide Planning Authority public hearings.
3. The third advertisement shall be published at least five days prior to the second Countywide Planning Authority public hearing. Such advertisement shall note the date and time of the second Countywide Planning Authority public hearing.

7.8.3.3 Mailed notice containing the essential parts of the published advertisement shall be provided to all local governments at least thirty days prior to the first Countywide Planning Authority public hearing.

SEC. 7.8.4 REQUIRED PUBLIC ADVERTISEMENT AND MAILED NOTICE FORM.

7.8.4.1 The form of notice for public hearings conducted under this section shall be in accordance with applicable Florida law and as more particularly set forth below:

1. The required published advertisement(s) shall be placed in a newspaper of general paid circulation in the county pursuant to Chapter 50, Florida Statutes, and be made available on the Planning Council website.
2. The required advertisements shall be no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the

advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

3. The advertisement shall include a map identifying the general location of the proposed action, including major street names as a means of locating the subject property.
4. The advertisement will clearly identify the type of action being considered, a summary of the significant features of the change, and the time, date and place of the hearing(s) to be held.

7.8.4.2 A mailed notice of the Planning Council and Countywide Planning Authority public hearings shall contain the essential parts of the published advertisement and a copy of the notice will be available for public inspection during the regular business hours of the Planning Council and Countywide Planning Authority.

The notice shall be mailed to each property owner based on the most recent published ad valorem tax records of the County.

SEC. 7.8.5 INITIATION OF RULE AMENDMENTS.

An amendment to the Countywide Rules may be initiated only by a local government pursuant to a formal resolution adopted by its governing body requesting and setting forth the specifics of such amendment, or by the Planning Council or Countywide Planning Authority.

SEC. 7.8.6 NOTIFICATION TO LOCAL JURISDICTIONS.

The Planning Council staff shall, within fifteen days of the receipt of a recorded ordinance from the Department of State, provide the local governments with a copy of the amendment and suggested modifications to the local plan and regulations that may be appropriate, if any, to be performed within one year, to maintain consistency with the Countywide Rules.

DIV. 7.9	VESTED RIGHTS.
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SEC. 7.9.1 PURPOSE AND INTENT.

7.9.1.1 General. It is the purpose and intent of this division to provide a procedure for the determination of vested rights under and pursuant to the Countywide Plan, inclusive of these Countywide Rules.

7.9.1.2 Coordination with Local Procedures. This vested rights procedure is intended to coordinate any vested rights determination that may be made pursuant to an established procedure by a local government and to assure that such determination is

made consistent with the Countywide Plan Map and Countywide Rules. It is further the intent of this division to avoid duplication of procedures to which a vested rights applicant may be subject, and to that end, provide a mechanism for intervention by the PPC in any initial vested rights action involving an administrative hearing by an independent third party at the local level or consideration by a court of competent jurisdiction.

SEC. 7.9.2 PROCEDURE FOR VESTED RIGHTS DETERMINATION.

7.9.2.1 **Notice.** Notice and determination of any implication of the Countywide Plan, inclusive of these Countywide Rules shall be as follows:

1. Any local government that receives a timely application or notice of a claim for a vested rights determination as to its local comprehensive plan or land development regulations, shall forward notice and a summary description of such application or claim to the PPC within ten (10) days of receipt.
2. The PPC staff shall determine whether the application or claim is timely filed under the Countywide Rules, and whether the application or claim implicates the Countywide Plan, inclusive of these Countywide Rules, based on the consistency criteria set forth in Article 4 of the Countywide Rules, and so notify the local government within fifteen (15) days of receipt of notice from the local government.
3. In the event the PPC staff determines the Countywide Plan, inclusive of the Countywide Rules, is implicated, a complete copy of the application or claim for vested rights shall be forwarded to the Council upon request.
4. If the local government does not agree with the PPC staff determination that the Countywide Plan, inclusive of these Countywide Rules, is implicated, they may request a review and determination by the PPC, such determination to be made within sixty (60) days, but not less than ten (10) days, after the request by the local government for review and determination. Should the local government not agree with the PPC determination, the local government may, within thirty (30) days, appeal the PPC determination to the CPA. The determination of the CPA as to whether or not the vested rights application or claim implicates the Countywide Plan, inclusive of these Countywide Rules, shall be final.
5. Upon determination that the Countywide Plan, inclusive of these Countywide Rules, is implicated, the local government shall notify the applicant that any determination by the local government is also subject to a vested rights determination by the CPA as to, and pursuant to, the Countywide Plan, inclusive of these Countywide Rules.

7.9.2.2 **Types of Local Action.** The vested rights determination process utilized by local government shall determine the procedure for review under the Countywide Plan, inclusive of these Countywide Rules, as follows:

1. If a vested rights determination is rendered by local government staff and/or the elected body without an administrative hearing by an independent third party,

and such determination concludes that the applicant does have vested rights under the local government plan or regulations, said determination shall be forwarded to the PPC within ten (10) days of the determination by local government.

