



Staff Report

File #: 15-1067, **Version:** 1

Agenda Date: 1/26/2016

Subject:

Authority to advertise a public hearing to be held on March 29, 2016, regarding a proposed ordinance amending portions of Chapter 134, Article VI (Concurrency System), of the Pinellas County Land Development Code.

Recommended Action:

Authorize the advertisement of a public hearing, tentatively scheduled for March 29th, for a proposed ordinance amending portions of the Concurrency System article of the Pinellas County Land Development Code.

Strategic Plan:

Foster Continual Economic Growth and Vitality

4.3 Catalyze redevelopment through planning and regulatory programs

4.4 Invest in infrastructure to meet current and future needs

4.5 Provide safe and effective transportation systems to support the efficient flow of motorists, commerce, and regional connectivity

Summary:

The proposed ordinance includes amendments to Chapter 134, Article VI (Concurrency System), of the Pinellas County Land Development Code. The amendments effectively repeal transportation concurrency in support of the proposed Mobility Management System by removing references to transportation concurrency and roadway and mass transit level of service standards. Also included in this Ordinance is the annual Concurrency Test Statement update to the level of service conditions for public services and facilities. The results indicate that level of service conditions for public services and facilities are acceptable and there are no existing or projected capacity deficits.

Transportation Concurrency and the Mobility Management System:

The application of transportation concurrency requirements and the assessment of transportation impact fees through the site plan review process have been the primary tools utilized by Pinellas County and other local governments to manage the traffic impacts of development projects. Concurrency requirements are traditionally imposed to ensure that development is not permitted without assurance that the public facilities and services necessary to handle the development impact are available. Under the 2011 Community Planning Act, which amended Chapter 163, F.S., the requirement to implement transportation concurrency, including adopted level of service standards for transportation facilities, was repealed. The intent of this change was to enable implementation of more livable community and mobility-oriented solutions to managing transportation impacts.

The Mobility Management System is the multimodal, mobility-oriented approach intended to replace transportation concurrency. Chapter 134 of the Pinellas County Land Development Code is the chapter that includes the County's concurrency system. This proposed Ordinance amending Chapter

134 deletes sections that implement transportation concurrency as well as references to roadway and mass transit level of service standards. These standards and requirements are being replaced with the proposed Mobility Management System and associated multimodal impact fee standards and requirements (per a separate proposed Ordinance amending portions of Chapter 150, Impact Fees, of the Pinellas County Land Development Code).

Concurrency Test Statement:

Other proposed amendments to Chapter 134 per this Ordinance include the annual update to the level of service conditions for public services and facilities (i.e. Concurrency Test Statement). The Concurrency Test Statement represents an annual status report on the ability of Pinellas County's public facilities and services to meet the demands of existing and committed development, while continuing to provide an acceptable level of service. The facilities and services with adopted level of service standards currently include County and State roads, mass transit, potable water, wastewater, solid waste, drainage, and recreation. The respective standards are adopted in the Pinellas County Comprehensive Plan. (Note, for this annual Concurrency Test Statement, County and State roads and mass transit were not included, as transportation concurrency is repealed as part of this proposed Ordinance.)

Using the level of service information in the Concurrency Test Statement, the concurrency "test" is applied to a development project at the time of site plan review. If the Concurrency Test Statement notes a deficiency in available capacity, then the development project is subject to certain limits or restrictions.

To assess annual conditions, existing and projected population data is applied to flow or acreage data for potable water, wastewater, solid waste and recreation, along with per capita estimates of demand, to calculate existing and future impacts on services and facilities. At this time, level of service conditions for these facilities/services remain acceptable, meaning there is adequate capacity to meet existing and projected needs.

Background Information:

In response to the 2011 Community Planning Act, which removed State-mandated transportation concurrency management requirements, the Pinellas County Metropolitan Planning Organization (MPO) endorsed the Pinellas County Mobility Management System on September 11, 2013. The Mobility Management System provides a framework for a coordinated multimodal approach to managing traffic impacts of development projects as a replacement for local transportation concurrency systems.

Proposed Amendments to the Pinellas County Comprehensive Plan:

A proposed Ordinance including amendments to the Pinellas County Comprehensive Plan providing policy support for repealing transportation concurrency and replacing it with the Mobility Management System was heard at a public hearing held by the Board of County Commissioners (Board) on November 24, 2015 and transmitted to the State Department of Economic Opportunity (DEO) for review. Following receipt of DEO comments, a second hearing for adoption of the Ordinance amending the Comprehensive Plan is anticipated to go before the Board in March 2016.

In order to implement the proposed changes to the Comprehensive Plan, amendments are being proposed to Chapter 134, Article VI (Concurrency System), and Chapter 150, Impact Fees, of the Pinellas County Land Development Code.

Proposed Amendments to Chapter 150:

While the proposed amendments to Chapter 134 per this Ordinance delete sections that implement transportation concurrency, proposed amendments to Chapter 150 (Impact Fees) of the Pinellas County Land Development Code, per a separate but associated Ordinance, establish the Mobility Management System. In addition, the Ordinance removes references to transportation impact fees and replaces them with references to multimodal impact fees and associated impact fee districts.

Scheduled Adoptions:

The March 2016 adoption hearing for the Ordinance amending the Pinellas County Comprehensive Plan is being scheduled to coincide with respective public hearings on the proposed Ordinance amending Chapter 134 (per this staff report) and the proposed Ordinance amending Chapter 150 of the Pinellas County Land Development Code (per a separate agenda item and staff report).

Fiscal Impact:

No additional costs will be incurred by Pinellas County in the implementation of the Mobility Management System.

Staff Member Responsible:

Gordon Beardslee, Director, Planning Department

Partners:

Municipalities

Metropolitan Planning Organization

Attachments:

Ordinance (strikethrough / underline)

Ordinance (clean copy)

ORDINANCE NO. 16 -

AN ORDINANCE OF THE COUNTY OF PINELLAS UPDATING THE LEVEL OF SERVICE CONDITIONS FOR PUBLIC SERVICES AND FACILITIES AND REPEALING TRANSPORTATION CONCURRENCY FROM CHAPTER 134 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE, CONCURRENCY SYSTEM; REVISING SECTIONS 134-221, 134-223, 134-225 AND 134-226 TO REMOVE LANGUAGE PERTAINING TO TRANSPORTATION CONCURRENCY; REPEALING SECTION 134-222 AND SECTIONS 134-227 THROUGH 134-231 TO REMOVE LANGUAGE PERTAINING TO TRANSPORTATION CONCURRENCY AND MANAGEMENT PLANS; RENUMBERING SECTIONS 134-224, 134-233 AND 134-261; REVISING SECTION 134-232 TO REMOVE TRAFFIC CIRCULATION AND MASS TRANSIT AS PERTAINING TO LEVEL OF SERVICE STANDARDS; REVISING SECTION 134-234 TO REMOVE LANGUAGE PERTAINING TO TRANSPORTATION CONCURRENCY IN REFERENCE TO THE BOARD OF ADJUSTMENT VARIANCE AND APPEALS REVIEW GUIDELINES; REVISING SECTION 134-256 TO REMOVE LANGUAGE PERTAINING TO TRANSPORTATION CONCURRENCY IN THE ANNUAL CONCURRENCY TEST STATEMENT; UPDATING SECTIONS 134-258 THROUGH 134-261 TO REFLECT CURRENT YEAR LEVEL OF SERVICE CONDITIONS FOR PUBLIC SERVICES AND FACILITIES AND TO REPEAL CONCURRENCY TEST STATEMENT LANGUAGE PERTAINING TO TRANSPORTATION, ROADWAY AND MASS TRANSIT LEVEL OF SERVICE; AND 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 INCLUSION IN THE CODE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Pinellas County Board of County Commissioners has established that land development shall bear a proportionate cost of the provision of new or expanded capital facilities required by such development; and

WHEREAS, Pinellas County adopted a Concurrency Management System for Pinellas County through its adoption of Ordinance #89-69, as amended; and

WHEREAS, the provisions of Ordinance #89-69, as amended, were intended to ensure that the adopted level of service standards for roadways, potable water, waste water, solid waste, stormwater, recreation, and mass transit be maintained prior to the issuance of a development order and/or development permit; and

WHEREAS, in 2011, the Legislature amended the concurrency requirements to no longer require a level of service standard for roads, mass transit or recreation facilities; and

WHEREAS, the Community Planning Act removed State requirements for local government implementation of transportation concurrency management systems; and

WHEREAS, Pinellas County is implementing the Mobility Management System to manage transportation related impacts resulting from development activity; and

WHEREAS, in the absence of State imposed transportation concurrency management requirements, the Pinellas County Metropolitan Planning Organization authorized a multi-jurisdictional task force to develop a countywide approach to manage the transportation impacts of development projects through local site plan review processes; and

WHEREAS, Pinellas County believes that maintaining the level of service standards for sanitary sewer, solid waste, drainage, potable water, and recreation is appropriate at this time; and

WHEREAS, the Pinellas County Mobility Plan was approved by the Pinellas County Metropolitan Planning Organization on September 11, 2013; and

WHEREAS, Chapter 134 of the Pinellas County Land Development Code requires a Concurrency Test Statement to be adopted on an annual basis by the Board of County Commissioners as a status report on public facilities and services; and

WHEREAS, Pinellas County, through action on this Ordinance, adopts the annual Concurrency Test Statement for Pinellas County for 2015.

NOW, THEREFORE, BE IT ORDAINED, ON THIS _____ DAY OF _____, 2016, BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA THAT:

SECTION 1. SECTION 134-221 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS AMENDED TO READ AS FOLLOWS:

Sec. 134-221. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptance of or accepted application for development means that an application for development contains sufficient information, pursuant to existing regulations, to allow continuing review under this division or other regulatory ordinances.

Application for development means any documentation which contains a specific plan for development, including the densities and intensities of development, where applicable, that is presented by any person for the purpose of obtaining a development order or development permit.

Approved final site plan means any site development plan, as defined in Subsection 134-86(a)(2), and as it may be further defined in other county regulations, that has been accepted, reviewed, and approved by the county.

Backlogged roadways means roads not designated as constrained that are operating at peak hour level of service E or F and/or a volume-to-capacity of 0.9 or higher and scheduled or planned for construction after the first three years of either the Florida Department of Transportation (FDOT) adopted work program or the six-year schedule of improvements within the county capital improvements element.

Certificate of concurrency means that document issued by the county administrator, or his designee, that is a prerequisite for the issuance of any development order or development permit, except that certificates of concurrency for re-zonings shall only be issued such that further development in the rezoned parcel is conditioned upon the availability of sufficient capacity of those public facilities and services required for any project which may be subsequently proposed for that rezoned parcel, or any portion thereof. At a minimum, the certificate of concurrency shall provide information on the following:

- (1) Type of proposal;
- (2) Effective date of the concurrency test statement utilized in the comparison;
- (3) Date of issuance of the certificate of concurrency; and
- (4) Status of each public facility and service after comparison with the current concurrency test statement; and
- ~~(5) Whether or not the development proposal is subject to development limitations, pursuant to application of the transportation management plan for properties located within a concurrency~~

~~management corridor and any other limitations that may be identified in an adopted concurrency test statement.~~

Concurrency means that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

~~Concurrency management corridor is designated in this section as constrained, congestion containment, long term concurrency management or state facilities operating below adopted level of service standards with no mitigating improvements planned or scheduled within the first three years of the capital improvements element.~~

Concurrency management monitoring system means the data collection, processing and analysis performed by the county to determine levels of service for public facilities and services. Data maintained by the concurrency management monitoring system shall be the most current information available to the county.

Concurrency management system means the procedure and process that the county utilizes to ensure that development orders and permits issued by the county shall not result in an unacceptable degradation of the adopted level of service adopted in the county comprehensive plan.

Concurrency test statement means a public facility and service status report, approved and adopted by ordinance, which, at a minimum, establishes for each public facility and service the following:

- (1) The existing and committed development in each service area;
- (2) The existing levels of service for each public facility and service;
- ~~(3) Concurrency management corridor designations for roads;~~
- ~~(4) Provisions and measures that shall apply within concurrency management corridors to prevent unacceptable degradation of levels of service for any corridor;~~
- ~~(5) Updates of items (1)–(4), above, based upon the most recently adopted sixteen-year schedule of capital improvements from the capital improvements element; and~~
- ~~(6) The methods used in determining the nature of projected development impacts on public facilities and services.~~

~~Congestion containment corridor. These include roads that operate with deficient levels of service where improvements may be planned or scheduled, beyond the next three years, to alleviate the substandard LOS conditions.~~

~~Constrained roadway means a county roadway with deficient operating conditions that can not be improved as necessary to alleviate these conditions due to a physical or policy constraint. Physical barriers occur when intensive land use development is immediately adjacent to highways making roadway expansion cost prohibitive, or when a facility has reached the maximum through lane standards. Policy barriers are based on concerns about the impacts of roadway expansion on the environment, neighborhoods and/or local communities. Constrained facilities may be more specifically defined through subsequent amendments to this division or the concurrency test statement.~~

~~Corridor means the area within one-half mile of the centerline and within a one-half mile arc radius beyond the terminus of the road segment centerline, and includes properties that are subject to at least one of the following conditions:~~

- ~~(1) Sole direct access. A condition where the only means of site ingress/egress is directly onto the road facility, regardless of the distance of that site from the facility.~~
- ~~(2) Direct access. A condition in which one or more existing or potential site ingress/egress points makes a direct connection to the road facility and the site is within one-half mile of the road facility.~~
- ~~(3) Sole indirect access. A condition where the only point of site ingress/egress is onto a public non-arterial roadway which makes its first and shortest arterial level connection onto a road facility regardless of the distance of that site from the facility. This definition is subject to change by amendment of this division upon review of anticipated traffic analysis consistent with the comprehensive plan and procedures of this division.~~

Currently available revenue sources means an existing source and amount of revenue available to the county.

Deficient facility means a road operating below the adopted level of service standard. Deficient facilities operate at peak hour level of service E and/or F and/or a volume-to-capacity (v/c) ratio of 0.9 or higher with no mitigating improvements scheduled within three years.

Development has the definition provided in F.S. § 380.04.

Development order means any order granting, denying, or granting with conditions, an application for development.

Development permit means any approved final site plan, building permit, zoning clearance, rezoning, special exception, variance, conditional use, or any other official action of the county having the effect of permitting the development of land.

Final local development order means, for the purposes of this division, that last approval necessary to carry out the development requested, provided that the proposed project has been precisely defined. The last approval for a given type of development activity shall be as provided in article III of this chapter. Terms used in that definition shall be as further defined in this Code.

~~*Financial feasibility*, according to F.S. ch. 163, means "that sufficient revenues are currently available or will be available from committed funding sources for the first three years, or will be available from committed or planned funding sources for years four and five, of a five-year capital improvement schedule for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted level of service standards are achieved and maintained within the period covered by the five-year schedule of capital improvements. The requirement that level of service standards be achieved and maintained shall not apply if the proportionate share process set forth in F.S. § 163.3180(12) and (16) is used."~~

~~*Florida Intrastate Highway System (FIHS)* means a statewide system of limited access facilities and controlled access facilities developed for high-speed and high-volume traffic movements and managed by FDOT to meet standards and criteria established for the FIHS. The FIHS is part of the Strategic Intermodal System (SIS), which is defined later in this section.~~

Level of service (LOS) means a measure of performance and/or of demand versus available capacity of public services and facilities. Regarding roadways, LOS is based primarily on travel speeds on a scale of A through F. Roads operating at LOS-A are at optimum efficiency with the lower grade roads reflecting travel conditions that are progressively worse. For the purposes of this division and the county concurrency management system, LOS reported for roadways is based on peak hour conditions. Level of service E and F roads and/or roads with a volume-to-capacity (v/c) ratio of 0.9 or more are operating below the adopted level of service standard established in the comprehensive plan and the concurrency test statement.

