

ORDINANCE # 06- 89

AN ORDINANCE OF THE COUNTY OF PINELLAS, AMENDING THE FUTURE LAND USE MAP SERIES TO IDENTIFY A COMMUNITY OVERLAY FOR THE ALDERMAN RESIDENTIAL RURAL COMMUNITY; AMENDING OBJECTIVE 1.13 OF THE FUTURE LAND USE ELEMENT TO ADD POLICIES 1.13.4 AND 1.13.5 AND 1.13.6. THAT SUPPORT THE COMMUNITY'S RURAL CHARACTER, THAT DISCOURAGE DENSITY INCREASES AND THAT ESTABLISH ADDITIONAL REQUIREMENTS FOR CONSIDERING PROPOSALS TO INCREASE RESIDENTIAL DENSITY WITHIN THE AREA ENCOMPASSED BY THE ALDERMAN RESIDENTIAL RURAL COMMUNITY OVERLAY; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THIS ORDINANCE AT THE PUBLIC HEARING AND/OR WITH OTHER RESPONSIBLE PARTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR LOCATION OF RECORDS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Section 163, Part II, Florida Statutes, establishes the Local Government Comprehensive Planning and Land Development Act; and

WHEREAS, Pinellas County adopted its Comprehensive Plan on August 8, 1989, and significantly updated the Plan in 1998; and

WHEREAS, Section 163.3187, Florida Statutes, as amended, provides for procedures to amend the adopted Comprehensive Plan; and

WHEREAS, Section 163.3174, Florida Statutes, states that the Local Planning Agency shall monitor and oversee the effectiveness and status of the Comprehensive Plan and recommend to the governing body such changes in the Comprehensive Plan as may from time to time be required; and

WHEREAS, Objective 1.13 of the Future Land Use Element of the Pinellas County Comprehensive Plan states that Pinellas County shall preserve and seek to enhance established community values, a community's unique identity, and their social support structure; and

WHEREAS, the Evaluation and Appraisal Report of the Pinellas County Comprehensive Plan adopted by the Board of County Commissioners on November 1, 2005 contains a recommended action to incorporate community-level and area-specific goals, objectives, and policies into the Future Land Use Element of the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners desires to establish the ability to identify specific communities within the Comprehensive Plan and to adopt complementary provisions that support a community's values and unique identity; and

WHEREAS, duly advertised public hearings were held as required by Chapter 163.3181, Florida Statutes; and

WHEREAS, the recommendations from the Pinellas County Local Planning Agency have been received and considered; and

WHEREAS, any objections, recommendations or comments from the State of Florida Department of Community Affairs have been received and considered regarding this amendment;

NOW THEREFORE BE IT ORDAINED, by the Board of County Commissioners of Pinellas County, Florida, in its regular meeting duly assembled on this 12th day of December 2006, that:

SECTION I: PURPOSE AND INTENT

The proposed amendments to the Future Land Use Map and to the Future Land Use Element further and help implement Objective 1.13 of the Future Land Use Element and a recommended action in the adopted Evaluation and Appraisal Report of the Pinellas County Comprehensive Plan by allowing the Comprehensive Plan to incorporate specific provisions in support of the Alderman Residential Rural Community's efforts to retain their rural character and identity.

SECTION II: The Future Land Use Map of Pinellas County, Florida is amended by placing a Community Overlay on the Alderman Residential Rural Community as identified in **Exhibit A** to this Ordinance. The boundaries of the Alderman Residential Rural Community Overlay are described below.

For that portion of the proposed Community Overlay north of Alderman Road, the boundaries are:

- North boundary is Bee Pond Road
- West boundary is Rolling Woods Drive
- South boundary is Alderman Road
- East boundary is the western edge of the Progress Energy Easements

For that portion of the proposed Community Overlay south of Alderman Road, the boundaries are:

- North boundary is Alderman Road
- West boundary is the rear lot line of the lots on the west side of Pine Hill Road
- South boundary is the south lot line of the lots immediately north of West Lake Village

East boundary is the rear lot line of the lots on the east side of Pine Hill Road.

SECTION III: Amend Objective 1.13 of the Future Land Use Element of the Pinellas County Comprehensive Plan to include Policy 1.13.4, 1.13.5, and 1.13.6. as follows:

Policy 1.13.4 Pinellas County recognizes the significant contribution that the rural character of the Alderman Residential Rural Community makes toward providing a diverse mix of neighborhoods in urbanized Pinellas County. Decisions by Pinellas County and its representatives will take into consideration the need to preserve and support the Community's rural character.

Policy 1.13.5: To help preserve the Alderman Residential Rural Community's rural character, a residential density of no greater than 0.5 units per acre shall be the preferred land use on the Pinellas County Future Land Use Map; therefore, increases in density will be discouraged within the Alderman Community Overlay.

Policy 1.13.6: An application to amend the Pinellas County Future Land Use Map (FLUM) for a parcel of land within the Alderman Residential Rural Community Overlay to increase the permitted residential density above 0.5 residential unit per acre shall require a corresponding amendment to the Future Land Use Map series within the Pinellas County Comprehensive Plan to remove the subject parcel from the Alderman Residential Rural Community Overlay. A proposed amendment to the boundaries of the Alderman Residential Rural Community Overlay and a proposed amendment to increase residential density within the Overlay shall not be considered small scale development amendments as described in s.163.3187(1)(c) of the Florida Statutes.

SECTION IV: 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.

