

ORDINANCE 16 - \_\_\_\_

AN ORDINANCE OF THE COUNTY OF PINELLAS AMENDING THE GOALS, OBJECTIVES AND POLICIES OF THE TRANSPORTATION ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN TO ESTABLISH A MOBILITY MANAGEMENT SYSTEM, TO DELETE TRANSPORTATION CONCURRENCY, TO UPDATE VARIOUS TERMS AND REFERENCES, AND TO REFLECT NEW INFORMATION; AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT TO RECOGNIZE THE COORDINATION REQUIRED TO IMPLEMENT THE COUNTYWIDE COMPONENTS OF A MOBILITY MANAGEMENT SYSTEM; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT TO SUPPORT ESTABLISHMENT OF A MOBILITY MANAGEMENT SYSTEM AND TO REFLECT IMPLEMENTATION OF A TEN-YEAR CAPITAL IMPROVEMENTS PROGRAM; AMENDING THE CONCURRENCY MANAGEMENT SYSTEM PROVISIONS OF THE COMPREHENSIVE PLAN TO ELIMINATE REFERENCES TO TRANSPORTATION CONCURRENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR LOCATION OF RECORDS; AND ESTABLISHING AN EFFECTIVE DATE.

**WHEREAS**, Section 163, Part II, Florida Statutes, establishes the requirements of the Community Planning Act and governs local government comprehensive planning and land development regulation; and

**WHEREAS**, Pinellas County adopted its Comprehensive Plan on August 8, 1989, and has periodically revised and amended the Plan in order to ensure it remains current and responds to current needs and opportunities; and

**WHEREAS**, the Community Planning Act removed State requirements for transportation concurrency management and level of service standards; and

**WHEREAS**, Pinellas County participated in the multi-jurisdictional Mobility Plan Task Force, facilitated by the Pinellas County Metropolitan Planning Organization, to develop a framework for a countywide approach to implementation of a mobility management system in place of transportation concurrency; and

**WHEREAS**, Pinellas County proposes to replace transportation concurrency with a mobility management system approach that is multi-modal, and designed to better support redevelopment and associated transportation and land use goals; and

**WHEREAS**, implementation of the mobility management system requires coordination with the municipalities, as well as associated amendments to the land development code, replacing the countywide impact fee with a countywide mobility fee and implementing regulations; and

**WHEREAS**, implementation of the Pinellas County Mobility Management System also requires amendments to the Intergovernmental Coordination Element and the Capital Improvements Element to ensure consistency with the changes to the Transportation Element; and

**WHEREAS**, implementation of the Pinellas County Mobility Management System also requires amendments to the Concurrency Management Section of the Pinellas County Comprehensive Plan in order to eliminate requirements for transportation concurrency; and

**WHEREAS**, additional amendments to the Transportation Element are proposed in order to update such things as transportation program and agency references, to recognize current planning practices such as complete streets, to correct references to the St. Pete-Clearwater International Airport, and to update right-of-way protection provisions; and

**WHEREAS**, additional amendments are proposed to the Capital Improvements Element in order to properly reflect the County's Ten-Year Capital Improvements Program.

**NOW THEREFORE BE IT ORDAINED**, by the Board of County Commissioners of Pinellas County, Florida, in its regular meeting duly assembled on this \_\_\_ day of \_\_\_\_\_, 2016, that:

## **SECTION I: PURPOSE AND INTENT**

The main purpose of this Ordinance is to eliminate transportation concurrency (and to eliminate adopted level of service standards for roads and mass transit) and establish the policy framework for the establishment of a multi-modal mobility management system approach for managing the transportation impacts of development projects. Minor updates to policies are also included to update terms and references, and to refine or reflect current practices. Included in those changes is the need to properly reflect the name of the St. Pete-Clearwater International Airport.

Changes to the Intergovernmental Coordination Element addresses the coordination of local governments and partner agencies related to the implementation of the Pinellas County Mobility Plan, Metropolitan Planning Organization corridor plans, and transportation system monitoring.

In the Capital Improvements Element, associated changes are being made to reflect elimination of road and mass transit level of service standards, and to change the name of the Transportation Impact Fee Ordinance to the Multi-modal Impact Fee Ordinance. Additionally, references are being updated to reflect a Ten-Year Capital Improvements Program.

Finally, changes to the Concurrency Management Section will eliminate transportation concurrency and update certain practices and procedures relative to the concurrency management system as it applies to other public services and facilities.

**SECTION II: THE GOALS, OBJECTIVES AND POLICIES SECTION OF THE TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN IS AMENDED TO READ AS FOLLOWS:**

1. GOAL: PROVIDE FOR A SAFE, CONVENIENT, AND ENERGY EFFICIENT MULTIMODAL TRANSPORTATION SYSTEM THAT SERVES TO INCREASE MOBILITY, REDUCE THE INCIDENCE OF SINGLE-OCCUPANT VEHICLES, EFFICIENTLY UTILIZE ROADWAY CAPACITY, REDUCE THE CONTRIBUTION TO AIR POLLUTION FROM MOTORIZED VEHICLES AND IMPROVE THE QUALITY OF LIFE FOR THE CITIZENS OF PINELLAS COUNTY.

**Traffic Circulation and Mobility**

1.1 Objective: Develop and maintain a multimodal transportation system that increases mobility for bicyclists, pedestrians and transit users as well as motorists and users of aviation and rail facilities, and that promotes development patterns that reduce vehicle miles traveled and greenhouse gas emissions.

1.1.1 Policy: Pinellas County shall implement a Pinellas County Mobility Management System through the application of Transportation Element policies and site plan and right-of-way utilization review processes. Policies pertaining to the application of the Mobility Management System are listed below.