~~*Long-term concurrency management corridor* means a road designated for application of long-term concurrency management provisions which are designed to correct existing level of service deficiencies over a planning period of up to 15 years through the establishment of priorities, implementation of a long-term schedule of capital improvements and through commitment of local resources, such as earmarked impact fee revenues, intended to reduce backlogged conditions.~~

~~*Proportionate fair share* is a provision that allows for development projects to mitigate their impacts through "fair share" contributions to facilities identified for capacity improvements in the capital improvements element.~~

Public facilities and services means those necessary public facilities and services covered by a comprehensive plan element for which level of service standards have been adopted by the county. The necessary public facilities and services are: roads, sanitary sewer, solid waste, drainage, potable water, recreation, and mass transit.

~~*Strategic Intermodal System (SIS)* is made up of statewide and regionally significant facilities and services including the state's largest and most significant commercial service airports, spaceport, deepwater seaports, freight rail terminals, passenger rail and intercity bus terminals, rail corridors, waterways and highways.~~

~~*Transportation concurrency* means "transportation facilities needed to serve new development shall be in place or under actual construction within three years after the local government approves a building permit or its functional equivalent that results in traffic generation" [F.S. § 163.3180(2)(c)].~~

~~*Transportation management plan*, as developed by an applicant representing a proposed development, is submitted in conjunction with individual site plans seeking to utilize transportation management strategies to mitigate development impacts, protect roadway capacity and to increase mobility. These strategies include, but are not limited to, density/intensity reductions, project phasing, access controls, capital improvements and/or incentives encouraging mass transit, bicycle or pedestrian travel, ride sharing or roadway improvements.~~

~~*Transportation Regional Incentive Program (TRIP)* is a funding program created to improve regionally significant transportation facilities in "regional transportation areas". State funds are available throughout Florida~~

~~to provide incentives for local governments and the private sector to help pay for critically needed projects that benefit regional travel and commerce.~~

~~Volume-to-capacity (v/c) ratio means the rate of traffic flow of an intersection approach or group of lanes during a specific time interval divided by the capacity of the approach or group of lanes. Volume-to-capacity ratios provide a measure of traffic congestion and are utilized in the concurrency management system to identify congested road segments and to minimize the transportation impacts of development projects that affect them.~~

SECTION 2. SECTION 134-222 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS HEREBY DELETED.

~~Sec. 134-222. Authority; adoption of legislative findings.~~

~~(a) This division is adopted in compliance with, and pursuant to, the local government comprehensive planning and land development regulation act, F.S. § 163.3184 et seq.~~

~~(b) This division is adopted pursuant to the constitution and home rule powers in Fla. Const. art. VII, F.S. ch. 125 and article II of the Pinellas County Home Rule Charter.~~

~~(c) The legislative findings are as follows:~~

~~(1) The board of county commissioners adopted amendments to the Pinellas County Comprehensive Plan based on the findings of the state required evaluation and appraisal report on February 17, 1998. The board also adopted subsequent amendments to the plan on April 21, 1998 regarding the establishment of a long-term concurrency management system on U.S. Highway 19 pursuant to a compliance agreement between the Florida Department of Community Affairs (FDCA) and Pinellas County. The execution of the compliance agreement is prerequisite to receiving notification from the department of community affairs that the comprehensive plan is in compliance with F.S. ch. 163 and Rule 9J-5, F.A.C. Pinellas County received this notification of compliance from FDCA on May 22, 1998;~~

~~(2) The transportation element of the comprehensive plan identifies a number of highway system facilities operating under deficient level of service conditions; county and state roads operating with deficient level of service conditions that are not scheduled for a mitigating improvement or designated in the concurrency test statement ordinance as constrained. These require the application of concurrency management provisions in order to minimize transportation impacts until such time when the improvements necessary to alleviate the deficient level of service conditions, as identified in the comprehensive plan and the MPO long-range transportation plan, are implemented;~~

~~(3) F.S. ch. 163, was amended in 1993 to provide a long-term concurrency option, and for the designation of transportation concurrency management areas, if certain conditions are met. Rule 9J-5 F.A.C. specifies the conditions which must be met in order for a local government to utilize these options. The county incorporated supporting policies for the implementation of long-term concurrency management in the transportation element of the county comprehensive plan, as amended by the board of county commissioners on April 21, 1998, as well as the plan's concurrency management system provisions;~~

~~(4) The 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), which sets forth requirements for metropolitan transportation planning, promotes integrated transportation systems that maximize mobility and accessibility and the preservation, rather than the construction, of highways;~~

~~(5) The Florida Department of Community Affairs (FDCA), and the Florida Department of Transportation (FDOT) District 7 office agreed to allow the county to apply long-term concurrency management, as described in Chapter 9J-5, F.A.C., to U.S. Highway 19 segments that are operating with deficient levels of service and that are not scheduled for improvements necessary to alleviate the deficient LOS conditions. Impact fee revenues generated from development within the corridor and earmarked by the county must be committed to improving the facility in this interim period;~~

~~(6) Implementation of U.S. Highway 19 and other state road improvements, as identified in the comprehensive plan and the policy element of the metropolitan planning organization long-range plan, that are not scheduled for a mitigating improvement or designated in the concurrency test statement ordinance as constrained are reliant upon state and federal funding;~~

~~(7) The county comprehensive plan provides data, analysis, and policies supporting the intent of the county to minimize the impacts of development on state facilities operating with deficient level of service~~

- conditions through the application of its concurrency management system and supporting land use policies;
- ~~(8) Transportation management plan strategies are important components of concurrency management for purposes of minimizing development impacts and maximizing mobility and accessibility consistent with the comprehensive plan and SAFETEA-LU;~~
 - ~~(9) Volume to capacity (v/c) ratios indicate the level of congestion on a roadway and, used in conjunction with level of service grades (based primarily on travel speeds), provide a more comprehensive assessment of operating conditions;~~
 - ~~(10) The amendment of F.S. ch. 163 in 2005 required local governments to adopt proportionate fair share programs by December 2006;~~
 - ~~(11) The purpose of the proportionate fair share provisions in this section is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the proportionate fair share program, as required by and in a manner consistent with F.S. ch. 163.3180(16); and~~
 - ~~(12) The amendment of F.S. ch. 163 in 2005 calls for local governments to apply concurrency management provisions in a coordinated and cooperative manner.~~

SECTION 3. SECTION 134-223 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS RENUMBERED AND AMENDED AS FOLLOWS:

Sec. 134-~~223~~222. Purpose and intent.

- (a) It is the purpose of this division to establish a concurrency management system to ensure that facilities and services needed to support development are available concurrent with the impacts of such development. Prior to the issuance of a development order and/or development permit, this concurrency management system shall ensure that the adopted level of service standards required for ~~roadways~~, potable water, wastewater, solid waste, stormwater, recreation, and mass transit shall be maintained.
- (b) The concurrency management system is intended to serve the long-term interests of the citizens of the county by implementing a managed growth perspective that preserves the capacity of important infrastructure facilities and services.

SECTION 4. SECTION 134-224 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS RENUMBERED AS FOLLOWS:

Sec. 134-~~224~~223. Areas embraced.

The provisions of this division shall apply to any property within the unincorporated areas of the county. The provisions of this division shall also apply to incorporated areas of the county that are provided service by a county facility or service evaluated in this division and may apply to incorporated areas provided service by a state facility or service evaluated in this division.

SECTION 5. SECTION 134-225 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS RENUMBERED AND AMENDED AS FOLLOWS:

Sec. 134-~~225~~224. - Concurrency management system; procedure.

- (a) 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 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.
- (b) Review of application for development.
 - (1) 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 the ~~seven~~-public facilities and services identified in this division, as they may apply.
- (2) If the application for development is not reviewable as submitted, then the application for development shall be returned to the property owner or representative clearly stating what the deficiencies are and why the application for development cannot be further reviewed.
- (c) Concurrency test statement applied.
- (1) After an application for development is accepted and passes review, it will be compared to the most recently adopted concurrency test statement. The county shall compare the application for development to the ~~seven~~-public facilities and services on the current concurrency test statement, as they may apply to the location described on the application for development.
- (2) If the application for development being proposed is found to be exempt from the formal concurrency review, a certificate of concurrency, or its functional equivalent, is not required.
- ~~(3) If the application for development is found to be located within a concurrency management corridor, then a certificate of concurrency or its functional equivalent shall indicate whether the proposal is acceptable or acceptable with conditions. In those instances where conditions are required, the specific conditions will be identified during site plan review. The conditions that may be applied include, but are not limited to, those listed in section 134-227.~~
- (43) 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 ~~other than roads~~, then a certificate of concurrency or its functional equivalent shall state that development shall either not be authorized or be authorized with conditions to be identified in the concurrency test statement.
- (54) A certificate of concurrency or its functional equivalent shall be issued within 14 days of receipt of an acceptable application for development. This period of time may be waived by the county administrator, with additional time granted, based upon the circumstances of the situation.
- (d) Certificate of concurrency determination—Continued validity.
- (1) The certificate of concurrency or its functional equivalent shall indicate the date of issuance and will be valid for purposes of the issuance of development orders or permits for 12 months from the date of issuance.
- (2) Any development order or permit that is issued within the effective period of a validly issued certificate of concurrency or its functional equivalent shall be vested, for the purposes of concurrence, until the expiration of that development order or development permit, provided that development commences within the validity period of the development order or permit and continues in good faith, except that for purposes of a development order or development permit that authorizes construction, the validity period shall be limited to six months from the date of approval of the development order or development permit. Under no circumstances shall the validity period for a development order or permit or application for development under an existing certificate of concurrency or its functional equivalent be extended by action on a subsequent development order or permit for the same project or proposal, except when review of the subsequent development order or permit or application for development is based upon a more recently adopted or amended concurrency test statement, or subsection (d)(3), below, applies.
- (3) For those certificates of concurrency or its functional equivalent issued for a development agreement entered into by the county, pursuant to the provisions of F.S. §§ 163.3220—163.3243, as amended, the duration of such certificate of concurrency, as issued, shall be for the time period stated within the development agreement.
- (e) Same—Development order or development permit compliance. All development orders and development permits issued and approved after the effective date of this division shall be based upon and in compliance with, the certificate of concurrency or its functional equivalent issued for that development proposal. A development order or development permit shall be in compliance with its underlying certificate of concurrency or its functional equivalent 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 certificate of concurrency or its functional equivalent.
- (f) Site plan requirements.

- ~~(1) Credits for previous uses. The application of trip credits attributable to the number of trips generated by a previous and existing on-site use, may be used in concurrency management areas, as depicted in the most recently adopted concurrency test statement, with certain limitations. The previous use and subsequent trips generated by that use must have been accounted for in the current adopted concurrency test statement. The applicant will be required to provide proof of such existing uses in a form acceptable to the county administrator or his designee. Such documentation will be required to verify that the trips associated with the property in question were accounted for in the most current adopted concurrency test statement. The applicant may receive a traffic generation credit up to the number of trips consistent with the highest documented use the applicant is able to substantiate under the above conditions, as deemed appropriate by the county administrator, or his designee.~~
- (2) Submittal of a new site plan. Consistent with the county's comprehensive zoning ordinance, and as accepted by the county administrator or his designee, modifications may be made to an already submitted site plan. This will constitute a revision to the existing certificate of concurrency documentation, and the county's records will reflect such revision. A revision will not result in any extension to the validity time frames associated with the certificate of concurrency or its functional equivalent issued for the initial site plan, and will not justify the issuance of a new certificate or functional equivalent. Modifications in demand on facilities will be reflected in the tracking mechanism. If the county administrator or his designee determines that such modifications constitute substantial deviation, as defined in the comprehensive zoning ordinance, from the original project proposal, submittal of a new site plan will be required. In such instances, the certificate of concurrency or its functional equivalent issued for the original site plan submittal will no longer be valid, and the site plan will be subject to a concurrency review against the most current adopted concurrency test statement and all provisions within.
- ~~(3) For a parcel legally described in an approved final development plan which lies within an area subject to concurrency management requirements there can be no accumulation of development through subsequent and/or separate site plan submittals for such property, which allows for a cumulative total that exceeds the density and intensity limits associated with the applicable concurrency management corridor designation.~~

SECTION 6. SECTION 134-226 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS RENUMBERED AND AMENDED AS FOLLOWS:

Sec. 134-226225. Concurrency test statement and monitoring system.

- (a) On an annual basis, the planning department shall develop and recommend a concurrency test statement, or any proposed amendments to the existing statement, to the county administrator. The county administrator shall convey such proposed statement or amendment, along with the local planning agency recommendations, to the board of county commissioners for final adoption.
- (b) The planning department, in coordination with the department of building and development review services, shall establish and maintain a concurrency management monitoring system for the purposes of monitoring the status of public facilities and services and establishing concurrency test statements.
- (c) 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.). These calculations are based upon data accumulated in the concurrency monitoring system, data supplied by individual county departments, as well as a reasonable projection for the progress of each proposal or project, population growth projections, or such other considerations as good planning practices would deem appropriate.
- (d) A concurrency test statement shall be issued every year. Nothing in this division 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 the adopted

level of service; or where changes in the status of capital improvement projects, of the state or any local government, change the underlying assumptions of the current concurrency test statement.

- (e) Under no circumstances will an amended concurrency test statement divest those rights acquired, pursuant to subsection 134-225(d), 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.
- (f) A concurrency test statement shall include, at a minimum, the following:
 - (1) For potable water, wastewater, solid waste, and stormwater, that the following are minimum standards that, when met, will satisfy the concurrency requirement:
 - a. The necessary facilities and services are in place at the time a development order or permit is issued;
 - b. A development order or permit is issued subject to the condition that, at the time of issuance of a certificate of occupancy or its functional equivalent, the necessary facilities and services are in place of and available to serve the new development;
 - c. 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 subsections (f)(1)a, and b of this section. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. §§ 163.3220 et seq., or an agreement or development order issued pursuant to F.S. ch. 380.
 - (2) For recreation, the county shall satisfy the concurrency requirement by complying with the following standards:
 - a. At the time the development order or permit is issued, the necessary facilities and services in place or under actual construction; or
 - b. 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
 - c. 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 ~~six~~ten-year schedule of capital improvements in the Pinellas County Capital Improvements Element; or
 - d. 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
 - e. At the time the development order or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to F.S. § 163.3220, or an agreement or development order issued pursuant to F.S. ch. 380, to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent.
 - ~~(3) For roads and mass transit, where the county has committed to provide the necessary public facilities and services in accordance with the six year schedule of capital improvements, the county will satisfy the concurrency requirement by assuring that the following provisions are met, except as otherwise provided in sections 134-228, 134-229 and 134-230:~~
 - ~~a. The capital improvements element and a six year schedule of capital improvements, in addition to meeting all of the other statutory and rule requirements, is financially feasible.~~
 - ~~b. The six year schedule of capital improvements includes both necessary facilities to maintain the adopted level of service standards to serve the new development proposed to be permitted and the necessary facilities required to eliminate that portion of existing deficiencies which are a priority to be eliminated during the six year period under the county's plan schedule of capital improvements.~~

- ~~c. The funding system is realistic, financially feasible, and based on currently available revenue sources which are adequate to fund the public facilities required to serve the development authorized by the development order and development permit and those public facilities which are included in the six year schedule of capital improvements.~~
- ~~d. The six year schedule of capital improvements includes the estimated date of commencement of actual construction and the estimated date of project completion.~~
- ~~e. Actual construction of the necessary road or mass transit facilities and services needed to serve new development shall be in place or under actual construction within three years after the local government approves a building permit or its functional equivalent that results in traffic generation.~~
- ~~f. A plan amendment shall be required to eliminate, defer, or delay construction of any facility or service which is needed to maintain the adopted level of service standard and which is listed in the six year schedule of improvements.~~
- ~~g. The county shall implement this and other local development regulations, in conjunction with the capital improvement element, so as to ensure that development orders and permits are issued in a manner that will assure that the necessary public facilities and services will be available to accommodate the impact of that development.~~
- ~~h. In determining the availability of services or facilities, a developer may propose, and the county may approve, developments in stages or phases so that facilities and services needed for each phase will be available in accordance with the standards required by subsection (f) of this section.~~

SECTION 7. SECTIONS 134-227 THROUGH 231 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE ARE HEREBY DELETED.