2. If a vested rights determination by the local government involves an administrative hearing by an independent third party, the local government shall notify the PPC immediately upon the scheduling of such hearing; and where it has been determined that the Countywide Plan, inclusive of these Countywide Rules are implicated, the Council shall have the right to intervene in any such hearing and have evidence and testimony presented to the finder of fact as to vested rights under the Countywide Plan, inclusive of these Countywide Rules.
3. If a vested rights claim is initiated in a court of competent jurisdiction, the affected local government shall notify the PPC immediately upon the filing of such action; and where it has been determined that the Countywide Plan, inclusive of these Countywide Rules are implicated, the Council shall determine, under these Countywide Rules, whether to intervene in any such action and have evidence and testimony presented to the court as to vested rights under the Countywide Plan, inclusive of these Countywide Rules.

7.9.2.3 Action Based on Local Government Determination. In the event of an affirmative vested rights determination made by the local government staff or elected body, the local government action shall be transmitted to the PPC within ten (10) days.

1. PPC Action - the PPC staff shall review the local government action and prepare findings and a recommendation for consideration by the Council within sixty (60) days of the date of transmittal. Upon receipt of the staff findings and recommendation, the PPC shall hold a public hearing and make a recommendation to the CPA as to whether or not the applicant has met the burden of proof and has satisfied the standards and criteria for vested rights determinations as set forth in Section 7.9.4 below.
2. CPA Action – the Council’s recommendation shall be transmitted to the CPA for consideration at public hearing and final action within sixty (60) days of the date of transmittal. The CPA action shall be based on the Council’s recommendation and the standards and criteria for vested rights determination as set forth in Section 7.9.4 below. Any deviation from the Council’s recommendation shall be by a majority vote, plus one, of the entire CPA, based on findings that support such decision.

7.9.2.4 Action Based on Administrative Hearing. In the event of an administrative hearing by an independent third party, the findings of fact and conclusions of law shall be transmitted to the CPA within ten (10) days of their issuance.

1. CPA Action - Upon receipt of the findings and conclusions rendered after an administrative hearing by an independent third party, the CPA shall hold a public hearing within sixty (60) days and consider said findings and conclusions relative to the standards and criteria set forth herein, as to vested rights under the

Countywide Plan, inclusive of these Countywide Rules. Said consideration shall be based solely upon the findings of fact and conclusions of law made as a function of the administrative hearing and, to that end, only exceptions to the findings and conclusions by a party of interest may be entertained by the CPA.

7.9.2.5 **Action Based on Court Determination.** In the event of an initial court action on a vested rights claim at the local government level in which action the Countywide Plan, inclusive of these Countywide Rules have been considered pursuant to this vested rights process, the action of the court shall be final unless appealed pursuant to applicable law. If a court order addresses vested rights as to the local government plan or regulations, but does not address vested rights as to the Countywide Plan, inclusive of these Countywide Rules, the PPC and CPA shall consider the court order pursuant to Section 7.9.2.3.

SEC. 7.9.3 **APPEALS.**

7.9.3.1 **Action Final Subject to Appeal.** The action of the CPA shall be final with respect to vested rights under the Countywide Plan, inclusive of these Countywide Rules, subject only to review by a court of competent jurisdiction.

7.9.3.2 **Appeal Provisions.** After a final decision has been rendered by the CPA, a party of interest may file an appeal with a court of competent jurisdiction within thirty (30) days.

SEC. 7.9.4 **STANDARDS AND CRITERIA FOR VESTED RIGHTS.**

7.9.4.1 **Burden of Proof.** The applicant in any action under this vested rights process shall have the burden of proof to demonstrate all of the following:

1. There is a valid, unexpired “development permit” authorized by the local government approving the proposed development, which authorization occurred prior to the effective date of the Countywide Plan, inclusive of these Countywide Rules in effect at the time of the filing of the vested rights application. “Development permit” shall mean and include any building permit, final site plan approval, final subdivision plat approval, special exception, conditional use, or variance approval, or any other official action of the local government having the effect of permitting the development of land in the manner and timeframe specified;
2. The applicant relied in good faith upon the issuance of the development permit by the local government, said reliance was reasonable, and development under the authorized development permit was initiated and proceeded in a timely manner and in good faith;
3. The applicant incurred such substantial obligations and expenditures that it would be highly inequitable or unjust to require that the development conform with the Countywide Plan, inclusive of these Countywide Rules in effect at the time of the filing of the vested rights application: and

4. The application must be filed within two (2) years after the adoption of the Countywide Plan or Rule provision against which vesting is sought, subject to Section 7.9.4.3.

7.9.4.2 **Applicable Case Law.** The treatment of similar cases by Florida courts shall be relevant to the determination of the existence and extent of vested rights that may have been established, if any.

7.9.4.3 **Presumption of Validity.** A presumption of validity shall apply to vested rights determinations that have been made pursuant to an established local government process or by a court of competent jurisdiction prior to the effective date of this provision (Ordinance No. 03-23, April 24, 2003).

ARTICLE 8

TERMS AND DEFINITIONS

DIV. 8.1 CONSTRUCTION.

The construction and interpretation of all words, terms and provisions contained in these Countywide Rules shall be as set forth under Section 7.3.7 Rules of Interpretation, and as defined hereunder.

DIV. 8.2 DEFINITIONS

Accessory Dwelling Unit – An ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit. Accessory dwelling units are not counted against the otherwise applicable maximum dwelling units per acre density standard.

