

# **APPENDIX B**

**Changes to Chapter 9J-5, F.A.C., since 1996**

	CHANGES TO RULE 9J-5, F.A.C. 1996-2003	9J-5, F.A.C. CITATIONS	ADDRESSED	AMENDMENT NEEDED?
1	Repealed rule requirements for the Traffic Circulation Element; Mass Transit Element; Ports, Aviation and Related Facilities Element. Note: Certain local governments must continue to prepare these elements pursuant to 163.3177, F.S., and 9J-5.019, F.A.C.	9J-5.007, 9J-5.008, and 9J-5.009	Pinellas County has an adopted Transportation Element as part of its Comprehensive Plan.	None
2	Repealed rule requirements for the Recreation and Open Space Element. <b>Note:</b> Section 163.3177, F.S., requires local governments to prepare this element.	9J-5.014	Pinellas County has an adopted Recreation and Open Space Element as part of its Comprehensive Plan.	None
3	Repealed rule requirements for consistency of local government comprehensive plans with Comprehensive Regional Policy Plans and with the State Comprehensive Plan. Note: Local government comprehensive plans are required by section 163.3184(1)(b), F.S., to be consistent with the applicable Strategic Regional Policy Plan and the State Comprehensive Plan.	9J-5.021	Pinellas County's Comprehensive Plan is consistent with the SRPP and the State Comprehensive Plan.	None
4	Established requirements for the <b>Public School Facilities Element</b> for Public School Concurrency for local governments that adopt school concurrency.	9J-5.025	Pinellas County chose not to prepare a Public School Facilities Element. The County will, however, comply with the 2005 Legislative requirements.	Yes, to address new legislation requirements from 2005 session
5	Defined public transit and stormwater management facilities	9J-5.003	Currently addressed in the Comprehensive Plan.	None
6	Revised the definitions of affordable housing, coastal planning area, port facility, and wetlands.	9J-5.003	All required definitions are included in the Comprehensive Plan.	None
7	Repealed the definitions of adjusted for family size, adjusted gross income, development, high recharge area or prime recharge area, mass transit, paratransit, public facilities, very low-income family.	9J-5.003	All required definitions are included in the Comprehensive Plan.	None
8	Revised provisions relating to adoption by reference into the local comprehensive plan.	9J-5.005(2)(g) and (8)(j)	N/A	None

	<b>CHANGES TO RULE 9J-5, F.A.C. 1996-2003</b>	<b>9J-5, F.A.C. CITATIONS</b>	<b>ADDRESSED</b>	<b>AMENDMENT NEEDED?</b>
9	Repealed transmittal requirements for proposed evaluation and appraisal reports, submittal requirements for adopted evaluation and appraisal reports, criteria for determining the sufficiency of adopted evaluation and appraisal reports, procedures for adoption of evaluation and appraisal reports. Note: transmittal requirements for proposed evaluation and appraisal reports and submittal requirements for adopted evaluation and appraisal reports were incorporated Rule Chapter 9J-11, F.A.C.	9J-5.0053(2) through (5)	The EAR, adopted in November, 2005 was prepared per the current statutory and Administrative Code requirements.	None
10	Repealed conditions for de minimis impact and referenced conditions in subsection 163.3180(6), F.S.	9J-5.0055(3)6	Pinellas County's Concurrency Management System no longer utilizes the de minimus provision.	None
11	Required the future land use map to show the boundaries of designated transportation concurrency exception areas and areas for possible future municipal incorporation.	9J-5.006(4)	Pinellas County has not adopted any concurrency exception areas, nor have any possible areas for future municipal incorporation been identified.	None
12	Required objectives of the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element to address protection of high recharge and prime recharge areas.	9J-5.011(2)	While there are no areas of high or prime recharge identified in the County, amendments relating to the protection of recharge areas are planned based on a recommendation from the Environmental Workgroup.	Yes
13	Repealed the Intergovernmental Coordination Element process to determine if development proposals would have significant impacts on other local governments or state or regional resources or facilities, and provisions relating to resolution of disputes, modification of development orders, and the rendering of development orders to the Department of Community Affairs (DCA)	9J-5.015(4)	N/A	N/A