Sec. 134-227. Transportation management plan.

- ~~(a) Transportation management plans are to be submitted by applicants of development projects in conjunction with their site plans. Transportation management plans are required for development applications seeking to utilize transportation management strategies/improvements to mitigate development impacts in order to exceed the minimum density/intensity requirements associated with the different roadway designations. The extent of the strategies/improvements included in an approved transportation management plan in terms of the scale of the project(s) and roadway capacity and/or mobility benefits provided shall be based primarily on the projected impact of the development project on the surrounding traffic circulation system. Specific conditions of the particular concurrency management corridor impacted by the development will also be considered. Transportation management plan strategies/improvements applicable to development projects within concurrency management corridors will be determined at the time of site plan review. Transportation management plans must be developed by the applicant and accepted by the county. Transportation management plan strategies/improvements include, but are not limited to, the following:

 - ~~(1) Intensity reduction. The intensity of the proposal may be reduced through an across-the-board reduction of the permitted floor area ratio, as it would otherwise normally apply to the proposal. Other such corrective actions that would reduce the intensity of the proposal may also apply.~~
 - ~~(2) Density reduction. The density of the proposal may be decreased by a reduction in the number of units per acre below that which would otherwise normally apply to the proposal.~~
 - ~~(3) Project phasing. A project may be divided into logical phases of development by area, with later phases of the development proposal's approval withheld until the needed facilities are available.~~
 - ~~(4) Outparcel deletion. Those portions of the proposal characterized as outparcels that create separate and unique impacts may be deleted from the total proposal.~~
 - ~~(5) Physical highway improvements. A project may construct link capacity improvements, acceleration/deceleration lanes, intersection improvements or frontage roads.~~
 - ~~(6) Operational improvements (signal). This includes efforts involving signal removal or signal timing improvements.~~~~

- (7) ~~Access management strategies. These include access management controls such as the preclusion of a direct connection to an LOS deficient facility, right in/right out driveways, alternative driveway locations, single point access, shared access or the implementation of median controls.~~
- (8) ~~Mass transit initiatives. A project may implement a plan to encourage transit (e.g., employer issued bus passes). Other mass transit initiatives may include direct route subsidies, provision of feeder service or the construction of bus stop amenities.~~
- (9) ~~Ride-sharing incentives. These include efforts to encourage ride-sharing (e.g., designated parking spaces for carpools, employer-sponsored carpool program, participation in transportation management organization/initiative programs).~~
- (10) ~~Bicycle/pedestrian improvements. These would involve structural improvements or construction of a bikeway or sidewalk connecting an existing bikeway/sidewalk network or providing access to a school, park, shopping center, etc.~~
- (11) ~~Intelligent transportation system improvements. This includes improvements pertaining to computerized traffic signal systems that automatically adjust to maximize traffic flow and to permit emergency vehicles to pass through intersections quickly. It also includes freeway management systems, such as electronic message signs, and electronic fare payment on public buses that reduce passenger boarding time.~~
- (b) ~~Transportation management plans seeking to implement strategies that do not involve structural improvements, such as ride-sharing and transit incentive programs, must include a monitoring program to ensure the strategies are carried out in accordance with the plan, as developed by the applicant and accepted by the county.~~

~~Sec. 134-228. Congestion containment corridors; transportation management plan strategies applied.~~

- (a) ~~Congestion containment corridors include parcels, all or a portion of which lie within a corridor as defined in this section. Development projects may not exceed 50 percent of the maximum floor area, dwelling units/rooms allowed under the applicable zoning district. If the applicant agrees to implement one or more transportation management plan strategy(ies) that will further reduce transportation impacts, the 50 percent density/intensity maximum may be exceeded commensurate with the extent of the impact reductions.~~
- (b) ~~In support of the provisions of this subsection regarding congestion containment corridors, policies in the future land use and transportation elements of the comprehensive plan seek to discourage future land use map (FLUM) amendments, that allow for an increase in trips generated from sites proposed for amendment.~~

~~Sec. 134-229. Constrained areas and deficient state facilities with no mitigating improvements scheduled or planned; transportation management plan strategies applied.~~

- (a) ~~It is recognized by the department of community affairs and the county that some roadway facilities may never be improved sufficiently to meet the minimum level of service standard. These facilities under county jurisdiction are generally referred to as constrained as defined in section 134-221. The county shall participate in the MPO annual process of establishing a countywide concurrency corridor map. The transportation element of the comprehensive plan contains supporting policies regarding the designation of these facilities and the management of transportation impacts that affect them. The department of transportation does not recognize this constrained designation. Therefore, state facilities operating with deficient levels of service that are not scheduled or planned for improvement necessary to alleviate these conditions are not identified as constrained.~~
- (b) ~~The provisions in this section apply to parcels, all or a portion of, which lie within a corridor, as defined in section 134-221.~~
- (c) ~~Roadways designated as constrained facilities are considered to be operating at deficient levels of service under current conditions or within the previous three years as identified in the concurrency test statement as identified in the county's transportation element of the comprehensive plan or the policy element of the MPO long-range transportation plan.~~
- (d) ~~Development projects may not exceed 50 percent of the maximum floor area/dwelling units/rooms allowed under the applicable zoning district. If the applicant agrees to implement one or more transportation management plan strategy(ies) that will further reduce transportation impacts, the 50 percent density/intensity maximum may be exceeded. The amount of the additional density/intensity allowed above the 50 percent maximum will be based on the extent of the impact reduction and consideration of the traffic~~

impacts of the project and the congestion level of the roadway as determined by the volume-to-capacity ratio indicated in the MPO level-of-service report.

- (e) In support of the provisions of this subsection regarding constrained corridors, policies in the future land use and transportation elements of the comprehensive plan seek to discourage future land use map (FLUM) amendments that allow for an increase in trips generated from sites proposed for amendment.

Sec. 134-230. Long-term concurrency management corridors; transportation management plan strategies applied.

- (a) It is recognized by the department of community affairs, the department of transportation and the county that FHHS facilities are strategically important as high-speed and high-volume inter-city and inter-regional roads. Therefore, given the need to protect the capacity of these roads, development should be mitigated and phased appropriately in order to minimize the impacts on levels of service until the state-funded improvements necessary to alleviate the deficient conditions on a long-term basis can be implemented. The department of transportation and the department of community affairs have approved the application of long-term concurrency management by the county on U.S. Highway 19. Impact fee revenues generated from development within the corridor will be earmarked to provide some of the funding needed for the improvements.

- (b) Long-term concurrency management provisions contained in this section apply to the portion of U.S. Highway 19 designated as a long-term concurrency management corridor in the transportation element of the comprehensive plan and the concurrency test statement.

- (c) Development projects within long-term concurrency management corridor segments may not exceed 50 percent of the maximum floor area, dwelling units/rooms allowed under the applicable zoning district. If the applicant agrees to implement a transportation management plan strategy(ies) that will reduce transportation impacts, the 50-percent density/intensity maximum may be exceeded commensurate with the extent of the impact reduction(s).

- (d) The state-funded improvements to U.S. Highway 19 identified in the comprehensive plan and the policy element of the MPO long-range transportation plan are necessary for the facility to operate at an acceptable level of service in the future. Remaining development not permitted under the provisions of subsection (c) of this section may be phased in upon the scheduling of these improvements within the first three years of the FDOT District 7 five-year work program.

- (e) In support of the provisions of this subsection regarding long-term concurrency management corridors, policies in the future land use and transportation elements of the comprehensive plan seek to discourage future land use map (FLUM) amendments that allow for an increase in trips generated from sites proposed for amendment.

Sec. 134-231. Proportionate fair-share program.

- (a) General requirements.

- (1) An applicant may choose to satisfy the transportation concurrency requirements of the county by making a proportionate fair-share contribution, pursuant to the following requirements:

- a. The proposed development is consistent with the comprehensive plan and applicable land development regulations.
- b. The six-year schedule of capital improvements in the Pinellas County CIE includes a transportation improvement(s) that, upon completion, will satisfy the requirements of this subsection. The provisions of subsection 134-231(a) may apply if a project or projects needed to satisfy concurrency requirements are not presently contained within the CIE.

- (2) The applicant may also choose to satisfy transportation concurrency by contributing to an improvement that, upon completion, will satisfy the requirements of this subsection, but that is not contained in the CIE where the following apply:

- a. Pinellas County adopts, by resolution or ordinance, a commitment to add the improvement to the CIE no later than the next regularly scheduled update. To qualify for consideration under this subsection, the proposed improvement must be determined to be financially feasible pursuant to F.S. § 163.3180(16)(b)1, consistent with the comprehensive plan, and in compliance with the provisions of this subsection. Financial feasibility for this subsection means that additional

~~contributions, payments or funding sources are reasonably anticipated during a period not to exceed ten years to fully mitigate impacts on the transportation facilities.~~

- ~~b. If the funds allocated for the CIE are insufficient to fully fund construction of a transportation improvement required for the applicant to comply with the terms of this subsection, the county may enter into a binding proportionate fair share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair share is calculated if the proportionate fair share amount in such agreement is sufficient to pay for one or more improvements which will significantly benefit the impacted transportation system.~~
- ~~c. The improvement or improvements funded by the proportionate fair share component must be adopted into the CIE.~~
- ~~d. Any improvement project proposed to meet the applicant's fair share obligation must meet design standards of the county and FDOT as applicable.~~

~~(b) Proportionate fair share mitigation agreement.~~

- ~~(1) Upon notification that a proposed development project is subject to transportation concurrency regulations and is eligible to participate in the proportionate fair share program, the applicant shall be notified in writing of such during the site plan review process pursuant to the requirements of subsection 134-231(a).~~
- ~~(2) If the applicant chooses to exercise this concurrency option, a meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. This may occur during a site plan review process pre-application meeting at the department of building and development review services. If the impacted facility is on the SIS or a TRIP funded facility, then the FDOT will be notified and invited to participate in the meeting.~~
- ~~(3) Pursuant to F.S. § 163.3180(16)(e), proposed proportionate fair share mitigation for development impacts to facilities on the SIS or TRIP funded facility requires the concurrence of the FDOT. Therefore, agreements involving improvements to SIS facilities will require approval by FDOT.~~
- ~~(4) After a mitigation project is identified and agreed upon by the county, the applicant and FDOT (if the project affects an SIS or TRIP funded facility), a proposed proportionate fair share obligation and binding agreement will be prepared by the county or the applicant with direction from the county. The final agreement will become a part of the site plan submittal which will be delivered to the appropriate parties for review. Final approval of the site plan and agreement rests with the county administrator.~~

~~(c) Determining proportionate fair share obligation.~~

- ~~(1) The proportionate fair share obligation shall be based on the impact a development has on a transportation facility as determined by a traffic impact analysis that assesses the distribution and volume of traffic generated by the proposed development.~~
- ~~(2) A facility shall be considered impacted when the net trips generated by the proposed development meets or exceeds five percent of the facility's peak hour capacity.~~
- ~~(3) Should the impacted facility be operating at an LOS that meets the locally adopted LOS standard, it would not be eligible for the application of proportionate fair share provisions.~~
- ~~(4) Should the impacted facility be operating at a substandard LOS based on existing conditions or as a result of the impacts of a proposed development, the facility would be identified as eligible for proportionate fair share provisions and the applicant would be notified as such.~~
- ~~(5) Proportionate fair share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.~~
- ~~(6) A development shall not be required to pay more than its proportionate fair share. The fair market value of the proportionate fair share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.~~
- ~~(7) The methodology used to calculate an applicant's proportionate fair share obligation shall be as provided for in F.S. § 163.3180(12) as follows:
The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an~~

improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS.

OR

$$\text{Proportionate Fair share} = \sigma \left[\left(\frac{\text{Development Trips}_{\text{sub}}}{\text{SV Increase}_{\text{sub}}} \right) \times \text{Cost}_{\text{sub}} \right]$$

Where:

$\text{Development Trips}_{\text{sub}}$ = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the CMS;

$\text{SV Increase}_{\text{sub}}$ = Service volume increase provided by the eligible improvement to roadway segment "i" per subsection 134-231(a);

Cost_{sub} = Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right of way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

- (8) For the purposes of determining proportionate fair share obligations, the county shall determine improvement costs based upon the actual cost of the improvement as obtained from the CIE or the MPO Transportation Improvement Program. Where such information is not available, improvement cost shall be determined using one of the methods described below.

a. An analysis by Pinellas County of construction costs that incorporates data from recent projects and is updated annually; or

b. The most recent issue of FDOT Transportation Costs, as adjusted based upon the type of cross-section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT work program shall be determined using this method in coordination with the FDOT district.

- (9) The value of a proportionate fair share mitigation project proposed by the applicant and accepted by the county shall be determined using one of the methods provided in this section.

- (10) The county may also accept right of way dedication for the proportionate fair share payment. Credit for the dedication shall be based on fair market value established by an independent appraisal approved by the county and at no expense to the county. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to Pinellas County at no expense to the county. If the estimated value of the right of way dedication proposed by the applicant is less than the estimated total proportionate fair share obligation for that development, then the applicant must also pay the difference.

