

## **ORDINANCE NO. 511**

**AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, AMENDING THE GOALS, OBJECTIVES AND POLICIES OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE TOWN OF BELLEAIR FOR CONSISTENCY WITH THE COUNTYWIDE PLAN AND RULES; AMENDING THE TRANSPORTATION ELEMENT TO DELETE TRANSPORTATION CONCURRENCY, TO PROVIDE FOR A MULTIMODAL TRANSPORTATION SYSTEM THAT MANAGES THE IMPACTS OF DEVELOPMENT PROJECTS, INCREASES MOBILITY AND MITIGATES IMPROVEMENTS CONSISTENT WITH THE METROPOLITAN PLANNING ORGANIZATION'S LONG RANGE TRANSPORTATION PLAN AND THE PINELLAS COUNTY MOBILITY PLAN; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT TO SUPPORT THE ESTABLISHMENT OF A MULTIMODAL TRANSPORTATION SYSTEM IN ACCORDANCE WITH THE METROPOLITAN PLANNING ORGANIZATION'S LONG RANGE TRANSPORTATION PLAN AND THE PINELLAS COUNTY MOBILITY PLAN, AND TO RECOGNIZE RECENT AMENDMENTS TO THE STATE COMMUNITY PLANNING ACT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.**

**WHEREAS**, the Town Commission of the Town of Belleair adopted a Comprehensive Plan in 2008, which meets the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985; and

**WHEREAS**, the Town Commission of the Town of Belleair has amended the Comprehensive Plan from time to time; and

**WHEREAS**, the amendments to the Comprehensive Plan set forth in this ordinance are intended to address certain relevant County, Countywide and State planning provisions, including the following: Pinellas Countywide Plan and Rules - Ordinance No. 2015-03; Pinellas County Mobility Management System - Ordinance No. 16-21; and the Florida State Community Planning Act - Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, this Ordinance has been considered by the Local Planning Agency at a duly noticed public hearing, and was recommended by the Local Planning Agency to be approved; 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 has determined that the amendments to the Comprehensive Plan as set forth in this ordinance are in the public interest.

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

**Section 1.** That Policy 1.1.1, Policy 1.1.2, Policy 1.3.3, Goal 2, Objective 2.1, Policy 2.1.1, Policy 2.1.2, and Policy 2.1.3 of the Future Land Use Element of the Town of Belleair Comprehensive Plan are hereby amended to read as follows:

**Policy 1.1.1:**

The Town of Belleair ~~here by~~ hereby adopts the following residential land use categories as those which shall govern residential development within the community for the categories set forth below. These residential land use categories shall be consistent with ~~the primary and secondary uses listed in the noted~~ corresponding category of the Pinellas Planning Council Countywide Plan Map and Rules, and as more specifically ~~provided for and regulated~~ governed by the Town Code of Ordinances, in particular Part II, Subpart B, Land Development Code.

<u><b>Town Plan Category</b></u>	<u><b>Countywide Plan Category</b></u>
• Residential Low (RL), density of 0 to 5 residential units per acre	• <u>Residential Low Medium (RLM)</u>
• Residential Medium (RM), density of 0 to 15 residential units per acre	• <u>Residential Medium (RM)</u>

**Policy 1.1.2:**

The "Town of Belleair" ~~here by~~ hereby adopts the following land use categories as those which shall govern residential, mixed use, nonresidential and public/semi-public development within the community for the categories set forth below. These land use categories shall be consistent with ~~the primary and secondary uses listed in the noted~~ corresponding category of the Pinellas Planning Council Countywide Plan Map and Rules, as more specifically ~~provided for and regulated~~ governed by the Town Code of Ordinances, in particular Part II, Subpart B, Land Development Code.

<u><b>Town Plan Categories</b></u>	<u><b>Countywide Plan Categories</b></u>
• Commercial General (CG)	• <u>Retail and Services (R + S)</u>
• Recreation/Open Space (R/OS)	• <u>Recreation/Open Space (R/OS)</u>
• Preservation (P)	• <u>Preservation (P)</u>
• Public/Semi-Public - Institutional (Medical Related)	• <u>Public/Semi-Public (P/SP)</u>

• Public/Semi-Public - Institutional (Municipal Buildings/Private School)	• <u>Public/Semi-Public (P/SP)</u>
• Transportation/Utility (TU)	• <u>Public/Semi-Public (P/SP)</u>
• Residential/Office Limited (ROL)	• <u>Office (O)</u>

**Policy 1.3.3:**

Commercial uses shall be developed in a manner which ensures the compatibility with the type and scale of surrounding land uses ~~and where existing or programmed public facilities shall not be degraded beyond the adopted level of service.~~ Impacts to public transportation facilities shall be managed through the application of Transportation Element Policies and Land Development Code provisions through the site plan review process in accordance with the Pinellas County Mobility Plan.