- a. All development projects generating new trips shall be subject to payment of a multimodal impact fee.
- b. Development projects that generate between 51 and 300 new peak hour trips on deficient roads shall be classified as tier 1 and required to submit a transportation management plan (TMP) designed to address their impacts while increasing mobility and reducing the demand for single occupant vehicle travel.
- c. Development projects that generate more than 300 new peak hour trips on deficient roads shall be classified as tier 2, required to conduct a traffic study, and submit an accompanying report and TMP based on the report findings.
- d. Multimodal impact fee assessments may be applied as credit toward the cost of a TMP.
- e. A traffic study and/or TMP for a development project not impacting a deficient road corridor may be required to address the impact of additional trips generated by the project on the surrounding traffic circulation system.
- f. Deficient roads shall include those operating at peak hour level of service (LOS) E and F and/or volume-to-capacity (v/c) ratio 0.9 or greater without a mitigating improvement scheduled for construction within three years.
- g. Multi-modal impact fee revenue shall be utilized to fund multi-modal improvements to local, county or state facilities that are consistent with the

comprehensive plan as well as the Metropolitan Planning Organization (MPO) Long Range Transportation Plan.

- h. Pinellas County shall work cooperatively with the MPO and other local governments to complete the biennial update of the Multi-modal Impact Fee Ordinance through the MPO planning process, which includes review by the MPO Technical Coordinating Committee and MPO Policy Board.
- 1.1.2. Policy: Road improvements undertaken by Pinellas County shall be designed to increase their efficiency while providing safer travel conditions for all users to the extent feasible.
  - 1.1.3. Policy: Capacity improvements necessary to alleviate existing level of service deficiencies shall be constructed as scheduled in the Pinellas County Capital Improvements Element (CIE).
  - 1.1.4. Policy: Pinellas County shall coordinate with the MPO in the development and implementation of corridor plans and strategies intended to address operational and safety issues on the major road network.
  - 1.1.5. Policy: Pinellas County shall coordinate road improvement plans with the needs of local residents in terms of historic and community preservation.
  - 1.1.6. Policy: Pinellas County shall continue to evaluate additional capacity improvement needs on the County's major road network.
  - 1.1.7. Policy: Pinellas County shall continue to work with the Pinellas Suncoast Transit Authority (PSTA) to increase the efficiency of the transit system.
  - 1.1.8. Policy: Pinellas County will, when appropriate and feasible, incorporate bicycle-friendly design standards into all new and reconstructed collector and arterial roads by providing an area where bicyclists may travel adjacent to the outside vehicle lane. On existing collector and arterial roads, bicycle-friendly standards may be implemented at the next resurfacing by adjusting the width of the vehicle lane to a minimum of 11 feet to reserve an area along the outer edge of pavement.
  - 1.1.9. Policy: Where sufficient pavement width exists, Pinellas County will provide a designated bicycle lane with a minimum width of four feet on roads adjacent to curb and gutter and a minimum width of five feet on roads having no curb and gutter. Vehicle lanes shall meet or exceed the minimum width standards.
  - 1.1.10. Policy: When roads are improved to the standards identified in Policy 1.1.9., the bicycle lane shall be designated by marking and signage.
  - 1.1.11. Policy: When it is not feasible for the area intended for bicycle travel to meet the minimum width standards, a bicycle lane will not be designated. However, the

width of vehicle lanes may be set at the minimum standard with the outside lane made as wide as possible.

- 1.1.12. Policy: Pinellas County shall include sidewalks alongside roadways scheduled for resurfacing in its Capital Improvement Program where feasible.
- 1.1.13. Policy: The planned Pinellas Trail Loop is critically important allowing bicycling and walking to become a more viable alternative for commuter travel throughout Pinellas County. Therefore, Pinellas County shall prioritize efforts to develop the Pinellas Trail Loop.
- 1.1.14. Policy: Construction of frontage sidewalks shall be required in all road rights-of-way under the jurisdiction of Pinellas through the application of the site plan and right-of-way utilization review processes. Through a right-of-way-utilization waiver process, Pinellas County may require the sidewalk to be constructed at alternative off-site locations when the right-of-way conditions preclude the construction of the sidewalk adjacent to the proposed development.
- 1.1.15. Policy: Pinellas County shall require development projects to make adequate provisions for storage/parking areas for bicycles as appropriate.
- 1.1.16. Policy: Pinellas County shall continue to implement sidewalk construction projects where necessary to close existing gaps along arterial, collector and local roads through the CIP and site plan and right-of-way utilization review processes.
- 1.1.17. Policy: Pinellas County shall take a complete streets approach towards mobility and incorporate livable community requirements such as separated/buffered walkways (e.g., sidewalks, crosswalks) connecting pedestrian facilities existing within adjacent road rights-of-way to buildings proposed for construction. As an alternative to extending pedestrian facilities through parking areas, the Code shall allow for proposed buildings to be oriented toward pedestrian facilities in adjacent road rights-of-way.
- 1.1.18. Policy: Pinellas County shall work with the MPO's Bicycle and Pedestrian Transportation Advisory Committees, FDOT's Community Traffic Safety Team, the MPO's School Transportation Safety Committee, the US Highway 19 Task Force, the Barrier Island Government Council (BIG-C) and other agencies and organizations as appropriate to identify locations where crosswalk improvements are needed to allow bicyclists and pedestrians to safely cross major roads to reach their destinations.
- 1.1.19. Policy: Pinellas County shall facilitate the provision of bus stop improvements and pullout bays, where appropriate, along major roadways through the development of complete streets, implementation of the Mobility Management System, and application of the site plan and right-of-way utilization review processes.

