

**ORDINANCE NO. 512**

**AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, AMENDING THE TOWN OF BELLEAIR CODE OF ORDINANCES, PART II, SUBPART B LAND DEVELOPMENT CODE TO AMEND SECTION 66-10, DEFINITIONS; TO AMEND THE TITLE OF CHAPTER 70; TO RENUMBER SECTION 70-4 – 70-30, RESERVED; TO ADD SECTION 70-4, TRANSPORTATION MANAGEMENT SYSTEM; TO DELETE SECTION 70-33, TRANSPORTATION SYSTEM; TO DELETE ARTICLE III, CHAPTER 70; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.**

**WHEREAS**, the Town Commission of the Town of Belleair adopted the Code of Ordinances as set forth in Ordinance No. 349, on April 19, 1994, including Subpart B, Land Development Code; and

**WHEREAS**, the Town Commission of the Town of Belleair has from time to time approved amendments to the Land Development Code; and

**WHEREAS**, in 2011, the State of Florida enacted the Community Planning Act which, among other changes, rescinded the requirements for communities to adopt level of service standards for transportation concurrency and to enforce transportation concurrency; and

**WHEREAS**, in 2016, the Pinellas County Metropolitan Planning Organization (MPO) established a mobility management system as an alternative approach to transportation concurrency, and encouraged communities within the County to replace their transportation concurrency systems with regulations consistent with the County's mobility management system; and

**WHEREAS**, the Town Commission has received and considered the input and recommendation of the Planning and Zoning Board, as well as public comment at a duly noticed public hearing; and

**WHEREAS**, the Town Commission has considered the recommendation of the Local Planning Agency, as well as public comment at a duly noticed public hearing; and

**WHEREAS**, the Town Commission desires to amend the Land Development Code to replace transportation concurrency with mobility management system regulations.

**NOW, THEREFORE, BE IT ORDAINED BY THE** Town Commission of the Town of Belleair, as follows:

Section 1. That Section 66-10 of the Town of Belleair Land Development Code is hereby amended to add the following definitions:

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*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.

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*Land Development Regulatory System* is the coordinated system of plans (e.g., comprehensive plans), regulations, code provisions and related status reports (e.g., concurrency test statement and transportation system report) that provide standards and guidance for land development related activities.

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*Mobility plan* is the framework providing for a countywide approach to managing the traffic impacts of development projects and to increasing mobility for pedestrians, bicyclists, transit users and motor vehicles through the implementation of the Multimodal Impact Fee Ordinance and the transportation provisions of this section through the site plan review process.

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*New peak hour trip* refers to a vehicle trip added to the major road network from and to a developed parcel of land during the weekday peak hour. This excludes “passer-by” or “diverted” trips, whereby the site is accessed as a secondary trip.

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*Peak hour*, in describing traffic conditions, is the 100th highest volume hour of the year in the predominant traffic flow direction.

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*Pre-existing use* refers to the land use that occupied a parcel of land prior to the submittal of a permit/site plan application. In accordance with the Pinellas County Transportation Impact Fee Ordinance (TIFO), development projects are entitled to a credit equivalent to the impact fee assessment of any land use activity that existed on the property as of June 30, 1986, the original adoption date of the TIFO. The applicant must provide the necessary documentation to verify any pre-existing use activity not reflected in the current records of the Pinellas County Property Appraiser’s Office.

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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 address their 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. Strategies that are standard site plan review requirements would not be eligible for inclusion in a transportation management plan. Transportation Management Plans must be submitted to the Building Department for review and approval.

Transportation management system refers to the management of development impacts on transportation facilities and implementation of mobility improvements pursuant to the Mobility Plan.

Section 2. That the title of Chapter 70 is of the Town of Belleair Land Development Code is hereby amended as follows:

**Chapter 70 - CONSISTENCY—~~AND~~, CONCURRENTLY, AND TRANSPORTATION MANAGEMENT**

Section 3. That Section 70-4 of the Town of Belleair Land Development Code is hereby added as follows:

**Sec. 70-4. – Transportation management system.**

(a) Purpose and Intent. It is the purpose of this division to establish a transportation management system to ensure that the impacts of development on transportation facilities and services are effectively managed while increasing mobility for pedestrians, bicyclists, transit users and motor vehicles.