Activity Center – A contiguous area designated with the Activity Center category on the Countywide Plan Map, which is governed by locally-adopted plan or code provisions that identify the area as a unified location, and which serves as an important, identifiable center of business, public, and residential activity that is the focal point of a community, designed to accommodate multiple modes of transportation including enhanced transit.

Adjustment – A departure from the literal requirements of the floor area ratio and impervious surface ratio standards as described in these Countywide Rules and made a part of the local land development regulations.

Agricultural Processing Use – The processing, preparation, packaging and distribution of agricultural commodities such as livestock or crop products.

Agricultural Use – Crop production, including plant nurseries; raising livestock, including horse stables, dog kennels and animal boarding; veterinary clinics; and associated uses as permitted by local plans and regulations.

Agricultural - Light – A public or private property devoted to the growing of produce and/or horticultural plants, small-animal husbandry, aquaculture, beekeeping, or related uses, where noise, odor, runoff, insects, pests, and other impacts are contained on-site and do not negatively affect adjacent land uses, consistent with such standards as may be prescribed by the local government with jurisdiction. This use may allow for some exterior storage of equipment or materials, the incidental processing, preparation, packaging and distribution of non-livestock agricultural products; and dog kennels, animal boarding and veterinary clinics. On-site sales of agricultural products produced on-site are allowed at the discretion of the local government. See also: Community Garden Use.

Airport, Seaport, Marina Use – A public or quasi-public facility for air or marine transport respectively, including such terminal, docking, hangar, storage, parking, transient accommodation, office, retail commercial, and eating/drinking facilities as may be directly related or accessory thereto.

Ancillary Nonresidential Use – Off-street parking and trash receptacle areas for adjacent, contiguous, nonresidential uses.

Aquifer Recharge Area – An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into the underground aquifer.

Automobile-Oriented Retail Commercial Use – A Retail Commercial Use that services motor vehicles as a primary use, or is designed to provide for the sale of consumer goods, products, merchandise or services to patrons in motor vehicles, examples of which include gas stations, car washes, and businesses with drive-throughs. See also: Retail Commercial Use.

Arterial Road – A roadway providing automobile or multimodal transportation which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. Arterial roadways interconnect principal traffic generating activity centers within an urban area with the freeway system.

Brewpub – A restaurant or bar where alcoholic beverages are produced on the premises primarily for on-site consumption, but which may provide for a percentage of the product to be sold and distributed off-site. Brewpubs are considered to be a subset of Retail Commercial Use, as specifically defined within these Countywide Rules. See also: Microbrewery/winery/distillery.

Buffer Area – A natural or landscaped area or strip of land, with or without such physical separation devices as a fence or wall, established to separate and insulate one type of land use from another land use; or to shield or block noise, lights or other nuisances; or to separate development and a natural feature so as to reduce the incompatibility between uses or features and protect the integrity of each.

Coastal Construction Control Line – The most recently adopted line established by the Florida Department of Environmental Protection, pursuant to Section 161.053, Florida Statutes, for Pinellas County.

Coastal High Hazard Areas – The area below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

Collector Road – A roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. Collector roads serve internal traffic movements within an urban area, collecting and distributing traffic between the arterial and local road system.

Commercial/Business Service Use – An occupation or service involving the sale, storage, repair, service or rental of motor vehicles, water craft, residential machinery or equipment, examples of which include automobile, boat, and household or yard equipment sales, service or repair, and like uses; the production, assembly or dismantling of which shall be clearly secondary and incidental to the primary use characteristics of the Commercial/Business Service Use, as specifically defined within these Countywide Rules.

Commercial Recreation Use – A private or quasi-public recreation facility designed for participant or spectator activities for a charge, including but not limited to marina, miniature golf, dog race track, horse race track, jai-alai fronton, stock car race track, sports stadium, performance venues, and indoor recreation/entertainment uses such as billiard halls, bowling alleys, movie theatres, and video game arcades.

Community Garden Use – A public or private open space use devoted to the growing of produce and/or horticultural plants for off-site sale, personal consumption, enjoyment and/or donation by a group of individuals or a non-profit organization. Occasional on-site sales of produce and horticultural products produced on-site are allowed at the discretion of the local government.

Cone of Influence (Zone of Influence) – An area around one or more major waterwells, designed to protect groundwater resources, the boundary of which is determined by the government agency having specific statutory authority to make such a determination based on groundwater travel or drawdown depth.

Contiguous – For the purpose of determining applicability of acreage thresholds within a given Countywide Plan Map category, “contiguous” means parcels touching along a boundary or directly across roadway with a local or collector functional classification or other right-of-way from each other. For the purpose of calculating density averaging, “contiguous” means parcels touching along a boundary or directly across any roadway or other right-of-way from each other.

Continuing Care Retirement Communities – A residential or residential-like accommodation which provides long-term care options for older individuals who wish to stay in the same accommodation through different phases of the aging process.

County – Pinellas County, Florida.