- 1.1.20. Policy: Pinellas County shall continue to coordinate with TBARTA as necessary to provide ride sharing opportunities for Pinellas County employees.
- 1.1.21. Policy: Pinellas County shall continue to identify and monitor “unmet” transportation disadvantaged needs within unincorporated Pinellas County. Residents in need of transportation assistance shall be informed of services available through the Pinellas County Transportation Disadvantaged Program.
- 1.1.22. Policy: Pinellas County shall continue to maintain an inventory of transportation disadvantaged persons that would be affected by an evacuation order in the event of a natural disaster. Those needing to evacuate to a public shelter who have no personal means available to transport them, shall be provided the opportunity to register with Pinellas County for Special Needs assistance in order to receive transportation assistance.
- 1.1.23. Policy: Pinellas County shall coordinate with the PSTA and the MPO to identify locations where the need for pedestrian accommodations between bus stops and the sidewalk network is most pronounced from a safety standpoint.
- 1.1.24. Policy: Pinellas County shall continue to work with the MPO and PSTA in support of transit initiatives designed to increase ridership.
- 1.1.25. Policy: Pinellas County shall continue to install landscaping along sidewalks using tree canopy, where feasible, to provide shaded areas for pedestrians.
- 1.1.26. Policy: Pinellas County shall continue to work with PSTA to increase the efficiency of the fixed-route system by encouraging mass transit use through the Site Plan Review Process and the implementation of MPO corridor strategy plans.
- 1.1.27 Policy: Pinellas County shall develop pedestrian ways and bikeways in an around the vicinity of schools where opportunities exist to utilize utility rights-of-way and, drainage easements.

## **Land Use Coordination**

- 1.2. Objective: The Transportation Element shall be coordinated with the goals, objectives and policies of the Future Land Use and Quality Communities Element in guiding population distribution, economic growth, and the overall pattern of urban development.
- 1.2.1. Policy: Pinellas County shall coordinate decisions on Future Land Use Map (FLUM) amendments with the mobility and safety needs of the principal modes of travel including bicycling, walking, transit and motor vehicles.

- 1.2.2. Policy: Pinellas County shall use the Future Land Use Map as a tool for projecting population densities and housing and employment patterns for the process of forecasting traffic demand through the Tampa Bay Regional Transportation Planning Model (TBRPM).
- 1.2.3. Policy: Pinellas County shall develop parking standards for mixed-use development in coordination with MPO.
- 1.2.4. Policy: Pinellas County shall identify commercial and residential corridors in the unincorporated area in need of revitalization. Potential corridors include 54th Avenue North in Lealman, Seminole Boulevard, and 66th Street and 34th Street between Pinellas Park and St. Petersburg as part of the update to the Land Development Code.
- 1.2.5. Policy: After carrying out policy 1.2.4., Pinellas County shall study one of the corridors to develop a prototype approach for improving and revitalizing them. The study shall consider appropriate changes to the land development regulations, land use and zoning changes, access requirements, infrastructure improvements and other mechanisms that would improve conditions within these corridors.
- 1.2.6. Policy: Pinellas County shall identify opportunities to coordinate land use and transportation planning along the “coastal corridor” from Gulf Boulevard to the Pinellas/Pasco County Line. This coordination would be intended to create or highlight destinations and venues so that tourists can easily go from one community to another while experiencing the uniqueness of each. The “coastal corridor” runs the length of the barrier island chain from St. Pete Beach to Clearwater Beach (Gulf Boulevard) and continues northward on Ft. Harrison Avenue/Edgewater Drive/Alternate U.S. Highway 19 to Pasco County.
- 1.2.7. Policy: Pinellas County will pursue a Complete Streets approach towards future transportation improvements and ensure that infrastructure for all appropriate modes of transportation are designed and implemented to ensure efficient, safe, and diverse mobility options.
- 1.3. Objective: Pinellas County shall enhance and protect scenic vistas on County road corridors.
- 1.3.1. Policy: Pinellas County shall pursue Highway Beautification grants or other sources of funds to provide for landscaping along major roadways and sidewalks within adjacent rights-of-way.

## **Right-of-Way Protection and Planning**

- 1.4. Objective: Provide for right-of-way and corridor protection for existing and future transportation facilities in accordance with the future right-of-way maps contained in the Transportation Element as Figures 3-1, 3-1a, 3-1b, 3-1c and 3-1d.
- 1.4.1. Policy: Preserve needed right-of-way, as identified in the future right-of-way maps referenced in Objective 1.3, through the site plan and right-of-way utilization review processes.
- 1.4.2. Policy: Pinellas County shall amend the future right-of-way maps, as deemed necessary, in order to reflect changes in right-of-way needs.
- 1.4.3 Policy: Pinellas County shall not vacate public right-of-way unless it is determined that the right-of-way is not viable for present or future public use, including stormwater treatment facilities, transportation facilities and attendant use.
- 1.4.4. Policy: Pinellas County shall coordinate with the municipalities regarding the maintenance responsibilities for County roads within their respective jurisdictions.
- 1.4.5. Policy: Rights-of-way will not be vacated if they provide access to publically accessible waters of the County, as specifically provided for by Chapter 170, the right-of way vacation criteria, of the County Land Development Code.

## **Safety, Efficiency and Goods Movement**

- 1.5. Objective: Pinellas County's transportation system should provide for safety and efficiency in the movement of people and goods.
- 1.5.1. Policy: Pinellas County shall continue to implement access management standards as identified in the Access Management Section of the Land Development Code, through the application of the Pinellas County Site Plan and Right-of-Way Utilization Review Process.
- 1.5.2. Policy: Pinellas County shall continue monitoring signalized intersections to coordinate signal timing along major County and State facilities.
- 1.5.3. Policy: Pinellas County shall continue to implement an ongoing roadway maintenance program to provide for safe operating conditions for multimodal travel and to preserve roadway capacity.
- 1.5.4. Policy: Pinellas County shall work with the MPO to promote bicycle and pedestrian safety education programs and the enforcement of rules and regulations, in



cooperation with the MPO Bicycle Pedestrian Advisory Committee, pertaining to bicycling, walking and motor vehicle use.