~~(d) Impact fee credit for proportionate fair share mitigation.~~

- ~~(1) Proportionate fair share contributions shall be applied as a credit against impact fees consistent with the terms of the impact fee section of the Pinellas County Land Development Code.~~

- ~~(2) Impact fee credits for the proportionate fair share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. Impact fees owed by the applicant will be reduced per the proportionate fair share agreement as they become due per the impact fee section of the Pinellas County Land Development Code. If the applicant's proportionate fair share obligation is less than the development's anticipated road impact fee for the specific stage or phase of development under review, then the applicant or its successor must pay the remaining impact fee amount to the county.~~

~~(e) Proportionate fair share agreements.~~

- ~~(1) Upon execution of a proportionate fair share agreement, the applicant shall receive transportation concurrency approval or functional equivalent. Should the applicant fail to apply for a development permit in accordance with section 134-225, then the agreement shall be considered null and void, and the applicant shall be required to reapply.~~

- ~~(2) Payment of the proportionate fair share contribution is due in full prior to issuance of the final development order or recording of the final plat and shall be non-refundable. If the payment is submitted more than 12 months from the date of execution of the agreement, then the proportionate fair share cost shall be recalculated at the time of payment based on the best estimate of the~~

~~construction cost of the required improvement at the time of payment, pursuant to subsection 134-231(c) and adjusted accordingly.~~

- ~~(3) All proportionate fair share mitigation improvements authorized under this subsection must be completed prior to issuance of a development permit, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. It is the intent of this subsection that any required improvements be completed before issuance of building permits or certificates of occupancy.~~
- ~~(4) Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair share agreement must be completed prior to issuance of the final development order or recording of the final plat.~~
- ~~(5) Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair share contributions to the extent the change would generate additional traffic that would require mitigation.~~
- ~~(6) Applicants may submit a letter to withdraw from the proportionate fair share agreement at any time prior to the execution of the agreement.~~
- ~~(7) The county may enter into proportionate fair share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.~~
- ~~(f) Appropriation of fair share revenues.~~
 - ~~(1) Proportionate fair share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the CIE, or as otherwise established in the terms of the proportionate fair share agreement. Proportionate fair share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair share revenues were derived. Proportionate fair share revenues may also be used as the 50 percent local match for funding under the TRIP.~~
 - ~~(2) In the event a scheduled proportionate fair share improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within the same corridor or planning sector that would mitigate the impacts of development pursuant to the requirements of subsection 134-231(a)(2)b.~~
 - ~~(3) Where an impacted facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in F.S. § 339.155 the county may coordinate with other impacted jurisdictions and agencies to apply proportionate fair share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT TRIP. Such coordination shall be ratified by the county through an interlocal agreement that establishes a procedure for earmarking the developer contributions for this purpose.~~
 - ~~(4) Where an applicant constructs a transportation facility that exceeds their proportionate fair share obligation calculated under subsection 134-231(c)(3), the county shall reimburse them for the excess contribution using one or more of the following methods:
 - ~~a. An impact fee credit account may be established for the applicant in the amount of the excess contribution, a portion or all of which may be assigned and reassigned under the terms and conditions acceptable to the county.~~
 - ~~b. An account may be established for the applicant for the purpose of reimbursing the applicant for the excess contribution with proportionate fair share payments from future applicants on the facility.~~
 - ~~c. The county may compensate the applicant for the excess contribution through payment or some combination of means acceptable to the county and the applicant.~~~~
- ~~(g) Cross jurisdictional impacts.~~
 - ~~(1) In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development and concurrency, the county may enter into an agreement with one or more adjacent local governments to address cross jurisdictional impacts of development on multi-jurisdictional transportation facilities. The agreement shall provide for application of the methodology in this subsection to address the cross jurisdictional transportation impacts of development.~~

- (2) ~~A development application submitted subject to transportation concurrency requirements and meeting all of the criteria listed below shall be subject to this subsection.~~
 - a. ~~All or part of the proposed development is located within one-half mile of the area which is under the jurisdiction, for transportation concurrency, of an adjacent local government.~~
 - b. ~~If the additional traffic from the proposed development would use five percent or more of the adopted peak hour LOS maximum service volume of a multi-jurisdictional transportation facility within the concurrency jurisdiction of the adjacent local government ("impacted multi-jurisdictional facility").~~
 - c. ~~The impacted multi-jurisdictional facility is projected to be operating below the level of service standard, adopted by the adjacent local government, when the traffic from the proposed development is included.~~
- (3) ~~Upon identification of an impacted multi-jurisdictional facility pursuant to subsection 134-231(2)(g)(c), the county shall notify the applicant and the affected adjacent local government in writing of the opportunity to derive an additional proportionate fair share contribution, based on the projected impacts of the proposed development on the impacted adjacent facility.~~
- (4) ~~The adjacent local government shall have up to 90 days in which to notify the county of a proposed specific proportionate fair share obligation, and the intended use of the funds when received. The adjacent local government must provide reasonable justification that both the amount of the payment and its intended use comply with the requirements of F.S. § 163.3180(16). Should the adjacent local government decline proportionate fair share mitigation under this subsection, then the provisions of this subsection would not apply and the applicant would be subject only to the proportionate fair share requirements of the county.~~
- (5) ~~If the subject application is subsequently approved by the county, the approval shall include a condition that the applicant provides, prior to the issuance of any building permit covered by that application, evidence that the proportionate fair share obligation to the adjacent local government has been satisfied.~~

SECTION 8. SECTION 134-232 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS RENUMBERED AND AMENDED AS FOLLOWS:

Sec. 134-232226. Recognition of the establishment of levels of service in the county comprehensive plan.

The county shall recognize those adopted levels of service, as defined in the comprehensive plan, as stated in the following subsections:

- (1) Stormwater. The following level-of-service standards are adopted for major drainage projects to support stormwater management goals:
 - a. 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.
 - b. The 25-year storm design standard shall confine the runoff from a 25-year, 24-hour rainfall event within drainage channel banks, or within designated 25-year floodplains, in order to protect human life and minimize property damage.
 - c. The 100-year storm design standard shall protect homes and commercial buildings against flooding by a 100-year, 24-hour rainfall event.
 - d. Preference shall be given to stormwater management options which restore floodplains and remove obstructions from floodways.
- (2) Recreation and open space. The county's adopted level of service standard is 14.0 acres of parks and environmental lands, in combination, available for every 1,000 residents (permanent and seasonal).
- (3) Solid waste and resource recovery. Disposal of 1.3 tons of solid waste per person per year.
- (4) Potable 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 serve 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:

- a. Institute additional water conservation measures;
- b. Halt or otherwise restrict the issuance of development orders and permits;
- c. Develop new sources of potable water within the parameters of the interlocal agreement;
- d. Purchase potable water from suppliers other than Tampa Bay Water;
- e. 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
- f. Use actions and alternatives not identified in this policy.

Pinellas County shall use the following level of service when preparing its annual five-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:

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

gpcd - gallons per capita per day

- (5) Wastewater. The concurrency management program adopted by the Pinellas County Board of County Commissioners shall recognize that wastewater treatment plants must be in compliance with the operational permit requirements of the state department of environmental protection regarding the availability of capacity. Additionally, wastewater flows associated with existing and permitted development cannot exceed the wastewater treatment plant's permitted design capacity.
 - a. Wastewater flows associated with existing and permitted development cannot exceed the wastewater treatment plant's permitted design capacity.
 - b. Treated effluent and biosolids shall meet all pertinent federal, state and local standards and regulations for treatment, reuse and disposal.
 - c. 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.
 - d. 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.
 - e. If an annual assessment evidences that a capacity deficit could occur within ten 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.
 - f. 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.
- ~~(6) Traffic circulation. The county shall maintain LOS C average daily/D peak hour and a v/c ratio of less than 0.9 on county and state roads with the exception of constrained and congestion containment facilities. The LOS standard on constrained and congestion containment facilities is LOS F. The transportation element contains policies regarding the maintenance of these LOS standards as well as the review of impacts associated with development and redevelopment projects within concurrency management corridors. Additional policies are included in the transportation element to implement and maintain the level of service standards for traffic circulation within the municipalities.~~
- ~~(7) Mass transit. The county, in cooperation with PSTA, shall ensure transit access to all major traffic generators and attractors with at least a 30-minute headway in the peak hour and no greater than a 60-~~

minute headway in the off-peak hour. (Major generators and attractors are defined as businesses with 500 or more employees or regional shopping centers.)

SECTION 9. SECTION 134-233 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS RENUMBERED AS FOLLOWS:

Sec. 134-~~233~~227. Intergovernmental coordination.

- (a) Provision of public facilities or services to other governmental entities. The county shall provide service to other local governmental entities within the county in accordance with the policies included in the comprehensive plan. The county shall administer this division such that development in those areas shall be consistent with the comprehensive plan and implementing ordinances, and actions of the county.
- (b) Receipt of public facilities or services from other governmental entities. Concerning those services that are provided by other governmental entities, the county shall recognize the level of service provided by such entities in accordance with the policies of the comprehensive plan. The county shall ensure that all development within its area shall be in accordance with such policies as identified in the comprehensive plan.

SECTION 10. SECTION 134-234 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS RENUMBERED AND AMENDED AS FOLLOWS:

Sec. 134-~~234~~228. Appeals, reviews, and variances.

- (a) Definitions. As used in this section:

Applicant means any person making an official request to the county for a development permit, as that term is defined in this division.

Concurrency review and *variance hearing administrator* means the county administrator.

Concurrency review and *variance hearing board* means representatives of the county administrator's office, the county attorney's office, the department of development review services and the planning, public works, and environmental management departments, and where necessary or appropriate, representatives from other departments affected in the application.

- (b) Eligibility for concurrency variance. Any applicant who applies for a hearing under subsection (d) of this section and demonstrates by competent, substantial evidence that the strict interpretation or enforcement of the provisions of this division would cause an exceptional and unique hardship, peculiar to the applicant's parcel and not shared by other property owners in the area, may be granted a variance to the provisions of this division. Variances may only be granted to the extent necessary to relieve the hardship. Upon granting concurrency variances, additional safeguards and conditions may be required to ensure proper compliance with the general spirit, purpose and intent of this division and of the comprehensive plan.
- (c) Eligibility for review of an administrative decision. Any applicant who has been aggrieved by an administrative decision in the application or interpretation of the provisions of this division to his particular application for development may apply for a review of that decision to the concurrency review and variance hearing board.
- (d) Review hearing procedure.
 - (1) Any applicant who requests a concurrency review and variance hearing shall do so in writing to the planning department of development review services. Requests need not be in any particular form but must clearly indicate when the original application was made, what the variance or review concerns, what property or project the application involved, and be accompanied by a payment determined to be sufficient to cover the cost of providing the hearing procedure. Notice shall be that same notice provided for a board of adjustment case.
 - (2) The concurrency review and variance hearing board shall conduct a public hearing on all requests.
 - (3) An applicant's failure to appear or be represented at a scheduled review hearing shall be sufficient cause to deny the application on the strength of lack of evidence.
 - (4) Within 21 days after the applicant's review hearing, the concurrency review and variance hearing administrator shall have considered the findings of the concurrency review and variance hearing board and have made available to the public, in writing, his decision of denial or approval, with or without

conditions. Such report shall be released through the planning department. If agreed to by all parties, this requirement may be waived.

(e) Appeals procedure.

- (1) Any applicant who wishes to contest the validity of a concurrency determination by the concurrency review and variance hearing administrator after a review hearing may file for an appeal before the board of adjustment. Appeal filings shall not be required to be in any particular form, but shall be filed with the planning department within ten days after the denial, with a copy sent to the clerk of the board of county commissioners. Each appeal filing must clearly indicate when the original application was heard by the concurrency review and variance hearing board, what property or project the application involved, and be accompanied by a payment in sufficient amount to cover the cost of processing the appeal, providing the public hearing, and publishing notice which shall be the same as required for other hearings before the board of adjustment.
- (2) The board of adjustment shall conduct the public hearing on all appeals as soon as practicable.
- (3) An applicant's failure to appear or be represented at a scheduled appeal hearing shall be sufficient cause to deny the application on the strength of lack of evidence.
- (4) The applicant is required to present substantial competent evidence, on the record, that establishes the applicant's right to a more favorable decision.
- (5) In passing upon applications, the board of adjustment or the review and variance hearing administrator shall consider all technical evaluations, all relevant factors, standards specified in other sections of this division or in the comprehensive plan, and shall utilize the following generalized guidelines and criteria:
 - a. That the variance, review, or decision on appeal will not confer on the applicant any special privilege that is otherwise denied by this division to other similarly situated lands;
 - b. That any variance, review, or decision on appeal is the minimum increase in intensity or density that will make possible the reasonable use of the land, building, or structure, consistent with the need to protect public facilities or services;
 - c. That the variance, review, or decision on appeal is not inconsistent with the general intent, purpose, and spirit of this division, or with the county comprehensive plan;
 - d. That the variance, review, or decision on appeal will not be injurious to the area involved or otherwise detrimental to the public welfare;
 - e. That the variance, review, or decision on appeal shall not authorize a development in conflict with any other county ordinance or the county comprehensive plan; and
 - f. That the variance, review, or decision on appeal is based upon evidence submitted by the applicant that factually supports the variance, review, or decision on appeal.

~~(6) Further, the board of adjustment or the review and variance hearing administrator may consider the following site specific guidelines and criteria:~~

- ~~a. The expected timing of traffic impacts associated with the particular proposed use, and the status of levels of service associated with those impacts;~~
- ~~b. The proximity of intersections or highway links with identified service problems, the resolution of which involve solutions that will be impaired or prevented by the issuance of a variance, review, or appeal;~~
- ~~c. The ability of the applicant to utilize transportation management strategies as options to reduce the amount of the required variance, review, or appeal; and~~
- ~~d. The availability of alternative locations, not subject to concurrency management corridor requirements for the proposed use.~~

~~(76) Appeals of the decisions of the board of adjustment made pursuant to this division shall be by petition for writ of certiorari to the circuit court.~~

~~(87) The department of planning shall maintain a summary record of all appeals that have been acted on by the board of adjustment with a report then submitted on a quarterly basis to the county administrator to file with the board of county commissioners.~~

(f) Applicability of appeals procedures.

- (1) This section shall not be interpreted to limit or enhance the applicability of F.S. § 163.3215.

~~(2) This section shall apply to all decisions, determinations and results of applications made under the concurrency management system as soon as it becomes effective, as provided for in this division and Ordinance No. 89-49. In the event of any conflict between this division and Ordinance No. 89-49 as to the effective date or applicability of this division, the provisions of this division shall control.~~

(32) As provided for in section 134-85, in order to prevent the taking of property, any party challenging a decision, determination or result made under this division as a temporary or permanent taking of private property must exhaust the provisions of this section and any other subsequently enacted administrative procedures, including special master procedures under F.S. ch. 70.001, before any action on a request for development is deemed final by any competent court or quasi-judicial proceeding having jurisdiction.

SECTION 11. SECTION 134-256 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS AMENDED AS FOLLOWS:

Sec. 134-256. Purpose and intent.

(a) The concurrency test statement is a status report on the ability of public services and facilities to meet the demands of existing and committed development and provide an acceptable level of service. In section 134-259 of this division, which contains detailed information on county services and facilities, ~~state roads, and mass transit,~~ it was determined that ~~with the exception of certain state and county roads shown in section 134-259(6),~~ all public services and facilities evaluated in this division are currently providing an acceptable level of service based on the level of service standards contained in the concurrency management system for the county and the county comprehensive plan. For the purpose of determining the ability of a municipal service or facility to provide an acceptable level of service for unincorporated areas within a municipal service area, the county will rely upon information from the applicable jurisdiction indicating capacity availability.

~~(b) This division also identifies concurrency management corridors for county and state roads and contains provisions and measures that shall apply within these areas to prevent additional deterioration of facilities operating at or below the adopted level of service standard.~~

(eb) Section 134-258 provides a summary of the level of service conditions for utilities, recreation/open space, drainage, ~~county and state roads,~~ and mass transit. If the existing level of service as shown in the table in section 134-258 equals or exceeds the adopted level of service standard, and all other level of service conditions are met, then that facility or service is considered to be providing an acceptable level of service. In section 134-259, the calculated existing levels of service for county services and facilities are compared to level of service standards contained in the adopted concurrency management system ordinance and the adopted county comprehensive plan. The source of the population figures used in section 134-259 is explained in section 134-260. The population figures used to evaluate public facilities/services in section 134-259 are the sum of the estimated existing population and the population associated with committed residential dwelling units.