Countywide Plan – Materials in such descriptive form, written or graphic, as may be appropriate to the prescription of strategies for the orderly and balanced future development of Pinellas County, pursuant to Chapter 2012-245, Laws of Florida, as amended. The Countywide Plan is comprised of the Countywide Plan Strategies, the Countywide Plan Map, and the Countywide Rules.

Countywide Plan Map – The future land use map that designates general categories of land use, including transit-supportive and multimodal-supportive categories, by type and location to guide the future development pattern and use of land throughout the county, as adopted by the Pinellas Planning Council and Countywide Planning Authority pursuant to Chapter 2012-245, Laws of Florida, as amended. The Countywide Plan Map may consist of a single map or map series as approved by the PPC and CPA and filed with the Clerk of the Board of County Commissioners.

Countywide Plan Map Category – The name and symbol by which the distinct areas of the Countywide Plan Map are enumerated and administered. Each category is defined in terms of purpose, use, locational characteristics, specific standards for density/intensity of use, and other standards appropriate to each category.

Countywide Plan Strategies – An overarching set of policies that identify and set forth a plan of action to address those components set forth in Chapter 2012-245, Laws of Florida, as amended, which are collectively used to administer and guide interpretation of the Countywide Plan Map and Countywide Rules.

Countywide Planning Authority (CPA) – The Board of County Commissioners of Pinellas County, acting in its capacity as the Countywide Planning Authority, through the exercise of its power under section 2.04(s) of the Pinellas County Charter and pursuant to Chapter 2012-245, Laws of Florida, as amended.

Countywide Rules – Those rules, standards, and procedures that will implement the Countywide Plan, as adopted by the Pinellas Planning Council and Countywide Planning Authority pursuant to Chapter 2012-245, Laws of Florida, as amended.

Density – The measure of permitted residential development expressed as a maximum number of dwelling units per net acre of land area.

Density/Intensity Averaging – The aggregation of the otherwise permitted density and/or intensity of a parcel or parcels of land in a non-uniform or consolidated manner on a portion of such contiguous parcel(s) in accordance with Sec. 5.2.1.2 of these Rules as may be authorized by the local government with jurisdiction and otherwise consistent with these Countywide Rules.

DEO – The Florida Department of Economic Opportunity.

Development Rights – A property owner’s entitlement to develop land in accordance with the local jurisdiction’s comprehensive plan and land development regulations which have been deemed to be consistent with these Countywide Rules.

Drainage Detention Areas – Ponds, basins or other land forms and associated water areas designed for the storage and/or treatment of stormwater runoff.

Dune – A mound or ridge of loose sediments, such as sand, deposited and moved around by wind action, as well as by artificial means. Dune systems are usually held in place by vegetation particularly suited to dune system habitat. Dunes are landward of the shoreline and serve as a transition area between the beach and coastal land.

Dwelling Unit – One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. This term shall include any type of use authorized to be treated as a dwelling unit by Chapter 419, Florida Statutes, governing Community Residential Homes.

Estuary – A semi-enclosed, naturally existing coastal body of water in which saltwater is naturally diluted by freshwater and which has an open connection with oceanic waters. Estuaries include bays, embayments, lagoons, sounds and tidal streams.

Executive Director – A staff member appointed by Forward Pinellas, with sole authority to manage the activities of the agency and its staff pursuant to Section 7(1) of Chapter 2012-245, Laws of Florida. The Executive Director may designate a staff member to carry out his/her responsibilities as identified in these Countywide Rules.

Facility-Based Recreation – Recreational activities that typically require a built facility to accommodate them for recreational sporting events such as a playfield, paved court, horse stable, or swimming pool. Uses may include but are not limited to softball, baseball, football, tennis, basketball, soccer, playgrounds, fitness trails, and swimming pools. These activities are not natural resource dependent.

Fixed-Guideway Transit – A transit mode that uses rails or exclusive or controlled rights-of-way. Examples include light rail, monorail, or bus service operating in a bus-only right-of-way.

Floodplain, 25-Year – Areas inundated during a 25-year storm/flood event.

Family – One or more individuals occupying a dwelling unit and living as a single household unit.

Floor Area, Gross – The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, parking garages, or loading space for motor vehicles.

Floor Area Ratio (FAR) – A measurement of the intensity of building development on a site. A floor area ratio is the relationship between the gross floor area on a site and the net land area. The FAR is calculated by adding together the gross floor areas of all buildings on the site and dividing by the net land area.

Forward Pinellas – Agency serving as the Pinellas Planning Council and Pinellas County Metropolitan Planning Organization. See also: Pinellas Planning Council.

Freeways – Are devoted entirely to traffic movement with little or no land service function. These facilities have at least some degree of access control, are primarily multi-lane divided roads, with few intersections at grade. These facilities serve large volumes of high-speed traffic with extensive trip length and interconnect with the arterial road system.

Freshwater Marsh – A wetland having more than 25 percent vegetative cover by terrestrial herbs but 40 percent or less cover by woody plants, occasionally or regularly flooded by freshwater (e.g., sawgrass).

Freshwater Swamp – A wetland having more than 40 percent cover by woody plants and that is occasionally or regularly flooded by freshwater (e.g., cypress swamp).

Governing Body – The Board of County Commissioners of Pinellas County or the commission or council of an incorporated municipality within Pinellas County.