- 1.5.5. Policy: Pinellas County shall continue to work with the MPO's advisory committees and local law enforcement officials to monitor high accident-frequency locations on State and County roadways to identify any design or operational improvements that may alleviate hazardous conditions and shall assign a priority implementation of accident reduction improvements through the CIP and TIP development processes.
- 1.5.6. Policy: Pinellas County, through its land development regulations, shall require that all new development and redevelopment make adequate provisions for safe and efficient on-site traffic flow and provide adequate parking facilities.
- 1.5.7. Policy: Pinellas County shall cooperate with local law enforcement agencies, educational facilities, emergency service providers and transportation provider agencies for a multi-disciplinary approach to traffic safety.
- 1.5.8. Policy: Pinellas County shall expand the use of intelligent transportation systems (ITS) for transportation information gathering and incident management functions.
- 1.5.9. Policy: Pinellas County shall work with the MPO and all the cities of Pinellas County to continue developing and maintaining a comprehensive traffic management system through the deployment of ITS.
- 1.5.10. Policy: Pinellas County shall coordinate with all the cities of Pinellas County to implement ITS improvements, including the establishment of a primary control center, and the associated operations and maintenance needs, identified in the Pinellas County Long-Range ATMS/ITS Master Plan.
- 1.5.11. Policy: Pinellas County shall coordinate with the MPO, local governments, PSTA, FDOT and other affected agencies to implement non-roadway ITS improvements (e.g., transit fare systems, pedestrian street crossing enhancements, communications).
- 1.5.12. Policy: Pinellas County shall continue to identify and maintain roadways suitable for truck travel.

### **State, Regional and Local Coordination**

- 1.6. Objective: Pinellas County shall coordinate its transportation planning with transportation planning at the local, regional and state level.
  - 1.6.1. Policy: Pinellas County shall coordinate roadway and transit service improvements with the future needs of the St. Pete-Clearwater International Airport in the development of the CIP/CIE and the State's Five-Year Work Program through

active involvement in the MPO planning process. This includes County staff participation in the MPO's Technical Coordinating Committee (TCC) and Board of County Commissioner participation as members of the MPO Policy Board.

- 1.6.2. Policy: Pinellas County shall utilize the MPO's Congestion Management Process (CMP) to help identify small-scale transportation improvements needed on backlogged and constrained roadways. Implementation of such projects shall occur through the construction of transportation management plan improvements by developers, or through the CIP/CIE.
- 1.6.3. Policy: Through such means as the MPO's Technical Coordinating Committee, Pinellas County shall seek and incorporate input from local governments, FDOT District 7, the PSTA, and the Tampa Bay Regional Planning Council (TBRPC) in the process of developing data and analysis to assist in administering and updating Pinellas County's Transportation Element and related land development codes.
- 1.6.4. Policy: Pinellas County shall seek amendments to the MPO Long Range Transportation Plan, during the MPO Plan Update process, as deemed necessary, to maintain consistency with the Transportation Element of the Pinellas County Comprehensive Plan.
- 1.6.5. Policy: Pinellas County shall coordinate efforts with FDOT to incorporate bicycle and pedestrian-friendly provisions in the design and construction of expansion and re-surfacing projects on State roads, where feasible.
- 1.6.6. Policy: Pinellas County shall review local government comprehensive plans and plan amendments and coordinate with the respective municipalities to the extent necessary to maintain consistency between the Transportation Element and local plans.
- 1.6.7. Policy: Pinellas County shall address air quality issues in transportation planning, including through the MPO's Technical Coordinating Committee and ensure that the Transportation Element and related land development codes support the Florida State Implementation Plan (SIP), which sets forth actions necessary to maintain National Ambient Air Quality standards.
- 1.6.8. Policy: Pinellas County shall coordinate with local governments, transit providers and MPOs in the region as well as TBARTA on the development and operation of multimodal transportation systems and a regional multimodal transportation master plan.
- 1.6.9. Policy: Pinellas County shall continue cooperative efforts between State and local transportation operating agencies for a unified approach to traffic management.

1.6.10. Policy: Pinellas County shall coordinate with the MPO to implement the Transportation Disadvantaged Service Plan to address the mobility needs of the transportation disadvantaged community in Pinellas County.

1.6.11. Policy: Pinellas County staff shall continue to work with PSTA in support of their planning activities and members of the Board of County Commissioners shall continue to participate in PSTA policy decisions as members of their policy board.

1.6.12. Policy: Pinellas County shall work with the MPO and municipalities in support of efforts to coordinate the application of the Pinellas County Mobility Management System throughout the County.

1.6.13. Policy: Pinellas County shall pursue opportunities for funding for transportation projects through the following:

- Partnerships with private interests as well as local, State and Federal agencies to leverage County transportation funding for projects to the fullest extent possible;
- Seeking State and Federal grant monies as appropriate; and
- Supporting legislative activities to increase the return from Federal fuel taxes to the State.

1.6.14. Policy: Pinellas County shall coordinate with the Barrier Island Government Council (BIG-C) on the implementation of improvements to the Gulf Boulevard corridor.

## **Ports and Aviation**

Note: None of the County's ports fall within the jurisdiction of the Board of County Commissioners, and therefore, are not examined in the Transportation Element.

2. GOAL: STIMULATE ECONOMIC DEVELOPMENT IN PINELLAS COUNTY THROUGH THE GROWTH AND EXPANSION OF THE ST. PETE-CLEARWATER INTERNATIONAL AIRPORT IN A MANNER THAT MINIMIZES IMPACTS ON THE SURROUNDING AREA AND THE ENVIRONMENT AND THAT IS COORDINATED WITH FEDERAL, STATE, REGIONAL AND LOCAL AGENCY, PLANS AND REGULATIONS.

2.1. Objective: The Ports and Aviation Section of the Transportation Element shall be coordinated with the St. Pete-Clearwater International Airport Master Plan, Federal Aviation Administration (FAA) approved Airport Layout Plan, and any amendments or updates to these documents, which are hereby incorporated as

part of the Pinellas County Comprehensive Plan pursuant to Section 163.3177(6)(k), F.S.

2.2. Objective: Expand the landside and airside capacity of the St. Pete-Clearwater International Airport to meet future demand consistent with the Airport Master Plan, Airport Layout Plan, and future demand and design studies.

