

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, AMENDING CHAPTER 18 (LAND DEVELOPMENT CODE) OF THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK FLORIDA, BY AMENDING SECTION 18-1501 "ADMINISTRATIVE AND LEGAL PROVISIONS" BY CREATING A NEW SUBSECTION 18-1501.33 PERTAINING TO ECONOMIC DEVELOPMENT; BY PROVIDING FOR A PARTIAL REDUCTION IN LAND DEVELOPMENT FEES FOR CERTAIN BUSINESSES WITHIN THE CITY OF PINELLAS PARK THAT EXPAND AND ENLARGE AND REMAIN WITHIN THE CITY OF PINELLAS PARK, ESTABLISHING CRITERIA FOR ELIGIBILITY; PROVIDING FOR SUCH PARTIAL WAIVER BY RESOLUTION; PROVIDING FOR THE INCLUSION OF SUCH ORDINANCE IN THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF PINELLAS PARK, FLORIDA; PROVIDING AN EFFECTIVE DATE. (LDC 2017-02)

WHEREAS, the City Council finds that it is beneficial for economic development to encourage established businesses located within the City of Pinellas Park that are looking to expand or relocate, to a location within the City of Pinellas Park; and

WHEREAS, the City Council of the City of Pinellas Park wishes to provide an incentive for established business enlarging at an existing location, or relocating to other locations within the City limits of Pinellas Park and to encourage such businesses to hire new employees from within the City of Pinellas Park; and

WHEREAS, the City Council of the City of Pinellas Park wishes to reward businesses that have become established and grown within the City limits of Pinellas Park to the extent that they need to expand or relocate in order to expand, by offering economic incentives to encourage such businesses to remain within the City limits of the City of Pinellas Park; and

WHEREAS, the City Council desires to establish criteria for eligibility of businesses to be able to receive reduced Land Development fees.

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

SECTION ONE: That Chapter 18 (Land Development Code) of the Code of Ordinances of the City of Pinellas Park, Florida, is hereby amended by amending Section 18-1501 "Administrative and Legal Provisions" by creating a new Subsection 18-1501.33 so that said Subsection shall hereafter be and read as follows:

SECTION 18-1501. ADMINISTRATIVE AND LEGAL PROVISIONS

Sec. 18-1501.33. PARTIAL WAIVER OF LAND DEVELOPMENT FEES FOR EXPANSION AND RELOCATION.

A. The City Council shall be authorized, by Resolution duly enacted, to provide a partial waiver of City of Pinellas Park Land Development Fees of up to fifty percent (50%) of the total Land Development Fees, based upon the following criteria:

1. The business has been an established business with its main, or a principal location being physically situated within the City of Pinellas Park, continuously for two (2) calendar years, holding all proper licenses and permits during each of such years.
2. At the time of application and during each of the preceding two (2) calendar years, the business has had a minimum of at least three (3) full-time employees on the payroll at the same time.
3. The business intends to relocate to a new location within the City of Pinellas Park, or substantially enlarge its existing location, which new or substantially enlarged location the business can demonstrate is reasonably expected to either:
 - (a) Double the square footage of the existing structure used by the business; or

(b) Double the number of full-time employees of the business, within a period of two (2) years from the expansion or relocation, as demonstrated by a written, viable business plan submitted by the business, and the business has demonstrated a desire and made a commitment to attempt to hire new employees that live in the City of Pinellas Park, whenever possible.

B. All applications for waiver shall be submitted on a form and with supporting documentation as may be required by the City, and submitted to the Community Development Department, where such application shall be reviewed. Upon a determination of applicant eligibility and application completeness, the department shall make a written recommendation to the City Manager. Upon a determination by the City Manager that the applicant meets the criteria of this ordinance, the City Manager, or designee, shall schedule an appropriate resolution for consideration by the City Council.

C. Any resolution adopted by the City Council providing for a waiver pursuant to this ordinance shall set forth with specificity the total dollar amount of the waiver, which can be up to a maximum of, but not to exceed, fifty percent (50%) of the City of Pinellas Park Land Development Fees required of the applicant, and such Resolution shall set forth that any waiver shall only be effective as to any developmental permits and fees obtained and paid within twenty-four (24) months of the date of enactment of the resolution by City Council.

SECTION TWO: It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Land Development Code of the City of Pinellas Park, Florida, and the publisher of the Code of Ordinances may renumber, reclassify or otherwise insert this Ordinance in an appropriate place to accomplish such intention.

SECTION THREE: That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are, and they are hereby repealed insofar as the same affect this Ordinance.

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

PUBLISHED THE _____ DAY OF _____, 2017.

FIRST READING _____ DAY OF _____, 2017.

PUBLIC HEARING THE _____ DAY OF _____, 2017.

PASSED THIS _____ DAY OF _____, 2017.

AYES:

NAYES:

ABSENT:

ABSTAIN:

APPROVED THIS _____ DAY OF _____, 2017.

Sandra L. Bradbury
MAYOR

ATTEST:

Diane M. Corna, MMC
CITY CLERK

City of
PINELLAS PARK

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July 26, 2017

Ms. Shannon Coughlin
Economic Development Manager
City of Pinellas Park
P. O. Box 1100
Pinellas Park, Florida 33780-1100

RE: City Document #17-161
Revised Economic Development Ordinance

Dear Ms. Coughlin:

Per our conversation, it is my understanding that this ordinance previously was approved by Council as a Consent Item. However, the public hearing and second reading of the ordinance has not yet occurred.

Mr. Neal has suggested some minor changes to the language in Section 18-1501.33B of the ordinance. These changes do not affect the substance of the ordinance at all and rather just clarify the procedure that was already laid out in such Section. The proposed changes would also not affect the title of the ordinance. I would approve of the ordinance, as amended, as to form and correctness. When the ordinance is brought before Council for public hearing, the proposed Motion for Council should include "approval of Ordinance No. 4023, as amended."

During the creation of this ordinance, it came to our attention that some of the Land Development Fees are actually set forth in the City's Administrative Fee Schedule (not incorporated into the Land Development Code). In general, Florida Statute §163.3164 defines land development regulations as "ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land." Case law is clear that "if an ordinance substantially affects land use, it must be enacted under the procedures which govern zoning and rezoning." City of Sanibel v. Buntrock, 409 So.2d 1073, 1075 (FL 2DCA 1981). On the other hand, ordinances that impose fees, such as an impact fee ordinance, do not



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substantially restrict the use of one's property and, therefore, do not have to be enacted pursuant to procedures governing zoning and rezoning. Baywood Const., Inc. v. City of Cape Coral, 507 So.2d 768, 769 (FL 2DCA 1987). Although ordinances imposing fees may not need to be enacted with the same procedures as other land development regulations, based on the broad definitions given to "land development regulations" in Florida Statutes, the best practice would be to incorporate those fees and charges into the Land Development Code. Therefore, as the City works with its consultant to revise its current Land Development Code, I would strongly suggest that the City make any necessary revisions to incorporate any and all fees that have to do with land development (to include application fees, impact fees, etc.) into the Land Development Code. Such fees could be incorporated in a new section of Chapter 18 that deals specifically with those fees and any potential waivers, such as for economic development.

If you have any questions please do not hesitate to contact our office.

Very truly yours,



James W. Denhardt
City Attorney

cc: Doug Lewis, City Manager
Diane M. Corna, MMC, City Clerk
Patrick Murphy, Assistant City Manager
Dean Neal, Zoning Director

JWD/dh