Groundwater Resource Area – Those areas of the County that support municipal/public water wells that supply potable water.

Household – A family living together in a single dwelling unit, with common access to and use of all living and eating areas.

Hurricane Evacuation Zone – Areas delineated by vulnerability to possible storm surge damage. Factors such as land elevation, predicted storm location, direction of storm tract, distance from large bodies of water, and physical features are used in vulnerability determination. The hurricane vulnerability zone includes areas requiring evacuation as follows:

- Zone A: First to evacuate (4-5 ft. storm surge)
- Zone B: Next to evacuate (6-8 ft. storm surge)
- Zone C: Next to evacuate (9-12 ft. storm surge)
- Zone D: Next to evacuate (13-18 ft. storm surge)
- Zone E: Next to evacuate (18+ ft. storm surge)

Impervious Surface – A surface that has been compacted or covered with a layer of material so that it is highly resistant or prevents infiltration by stormwater. It includes roofed areas and surfaces such as compacted sand, limerock, or clay, as well as conventionally surfaced streets, sidewalks, parking lots, and other similar surfaces.

Impervious Surface Ratio (ISR) – A measure of the intensity of hard surfaced development on a site. An impervious surface ratio is the relationship between the total impervious surface area on a site and the net land area. The ISR is calculated by dividing the square footage of the area of all impervious surfaces on the site by the square footage of the net land area.

Incinerator Facility – A place licensed pursuant to state law, where cremation of human or animal remains occurs.

Institutional Uses – Those facilities and services of a public, private, or quasi-public nature, including educational, medical, governmental, civic, and religious uses, such as schools, hospitals, courthouses, community centers, and churches.

Intensity – The measure of permitted development expressed as a maximum Impervious Surface Ratio and/or Floor Area Ratio per acre of net land area.

Lacustrine River and Stream – Pertaining to a lake, river, or stream system.

Land Use – The development that has occurred on the land, the development that is proposed on the land, or the use that is permitted or permissible on the land, under an adopted comprehensive plan or element or portion thereof, land development regulations, a land development code, or these Countywide Rules as the context may indicate.

Like Uses – Uses that are similar, found in the same Countywide Plan Map category, and which, when contiguous and resulting in an aggregation greater than the applicable acreage thresholds, are required to be designated with a more appropriate plan category. For example, commercial retail uses, such as a convenience store and a restaurant, shall be considered like uses. Commercial office uses, such as a law office and an accounting office, shall be considered like uses. Institutional uses, such as a fire station and a library, shall be considered like uses.

Local Comprehensive Plan – A plan prepared by each of the local governments in Pinellas County that meets the requirements of Sections 163.3177 and 163.3171, Florida Statutes, and Chapter 2012-245, Laws of Florida, as amended.

Local Future Land Use Plan – The future land use element and future land use plan map for each of the local governments in Pinellas County.

Local Government – Pinellas County or any of the twenty-four incorporated municipalities in Pinellas County.

Local Land Development Regulations – Land development regulations enacted by each local government, by ordinance, for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or any other regulations controlling the development of land.

Local Planning Agency – The agency designated by each local government to prepare that local government's comprehensive plan as required by Chapter 163 Part II, Florida Statutes.

Local Street – A minor roadway designed to provide access to adjacent land. Local streets carry a small percentage of the total vehicle mileage traveled, but make up a large percentage of the total street mileage and serve to interconnect individual properties with the collector road system.

Major Transportation Facilities – One or more arterial roadways or highways identified by the roadway classification system of the Metropolitan Planning Organization; and/or transit with headways (i.e., service frequency) of no less than 30 minutes.

Manufacturing - Light – A use engaged in the manufacture of products or parts, including processing, fabrication, assembly, treatment, packaging, storage, sales, and distribution of such products, occurring entirely within enclosed buildings. This use shall not include or allow for any exterior storage or processing of equipment or materials of any kind. Noise, odor, smoke, heat, glare, vibration, hazardous chemicals, and other impacts must be entirely contained within enclosed buildings, consistent with such standards as may be prescribed by the local government with jurisdiction.

Manufacturing - Medium – A use engaged in the manufacture of products or parts, including processing, fabrication, assembly, treatment, packaging, storage, sales, and distribution of such products. This use may include or allow for exterior storage of equipment or materials, provided that impacts are contained on-site and do not negatively affect adjacent land uses, consistent with such standards as may be prescribed by the local government with jurisdiction.

Manufacturing - Heavy – A use engaged in the manufacture of products or parts, including processing, fabrication, assembly, treatment, packaging, storage, sales, and distribution of such products, with potential to produce noise, odor, smoke, heat, glare, vibration, hazardous chemicals, and other impacts that may affect adjacent land uses. Such use may include the exterior storage and processing of materials and equipment to the extent and in such manner as is permitted by the local government with jurisdiction.

Microbrewery/Winery/Distillery – A small-scale, licensed establishment that produces alcoholic beverages primarily for off-site sale and distribution, but which may provide for a percentage of the product to be sold and consumed on-site in a taproom or tasting room. Microbrewery/Winery/Distillery uses are permitted in Countywide Plan Map categories that permit Manufacturing - Light, and in the Activity Center and Multimodal Corridor categories as permitted by the local government with jurisdiction. See also: Brewpub.