2.2.1. Policy: Pinellas County shall implement taxiway and runway improvements identified in the Airport Master Plan and Airport Layout Plan in accordance with the CIP schedule as federal, state and local funds become available in order to meet the forecasted demand for airfield capacity.

2.2.2. Policy: Pinellas County shall expand access and terminal roads, automobile parking lots, aircraft parking capacity and air cargo facilities, office and warehouse and/or light industrial space based on the CIP and projected growth.

2.2.3. Policy: Pinellas County shall rezone existing land for additional aviation development based on recommendations contained in the Airport Master Plan and FAA-approved Airport Layout Plan in order to meet demand.

2.2.4. Policy: Pinellas County shall expand, rehabilitate and enhance the terminal and associated landside areas to accommodate existing and future passenger capacity.

2.2.5. Policy: Pinellas County shall coordinate with FDOT in obtaining the necessary funding for construction of access road improvements.

2.2.6. Policy: Pinellas County shall construct improvements that are specified and prioritized in the Airport Master Plan and Airport Layout Plan, and Joint Airport Capital Improvement Program.

2.2.7. Policy: Seek diversification and expansion of revenue sources through the utilization of land within and adjacent to the Airport in a manner that is consistent with the Comprehensive Plan, Pinellas County Land Development Code and Airport Master Plan and Airport Layout Plan.

2.3. Objective: Ensure Airport operations are consistent with and protected by the Pinellas County Land Development Code and Future Land Use and Quality Communities Element regarding surrounding land uses and the environment.

2.3.1. Policy: New or expanded Airport facilities shall be directed away from environmentally-sensitive areas and consistent with the Natural, Historical and Cultural Resources Element and the Surface Water Management Element and FAA regulations.

2.3.2. Policy: Pinellas County shall enforce the overlay zoning regulations in its Land Development Code that restrict heights of structures and objects of natural growth around the Airport.

2.3.3. Policy: The Future Land Use and Quality Communities Element shall restrict the land uses in the Airport overlay zoning area to industrial, aviation, preservation, public/semi-public and commercial uses as recommended in the Airport Master Plan and Airport Layout Plan.

2.4. Objective: Coordinate operations and planned expansions of the Airport with federal, state, regional and local agency plans.

2.4.1. Policy: The Airport Director shall submit all eligible capital improvement projects to the appropriate funding agencies for approval and funding assistance.

2.4.2. Policy: Pinellas County's Capital Improvements Element shall reflect the appropriate costs for the facilities recommended in the Airport Master Plan and Airport Layout Plan, and any amendments or additions to said document.

2.4.3. Policy: Coordinate the surface level access needs of the Airport in the design of future plans to improve the adjacent segment of Roosevelt Boulevard to a six-lane partially-controlled access facility as identified in the MPO Long Range Transportation Plan. This coordination shall occur between Pinellas County, as represented by the Airport Director as its designee, the MPO and FDOT.

**SECTION III: OBJECTIVE 1.1 OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN IS AMENDED TO READ AS FOLLOWS:**

1.1. Objective: Capital improvements shall be provided to correct existing deficiencies, to replace worn-out or obsolete facilities, and to accommodate desired future growth, as indicated in the ten-year schedule of improvements of this Element.

**SECTION IV: POLICY 1.2.1 OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN IS AMENDED TO READ AS FOLLOWS:**

1.2.1. Policy: County-funded infrastructure shall be prohibited within the coastal storm area except for the following:

1. The expenditure is for the maintenance, repair or replacement of existing facilities; or
2. The expenditure is for restoration or enhancement of natural resources or public access; or
3. The expenditure is needed to address an existing deficiency identified in this plan; or

4. The expenditure is for the retrofitting of stormwater management facilities for water quality enhancement of stormwater runoff; or
5. The expenditure is for the development or improvement of transportation facilities identified in the Transportation Element of this plan; or
6. The expenditure is for a public facility of overriding public interest as determined by the Board of County Commissioners.

**SECTION V: POLICY 1.3.1 OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN IS AMENDED TO READ AS FOLLOWS:**

- 1.3.1. Policy: Pinellas County shall implement its multimodal impact fee ordinance to finance transportation management strategies necessitated by new development.

**SECTION VI: POLICY 1.4.2 OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN IS AMENDED TO READ AS FOLLOWS:**

- 1.4.2. Policy: Pinellas County shall annually adopt a ten year capital improvement program. The Ten Year Schedule of Improvements from the Capital Improvements element of the Pinellas County Comprehensive Plan shall be included within the Ten Year Capital Improvements Program. Pinellas County shall continue to adopt a capital budget as part of its annual budget process.

**SECTION VII: POLICIES 1.4.7 AND 1.4.8 OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN ARE AMENDED TO READ AS FOLLOWS:**

- 1.4.7 Policy: Pinellas County shall continue to collect infrastructure sales tax revenue, through the year 2020, along with the stormwater assessment fee, as a funding source to help pay for stormwater management capital projects.
- 1.4.8. Policy: Revenue available to Pinellas County from the one-cent infrastructure sales tax, pursuant to Chapter 12.055(2), Florida Statutes, shall continue to be collected as a funding source, through the year 2020, for needed capital improvements identified in the Pinellas County Comprehensive Plan.

**SECTION VIII: POLICIES 1.4.12 AND 1.4.13 OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN ARE AMENDED TO READ AS FOLLOWS:**

- 1.4.12. Policy: Pinellas County shall include capital improvement projects for the renewal and replacement of public facilities to maintain adopted level of service standards in the Ten Year Schedule of Improvements.