(ec) Section 134-260 describes the methodology used to determine the level of service conditions.

SECTION 12. SECTION 134-258 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS AMENDED AS FOLLOWS:

Sec. 134-258. Level of service conditions—For utilities, recreation/open space, and stormwater, ~~roadways and mass transit.~~

The following table sets out a summary of level of service (LOS) conditions for utilities, recreation and open space, and stormwater~~drainage, roadways and, mass transit:~~

Public Facility/Service	Existing LOS	Adopted LOS Standard	Status of Public Facility/Service of this Code
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Pinellas County Water Demand Planning Area (PCWDPA)	Tampa Bay Water is able to meet annual demand	Refer to section 134-259(1)(b) of the Pinellas County Code	Acceptable
Pinellas County Wastewater System			
1) William E. Dunn	1) 6.386.56 6.56 mgd based on a capacity of 9.00 mgd	Refer to section 134-259(2) of the Pinellas County Code	1) Acceptable
2) So. Cross Bayou	2) 21.1125.27 25.27 mgd based on a capacity of 33.00 mgd		2) Acceptable
Recreation and Open Space (Countywide)	16.08 15.85 acres/1,000 residents	14.0 acres/1,000 residents	Acceptable
Solid Waste and Resource Recovery (Countywide)	County is able to dispose of the solid waste for which it is responsible (current generation rate is 0.85-90 tons/person/year)	1.30 tons/person/year	Acceptable
Stormwater		Refer to section 134-259(5) of the Pinellas County Code	Acceptability determined at time of site plan review
Mass Transit	All major generators and attractors are served	Service to all major generators and attractors	Acceptable
County Roads	Varies per road segment	C average daily/D peak hour and v/c ratio less than 0.9 with the exception of constrained and congestion containment facilities. The LOS standard on constrained and congestion containment facilities is LOS F.	See section 134-259(6) of this Code

SECTION 13. SECTION 134-259 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS AMENDED AS FOLLOWS:

Sec. 134-259. Same—For public services and facilities.

The level of service conditions for public services and facilities are as follows:

(1) Pinellas County Water Demand Planning Area (PCWDPA).

- a. Existing level of service. Tampa Bay Water is able to supply all potable water required by Pinellas County Utilities to service its customers.
- b. Adopted level of service standard.
 1. 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 serve its customers shall be supplied by Tampa Bay Water.
 2. In the event that Tampa Bay Water determines that the regional system has experienced a shortfall or a production failure as defined in the Interlocal Agreement, Pinellas County shall respond with one or more of the following actions and alternatives:
 - i. Institute additional water conservation measures;
 - ii. Halt or otherwise restrict the issuance of development orders and permits;
 - iii. Develop new sources of potable water within the parameters of the interlocal agreement;
 - iv. Purchase potable water from suppliers other than Tampa Bay Water;

- v. 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
 - vi. Use actions and alternatives not identified in this policy.
3. Pinellas County shall use the following level of service when preparing its annual five-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
gallons per capita per day (gpcd)

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

- c. Potable water use for Pinellas County Water Demand Planning Area (PCWDPA).

Average daily flow (August ~~2013-2014~~ through August ~~2014~~2015) for the PCWDPA = ~~*57.33~~55.38 million gallons per day (mgd)

~~57.33~~55.38 mgd based on: ~~51.77~~49.72 mgd from Pinellas County Utilities + ~~5.06~~5.09 mgd from the City of Clearwater Utilities + ~~0.50~~0.57 mgd from the City of Tarpon Springs Utilities

Calculation: Pinellas County ~~51.77~~49.72 + Clearwater ~~5.06~~09 + Tarpon Springs ~~0.50~~57 = ~~57.33~~55.38

PCWDPA population as of August ~~2014~~2015 = ~~701,528~~703,055

Existing level of service = ~~57.33~~55.38 mgd ÷ ~~701,528~~703,055 = ~~82.87 gpcd~~

Calculation: (~~57.33~~55.38 ÷ ~~701,528~~703,055) = ~~8.17216133~~ × 1,000,000 = ~~81.778.7~~ = ~~82.79~~

Maximum daily flow (Pinellas County Utilities only) = ~~56.90~~55.62 mgd

Projected population increase in the PCWDPA (based on the difference between the August ~~2015~~2016 projected population and the August ~~2014~~2015 population) = ~~1,527~~7,272

Calculation: ~~703,055~~710,327 - ~~701,528~~703,055 = ~~1,527~~7,272

Projected ~~2015-2016~~ water demand = ~~55.38~~57.33 mgd + [~~7,272~~1,527 × ~~82.79~~] = ~~0.13~~0.57 mgd] = ~~57.33~~55.38 mgd + ~~0.13~~0.57 mgd = ~~57.46~~55.95 mgd

Calculation: ~~57.33~~55.38 + ~~1,527~~7,272 × 82 ÷ 1,000,000 = ~~0.129~~ = ~~0.13~~0.57
~~57.33~~55.38 + ~~0.13~~0.57 = ~~57.46~~55.95

Status of potable water level of service conditions: acceptable; no existing or projected capacity deficits.

- (2) Sanitary sewer system/wastewater treatment. Adopted level of service standards for wastewater treatment: William E. Dunn Wastewater Treatment Plant and South Cross Bayou Wastewater Treatment Plant.
- a. Wastewater flows associated with existing and permitted development cannot exceed the wastewater treatment plant's permitted design capacity.

- b. 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 permitted development.
- c. If an annual assessment evidences that a capacity deficit could occur within ten 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.
- d. System-wide considerations. Treated effluent and sludge shall meet all pertinent federal, state and local standards and regulations for treatment, reuse and disposal.

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

Pinellas County Utilities Wastewater System Capacity Analysis:
Summary of Level of Service Conditions

	Year	Estimated or Projected Service Area Population	Facility Design Capacity (MGD)	Estimated or Projected Average Daily Flow (MGD)*	Estimated or Projected Average Daily Flow Per Person (GPCPD)*	Capacity Surplus (or Deficit) (MGD)	Percent of Plant Capacity
William E. Dunn							
actual data	2009	109,772	9.00	6.38	60	2.62	71%
actual data	2010	103,006	9.00	6.40	62	2.60	72%
actual data	2011	103,155	9.00	6.19	62	2.45	72%
actual data	2012	103,304	9.00	6.72	65	2.28	75%
actual data	2013	102,577	9.00	6.56	64	2.44	73%
<u>actual data</u>	2014	103,091	9.00	6.60	64	2.40	73%
<u>actual data</u>	2015	103,200	9.00	6.60	64	2.40	73%
	2020	103,757	9.00	6.64	64	2.36	74%
	2025	104,207	9.00	6.67	64	2.33	74%
South Cross							
actual data	2009	255,158	33.00	21.02	84	11.98	64%
actual	2010	256,446	33.00	21.00	82	12.00	63%

data							
actual data	2011	256,730	33.00	23.17	90	9.83	70%
actual data	2012	257,014	33.00	23.21	90	9.79	70%
actual data	2013	258,199	33.00	21.42	83	11.58	65%
actual data	2014	260,767	33.00	21.64	83	11.36	66%
actual data	2015	261,214	33.00	21.68	83	11.32	66%
	2020	263,311	33.00	21.85	83	11.15	66%
	2025	265,035	33.00	22.00	83	11.00	67%

Source: Pinellas County Comprehensive Plan—Potable Water Supply, Wastewater and Reuse Element) and Pinellas County Department of Environment & Infrastructure. ~~2013~~2014-20142015.

Flow data and per capita data for ~~2014-2015~~ based on actual figures (Pinellas County Utilities Department of Environment and Infrastructure 20132014-20142015); population estimates and projections prepared by Pinellas County ~~Department of Planning~~ Department & Development Services, 20142015.

(3) Solid waste/resource recovery.

- a. Population as of August ~~2014-2015~~ = ~~*1,103,677~~1,106,305*

Projected August ~~2015-2016~~ population = ~~1,106,305~~1,119,139

Difference between August 2015 population and August ~~2014-2016~~ population is ~~2,628~~12,834

Calculation: (~~1,106,305~~1,119,139 - ~~1,103,677~~1,106,305 = ~~2,628~~12,834)

* Total population (permanent, seasonal and tourist) was used in establishing the solid waste/resource recovery level of service standard.

- b. Operating capacity of solid waste disposal system:

Resource recovery plant: 985,500 tons/year = (3,000 tons per day × 365 days per year × 0.90**)

Bridgeway Acres Landfill: Expected to last at least 30 years, based on current design and disposal rate.

** Normal operating efficiency is 100 percent -90 percent of the time.

- c. Existing level of service: The county is able to dispose of the solid waste for which it is responsible.

Projected demand on solid waste disposal system is based on:

Current demand (August ~~2013-2014~~ through August ~~2014~~2015) = ~~915,084~~1,000,247 tons/year
(~~805,252-225~~ tons per year, resource recovery plant + ~~109,832~~195,022 tons, landfill)

Current generation rate = ~~083~~.90 tons/person/year

Calculation: (~~915,084~~1,000,247 tons ÷ ~~1,103,677~~1,106,305 people = ~~0.83~~0.90)

Projected demand = ~~915,084~~1,000,247 tons/year current demand (August ~~2013-2014~~ through August ~~2014~~2015) + ~~2,181~~11,551 tons (associated with service area population increase from August ~~2014~~2015 through August ~~2016~~2015) = ~~917,285~~1,011,798 tons/year

Calculation: ~~0.90~~ tons/person x ~~12,834~~ people = ~~917,285~~ tons 11,551 tons.

- d. Adopted level of service standard = disposal of 1.30 tons/person/year (resource recovery plant and landfill).

Status of solid waste disposal level of service conditions: acceptable; no existing or projected capacity deficits.

(4) Recreation/open space.

- a. Population as of August ~~2014-2015~~ = ~~1,012,180~~1,014,675*

Projected August ~~2015-2016~~ population = ~~1,014,675~~1,026,958

Difference between August ~~2015-2016~~ population and August ~~2014-2015~~ population = ~~2,495~~12,283

- b. Capacity of the county park/preserve system: 16,279 acres total (accessible to the public).
- c. Existing level of service = (16,279 acres/~~1,012,180~~1,014,675) × 1,000 = ~~16.08~~04 acres per 1,000 county residents.

Projected level of service as of August ~~2015-2016~~ = (16,279 acres/~~1,014,675~~1,026,958) × 1,000 = ~~16.04~~15.85 acres/1,000 residents.

- d. Adopted level of service standard = 14.0 acres/1,000 county residents.
- e. Status of level of service conditions: acceptable; capacity exceeds demand.

* Permanent and seasonal population rather than total population (permanent, seasonal and tourist) were used in establishing the recreation/open space level of service standard.

Status of recreation level of service conditions: acceptable; no existing or projected capacity deficits.

- (5) Stormwater. On-site and major stormwater facilities will be required to meet the level of service standards adopted within the Pinellas County Comprehensive Plan and division 2 of this article. Therefore, applications for development will not be approved unless they conform to the adopted level of service standards. In addition, the Capital Improvements Element of the County Comprehensive Plan and the Pinellas County Capital Improvement Program have scheduled stormwater improvements needed to eliminate existing stormwater deficiencies. The necessary funds are available for those projects identified in the six-year schedule of improvements.

~~(6) Traffic circulation:~~

- ~~a. Level of service standards: The level of service standard for state and county roads is LOS C average daily/D peak hour with a volume to capacity (v/c) ratio less than 0.9 with the exception of congestion containment and constrained facilities. The LOS standard for these facilities is LOS F. These LOS standards have been established in the transportation element and the concurrency management system section of the county comprehensive plan. Roadway operating conditions that are below the adopted level of service standard are termed "deficient" in this section.~~
- ~~b. Transportation management plan:~~
 - ~~1. Transportation management plans are generally required to be developed and submitted by those development applicants who propose to locate a development project within a designated concurrency management corridor. The application of transportation management strategies/improvements will be an option available to the developer to exceed current density and intensity restrictions. The development applicant will coordinate with county staff to develop the transportation management plan applicable to their particular development project. The determination of appropriate strategies/improvements will be primarily dependent upon the projected impact of the development project on the surrounding traffic circulation system. Specific conditions of the particular concurrency management corridor impacted by the development will also be considered. Any specific strategies/improvements identified will be applied as conditions to the final site plan approval. Transportation management plans must be developed by the applicant and accepted by Pinellas County. The next subsection provides examples of the initiatives that may be applied in the concurrency management corridors. It is not meant to be a definitive listing nor is it meant to infer that a development's effect on adjacent roadway traffic can be fully eliminated through the application of these provisions.~~
 - ~~2. Transportation management plan strategies:~~
 - ~~i. Intensity reduction: The intensity of the proposal may be reduced through an across-the-board reduction of the permitted floor area ratio, as it would otherwise normally apply to the proposal. Other such corrective actions that would reduce the intensity of the proposal may also apply.~~
 - ~~ii. Density reduction: The density of the proposal may be decreased by a reduction in the number of units per acre below that which would otherwise normally apply to the proposal.~~
 - ~~iii. Outparcel deletion: Those portions of the proposal characterized as outparcels that create separate and unique impacts may be deleted from the total proposal.~~
 - ~~iv. Physical highway improvements: Link capacity improvements, acceleration/deceleration lanes, intersection improvements, frontage roads, etc.~~
 - ~~v. Operational improvements (signal): Signal removal, no signalization, signal timing improvements, etc.~~
 - ~~vi. Access management strategies: No direct connection, right in/right out, substantial alternative access, one point access, shared access, median controls, etc.~~
 - ~~vii. Mass transit initiatives: Implementation of a plan to encourage transit usage (e.g., employer issued bus passes). Other mass transit initiatives may include direct route subsidies, provision of feeder service or the construction of bus stop amenities.~~
 - ~~viii. Ride sharing incentives: Implementation of a plan to encourage ride sharing (e.g., designated parking spaces for carpools, employer sponsored carpool program, and participation in transportation management organization/initiative programs).~~
 - ~~ix. Bicycle/pedestrian improvements: Structural improvements or construction of a bikeway or sidewalk connecting an existing bikeway/sidewalk network or providing access to a school, park, shopping center, etc.~~
 - ~~x. Intelligent transportation system (ITS) improvements: This includes improvements pertaining to computerized traffic signal systems that automatically adjust to maximize traffic flow and to permit emergency vehicles to pass through intersections quickly;~~

~~freeway management systems, such as electronic message signs, and electronic fare payment on public buses that reduce passenger boarding time.~~

~~Transportation management plans seeking to implement strategies that do not involve structural improvements, such as ride sharing and transit incentive programs, must include a monitoring program to ensure the strategies are carried out in accordance with the plan, as developed by the applicant and accepted by Pinellas County. The specific monitoring requirements will be applied as conditions in the final site plan approval.~~

~~c. Proportionate fair share mitigation. Proportionate fair share mitigation may be applied as an option to allow properties within concurrency corridors to be developed to the maximum density/intensity permitted under the applicable zoning district. Under this option, the applicant would pay a portion of the cost of a project scheduled in the capital improvements element that is designed to improve a facility to meet the county's roadway level of service standard or to mitigate the traffic impacts of the proposed development. Provisions regarding the application of proportionate fair share mitigation are included in section 134-231 of the Pinellas County Land Development Code.~~