Missing Middle Housing – Housing that encompasses a range of smaller, multi-unit or clustered housing types (such as shotgun, skinny, duplex, triplex, fourplex, courtyard apartment, bungalow court, townhouse, multiplex, and live/work units), which are compatible in scale and design with single-family homes, and are designed to encourage walking, biking, and transit use.

Mixed Use – A combination of uses on a single property.

Multimodal Corridor – A contiguous, linear area designated with the Multimodal Corridor category on the Countywide Plan Map, which is governed by locally-adopted plan or code provisions that identify the area as a unified corridor, serves as a corridor of critical importance to the movement of people and goods throughout the county, and is characterized by mixed-use development, supported by and designed to facilitate transit.

Multimodal Transportation – A combination of automobile, pedestrian, bicycle, and/or transit travel modes sharing a transportation facility or system. When used alone as an adjective, “multimodal” indicates the presence of characteristics supportive of such transportation (e.g., multimodal infrastructure).

Municipality – An incorporated city or town in Pinellas County.

Net Land Area – Net land area for the purpose of computing density/intensity shall be that total land area within the property boundaries of the subject parcel, and specifically exclusive of any submerged land or public road right-of-way existing at the time of the most recent future land use map amendment.

Nonconforming Lot, Use, or Structure – A lot, use, or structure which was previously legal and at inception conformed to the then-applicable regulations, that subsequently fails to conform to the requirements of the Countywide Plan Map and these Countywide Rules, as either may be amended from time to time.

Nonresidential Use – Those uses as provided for under the respective categories, other than residential or residential equivalent use.

Nontidal Wetlands – Wetlands that occur further inland, beyond tidal influence. Included, are freshwater marshes and ponds, shrub swamps, bottomland hardwood forests, wooded swamps, and bogs, as well as inland saline and alkaline marshes and ponds.

Off-Premise Sign – Any sign identifying or advertising a product, business, person, activity, condition, or service not located or available on the same lot where the sign is installed and maintained.

Off-Street Parking – A parking area improved for licensed motor vehicles, temporarily stored in connection with a use requiring same.

Office Use – An occupation or service providing primarily an administrative, professional or clerical service and not involving the sale of merchandise; examples of which include medical, legal, real estate, design, and financial services, and like uses. No “Office Use” shall include any Personal Service/Office Support Use, Retail Commercial Use, or Commercial/Business Service Use, as specifically defined within these Countywide Rules.

Personal Service/Office Support Use – An occupation or service attending primarily to one’s personal care or apparel; examples of which include hair and beauty care, clothing repair or alteration, dry cleaning/laundry service (collection and distribution only), and like personal service uses; animal grooming; and office equipment or supplies, and like office support uses. Any assembly, sale of merchandise or conveyance of a product in support of a personal service or office support use shall be clearly secondary and incidental to the primary use characteristics of the Personal Service/Office Support Use. No “Personal Service/Office Support Use” shall include any Retail Commercial Use or Commercial/Business Service Use, as specifically defined within these Countywide Rules.

Pinellas County Home Rule Charter – The Pinellas County Home Rule Charter as it applies to the authority for countywide planning is found in Section 2.04(s) of the Pinellas County Home Rule Charter, Chapter 80-590, Laws of Florida, as amended, which established the legislative authority for the creation, by special law, of a countywide planning authority.

Pinellas Planning Council (PPC) – The Pinellas Planning Council is comprised of thirteen (13) elected officials representing their respective governing bodies in Pinellas County. As described in Chapter 2012-245, Laws of Florida, as amended, the membership of the Pinellas Planning Council shall be composed of the voting membership of the Pinellas County Metropolitan Planning Organization (MPO). The terms of office and appointments to fill vacancies shall be consistent with Florida law governing the MPO. See also: Forward Pinellas.

Planned Redevelopment District – A contiguous area designated with the Planned Redevelopment District category on the Countywide Plan Map, which is governed by locally-adopted plan or code provisions that identify the area as a unified location, and which provides for a mix of uses, densities/intensities, and urban design that promote walking, biking and transit use.

Planners Advisory Committee (PAC) – The Planners Advisory Committee is comprised of the directors of individual local government land use and planning departments, or their designees. The PAC may also include a representative from the planning departments maintained by the Pinellas County School Board, the Pinellas Suncoast Transit Authority, the Florida Department of Transportation, and other agencies as the council may determine appropriate. The PAC, at the direction of the Pinellas Planning Council, performs a professional planning review of the PPC staff recommendations of plans that are to be acted upon by the PPC. The PAC may perform other such duties assigned to it by the PPC, but may not be involved in the administrative or executive functions of the PPC.

Premium Transit Corridor – A corridor providing transit service with more frequent service, fewer stops, longer hours of service, and/or greater amenities than the majority of local bus service, and which may or may not include fixed-guideway transit. Premium Transit Corridor locations shall be identified by formal action of the Metropolitan Planning Organization in coordination with the Pinellas Suncoast Transit Authority, and depicted on the Land Use Strategy Map.