- 1.4.13. Policy: In the event that a referendum and/or required action of the Board of County Commissioners is not approved and, as a result, funding for capital improvement projects identified within the Capital Improvements Element is not available, Pinellas County shall utilize one or more of the following actions and alternatives:
1. Increase the amount of ad valorem tax revenue to be used for capital improvements financing;
  2. Increase the use of long-term borrowing to finance capital improvements;
  3. Reduce the cost of capital improvements necessary for implementation of the Comprehensive Plan;
  4. Change the timing of project implementation within the Ten Year Schedule of Improvements.
  5. Reduce level of service standards within the Comprehensive Plan while ensuring that the public safety and welfare of the residents of Pinellas County is not jeopardized. Reduction of level of service standards will be recommended by the Pinellas County Local Planning Agency to the Board of County Commissioners for action following required public hearing.
  6. Halt issuance of development orders and permits unless public facilities which meet adopted level of service standards are available or are assured to be available concurrently with the impacts of development; and
  7. Utilize actions and alternatives not identified within this policy.

**SECTION IX: POLICY 1.5.1 OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN IS AMENDED TO READ AS FOLLOWS:**

- 1.5.1. Policy: Upon plan adoption, Pinellas County shall use the following level of service standards in reviewing the impacts of new development and redevelopment upon public facility provision.

*Drainage*

All applicable federal, state, and local regulations (as indicated in the Regulatory Framework section of the Surface Water Management Element) relating to flood control, stormwater treatment and wetland protection, shall continue to be met in public and private project design.

The twenty-five year storm design standard shall confine the runoff from a 25 year, 24 hour rainfall event, within drainage channel banks, or within designated twenty-five year floodplains, in order to protect human life and minimize property damage. The one-hundred year storm design standard shall protect homes and commercial buildings against flooding by a 100 year, 24 hour rainfall event. Preference shall be given to stormwater management options which restore floodplains and remove obstructions from floodways.

*Recreation*

Fourteen acres of County park and environmental lands for every 1,000 residents within the County.

*Solid Waste and Resource Recovery*

The level of service standard shall be to dispose of 1.30 tons per person per year.

*Water Supply*

Except as otherwise provided in the Master Water Supply Contract and in the associated Interlocal Agreement, all potable water required by Pinellas County Utilities to service its customers shall be supplied by Tampa Bay Water. In the event that Tampa Bay Water determines that the regional system has experienced a “shortfall” or “production failure” as defined in the Interlocal Agreement, Pinellas County shall respond with one or more of the following actions and alternatives.

1. Institute additional water conservation measures;
2. Halt or otherwise restrict the issuance of development orders and permits;
3. Develop new sources of potable water within the parameters of the Interlocal Agreement;
4. Purchase potable water from suppliers other than Tampa Bay Water;
5. Cooperate with Tampa Bay Water, the Southwest Florida Water Management District, and the affected local governments to develop a regional response to the situation; and
6. Use actions and alternatives not identified within this policy.

Pinellas County shall use the following Level of Service Standard when preparing its annual 5-year and 20-year potable water demand projections for the Pinellas County Water Demand Planning Area, which are required by the Master Water Supply contract to enable Tampa Bay Water to formulate its capital improvement program:

**Pinellas County Water Demand Planning Area (gpcpd)\***

Year	1990	1994	1995	1997	2000	2005	2010	2015	2020	2025
gpcpd	150	145	135	125	125	120	120	120	115	115

To determine whether adequate capacity is available for a development or redevelopment project in the unincorporated County that is served by a municipal potable water system, Pinellas County will utilize the level of service standards adopted by the municipal service provider.



## **Sanitary Sewer**

Pinellas County Utilities (PCU) shall provide the levels of service necessary for proper wastewater treatment, reuse and disposal in order to ensure the protection of its citizens and the environment and to provide adequate wastewater treatment capacity for all current and projected wastewater facility demands of Pinellas County Utility customers.

Wastewater flows associated with existing and permitted development cannot exceed the wastewater treatment plant's permitted design capacity.

Treated effluent and biosolids shall meet all pertinent federal, state and local standards and regulations for treatment, reuse and disposal.

Pinellas County will, for concurrency management purposes, annually compare wastewater flows to permitted treatment capacity to determine the percentage of available capacity and assess whether permitted treatment capacity exceeds the needs of existing and committed development. If available treatment capacity meets this standard, development can be permitted.

Unpredictable situations where permitted capacity is temporarily exceeded due to unanticipated situations such as limited/extreme weather conditions shall not impact the determination of level of service conditions.

Peak design flow capacity shall be between 1.5 and 2.5 times the average daily flow for each sanitary sewer system, based on the individual characteristics of the system.

If an annual assessment evidences that a capacity deficit could occur within 10 years, Pinellas County Utilities will prepare a more detailed capacity analysis as directed by 62-600.405, F.A.C, and determine whether facility expansion is required or if the service area is built out.

To determine whether adequate capacity is available for a development or redevelopment project in the unincorporated County that is served by a municipal wastewater system, Pinellas County will utilize the level of service standards adopted by the municipal service provider.

### **SECTION X: POLICIES 1.5.3 AND 1.5.4 OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN ARE AMENDED TO READ AS FOLLOWS:**

1.5.3. Policy: Amendments to the Pinellas County Comprehensive Plan and request for new development or redevelopment shall be evaluated according to the following guidelines:

1. Contribute to a condition of public hazard as described in the Surface Water Management, Coastal Management, Natural Resources, Conservation, and Management, Potable Water and Sanitary Sewer, and/or Solid Waste and Resource Recovery Elements.

2. Aggravate any existing condition of public facility deficiencies, as described in the Surface Water Management, Potable Water and Sanitary Sewer, Recreation, Open Space, and Culture, Solid Waste and Resource Recovery, and Transportation Elements.
3. Generate public facility demands that may exceed capacity increases planned in the Ten-Year Schedule of Improvements.
4. Conform to land uses as shown on the Future Land Use Map of the Future Land Use and Quality Communities Element.
5. Accommodate public demands based upon adopted level of service standards and attempts to meet specified measurable objectives when public facilities are provided by developers.
6. Demonstrate financial feasibility, subject to this Element, when public facilities will be provided, in part or whole, by Pinellas County.
7. Affect on state agencies and the Southwest Florida Water Management District's facility plans.