	<b>CHANGES TO RULE 9J-5, F.A.C. 1996-2003</b>	<b>9J-5, F.A.C. CITATIONS</b>	<b>ADDRESSED</b>	<b>AMENDMENT NEEDED?</b>
14	Clarified that local governments not located within the urban area of a Metropolitan Planning Organization are required to adopt a Traffic Circulation Element and that local governments with a population of 50,000 or less are not required to prepare Mass Transit and Ports, Aviation and Related Facilities Elements.	9J-5.019(1)	Pinellas County is located within the urban area of an MPO, and the County's population exceeds 50,000.	N/A
15	Required objectives of the Transportation Element to: Ø Coordinate the siting of new, or expansion of existing, ports, airports, or related facilities with the Future Land Use, Coastal Management, and Conservation Elements; Ø Coordination surface transportation access to ports, airports, and related facilities with the traffic circulation system; Ø Coordination ports, airports, and related facilities plans with plans of other transportation providers; and Ø Ensure that access routes to ports, airports and related facilities are properly integrated with other modes of transportation.	9J-5.019()(b)	None of the ports and related facilities, as defined by Rule 9J-5, F.A.C., in Pinellas County fall within the jurisdiction of the Board of County Commissioners, and therefore, are not examined in the Transportation Element. An update of the master plan for the St. Petersburg-Clearwater International Airport was recently adopted by the Board of County Commissioners. Coordination of the St. Petersburg-Clearwater International Airport with regard to surface transportation, plans of other transportation agencies and access routes are currently addressed under Goal 2 in the Transportation Element.	The updated master plan includes expansion plans for the Airport that will be reflected in an amendment to the Transportation Element.

	<b>CHANGES TO RULE 9J-5, F.A.C. 1996-2003</b>	<b>9J-5, F.A.C. CITATIONS</b>	<b>ADDRESSED</b>	<b>AMENDMENT NEEDED?</b>
16	<p>Required policies of the Transportation Element to:</p> <ul style="list-style-type: none"> <li>∅ Provide for safe and convenient on-site traffic flow;</li> <li>∅ Establish measures for the acquisition and preservation of public transit rights-of-way and corridors;</li> <li>∅ Promote ports, airports and related facilities development and expansion;</li> <li>∅ Mitigate adverse structural and non-structural impacts from ports, airports and related facilities;</li> <li>∅ Protect and conserve natural resources within ports, airports and related facilities;</li> <li>∅ Coordinate intermodal management of surface and water transportation within ports, airports and related facilities; and</li> <li>∅ Protect ports, airports and related facilities from encroachment of incompatible land uses.</li> </ul>	9J-5.019(4)(c)	<p>Provision of safe and convenient on-site traffic flow is currently addressed in the Transportation Element (Policy 1.9.7). Pinellas County works with the Pinellas Suncoast Transit Authority in their efforts to acquire right-of-way for transit uses (e.g., pullout bays, bus shelters) through the site plan review process and the implementation of the Capital Improvement Program. Promotion of airport expansion is addressed under Goal 2 in the Transportation Element. Mitigation of airport impacts is addressed through the implementation of the Capital Improvements Program, the land use amendment and site plan review processes and under Goal 2. Protection and conservation of natural resources, intermodal management of surface and water transportation and protection of encroachment from incompatible land uses related to the Airport is addressed under Goal 2.</p>	None
17	Added standards for review of the land development regulations by the Department.	9J-5.022	NLAN*	No
18	Added criteria for determining consistency of land development regulations with the comprehensive plan.	9J-5.023	NLAN	No

	CHANGES TO RULE 9J-5, F.A.C. 1996-2003	9J-5, F.A.C. CITATIONS	ADDRESSED	AMENDMENT NEEDED?
19	Defined general lanes	9J-5.003	"General Lanes" means intrastate roadway lanes not exclusively designated by the Florida Department of Transportation for long distance, high speed travel. In urbanized areas, general lanes include high occupancy vehicle lanes not physically separated from other travel lanes. These roads are identified in Figures 1-1, 1-1A, 1-1B and 1-1C in the Transportation Element.	No
20	Revised the definition of marine wetlands	9J-5.003	The land development regulations for Pinellas County use a methodology to determine the landward extent of wetlands that is consistent with the state methodology based on the F.A.C.	No
21	Repealed the definition of public facilities and services.	9J-5.003	NLAN	No
22	Revised procedures for monitoring, evaluating and appraising implementation of local comprehensive plans.	9J-5005(7)	The Current Comprehensive Plan contains monitoring and evaluation procedures.	During the EAR-based plan amendment process, amendments to the monitoring and evaluation procedures will be proposed to better incorporate improved techniques for sharing information with the public and to monitor implementation of the Plan.

\* No local plan amendment necessary

	<b>CHANGES TO RULE 9J-5, F.A.C. 1996-2003</b>	<b>9J-5, F.A.C. CITATIONS</b>	<b>ADDRESSED</b>	<b>AMENDMENT NEEDED?</b>
23	Repealed requirements for evaluation and appraisal reports and evaluation and appraisal amendments.	9J-5.0053	NLAN	EAR, adopted on November 1, 2005, was developed using the requirements in Chapter 163, Part II, of the Florida Statutes.
24	Revised concurrency management system requirements to include provisions for establishment of public school concurrency.	9J-5.005(1) and (2)	Pinellas County has not established public school concurrency.	Yes, to address new legislation requirements from 2005 session
25	Authorized local governments to establish multimodal transportation level of service standards and established requirements for multimodal transportation districts.	9J-5.0055(2)(b) and (3)(c)	Pinellas County has not established a multimodal level of service district or standard.	No
26	Authorized local governments to establish level of service standards for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.0055(2)(c)	Pinellas County will follow FDOT policy with regard to establishing level of service standards on Florida Intrastate Highway System (FIHS) facilities.	Subsequent to direction by FDOT, Pinellas County will amend the Plan to establish appropriate level of service standards for FIHS facilities. This will not likely include US Highway 19 from Whitney Road to Klosterman Road, for which a standard was established in 1998 by FDOT for a long term concurrency management corridor designation.