Preservation Uses – Uses primarily providing passive open space, providing for the conservation and management of natural features, providing for watershed management and designed to recognize and protect open and undeveloped areas, providing habitat for endangered or threatened species, and generally recognizing environmentally significant areas.

Primary Industry – A business that imports more than half of its revenue from outside of Pinellas County. May also be referred to as contributory, basic, or traded-sector industries.

Public Educational Facility – Elementary schools, special education facilities, alternative education facilities, middle schools, high schools, and area vocational-technical schools of the Pinellas County School District.

Public Recreation Facility – A publicly owned or leased recreation site or component thereof, used by the public for active or passive recreational pursuits such as a trail, marina, ball court, athletic field or swimming pool. This term includes both Facility-Based Recreation and Resource-Based Recreation, which terms may be distinguished between as to the use characteristics permitted within a given plan category.

Quasi-Public Uses – A noncommercial use, such as a private school or religious institution, which is open to and/or serves an identified membership, group of people (as opposed to the public), and/or partisan cause.

Recreation/Open Space Uses – Uses providing recreation facilities, sporting facilities, and open space, such as a park, public recreation facility, public beach/water access, and public or private golf course/clubhouse.

Recreational Vehicle Park – A lot or parcel of land upon which spaces are occupied or intended for occupancy on a temporary basis by recreational vehicles designed for travel, recreation, and vacation uses.

Religious Institution Use – A site, premise, or location that is used principally, primarily, or exclusively for the purposes of religious exercise as protected by the First Amendment to the U.S. Constitution.

Research/Development - Light – A use engaged in the research, testing, and development of goods, materials, or products, occurring entirely within enclosed buildings. Manufacturing uses conducted on the premises shall be limited to those needed for experimental or testing purposes. This use shall not include or allow for any exterior storage or processing of equipment or materials of any kind, and shall be consistent with such standards as may be prescribed by the local government with jurisdiction.

Research/Development - Heavy – A use engaged in the research, testing, and development of goods, materials, or products. Manufacturing uses conducted on the premises shall be limited to those needed for experimental or testing purposes. Such use may include the exterior storage and processing of materials and equipment to the extent and in such manner as is permitted by the local government with jurisdiction.

Residential Equivalent Use – A residential-like accommodation other than a dwelling unit, including bed and breakfast, group home, congregate care, nursing home and comparable assisted living facilities. No such use shall be required or eligible to employ the residential equivalent standards for density/intensity for any household that qualifies as a dwelling unit. This use shall not include any type of use authorized by Chapter 419, Florida Statutes, Community Residential Homes, which is entitled to be treated as a dwelling unit.

Residential Use – A dwelling unit including, single-family, multifamily, and mobile home dwelling unit. This use shall include any type of use authorized by Chapter 419, Florida Statutes, Community Residential Homes, which is entitled to be treated as a residential dwelling unit.

Resource-Based Recreation – Recreational activities that typically are dependent on natural resources and a natural outdoor environment. These activities have little, if any, adverse impact on a site and are compatible with natural and/or cultural resource protection. Depending on the site, uses may include picnicking, low-impact camping, educational nature studies, wildlife viewing, horseback riding on trails, fishing, hiking, saltwater beach activities, or freshwater swimming.

Retail Commercial Use – An occupation or service providing primarily for the sale of consumer goods, products, merchandise or services from within an enclosed building; examples of which include grocery, pharmacy, apparel, jewelry, electronics, sporting goods, specialty shops, building supplies, convenience goods, restaurant, indoor recreation/entertainment uses (such as billiard halls, bowling alleys, movie theaters, and video game parlors) and like uses. Any exterior storage or facilities in connection with such use shall be clearly secondary and incidental to the primary use characteristics of the Retail Commercial Use. No “Retail Commercial Use” shall include any Commercial/Business Service Use, as specifically defined within these Countywide Rules.

Saltwater Marsh – A wetland having saline (including brackish) soils with 40 percent or less cover by woody plants and 25 percent or more cover by terrestrial herbs that is occasionally or regularly flooded by brackish or saline water (e.g., smooth cordgrass marshes).

Saltwater Swamp – A wetland having saline (including brackish) soils with 40 percent or more cover by woody plants and occasionally or regularly flooded by brackish or saline water (e.g., mangrove swamps).

Self Storage – An enclosed, indoor facility containing individual compartmentalized storage units for the inside storage of customers’ goods or wares. Self Storage uses are considered to be a subset of Storage/Warehouse/Distribution - Light, as defined within these Countywide Rules. May also be referred to as Mini Storage or Mini Warehouse Storage.

Senior Housing – A residential or residential-like accommodation suitable for the needs of an aging population, such as a group home, congregate care facility, nursing home, assisted living facility, or Continuing Care Retirement Community.

Solid Waste/Refuse Disposal Use – A facility approved for the collection, separation, storage and disposal of waste materials including garbage, trash, building materials and/or yard waste. Such use shall comprise an approved land fill, compost or incineration facility in accord with the otherwise required provisions of law.

Special Act – Chapter 2012-245, Laws of Florida, as amended. The Special Act establishes the Pinellas Planning Council and the authority for the Countywide Planning Authority and provides the legal requirements for countywide planning and coordination in Pinellas County.