1.5.4. Policy: Pinellas County shall ensure that public facilities and services for which a level of service standard has been adopted and that are needed to support development will be available concurrent with the impacts of development. This policy shall be implemented through use of the Concurrency Management System adopted as part of the Pinellas County Comprehensive Plan.

**SECTION XI: POLICY 1.4.1 OF THE INTERGOVERNMENTAL COORDINATION ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN IS AMENDED TO READ AS FOLLOWS:**

1.4.1. Policy: As provided for within the Transportation Element, Pinellas County shall coordinate with the Florida Department of Transportation (FDOT), Metropolitan Planning Organization(MPO), Pinellas Suncoast Transit Authority (PTSA), Pinellas Planning Council (PPC) and-local governments to implement the County-wide Mobility Management System and MPO corridor plans.

**SECTION XII: POLICY 1.4.3 OF THE INTERGOVERNMENTAL COORDINATION ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN IS AMENDED TO READ AS FOLLOWS:**

1.4.3. Policy: Pinellas County shall continue to coordinate with the MPO, PSTA, FDOT and local governments in monitoring the performance of the transportation and mobility system.

**SECTION XIII: THE CONCURRENCY MANAGEMENT SYSTEM SECTION OF THE COMPREHENSIVE PLAN IS AMENDED TO READ AS FOLLOWS:**

**I. PURPOSE**

The following statements contain the Pinellas County policy as it applies to establishing a Concurrency Management System for Pinellas County.

## **II. DEFINITIONS**

### **A. Concurrency Management System**

The procedures and processes that Pinellas County shall utilize to ensure that Development Orders and permits when issued shall not result in a reduction of the adopted level of service standards at the time that the impact of development occurs except as defined in the Pinellas County Comprehensive Plan.

### **B. Concurrency Review Determination**

The Concurrency Review Determination, or finding by the County regarding whether a development proposal is subject to development limitations, and whether measures might be available to mitigate development impacts, based on the adopted Concurrency Test Statement. This finding is issued as a prerequisite to the issuance of any development order or development permit. At a minimum, the Concurrency Review Determination shall include the following information:

1. Type of development proposal;
2. Date of review and findings for a development proposal; and
3. Whether the development proposal is subject to development limitations, and any other limitations that may be identified in the adopted Concurrency Test Statement.

### **C. Concurrency Test Statement**

A public facility and service status report contained in Section 134 of the Pinellas County Land Development Code, annually approved and adopted by ordinance, which, at a minimum, establishes for public facilities and services, the following:

1. The existing and committed development in each service area;
2. The existing levels of service for utilities, recreation and open space, and drainage;
3. Updates of the above items, based upon the most recently adopted schedule of capital improvements from the Capital Improvements Element; and
4. The methods used in determining the nature of projected development impacts on public facilities and services for which a level of service standard has been adopted.

### **D. Currently Available Revenue Sources**

An existing source and amount of revenue presently available to Pinellas County. It does not include Pinellas County's present intent to increase revenue sources which may require future action by the County.

E. Public Facilities and Services which Must be Available Concurrent with the Impacts of Development.

Those covered by a comprehensive plan element for which level of service standards have been adopted by Pinellas County, which includes sanitary sewer, solid waste, drainage, potable water, and recreation/open space.

F. Final Local Development Order

For purpose of this plan, a Final Development Order shall be that last discretionary approval necessary to carry out the development provided that the proposed project has been precisely defined. The last discretionary approval for a given type of development activity shall be as provided in Section 134 of the Land Development Code. Terms used in this definition shall be as defined in the Pinellas County Comprehensive Zoning and Land Development Code as subsequently adopted by the Board of County Commissioners.

G. Final Site Plan

Final site plan approval shall mean that a site development plan has been reviewed and approved by the appropriate Pinellas County departments for compliance with all currently applicable rules, regulations, and ordinances and has subsequently been reviewed, approved, and signed by the County Administrator.

H. Level of Service (LOS)

A measure of performance and/or of demand versus available capacity of public services and facilities.

I. Lots of Record

Either a lot or contiguous lots which exist under single ownership at time of adoption of this Comprehensive Plan and which are part of a subdivision, the plat of which has been recorded in the office of the Clerk of the Circuit Court of Pinellas County; or any parcel of land not part of a subdivision that has been officially recorded by deed in the office of the Clerk, provided such platted lot or parcel was of a size which met the minimum lot area requirement for the zoning district in which the lot or parcel was located at the time of recording, or provided that the deed for the lot or parcel was recorded prior to the effective date of zoning in the area where the lot is located. Notwithstanding the above, all lots of record shall also be consistent with any substandard lot provision contained in land development regulations developed pursuant to Section 163.3202, F.S.

### **III. THE CONCURRENCY MANAGEMENT SYSTEM**

The purpose of the Pinellas County Concurrency Management System is to ensure that facilities and services needed to support development are available concurrent with the

impacts of such development. The concurrency management system requires that the adopted level of service standards for potable water, sanitary sewer, solid waste, drainage, and recreation be maintained. The Concurrency Management System shall ensure that issuance of a development order or development permit is conditioned upon the availability of public facilities and services for which a level of service standard has been adopted and that are necessary to serve new development, consistent with the provisions of Chapter 163, Part II, F.S., and Rule 9J-5, F.A.C.

#### A. Procedures

1. Application for Development - The concurrency management system is accessed by the property owner, or his/her representative, when an application for development containing the required documentation for the given development order or permit is submitted to the County. A Pinellas County representative shall then ascertain the completeness of the documentation, in a timely manner, to ensure that the required information is sufficient to accept the application for development for review.
2. When the application for a development order or permit has been accepted, it shall be processed and reviewed in accordance with adopted procedures. These procedures shall include a review of the application for development for potable water, sanitary sewer, solid waste, drainage, and recreation, as they may apply.
3. After an application for development is accepted, it will be compared to the most recently adopted Concurrency Test Statement. Pinellas County shall compare the application for development to the public facilities and services on the current Concurrency Test Statement, as they may apply to the location described on the application for development.