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27	Provide that public transit facilities are not subject to concurrency requirements.	9J-5.0055(8)	Pinellas County addresses mass transit in its concurrency management system, although the Board does not oversee transit operations.	Pinellas County will consider amending its concurrency management system to exclude mass transit after completion of the EAR
28	Authorized local comprehensive plans to permit multi-use developments of regional impact to satisfy the transportation concurrency requirements by payment of a proportionate share contribution.	9J-5.0055(9)	Proportionate share improvements required are determined in the review process. Development projects are required to implement the improvements.	No
29	Required the future land use map to show multimodal transportation district boundaries, if established.	9J-5.006(4)	Pinellas County has not established any multimodal transportation districts.	No
30	Authorized local governments to establish multimodal transportation districts and, if established, required local governments to establish design standards for such districts.	9J-5.006(6)	N.A.	No
31	Required data for the Housing Element to include a description of substandard dwelling units and repealed the requirement that the housing inventory include a locally determined definition of standard and substandard housing conditions.	9J-5.010(1)(c)	This required data and analysis is included in pages 29-32 of the Housing Element.	The Housing Element will be rewritten as part of the EAR-based amendment package.
32	Authorized local governments to supplement the affordable housing needs assessment with locally generated data and repealed the authorization for local governments to conduct their own assessment.	9J-5.10(2)(b)	Pinellas County supplemented the affordable housing needs assessment with local data.	The Housing Element will be rewritten as part of the EAR-based amendment package.

	CHANGES TO RULE 9J-5, F.A.C. 1996-2003	9J-5, F.A.C. CITATIONS	ADDRESSED	AMENDMENT NEEDED?
33	Required the Intergovernmental Coordination Element to include objectives that ensure adoption of interlocal agreements within one year of adoption of the amended Intergovernmental Coordination Element and ensure intergovernmental coordination between all affected local governments and the school board for the purpose of establishing requirements for public school concurrency.	9J-5.015(3)(b)	Consistent with Poicy 1.1.3 of the ICE, Pinellas County entered into Interlocal Agreements in September 1996 and in April 2003 with the School Board to implement these statutory requirements.	No
34	Required the Intergovernmental Coordination Element to include: a. Policies that provide procedures to identify and implement joint planning areas for purposes of annexation, municipal incorporation and joint infrastructure service areas; b. Recognize campus master plan and provide procedures for coordination of the campus master development agreement; c. Establish joint processes for collaborative planning and decision-making with other units of local government; d. Establish joint processes for collaborative planning and decision making with the school board on population projections and siting of public school facilities; e. Establish joint processes for collaborative planning and decision making with the school board on population projections and siting of public school facilities; f. Establish joint processes for the siting of facilities with county-wide significance; and g. Adoption of an interlocal agreement for school concurrency.	9J-5.015(3)(c)	a.) Objective 1.5 and subsequent policies in the ICE provide procedures for establishing and implementing joint municipal planning areas through Interlocal Agreements. b.) addressed in exisiting ICE Element c.) addressed in ICE Element; see ISDR Report d.) addressed in ICE Element; see ISDR Report e.) addressed in ICE Element; see ISDR Report f.) addressed in ICE Element; see ISDR Report g.) Pinellas County and the municipalities have not implemented school concurrency. Amendments, however, will be required to address new legislative requirements from the 2005 session.	The ICE will be amended to address 2005 legislative requirements.

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35	Required the Capital Improvements Element to include implementation measures that provide a five-year financially feasible public school facilities program that demonstrates the adopted level of service standards will be achieved and maintained and a schedule of capital improvements for multimodal transportation districts, if locally established.	9J-5.016(4)(a)	Pinellas County has not adopted a local option public school concurrency program or established a multi-modal transportation district.	No
36	Required the Transportation Element analysis for multimodal transportation districts to demonstrate that community design elements will reduce vehicle miles of travel and support an integrated, multi-modal transportation system.	9J-5.019(3)	Pinellas County has not established a multi-modal transportation district.	No
37	Required Transportation Element objectives for multimodal transportation districts to address provision of a safe, comfortable and attractive pedestrian environment with convenient access to public transportation.	9J-5.019(4)	N.A.	No
38	Authorized local governments to establish level of service standards for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.019(4)(c)	Objective 1.1 in the Transportation Element indicates that "level of service standards for the Florida Intrastate Highway System in Pinellas County, with the exception of the portion of US Highway 19 designated as a long term concurrency corridor, shall operate at a level of service that is consistent with Rule 14-94, F.A.C. The long term concurrency management section of US Highway 19 is LOS 'maintain' ".	No