(b) Transportation Management Plan

(1) 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 address their development impacts. 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 deficient road corridor impacted by the development will also be considered. Transportation management plan strategies/improvements applicable to

development projects within deficient road corridors will be determined at the time of site plan review. Should the impacts of the development project impact a road under the jurisdiction of an adjacent local government or FDOT, the identification of appropriate TMP strategies shall be coordinated with the affected jurisdiction(s). Transportation management plans must be developed by the applicant and accepted by the [local government]. Transportation management plan strategies/improvements include, but are not limited to those listed below.

- a. *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.
- b. *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.
- c. *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.
- d. *Outparcel deletion.* Those portions of the proposal characterized as outparcels that create separate and unique impacts may be deleted from the total proposal.
- e. *Physical highway improvements.* A project may construct link capacity improvements, acceleration/deceleration lanes, intersection improvements or frontage roads.
- f. *Operational improvements (signal).* This includes efforts involving signal removal or signal timing improvements.
- g. *Access management strategies.* These include access management controls such as the preclusion of a direct connection to a deficient facility, right-in/right-out driveways, alternative driveway locations, reduction of a driveway, single point access, shared access or the implementation of median controls.
- h. *Mass transit initiatives.* A project may implement a plan to encourage transit (e.g., employer-issued bus passes). Other mass transit initiatives may include, but are not limited to, direct route subsidies, provision of

feeder service or the construction of bus stop amenities, bus pull-off areas and dedication of park and ride parking spaces.

i. *Demand management/commuter assistance.* 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), and to implement flexible work hour and telecommuting programs.

j. *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. These improvements may also include pedestrian treatments in parking areas, sidewalks connecting developments with adjacent land uses, trail improvements and bicycle rack and on-street bicycle lane installations, and the planting of trees to provide shade canopy along sidewalks.

k. *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.

l. *Livable community site design features.* These include, but are not limited to, implementation of pedestrian friendly site design features such as orienting buildings toward the street and parking lots to the side or rear of buildings.

(2) 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 Town of Belleair.

(c) Deficient Road Corridors, Transportation Management Plan Strategies Applied

(1) Deficient road corridors include parcels within one-half mile of the centerline or terminus of a facility operating under a deficient level of service.

(2) In support of the provisions of this section regarding deficient road corridors, policies in the comprehensive plan seek to discourage future land

use map (FLUM) amendments that allow for an increase in automobile trips generated from sites proposed for amendment.

(3) Development projects located within deficient road corridors that generate between 51 and 300 new peak hour trips are classified as tier 1.

a. Developers of tier 1 projects are required to submit a transportation management plan designed to address their impacts while increasing mobility and reducing the demand for single occupant vehicle travel.

b. The cost of transportation management strategies implemented for tier 1 projects are creditable toward their multimodal impact fee assessment in accordance with the Multimodal Impact Fee Ordinance. If the cost of the improvement exceeds the assessment, the development project would not be subject to payment of the fee.

(4) Development projects located within deficient road corridors that generate more than 300 new peak hour trips are classified as tier 2. Developers of tier 2 projects are required to conduct a traffic study and submit an accompanying report. The report shall include the results of the traffic study and a transportation management plan identifying improvements necessary to mitigate the impacts of the project. The report shall be submitted to the Building Department for review. The cost of transportation management strategies implemented for tier 2 projects may be applied as credit toward the project's multimodal impact fee assessment in accordance with the Multimodal Impact Fee Ordinance or payment of the fee could be included as part of a transportation management plan.

(5) Development projects that generate less than 51 new peak hour trips are required to pay a multimodal impact fee in accordance with the Multimodal Impact Fee Ordinance. They are not required to submit a transportation management plan or traffic study.

(6) A traffic study and corresponding transportation management plan for a land development project generating more than 50 new peak hour trips outside a deficient road corridor may be required if through the site plan review process the local government determines that operational improvements such as intersection or median modifications are necessary to accommodate the additional trips generated by the proposed land use.

(d) Methodology Applied. Determination of trip generation shall be based on the Pinellas County Transportation Impact Fee Ordinance fee schedules and latest edition of the *Institute of Transportation Engineers Trip Generation Manual*.

Section 4. That Section 70-4 – 70-30 of the Town of Belleair Land Development Code are hereby renumbered as follows:

**Secs. 70-45—70-30. - Reserved.**

- Section 5. That Section 70-33 of the Town of Belleair Land Development Code is hereby deleted.
- Section 6. That Article III of Chapter 70 of the Town of Belleair Land Development Code is hereby deleted.
- Section 7. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.
- Section 8. Pursuant to Section 163.3184(3), Florida Statutes, the effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

**PASSED ON FIRST READING:**

**PASSED ON SECOND READING:**

**ATTEST:**

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**Mayor**

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**Town Clerk**