45. If the application for development is found by the latest Concurrency Test Statement to fall within an area with a deficient level of service for a facility or service for which a level of service standard has been adopted, Concurrency Review Determination shall indicate that development shall either not be authorized or be authorized with conditions to be identified in the Concurrency Test Statement.

#### B. Concurrency Review Determination - Continued Validity

1. The Concurrency Review Determination shall indicate the date of issuance and will be valid for purposes of the issuance of development orders or permits for twelve months from date of issuance.
2. The Pinellas County Land Development Code shall specify the criteria determining the validity period for a development order, permit or application for development under an existing Concurrency Review Determination.

3. For those Concurrency Review Determinations issued for a development agreement entered into by Pinellas County, pursuant to the provisions of Chapter 163.3220-163.3243, F.S., as amended, the duration of such determinations as issued, shall be for the time period stated within the development agreement.

C. Development Order or Development Permit Compliance.

All development orders and development permits issued and approved shall be based upon and in compliance with the Concurrency Review Determination issued for that development proposal. A development order or development permit shall be in compliance with its underlying Concurrency Review Determination if the impacts associated with that development order or development permit are equal to or less than the allocations made in association with the underlying Concurrency Review Determination.

D. Concurrency Test Statement

1. On an annual basis, a Concurrency Test Statement shall be developed for final adoption by the Board of County Commissioners.
2. The County shall monitor and assess the status of public facilities and services on an annual basis. Information derived through this process shall be reflected in the Concurrency Test Statement.
3. The remaining capacity reported for each public facility and service on the annual Concurrency Test Statement should be determined by calculating the existing demand as well as the committed impacts including those associated with multi-year, phased development proposals or projects (including Developments of Regional Impact, Development Agreements, etc.).
4. A Concurrency Test Statement shall be issued every year. Nothing herein precludes the issuance and effectiveness of amendments to the current Concurrency Test Statement if updating or correction is deemed necessary by the Board of County Commissioners for, including, but not limited to, the following circumstances: errors in preparation and adoption are noted; the impact of issued development orders or permits, as monitored by the Planning Department, indicate an unacceptable degradation to an adopted level of service; where changes in the status of capital improvement projects, of the State or any local government, changes the underlying assumptions of the current Concurrency Test Statement.
5. Under no circumstances will an amended Concurrency Test Statement divest those rights acquired, pursuant to approval of a development, under the Concurrency Test Statement as it existed prior to amendment, except where a divestiture of such rights is clearly established by the Board of County Commissioners to be essential to the health, safety or welfare of the general public.

#### **IV. LEVEL OF SERVICE STANDARD**

- A. For the purpose of issuance of development orders and permits, Pinellas County shall adopt level of service standards for public facilities and services within Pinellas County for which Pinellas County has authority to issue development orders and permits. For the purposes of concurrency, public facilities and services include the following for which level of service standards shall be adopted: 1) sanitary sewer, 2) solid waste, 3) drainage, 4) potable water, and 5) recreation. If Pinellas County desires to make other public facilities and services subject to the concurrency management system, level of service standards of such additional facilities and services must be adopted in the comprehensive plan.
- B. The Capital Improvements Element shall set forth a financial feasibility plan which demonstrates that Pinellas County can achieve and maintain the adopted level of service standards.

#### **V. MINIMUM REQUIREMENTS FOR CONCURRENCY**

A concurrency management system shall be developed and adopted to ensure that public facilities and services needed to support development are available concurrent with the impacts of such developments.

- A. For potable water, sewer, solid waste, and drainage, at a minimum, provisions in the Pinellas County Comprehensive Plan and the Concurrency Test Statement that ensure that the following standards shall be met will satisfy the concurrency requirement:
  - 1. The necessary facilities and services are in place at the time a development order or permit is issued;
  - 2. A development order or permit is issued subject to the condition that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the necessary facilities and services are in place and available to serve the new development; or
  - 3. At the time the development order, or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of V. A. 1 and 2 of this section. An enforceable development agreement includes development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes.
- B. For recreation, Pinellas County shall satisfy the concurrency requirement by complying with the following standards:
  - 1. At the time the development order or permit is issued, the necessary facilities and services are in place or under actual construction; or

2. A development order or permit is issued subject to the condition that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the acreage for the necessary facilities and services to serve the new development is dedicated or acquired by the local government, or funds in the amount of the developer's fair share are committed; and
3. A development order or permit is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent as provided in the adopted 6-year schedule of capital improvements in the Pinellas County Capital Improvements Element; or
4. At the time the development order or permit is issued, the necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and services to serve the new development to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent; or
5. At the time the development order or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes, to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent.

#### **SECTION XIV: SEVERABILITY**

If any section, paragraph, clause, sentence, or provision of the Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect therefore shall be confined to the section, paragraph, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

#### **SECTION XV: LOCATION OF RECORDS**

Pursuant to requirements of Section 125.68, Florida Statutes, this Ordinance to amend the Pinellas County Comprehensive Plan is incorporated into the Transportation, Intergovernmental Coordination and Capital Improvements Elements and the Concurrency Management System of the Pinellas County Comprehensive Plan, located at, and maintained by, the Clerk of the Pinellas County Board of County Commissioners.

#### **SECTION XVI: FILING OF ORDINANCE: ESTABLISHING AN EFFECTIVE DATE**

Pursuant to Section 163.3184(3), Florida Statutes, if not timely challenged, an amendment adopted under the expedited provisions of this section shall not become effective until 31 days



after adoption. If timely challenged, the amendment shall not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this Amendment may be issued or commence before the amendment has become effective.

APPROVED AS TO FORM

By:   
\_\_\_\_\_  
Office of the County Attorney