~~d. Provisions to apply to development served by roadways below the adopted level of service standard.~~

~~1. Congestion containment corridors. These include roads that operate with deficient level of service (LOS) conditions where improvements may be planned or scheduled beyond the next three years to alleviate these conditions.~~

~~Development projects within one half mile of the centerline or one half mile arc radius of the terminus of a congestion containment road may not exceed 50 percent of the maximum floor area, dwelling units/rooms allowed under the applicable zoning district. If the applicant agrees to implement one or more transportation management plan strategies that will further reduce transportation impacts, the 50 percent density/intensity maximum may be exceeded commensurate with the extent of the impact reduction(s).~~

~~Designated congestion containment corridors include the following:~~

Road Segment	From	To
Forest Lakes Blvd. (CR 667)	Tampa Road (SR 584)	SR 580
Gandy Blvd. (SR 694)	4th Street (SR 687)	Brighton Bay Boulevard NE
Gandy Blvd. (SR 694)	I-275	Grand Avenue
I-275 (SR 93)	Gandy Blvd. (SR 694)	I-175
W. Roosevelt Blvd (SR 686)	49th Street North (CR 611)	Ulmerton Road (SR 688)
Starkey Road (CR 1)	East Bay Drive (SR 686)	Ulmerton Road (SR 688)
US 19 (SR 55)	Mainlands Boulevard	Park Boulevard North (SR 694)
US 19 (SR 55)	Klosterman Road (CR 880)	Beckett Way
Belcher Road (CR 501)	Gulf To Bay Blvd (SR 60)	Druid Road

~~2. Long term concurrency management corridor.~~

~~i. It is recognized by the department of economic opportunity, the department of transportation and the county that FHHS facilities are strategically important as high speed and high volume inter-city and inter-regional roads. Therefore, given the need to protect the capacity of these roads, development should be mitigated and phased appropriately in order to minimize the impacts on levels of service until the state-funded improvements necessary to alleviate the deficient conditions on a long term basis can be implemented. The department of transportation and the department of economic opportunity have approved the application of long term concurrency~~

- management by the county on US Highway 19. Impact fee revenues generated from development within the corridor will be earmarked to provide some of the funding needed for the improvements.
- ii. Long term concurrency management provisions contained in this subsection apply to the portion of US Highway 19 designated as a long term concurrency management corridor, from Klosterman Road to Whitney Road.
 - iii. Development projects within one half mile of the centerline or one half mile arc radius of the terminus of any long term concurrency management road segment may not exceed 50 percent of the maximum floor area, dwelling units/rooms allowed under the applicable zoning district. If the applicant agrees to implement transportation management plan strategies that will reduce transportation impacts, the 50 percent density/intensity maximum may be exceeded commensurate with the extent of the impact reduction(s). The following roadway is subject to the requirements of long term concurrency management corridors in accordance with the provisions of this subsection:

Road Segment	From	To
US 19 (SR 55)	Klosterman Road (CR 880)	Whitney Road (CR 438)

3. ~~Constrained roadway:~~

- i. ~~Constrained roads designated in this section include county and state facilities operating at deficient levels of service that are precluded from mitigating capacity improvements due to physical or policy constraints.~~
- ii. ~~Development projects within one half mile of the centerline or one half mile arc radius of the terminus of facilities identified in this section may not exceed 50 percent of the maximum floor area, dwelling units/rooms allowed under the applicable zoning district. If the applicant agrees to implement transportation management plan strategies that will further reduce transportation impacts, the 50 percent density/intensity maximum may be exceeded. The amount of additional density/intensity allowed above the 50 percent maximum will be based on the extent of the impact reduction and consideration of the congestion level of the roadway as determined by the volume to capacity ratio indicated in the MPO level of service report. The following roadways include those designated as constrained roads:~~

Road Segment	From	To
102nd Avenue (CR 296)	Ridge Road	131st Street
22nd Avenue North	34th Street (SR 55)	22nd St
38th Avenue North (CR 184)	49th Street North (CR 611)	34th Street North
Alternate US 19 (SR 595)	Main Street (SR 580)	Pinellas/Pasco Ct
Bay Drive (SR 686)	Clwtr Largo Road (CR 321)	US 19 (SR 55)
Bay Pines Blvd (SR 595)	Park Street (CR 1)	East of 94th Street
Belcher Road (CR 501)	Druid Road	Bellear Road (CR 464)
Bellear Road (CR 464)	Keene Road (CR 1)	US 19 (SR 55)
Bellear Beach Causeway (SR 686)	Indian Rocks Road	Gulf Boulevard
Drew Street (CR 528)	US 19 (SR 55)	NE Coachman Road (SR 590)
East Lake Road (CR 611)	Woodlands Parkway	Keystone Road (CR 582)
Forest Lakes Blvd (CR 667)	Pine Avenue	Pinellas/Hillsborough Ct

Ft. Harrison Avenue	Belleair Road (CR 464)	Drew St (SR 590)
Gulf Boulevard	Belleair Beach Causeway (SR 686)	Walsingham Road
Gulf To Bay Blvd (SR 60)	Keene Road (CR 1)	Pinellas/Hillsborough CL
Gulf To Bay Blvd (SR 60)	Highland Avenue (CR 375)	Missouri Avenue (SR 595)
Indian Rocks Road (CR 233)	West Bay Drive (CR 416)	Walsingham Road (CR 330)
Keene Road (CR 1)	Druid Road	Belleair Road (CR 464)
Keene Road (CR 1)	Sunset Point Road (CR 576)	SR 580
McMullen Booth Road (CR 611)	Curlew Road (SR 586)	Gulf To Bay Blvd (SR 60)
Memorial Causeway (SR 60)*	Causeway Boulevard	Island Way
Park Blvd (CR/SR 694)	US 19 (SR 55)	49th Street North
Park Blvd (CR/SR 694)	66th Street North	Duhme Road/113th Street North (CR 321)
SR 580	Phillipe Parkway (CR 590)	Forest Lakes Blvd. (CR 667)
Tampa Road (SR 584)	Curlew Road (SR 586)	SR 580
Tarpon Avenue (SR 582)	Alternate US 19 (SR 595)	US 19 (SR 55)
US 19 (SR 55)	Gandy Boulevard (SR 600)	54th Avenue North (CR 202)
Walsingham Road	Ulmerton Road (SR 688)	Seminole Blvd (SR 595)

* West end of road is municipal jurisdiction.

4. Deficient roadways with scheduled mitigating improvements. Certain roadways operating with deficient level of service conditions have mitigating improvements scheduled over the next three years. These roadways will not be subject to the provisions of the county concurrency management system. The roadways listed in the following table are designated as having scheduled mitigating improvements. The improvement number listed by each segment corresponds to the number in the table listing the specific improvement.

Road Segment	From	To	Improvement	Construction Date*
22nd Avenue North	19th Street	22nd Street	Dual Left Turn Lanes at I-275	FY 2014/15
Ulmerton Road (SR 688)	East of 119th Street	El Centro/Ranchero	Six Lanes Divided	UC
Ulmerton Road (SR 688)	49th Street North (CR 611)	E. Roosevelt Boulevard (SR 686)	Six Lanes Divided	UC
Gandy Blvd. (SR 694)	West of 9th Street North/Dr. Martin Luther King Jr. Street North	East of 4th Street North (SR 687)	Four/Six Lanes with Frontage Roads	UC

* FY = Fiscal Year, UC = Under Construction

SECTION 14. SECTION 134-260 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS AMENDED AS FOLLOWS:

Sec. 134-260. Methodology used to determine the level of service conditions.

- (a) Since the level of service standards for recreation/open space, wastewater, potable water and solid waste/resource recovery facilities and services are partially based on per capita standards, information on the existing and projected populations for the service areas are used to evaluate existing and future impacts on services and facilities. For the purposes of this division, the source used in developing the population estimates, for permanent, seasonal, and tourist (depicted as a permanent population equivalent impact upon public services), were derived from the Pinellas County Population Projections 2010-2035 at the Traffic Analysis Zone (TAZ) level. The projections were at five-year intervals. Population estimates for the interim years were calculated by interpolation. However, short-term permanent population estimates have been updated based on results of the 2010 decennial census and subsequent annual estimates from the University of Florida.
- (b) An additional consideration in determining the existing level of service for recreation/open space, wastewater, and solid waste/resource recovery facilities and services is the impact of anticipated near term population growth. The impact of projected population growth over the next year (obtained by multiplying the projected increase in population for each service area by the existing level of service) is added to the actual demand (e.g., annual average flow) for the facilities. In this way, the additional demands associated with this anticipated population growth are factored into the assessment of existing level of service conditions. Flow data is obtained from Pinellas County Department of Environment and Infrastructure. Park and open space acreages are obtained from the parks and conservation resources.
- (c) For potable water supply, the existing levels of service and level of service standard is based upon Tampa Bay Water being able to meet the needs of the Pinellas County Water Demand Planning Area. For informational purposes, however, estimates of the Pinellas County Water Demand Planning Area population are applied to average daily flow figures to arrive at an estimate of existing per capita use.
- ~~(d) In determining the existing levels of service (LOS) on roads for the purposes of the concurrency test statement, peak hour traffic counts were derived from average daily traffic (ADT) volume counts. The ADT counts were compiled from data provided by the Pinellas County Metropolitan Planning Organization, the Florida Department of Transportation (FDOT) and various municipal governments. Based upon current roadway travel characteristics, various peak hour factors were used to determine peak hour traffic counts from ADT volume counts.~~

~~The specific data sources include:~~

- ~~(1) Pinellas County Seasonally Adjusted 2013 Traffic Counts, prepared by Florida Department of Transportation and the Pinellas County Department of Planning and Development Services;~~
- ~~(2) Florida Department of Transportation 2009 Level of Service Handbook; and~~
- ~~(3) Pinellas County Metropolitan Planning Organization 2014 Level of Service Report.~~

SECTION 15. SECTION 134-261 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS HEREBY DELETED.

~~Sec. 134-261. Adjustments to concurrency test statement; variances.~~

- ~~(a) Section 134-259 identifies programmed improvements included in the County Capital Improvements Element and the Metropolitan Planning Organization's Transportation Improvement Program, as of the effective date of this division. These will compensate for level of service deficiencies on the county and state roadway systems. Subsequent to the annual adoption of the concurrency test statement, revised level of service information or changes to improvement schedules may occur. If those revisions or changes would affect the concurrency status of roads, as identified in this division, the board of county commissioners may, by resolution and upon recommendation of the local planning agency, issue a variance to the concurrency management corridor designation status assigned to a roadway in the concurrency test statement. The extent to which a variance may be issued shall be limited to that degree of variance necessary to accommodate the effect of the revisions or changes upon the concurrency status of the roads. The local planning agency and the board of county commissioners shall hold duly noticed public hearings on any proposed variance to the concurrency test statement.~~
- ~~(b) Any revised level of service information or changes in the improvement schedules which could result in roads being downgraded to concurrency management corridor status that are not identified as such in this division shall require an amendment to this division in order to effectuate that change.~~

SECTION 16. Severability

If any section, paragraph, subdivision, clause, sentence, or provision of this 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 the Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

SECTION 17. Inclusion in the Code

The provision of this Ordinance shall be included and incorporated in the Pinellas County Land Development Code, as an amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Land Development Code.

SECTION 18. Filing of Ordinances; Effective Date

Pursuant to Section 125.66, F.S., 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 notice of filing of the Ordinance with the Department of State or _____, whichever is later.

ORDINANCE NO. 16 -

AN ORDINANCE OF THE COUNTY OF PINELLAS UPDATING THE LEVEL OF SERVICE CONDITIONS FOR PUBLIC SERVICES AND FACILITIES AND REPEALING TRANSPORTATION CONCURRENCY FROM CHAPTER 134 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE, CONCURRENCY SYSTEM; REVISING SECTIONS 134-221, 134-223, 134-225 AND 134-226 TO REMOVE LANGUAGE PERTAINING TO TRANSPORTATION CONCURRENCY; REPEALING SECTION 134-222 AND SECTIONS 134-227 THROUGH 134-231 TO REMOVE LANGUAGE PERTAINING TO TRANSPORTATION CONCURRENCY AND MANAGEMENT PLANS; RENUMBERING SECTIONS 134-224, 134-233 AND 134-261; REVISING SECTION 134-232 TO REMOVE TRAFFIC CIRCULATION AND MASS TRANSIT AS PERTAINING TO LEVEL OF SERVICE STANDARDS; REVISING SECTION 134-234 TO REMOVE LANGUAGE PERTAINING TO TRANSPORTATION CONCURRENCY IN REFERENCE TO THE BOARD OF ADJUSTMENT VARIANCE AND APPEALS REVIEW GUIDELINES; REVISING SECTION 134-256 TO REMOVE LANGUAGE PERTAINING TO TRANSPORTATION CONCURRENCY IN THE ANNUAL CONCURRENCY TEST STATEMENT; UPDATING SECTIONS 134-258 THROUGH 134-261 TO REFLECT CURRENT YEAR LEVEL OF SERVICE CONDITIONS FOR PUBLIC SERVICES AND FACILITIES AND TO REPEAL CONCURRENCY TEST STATEMENT LANGUAGE PERTAINING TO TRANSPORTATION, ROADWAY AND MASS TRANSIT LEVEL OF SERVICE; AND 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 INCLUSION IN THE CODE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Pinellas County Board of County Commissioners has established that land development shall bear a proportionate cost of the provision of new or expanded capital facilities required by such development; and

WHEREAS, Pinellas County adopted a Concurrency Management System for Pinellas County through its adoption of Ordinance #89-69, as amended; and

WHEREAS, the provisions of Ordinance #89-69, as amended, were intended to ensure that the adopted level of service standards for roadways, potable water, waste water, solid waste, stormwater, recreation, and mass transit be maintained prior to the issuance of a development order and/or development permit; and

WHEREAS, in 2011, the Legislature amended the concurrency requirements to no longer require a level of service standard for roads, mass transit or recreation facilities; and

WHEREAS, the Community Planning Act removed State requirements for local government implementation of transportation concurrency management systems; and

WHEREAS, Pinellas County is implementing the Mobility Management System to manage transportation related impacts resulting from development activity; and

WHEREAS, in the absence of State imposed transportation concurrency management requirements, the Pinellas County Metropolitan Planning Organization authorized a multi-jurisdictional task force to develop a countywide approach to manage the transportation impacts of development projects through local site plan review processes; and

WHEREAS, Pinellas County believes that maintaining the level of service standards for sanitary sewer, solid waste, drainage, potable water, and recreation is appropriate at this time; and

WHEREAS, the Pinellas County Mobility Plan was approved by the Pinellas County Metropolitan Planning Organization on September 11, 2013; and

WHEREAS, Chapter 134 of the Pinellas County Land Development Code requires a Concurrency Test Statement to be adopted on an annual basis by the Board of County Commissioners as a status report on public facilities and services; and

WHEREAS, Pinellas County, through action on this Ordinance, adopts the annual Concurrency Test Statement for Pinellas County for 2015.

NOW, THEREFORE, BE IT ORDAINED, ON THIS _____ DAY OF _____, 2016, BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA THAT:

SECTION 1. SECTION 134-221 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS AMENDED TO READ AS FOLLOWS:

Sec. 134-221. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptance of or accepted application for development means that an application for development contains sufficient information, pursuant to existing regulations, to allow continuing review under this division or other regulatory ordinances.