Special Area Plan – A plan adopted by a local government under the provisions of Section 4.2.7.6 of the *Rules Concerning the Administration of the Countywide Future Land Use Plan*, as amended through July 21, 2014, which establishes and governs the density, intensity, use, and other standards for a defined area within the local government’s jurisdiction.

Storage/Warehouse/Distribution - Light – A use devoted primarily to the storage or distribution of goods, materials or equipment. Such use shall be located within an enclosed building and any exterior storage or distribution area shall be incidental to and not exceed twenty (20) percent of the area of the building to which it is accessory.

Storage/Warehouse/Distribution - Heavy – A use devoted primarily to the storage or distribution of goods, materials or equipment. Such use may include exterior storage and distribution to the extent and in such manner as is permitted by the local government with jurisdiction.

Submerged Land – The area situated below the mean high water line or the ordinary high water line of a standing body of water, including ocean, estuary, lake, pond, river, stream, or existing natural and man-made drainage detention areas. For the purpose of this definition, submerged lands created as a function of development that are recorded on an approved final site plan or other authorized development order action of the local government with jurisdiction, and wetlands landward of the mean and/or ordinary high water line, shall not be considered submerged land pursuant to subsection 4.2.3.11.

TBRPC – The Tampa Bay Regional Planning Council.

Target Employment – High-wage, primary employment, 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.

Temporary Lodging Unit – An individual room, rooms or suite within a temporary lodging use designed to be occupied as a single unit for temporary occupancy. May also be referred to as Transient Accommodation Unit.

Temporary Lodging Use – A facility containing one or more temporary lodging units, the occupancy of which occurs, or is offered or advertised as being available, for a term of less than one (1) month, more than three (3) times in any consecutive twelve (12) month period. In determining whether a property is used as a temporary lodging use, such determination shall be made without regard to the form of ownership of the property or unit, or whether the occupant has a direct or indirect ownership interest in the property or unit; and without regard to whether the right of occupancy arises from a rental agreement, other agreement, or the payment of consideration. May also be referred to as Transient Accommodation Use.

Tidal Wetlands – Areas that are comprised of coastal marshes, mudflats and mangrove swamps that are subject to periodic flooding by ocean-driven tides.

Traffic Generation Characteristics – The measure of traffic impact expressed as a countywide standard in terms of primary network vehicle trips per day per acre, attributable to each land use category, as determined specifically for the Countywide Plan.

Transfer of Development Rights – The conveyance of development rights by deed, easement, or other legal instrument from a parcel or parcels of land to another parcel or parcels, or within the same parcel, where such conveyance is from one Countywide Plan Map category to a similar, but separately located, or a different, Countywide Plan Map category, other than as is permitted by Sec. 5.2.1.1 of these Rules, and as may be authorized by the local government with jurisdiction, and otherwise consistent with these Countywide Rules.

Transfer/Recycling Use – A use designed to accommodate the temporary location, sorting and transfer of solid waste. Such use shall be limited as to the type of waste, the time within which it must be transferred from the site and limitations on exterior location by the local government with jurisdiction.

Transit – Passenger services provided by public, private or nonprofit entities including the following surface transit modes: commuter rail, rail rapid transit, light rail transit, light guideway transit, express bus, and local fixed route bus.

Transit Corridor – A linear area which is served by transit, generally extending a quarter-mile in either direction from the centerline of a transit route, which is outside of a designated transit station area, and where higher densities/intensities and urban design support transit usage and other modes of travel in addition to the private automobile.

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.

Transit Route – A specified path taken by a transit vehicle, along which passengers are picked up or discharged.

Transit Station – A transit stop serving several transit routes, located on or off-street, that facilitates the boarding, alighting and transferring of passengers between transit routes. These may be stand-alone facilities or a simply a series of passenger shelters connected by a pedestrian way, and providing an array of passenger amenities. Such facilities may also provide an opportunity for commuter parking and intermodal transfers, in addition to travel ways and storage areas for transit vehicles.

Transit Station Area – An area generally encompassing a half-mile radius from the center of a transit station, which serves as a mixed-use activity center, where higher densities/intensities and urban design support transit usage and other modes of travel in addition to the private automobile.

Transportation/Utility Uses – Uses including transportation facilities and utilities infrastructure, such as an airport, seaport, marina, electric power generation plant, electric power substation, and telephone switching station.

Undeveloped Barrier Island – A land form facing the waters of the Gulf of Mexico and surrounded by water, consisting mainly of quartz sands, limestone, rock, coral and other material, including spoil disposal islands, which features lie above the line of mean high water and which has not been developed.

Vacation Rental Use – A residential dwelling unit used as a temporary lodging use, as defined by Section 509.242(1)(c), Florida Statutes, subject to regulation by the local government with jurisdiction.

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

Vehicular Salvage Use – A use that provides for the location, storage, dismantling, repair, or salvage of abandoned, derelict or junk vehicles or vehicle parts.

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.

Water Supply Infrastructure and Support Facilities – Above or below ground structures, including wells, pipes, pumps, buildings, facilities, fixtures, machinery, reservoirs, and appurtenant facilities and structures, required for the provision of high quality potable water.

Wetlands – Those areas that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

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 water.