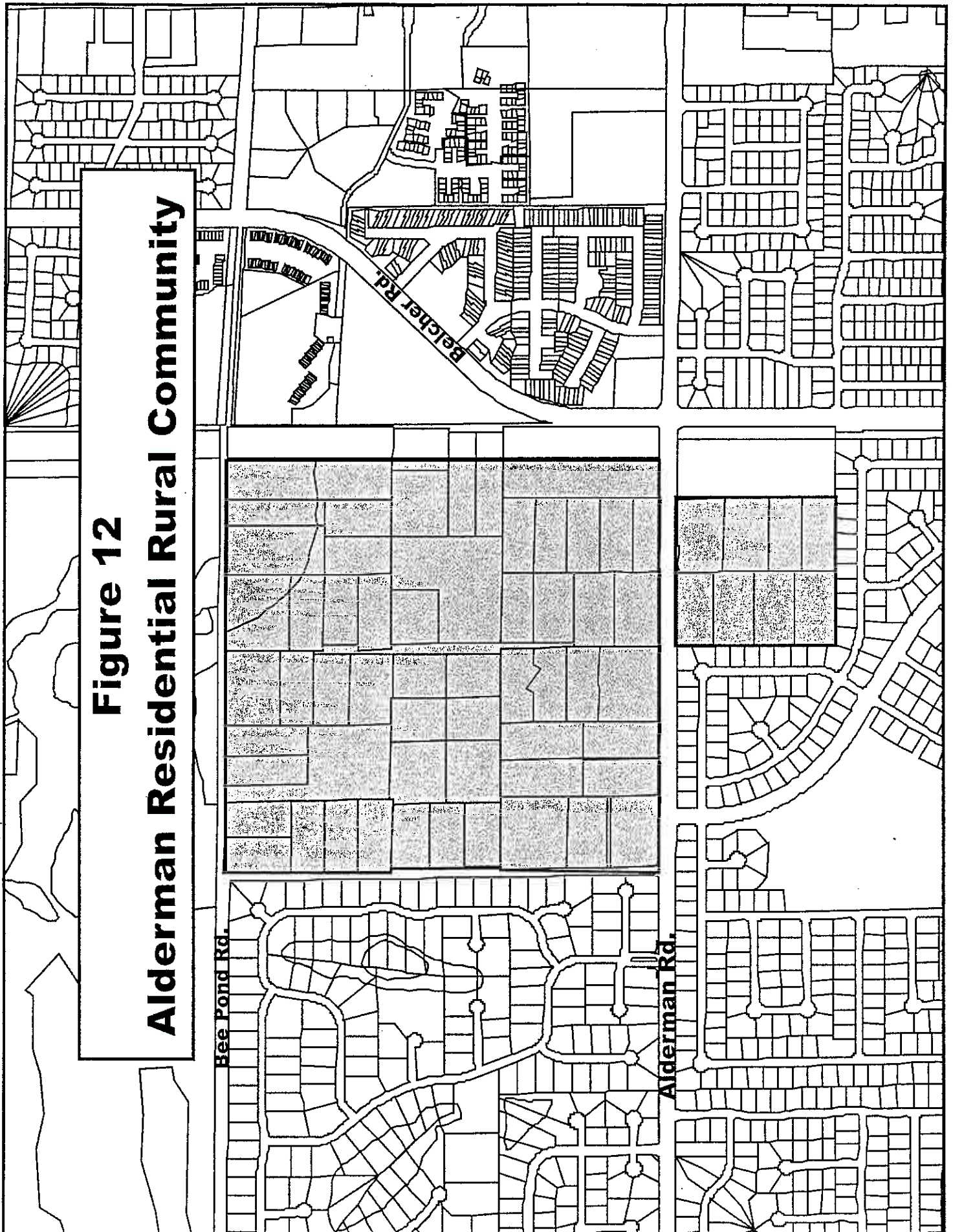
SECTION V: LOCATION OF RECORDS

Pursuant to requirements of Section 125.68, Florida Statutes, this Ordinance to amend the Pinellas County Comprehensive Plan is incorporated into copies of the individual Comprehensive Plan Elements, and the Compendium, of the Pinellas County Comprehensive Plan. These copies are located at, and maintained by, the Clerk of the Pinellas County Board of County Commissioners.

SECTION VI: FILING OF ORDINANCE: ESTABLISHING AN EFFECTIVE DATE

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184 (1) (b), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of non-compliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolutions shall be sent to the Department of Community Affairs, Division of Community Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

Figure 12
Alderman Residential Rural Community



STATE OF FLORIDA

COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on December 12, 2006 relative to:

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AN ORDINANCE OF THE COUNTY OF PINELLAS, AMENDING THE FUTURE LAND USE MAP SERIES TO IDENTIFY A COMMUNITY OVERLAY FOR THE ALDERMAN RESIDENTIAL RURAL COMMUNITY; AMENDING OBJECTIVE 1.13 OF THE FUTURE LAND USE ELEMENT TO ADD POLICIES 1.13.4 AND 1.13.5 AND 1.13.6. THAT SUPPORT THE COMMUNITY'S RURAL CHARACTER, THAT DISCOURAGE DENSITY INCREASES AND THAT ESTABLISH ADDITIONAL REQUIREMENTS FOR CONSIDERING PROPOSALS TO INCREASE RESIDENTIAL DENSITY WITHIN THE AREA ENCOMPASSED BY THE ALDERMAN RESIDENTIAL RURAL COMMUNITY OVERLAY; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THIS ORDINANCE AT THE PUBLIC HEARING AND/OR WITH OTHER RESPONSIBLE PARTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR LOCATION OF RECORDS; AND ESTABLISHING AN EFFECTIVE DATE.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this December 19, 2006.

KEN BURKE
Clerk of the Circuit Court
and Ex-officio Clerk to the
Board of County Commissioners

By:


Linda R. Reed, Deputy Clerk