Application for development means any documentation which contains a specific plan for development, including the densities and intensities of development, where applicable, that is presented by any person for the purpose of obtaining a development order or development permit.

Approved final site plan means any site development plan, as defined in Subsection 134-86(a)(2), and as it may be further defined in other county regulations, that has been accepted, reviewed, and approved by the county.

Backlogged roadways means roads not designated as constrained that are operating at peak hour level of service E or F and/or a volume-to-capacity of 0.9 or higher and scheduled or planned for construction after the first three years of either the Florida Department of Transportation (FDOT) adopted work program or the six-year schedule of improvements within the county capital improvements element.

Certificate of concurrency means that document issued by the county administrator, or his designee, that is a prerequisite for the issuance of any development order or development permit, except that certificates of concurrency for re-zonings shall only be issued such that further development in the rezoned parcel is conditioned upon the availability of sufficient capacity of those public facilities and services required for any project which may be subsequently proposed for that rezoned parcel, or any portion thereof. At a minimum, the certificate of concurrency shall provide information on the following:

- (1) Type of proposal;
- (2) Effective date of the concurrency test statement utilized in the comparison;
- (3) Date of issuance of the certificate of concurrency; and
- (4) Status of each public facility and service after comparison with the current concurrency test statement.

Concurrency means that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

Concurrency management monitoring system means the data collection, processing and analysis performed by the county to determine levels of service for public facilities and services. Data maintained by the concurrency management monitoring system shall be the most current information available to the county.

Concurrency management system means the procedure and process that the county utilizes to ensure that development orders and permits issued by the county shall not result in an unacceptable degradation of the adopted level of service adopted in the county comprehensive plan.

Concurrency test statement means a public facility and service status report, approved and adopted by ordinance, which, at a minimum, establishes for each public facility and service the following:

- (1) The existing and committed development in each service area;
- (2) The existing levels of service for each public facility and service;
- (3) Updates of items (1)—(2), above, based upon the most recently adopted ten-year 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.

Currently available revenue sources means an existing source and amount of revenue available to the county.

Deficient facility means a road operating at peak hour level of service E or F and/or a volume-to-capacity (v/c) ratio of 0.9 or higher with no mitigating improvements scheduled within three years.

Development has the definition provided in F.S. § 380.04.

Development order means any order granting, denying, or granting with conditions, an application for development.

Development permit means any approved final site plan, building permit, zoning clearance, rezoning, special exception, variance, conditional use, or any other official action of the county having the effect of permitting the development of land.

Final local development order means, for the purposes of this division, that last approval necessary to carry out the development requested, provided that the proposed project has been precisely defined. The last approval for a given type of development activity shall be as provided in article III of this chapter. Terms used in that definition shall be as further defined in this Code.

Level of service (LOS) means a measure of performance and/or of demand versus available capacity of public services and facilities. Public facilities and services means those necessary public facilities and services covered by a comprehensive plan element for which level of service standards have been adopted by the county. The necessary public facilities and services are: sanitary sewer, solid waste, drainage, potable water, recreation, and mass transit.

Public facilities and services means those necessary public facilities and services covered by a comprehensive plan element for which level of service standards have been adopted by the county. The necessary public facilities and services are: sanitary sewer, solid waste, drainage, potable water, recreation, and mass transit.

SECTION 2. SECTION 134-222 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS HEREBY DELETED.

SECTION 3. SECTION 134-223 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS RENUMBERED AND AMENDED AS FOLLOWS:

Sec. 134-222. Purpose and intent.

- (a) It is the purpose of this division to establish a concurrency management system to ensure that facilities and services needed to support development are available concurrent with the impacts of such development. Prior to the issuance of a development order and/or development permit, this concurrency management system shall ensure that the adopted level of service standards required for, potable water, wastewater, solid waste, stormwater, recreation, and mass transit shall be maintained.
- (b) The concurrency management system is intended to serve the long-term interests of the citizens of the county by implementing a managed growth perspective that preserves the capacity of important infrastructure facilities and services.

SECTION 4. SECTION 134-224 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS RENUMBERED AS FOLLOWS:

Sec. 134-223. Areas embraced.

The provisions of this division shall apply to any property within the unincorporated areas of the county. The provisions of this division shall also apply to incorporated areas of the county that are provided service by a county facility or service evaluated in this division and may apply to incorporated areas provided service by a state facility or service evaluated in this division.

SECTION 5. SECTION 134-225 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS RENUMBERED AND AMENDED AS FOLLOWS:

Sec. 134-224. Concurrency management system; procedure.

- (a) 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 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.
- (b) Review of application for development.
 - (1) 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 the public facilities and services identified in this division, as they may apply.
 - (2) If the application for development is not reviewable as submitted, then the application for development shall be returned to the property owner or representative clearly stating what the deficiencies are and why the application for development cannot be further reviewed.
- (c) Concurrency test statement applied.
 - (1) After an application for development is accepted and passes review, it will be compared to the most recently adopted concurrency test statement. The 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.
 - (2) If the application for development being proposed is found to be exempt from the formal concurrency review, a certificate of concurrency, or its functional equivalent, is not required.
 - (3) 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, then a certificate of concurrency or its functional equivalent shall state that development shall either not be authorized or be authorized with conditions to be identified in the concurrency test statement.
 - (4) A certificate of concurrency or its functional equivalent shall be issued within 14 days of receipt of an acceptable application for development. This period of time may be waived by the county administrator, with additional time granted, based upon the circumstances of the situation.
- (d) Certificate of concurrency determination—Continued validity.
 - (1) The certificate of concurrency or its functional equivalent shall indicate the date of issuance and will be valid for purposes of the issuance of development orders or permits for 12 months from the date of issuance.
 - (2) Any development order or permit that is issued within the effective period of a validly issued certificate of concurrency or its functional equivalent shall be vested, for the purposes of concurrence, until the expiration of that development order or development permit, provided that development commences within the validity period of the development order or permit and continues in good faith, except that for purposes of a development order or development permit that authorizes construction, the validity period shall be limited to six months from the date of approval of the development order or development permit. Under no circumstances shall the validity period for a development order or permit or application for development under an existing certificate of concurrency or its functional

equivalent be extended by action on a subsequent development order or permit for the same project or proposal, except when review of the subsequent development order or permit or application for development is based upon a more recently adopted or amended concurrency test statement, or subsection (d)(3), below, applies.

- (3) For those certificates of concurrency or its functional equivalent issued for a development agreement entered into by the county, pursuant to the provisions of F.S. §§ 163.3220—163.3243, as amended, the duration of such certificate of concurrency, as issued, shall be for the time period stated within the development agreement.
- (e) Same—Development order or development permit compliance. All development orders and development permits issued and approved after the effective date of this division shall be based upon and in compliance with, the certificate of concurrency or its functional equivalent issued for that development proposal. A development order or development permit shall be in compliance with its underlying certificate of concurrency or its functional equivalent 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 certificate of concurrency or its functional equivalent.
- (f) Site plan requirements.
Submittal of a new site plan. Consistent with the county's comprehensive zoning ordinance, and as accepted by the county administrator or his designee, modifications may be made to an already submitted site plan. This will constitute a revision to the existing certificate of concurrency documentation, and the county's records will reflect such revision. A revision will not result in any extension to the validity time frames associated with the certificate of concurrency or its functional equivalent issued for the initial site plan, and will not justify the issuance of a new certificate or functional equivalent. Modifications in demand on facilities will be reflected in the tracking mechanism. If the county administrator or his designee determines that such modifications constitute substantial deviation, as defined in the comprehensive zoning ordinance, from the original project proposal, submittal of a new site plan will be required. In such instances, the certificate of concurrency or its functional equivalent issued for the original site plan submittal will no longer be valid, and the site plan will be subject to a concurrency review against the most current adopted concurrency test statement and all provisions within.

SECTION 6. SECTION 134-226 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS RENUMBERED AND AMENDED AS FOLLOWS:

Sec. 134-225. Concurrency test statement and monitoring system.

- (a) On an annual basis, the planning department shall develop and recommend a concurrency test statement, or any proposed amendments to the existing statement, to the county administrator. The county administrator shall convey such proposed statement or amendment, along with the local planning agency recommendations, to the board of county commissioners for final adoption.
- (b) The planning department, in coordination with the department of building and development review services, shall establish and maintain a concurrency management monitoring system for the purposes of monitoring the status of public facilities and services and establishing concurrency test statements.
- (c) 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.). These calculations are based upon data accumulated in the concurrency monitoring system, data supplied by individual county departments, as well as a reasonable projection for the progress of each proposal or project, population growth projections, or such other considerations as good planning practices would deem appropriate.
- (d) A concurrency test statement shall be issued every year. Nothing in this division 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 the adopted level of service; or where changes in the status of capital improvement projects, of the state or any local government, change the underlying assumptions of the current concurrency test statement.

- (e) Under no circumstances will an amended concurrency test statement divest those rights acquired, pursuant to subsection 134-225(d), 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.
- (f) A concurrency test statement shall include, at a minimum, the following:
 - (1) For potable water, wastewater, solid waste, and stormwater, that the following are minimum standards that, when met, will satisfy the concurrency requirement:
 - a. The necessary facilities and services are in place at the time a development order or permit is issued;
 - b. A development order or permit is issued subject to the condition that, at the time of issuance of a certificate of occupancy or its functional equivalent, the necessary facilities and services are in place of and available to serve the new development;
 - c. 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 subsections (f)(1)a, and b of this section. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. §§ 163.3220 et seq., or an agreement or development order issued pursuant to F.S. ch. 380.
 - (2) For recreation, the county shall satisfy the concurrency requirement by complying with the following standards:
 - a. At the time the development order or permit is issued, the necessary facilities and services in place or under actual construction; or
 - b. 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
 - c. 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 ten-year schedule of capital improvements in the Pinellas County Capital Improvements Element; or
 - d. 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
 - e. At the time the development order or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to F.S. § 163.3220, or an agreement or development order issued pursuant to F.S. ch. 380, 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 7. SECTIONS 134-227 THROUGH 231 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE ARE HEREBY DELETED.

SECTION 8. SECTION 134-232 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS RENUMBERED AND AMENDED AS FOLLOWS:

Sec. 134-226. Recognition of the establishment of levels of service in the county comprehensive plan.

The county shall recognize those adopted levels of service, as defined in the comprehensive plan, as stated in the following subsections:

- (1) Stormwater. The following level-of-service standards are adopted for major drainage projects to support stormwater management goals:
 - a. 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.
 - b. The 25-year storm design standard shall confine the runoff from a 25-year, 24-hour rainfall event within drainage channel banks, or within designated 25-year floodplains, in order to protect human life and minimize property damage.
 - c. The 100-year storm design standard shall protect homes and commercial buildings against flooding by a 100-year, 24-hour rainfall event.
 - d. Preference shall be given to stormwater management options which restore floodplains and remove obstructions from floodways.
- (2) Recreation and open space. The county's adopted level of service standard is 14.0 acres of parks and environmental lands, in combination, available for every 1,000 residents (permanent and seasonal).
- (3) Solid waste and resource recovery. Disposal of 1.3 tons of solid waste per person per year.
- (4) Potable 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 serve 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:

- a. Institute additional water conservation measures;
- b. Halt or otherwise restrict the issuance of development orders and permits;
- c. Develop new sources of potable water within the parameters of the interlocal agreement;
- d. Purchase potable water from suppliers other than Tampa Bay Water;
- e. 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
- f. Use actions and alternatives not identified in this policy.

Pinellas County shall use the following level of service when preparing its annual five-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:

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

gpcpd - gallons per capita per day

- (5) Wastewater. The concurrency management program adopted by the Pinellas County Board of County Commissioners shall recognize that wastewater treatment plants must be in compliance with the operational permit requirements of the state department of environmental protection regarding the availability of capacity. Additionally, wastewater flows associated with existing and permitted development cannot exceed the wastewater treatment plant's permitted design capacity.
 - a. Wastewater flows associated with existing and permitted development cannot exceed the wastewater treatment plant's permitted design capacity.
 - b. Treated effluent and biosolids shall meet all pertinent federal, state and local standards and regulations for treatment, reuse and disposal.

- c. 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.
- d. 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.
- e. If an annual assessment evidences that a capacity deficit could occur within ten 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.
- f. 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.

SECTION 9. SECTION 134-233 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS RENUMBERED AS FOLLOWS:

Sec. 134-227. Intergovernmental coordination.

- (a) Provision of public facilities or services to other governmental entities. The county shall provide service to other local governmental entities within the county in accordance with the policies included in the comprehensive plan. The county shall administer this division such that development in those areas shall be consistent with the comprehensive plan and implementing ordinances, and actions of the county.
- (b) Receipt of public facilities or services from other governmental entities. Concerning those services that are provided by other governmental entities, the county shall recognize the level of service provided by such entities in accordance with the policies of the comprehensive plan. The county shall ensure that all development within its area shall be in accordance with such policies as identified in the comprehensive plan.

SECTION 10. SECTION 134-234 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS RENUMBERED AND AMENDED AS FOLLOWS:

Sec. 134-228. Appeals, reviews, and variances.

- (a) Definitions. As used in this section:

Applicant means any person making an official request to the county for a development permit, as that term is defined in this division.

Concurrency review and variance hearing administrator means the county administrator.

Concurrency review and variance hearing board means representatives of the county administrator's office, the county attorney's office, the department of development review services and the planning, public works, and environmental management departments, and where necessary or appropriate, representatives from other departments affected in the application.

- (b) Eligibility for concurrency variance. Any applicant who applies for a hearing under subsection (d) of this section and demonstrates by competent, substantial evidence that the strict interpretation or enforcement of the provisions of this division would cause an exceptional and unique hardship, peculiar to the applicant's parcel and not shared by other property owners in the area, may be granted a variance to the provisions of this division. Variances may only be granted to the extent necessary to relieve the hardship. Upon granting concurrency variances, additional safeguards and conditions may be required to ensure proper compliance with the general spirit, purpose and intent of this division and of the comprehensive plan.
- (c) Eligibility for review of an administrative decision. Any applicant who has been aggrieved by an administrative decision in the application or interpretation of the provisions of this division to his particular application for development may apply for a review of that decision to the concurrency review and variance hearing board.
- (d) Review hearing procedure.
 - (1) Any applicant who requests a concurrency review and variance hearing shall do so in writing to the planning department of development review services. Requests need not be in any particular form but must clearly indicate when the original application was made, what the variance or review concerns,

what property or project the application involved, and be accompanied by a payment determined to be sufficient to cover the cost of providing the hearing procedure. Notice shall be that same notice provided for a board of adjustment case.

- (2) The concurrency review and variance hearing board shall conduct a public hearing on all requests.
 - (3) An applicant's failure to appear or be represented at a scheduled review hearing shall be sufficient cause to deny the application on the strength of lack of evidence.
 - (4) Within 21 days after the applicant's review hearing, the concurrency review and variance hearing administrator shall have considered the findings of the concurrency review and variance hearing board and have made available to the public, in writing, his decision of denial or approval, with or without conditions. Such report shall be released through the planning department. If agreed to by all parties, this requirement may be waived.
- (e) Appeals procedure.
- (1) Any applicant who wishes to contest the validity of a concurrency determination by the concurrency review and variance hearing administrator after a review hearing may file for an appeal before the board of adjustment. Appeal filings shall not be required to be in any particular form, but shall be filed with the planning department within ten days after the denial, with a copy sent to the clerk of the board of county commissioners. Each appeal filing must clearly indicate when the original application was heard by the concurrency review and variance hearing board, what property or project the application involved, and be accompanied by a payment in sufficient amount to cover the cost of processing the appeal, providing the public hearing, and publishing notice which shall be the same as required for other hearings before the board of adjustment.
 - (2) The board of adjustment shall conduct the public hearing on all appeals as soon as practicable.
 - (3) An applicant's failure to appear or be represented at a scheduled appeal hearing shall be sufficient cause to deny the application on the strength of lack of evidence.
 - (4) The applicant is required to present substantial competent evidence, on the record, that establishes the applicant's right to a more favorable decision.
 - (5) In passing upon applications, the board of adjustment or the review and variance hearing administrator shall consider all technical evaluations, all relevant factors, standards specified in other sections of this division or in the comprehensive plan, and shall utilize the following generalized guidelines and criteria:
 - a. That the variance, review, or decision on appeal will not confer on the applicant any special privilege that is otherwise denied by this division to other similarly situated lands;
 - b. That any variance, review, or decision on appeal is the minimum increase in intensity or density that will make possible the reasonable use of the land, building, or structure, consistent with the need to protect public facilities or services;
 - c. That the variance, review, or decision on appeal is not inconsistent with the general intent, purpose, and spirit of this division, or with the county comprehensive plan;
 - d. That the variance, review, or decision on appeal will not be injurious to the area involved or otherwise detrimental to the public welfare;
 - e. That the variance, review, or decision on appeal shall not authorize a development in conflict with any other county ordinance or the county comprehensive plan; and
 - f. That the variance, review, or decision on appeal is based upon evidence submitted by the applicant that factually supports the variance, review, or decision on appeal.
 - (6) Appeals of the decisions of the board of adjustment made pursuant to this division shall be by petition for writ of certiorari to the circuit court.
 - (7) The department of planning shall maintain a summary record of all appeals that have been acted on by the board of adjustment with a report then submitted on a quarterly basis to the county administrator to file with the board of county commissioners.
- (f) Applicability of appeals procedures.
- (1) This section shall not be interpreted to limit or enhance the applicability of F.S. § 163.3215.
 - (2) As provided for in section 134-85, in order to prevent the taking of property, any party challenging a decision, determination or result made under this division as a temporary or permanent taking of private property must exhaust the provisions of this section and any other subsequently enacted

administrative procedures, including special master procedures under F.S. ch. 70.001, before any action on a request for development is deemed final by any competent court or quasi-judicial proceeding having jurisdiction.

SECTION 11. SECTION 134-256 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS AMENDED AS FOLLOWS:

Sec. 134-256. Purpose and intent.

- (a) The concurrency test statement is a status report on the ability of public services and facilities to meet the demands of existing and committed development and provide an acceptable level of service. In section 134-259 of this division, which contains detailed information on county services and facilities, it was determined that all public services and facilities evaluated in this division are currently providing an acceptable level of service based on the level of service standards contained in the concurrency management system for the county and the county comprehensive plan. For the purpose of determining the ability of a municipal service or facility to provide an acceptable level of service for unincorporated areas within a municipal service area, the county will rely upon information from the applicable jurisdiction indicating capacity availability.
- (b) Section 134-258 provides a summary of the level of service conditions for utilities, recreation/open space, drainage, and mass transit. If the existing level of service as shown in the table in section 134-258 equals or exceeds the adopted level of service standard, and all other level of service conditions are met, then that facility or service is considered to be providing an acceptable level of service. In section 134-259, the calculated existing levels of service for county services and facilities are compared to level of service standards contained in the adopted concurrency management system ordinance and the adopted county comprehensive plan. The source of the population figures used in section 134-259 is explained in section 134-260. The population figures used to evaluate public facilities/services in section 134-259 are the sum of the estimated existing population and the population associated with committed residential dwelling units.
- (c) Section 134-260 describes the methodology used to determine the level of service conditions.

SECTION 12. SECTION 134-258 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS AMENDED AS FOLLOWS:

Sec. 134-258. Level of service conditions—For utilities, recreation/open space, and stormwater.

The following table sets out a summary of level of service (LOS) conditions for utilities, recreation and open space, and stormwater:

Public Facility/Service	Existing LOS	Adopted LOS Standard	Status of Public Facility/Service of this Code
Pinellas County Water Demand Planning Area (PCWDPA)	Tampa Bay Water is able to meet annual demand	Refer to section 134-259(1)(b) of the Pinellas County Code	Acceptable
Pinellas County Wastewater System			
1) William E. Dunn	1) 6.56 mgd based on a capacity of 9.00 mgd	Refer to section 134-259(2) of the Pinellas County Code	1) Acceptable
2) So. Cross Bayou	2) 25.27 mgd based on a capacity of 33.00 mgd		2) Acceptable
Recreation and Open Space (Countywide)	15.85 acres/1,000 residents	14.0 acres/1,000 residents	Acceptable
Solid Waste and	County is able to dispose of the solid	1.30 tons/person/year	Acceptable

Resource Recovery (Countywide)	waste for which it is responsible (current generation rate is 0.90 tons/person/year)		
Stormwater		Refer to section 134- 259(5) of the Pinellas County Code	Acceptability determined at time of site plan review

SECTION 13. SECTION 134-259 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS AMENDED AS FOLLOWS:

Sec. 134-259. Same—For public services and facilities.

The level of service conditions for public services and facilities are as follows:

(1) Pinellas County Water Demand Planning Area (PCWDPA).

- a. Existing level of service. Tampa Bay Water is able to supply all potable water required by Pinellas County Utilities to service its customers.
- b. Adopted level of service standard.
 1. 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 serve its customers shall be supplied by Tampa Bay Water.
 2. In the event that Tampa Bay Water determines that the regional system has experienced a shortfall or a production failure as defined in the Interlocal Agreement, Pinellas County shall respond with one or more of the following actions and alternatives:
 - i. Institute additional water conservation measures;
 - ii. Halt or otherwise restrict the issuance of development orders and permits;
 - iii. Develop new sources of potable water within the parameters of the interlocal agreement;
 - iv. Purchase potable water from suppliers other than Tampa Bay Water;
 - v. 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
 - vi. Use actions and alternatives not identified in this policy.
 3. Pinellas County shall use the following level of service when preparing its annual five-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
gallons per capita per day (gpcpd)

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

c. Potable water use for Pinellas County Water Demand Planning Area (PCWDPA).

Average daily flow (August 2014 through August 2015) for the PCWDPA = *55.38 million gallons per day (mgd)

55.38 mgd based on: 49.72 mgd from Pinellas County Utilities + 5.09 mgd from the City of Clearwater Utilities + 0.57 mgd from the City of Tarpon Springs Utilities

Calculation: Pinellas County 49.72 + Clearwater 5.09 + Tarpon Springs 0.57 = 55.38

PCWDPA population as of August 2015 = 703,055

Existing level of service = $55.38 \text{ mgd} \div 703,055 = 87 \text{ gpcd}$

Calculation: $(55.38 \div 703,055) \times 1,000,000 = 78.7 = 79$

Maximum daily flow (Pinellas County Utilities only) = 55.62 mgd

Projected population increase in the PCWDPA (based on the difference between the August 2016 projected population and the August 2015 population) = 7,272

Calculation: $710,327 - 703,055 = 7,272$

Projected 2016 water demand = $55.38 \text{ mgd} + [7,272 \times 79] = 0.57 \text{ mgd} = 55.38 \text{ mgd} + 0.57 \text{ mgd} = 55.95 \text{ mgd}$

Calculation: $55.38 + 7,272 \times 82 \div 1,000,000 = 0.57$
 $55.38 + 0.57 = 55.95$

Status of potable water level of service conditions: acceptable; no existing or projected capacity deficits.

- (2) Sanitary sewer system/wastewater treatment. Adopted level of service standards for wastewater treatment: William E. Dunn Wastewater Treatment Plant and South Cross Bayou Wastewater Treatment Plant.
- Wastewater flows associated with existing and permitted development cannot exceed the wastewater treatment plant's permitted design capacity.
 - 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 permitted development.
 - If an annual assessment evidences that a capacity deficit could occur within ten 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.
 - System-wide considerations. Treated effluent and sludge shall meet all pertinent federal, state and local standards and regulations for treatment, reuse and disposal.

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

Pinellas County Utilities Wastewater System Capacity Analysis:
Summary of Level of Service Conditions

	Year	Estimated or Projected Service Area Population	Facility Design Capacity (MGD)	Estimated or Projected Average Daily Flow (MGD)*	Estimated or Projected Average Daily Flow Per Person (GPCPD)*	Capacity Surplus (or Deficit) (MGD)	Percent of Plant Capacity
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William E. Dunn							
actual data	2009	109,772	9.00	6.38	60	2.62	71%
actual data	2010	103,006	9.00	6.40	62	2.60	72%
actual data	2011	103,155	9.00	6.19	62	2.45	72%
actual data	2012	103,304	9.00	6.72	65	2.28	75%
actual data	2013	102,577	9.00	6.56	64	2.44	73%
actual data	2014	103,091	9.00	6.60	64	2.40	73%
actual data	2015	103,200	9.00	6.60	64	2.40	73%
	2020	103,757	9.00	6.64	64	2.36	74%
	2025	104,207	9.00	6.67	64	2.33	74%
South Cross							
actual data	2009	255,158	33.00	21.02	84	11.98	64%
actual data	2010	256,446	33.00	21.00	82	12.00	63%
actual data	2011	256,730	33.00	23.17	90	9.83	70%
actual data	2012	257,014	33.00	23.21	90	9.79	70%
actual data	2013	258,199	33.00	21.42	83	11.58	65%
actual data	2014	260,767	33.00	21.64	83	11.36	66%
actual data	2015	261,214	33.00	21.68	83	11.32	66%
	2020	263,311	33.00	21.85	83	11.15	66%
	2025	265,035	33.00	22.00	83	11.00	67%

Source: Pinellas County Comprehensive Plan—Potable Water Supply, Wastewater and Reuse Element) and Pinellas County Department of Environment & Infrastructure. 2014-2015.

Flow data and per capita data for 2015 based on actual figures (Pinellas County Utilities Department 2014-2015); population estimates and projections prepared by Pinellas County Planning Department, 2015.

(3) Solid waste/resource recovery.

- a. Population as of August 2015 = *1,106,305*

Projected August 2016 population = 1,119,139

Difference between August 2015 population and August 2016 population is 12,834

Calculation: $(1,119,139 - 1,106,305 = 12,834)$

* Total population (permanent, seasonal and tourist) was used in establishing the solid waste/resource recovery level of service standard.

- b. Operating capacity of solid waste disposal system:

Resource recovery plant: 985,500 tons/year = $(3,000 \text{ tons per day} \times 365 \text{ days per year} \times 0.90^{**})$

Bridgeway Acres Landfill: Expected to last at least 30 years, based on current design and disposal rate.

** Normal operating efficiency is 100 percent -90 percent of the time.

- c. Existing level of service: The county is able to dispose of the solid waste for which it is responsible.

Projected demand on solid waste disposal system is based on:

Current demand (August 2014 through August 2015) = 1,000,247 tons/year (805,225 tons per year, resource recovery plant + 195,022 tons, landfill)

Current generation rate = 0.90 tons/person/year

Calculation: $(1,000,247 \text{ tons} \div 1,106,305 \text{ people} = 0.90)$

Projected demand = 1,000,247 tons/year current demand (August 2014 through August 2015) + 11,551 tons (associated with service area population increase from August 2015 through August 2016) = 1,011,798 tons/year

Calculation: $0.90 \text{ tons/person} \times 12,834 \text{ people} = 11,551 \text{ tons.}$

- d. Adopted level of service standard = disposal of 1.30 tons/person/year (resource recovery plant and landfill).

Status of solid waste disposal level of service conditions: acceptable; no existing or projected capacity deficits.

(4) Recreation/open space.

- a. Population as of August 2015 = 1,014,675*

Projected August 2016 population = 1,026,958

Difference between August 2016 population and August 2015 population = 12,283

- b. Capacity of the county park/preserve system: 16,279 acres total (accessible to the public).
- c. Existing level of service = $(16,279 \text{ acres} / 1,014,675) \times 1,000 = 16.04 \text{ acres per } 1,000 \text{ county residents}$.

Projected level of service as of August 2016 = $(16,279 \text{ acres} / 1,026,958) \times 1,000 = 15.85 \text{ acres} / 1,000 \text{ residents}$.

- d. Adopted level of service standard = 14.0 acres/1,000 county residents.
- e. Status of level of service conditions: acceptable; capacity exceeds demand.

* Permanent and seasonal population rather than total population (permanent, seasonal and tourist) were used in establishing the recreation/open space level of service standard.

Status of recreation level of service conditions: acceptable; no existing or projected capacity deficits.

- (5) Stormwater. On-site and major stormwater facilities will be required to meet the level of service standards adopted within the Pinellas County Comprehensive Plan and division 2 of this article. Therefore, applications for development will not be approved unless they conform to the adopted level of service standards. In addition, the Capital Improvements Element of the County Comprehensive Plan and the Pinellas County Capital Improvement Program have scheduled stormwater improvements needed to eliminate existing stormwater deficiencies. The necessary funds are available for those projects identified in the six-year schedule of improvements.

SECTION 14. SECTION 134-260 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS AMENDED AS FOLLOWS:

Sec. 134-260. Methodology used to determine the level of service conditions.

- (a) Since the level of service standards for recreation/open space, wastewater, potable water and solid waste/resource recovery facilities and services are partially based on per capita standards, information on the existing and projected populations for the service areas are used to evaluate existing and future impacts on services and facilities. For the purposes of this division, the source used in developing the population estimates, for permanent, seasonal, and tourist (depicted as a permanent population equivalent impact upon public services), were derived from the Pinellas County Population Projections 2010-2035 at the Traffic Analysis Zone (TAZ) level. The projections were at five-year intervals. Population estimates for the interim years were calculated by interpolation. However, short-term permanent population estimates have been updated based on results of the 2010 decennial census and subsequent annual estimates from the University of Florida.
- (b) An additional consideration in determining the existing level of service for recreation/open space, wastewater, and solid waste/resource recovery facilities and services is the impact of anticipated near term population growth. The impact of projected population growth over the next year (obtained by multiplying the projected increase in population for each service area by the existing level of service) is added to the actual demand (e.g., annual average flow) for the facilities. In this way, the additional demands associated with this anticipated population growth are factored into the assessment of existing level of service conditions. Flow data is obtained from Pinellas County Department of Environment and Infrastructure. Park and open space acreages are obtained from the parks and conservation resources.
- (c) For potable water supply, the existing levels of service and level of service standard is based upon Tampa Bay Water being able to meet the needs of the Pinellas County Water Demand Planning Area. For informational

purposes, however, estimates of the Pinellas County Water Demand Planning Area population are applied to average daily flow figures to arrive at an estimate of existing per capita use.

SECTION 15. SECTION 134-261 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE IS HEREBY DELETED.

SECTION 16. Severability

If any section, paragraph, subdivision, clause, sentence, or provision of this 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 the Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

SECTION 17. Inclusion in the Code

The provision of this Ordinance shall be included and incorporated in the Pinellas County Land Development Code, as an amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Land Development Code.

SECTION 18. Filing of Ordinances; Effective Date

Pursuant to Section 125.66, F.S., 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 notice of filing of the Ordinance with the Department of State or _____, whichever is later.