**Goal 2:** To comply with ~~Chapter 88-464~~ Chapter 2012-245, Laws of Florida, as amended by participating in the countywide planning process through representation on and coordination with the Pinellas Planning Council to ensure consistency between the town and the *Countywide Plan Map and Rules*.

**Objective 2.1:**

The Future Land Use Element of the Town of Belleair Comprehensive Plan shall be consistent with the Countywide ~~Future Land Use Plan~~ Map and Rules.

**Policy 2.1.1:**

Through its Future Land Use Element, the town shall maintain consistency with the Countywide ~~Future Land Use Plan~~ Map by requiring the following:

- Identification of any inconsistencies between the Future Land Use ~~Element and plan~~ Map of the Town of Belleair and the Countywide ~~Future Land Use Plan~~ Map and Rules.
- Processing for action by the Pinellas Planning Council and the Board of County Commissioners, acting in their capacity as the Countywide Planning Authority, all land use plan amendments required to reconcile outstanding inconsistencies between the respective ~~land use plan~~ maps.

**Policy 2.1.2:**

Per ~~Chapter 88-464~~ Chapter 2012-245, Laws of Florida, as amended, the town land development regulations shall contain density/intensity ~~standards~~ and other such standards as are required to be consistent with the Rules Concerning the Administration of the Countywide Future Land Use Plan, As Amended Countywide Plan Map and Rules, as amended.

**Policy 2.1.3:**

~~Per Rules Concerning the Administration of the Countywide Future Land Use Plan, As Amended The Countywide Rules (Pinellas County Ordinance 92-4 Ordinance 15-30~~

~~dated March 15, 1992 effective August 15, 2015 as amended, consistency of use characteristics and enumerated use lists, shall be interpreted as being consistent in accordance with the Rules. The Town of Belleair land use categories shall be considered consistent if they are "within the parameter specified" by the Rules and may be "less extensive than the enumerated list, or more narrowly defined than are the corresponding characteristics under the Rules.~~

The Town of Belleair Future Land Use Map, the plan categories and the land development regulations applicable to each category shall be considered consistent with the Countywide Plan and Rules if the "compared item is in accordance with, and is within the parameters specified, for the item by the criterion to which it is compared."

The Town Future Land Use Plan Map categories, and the land development regulations applicable to each category, may be "less extensive than the enumerated list of uses, or more narrowly defined and include more restrictive standards than are the corresponding ~~characteristics~~ uses and standards under" the Rules.

## **Section 2.**

That Goal 1, Objective 1.1, Policy 1.1.1, Policy 1.1.2, and Policy 1.1.3 of the Transportation Element of the Town of Belleair Comprehensive Plan are hereby amended to read as follows:

**~~Goal:~~** ~~A safe, convenient and efficient motorized and non-motorized transportation system shall be available for all residents and visitors to the town.~~

### **~~Objective 1.1:~~**

~~The town shall establish a level-of-service standard for the roadways in its jurisdiction, and shall ensure, through its roadway construction and development review processes, the maintenance of those standards.~~

### **~~Policy 1.1.1:~~**

~~The operation level of service (LOS) "D" peak hour shall be the standard for all arterial and collector roads within the town.~~

### **~~Policy 1.1.2:~~**

~~The town shall review all proposed development or redevelopment for consistency with this element and impacts upon the adopted LOS standards. Furthermore,~~

- ~~• All development orders and permits shall be issued only when it is documented by the developer's transportation analysis that such development is consistent with the level-of-service standards for the affected public facilities adopted by this comprehensive plan.~~
- ~~• The transportation analysis will utilize the latest and best methodology available.~~

**Policy 1.1.3:**

The town shall assess new development or redevelopment an equitable pro rata share of the costs to provide roadway improvements to serve the development or redevelopment and shall enforce countywide transportation impact fee regulations.

**Goal:** Provide for a safe, convenient, and energy efficient multimodal transportation system that serves to increase mobility, reduce the incidence of single-occupant vehicles, efficiently utilize roadway capacity, reduce the contribution to air pollution from motorized vehicles and improve the quality of life for the citizens and visitors of the town.

**Objective 1.1:**

Maintain the performance of the major road network within the Town while furthering development of a multimodal transportation system that increases mobility for bicyclists, pedestrians and transit users as well as motorists.

**Policy 1.1.1:**

The town shall manage the impacts of land development projects and increase mobility through application of Transportation Element policies and Land Development Code provisions through the site plan review process in accordance with the Pinellas County Mobility Plan.

**Policy 1.1.2:**

The land development regulatory system shall include the identification of “deficient” roadways, including facilities operating at peak hour level of service (LOS) E and F and/or volume-to-capacity (v/c) ratio 0.9 or greater without a mitigating improvement scheduled for construction within three years.

**Policy 1.1.3:**

The town shall utilize impact fee revenue to fund multimodal improvements to local, county or state facilities that are consistent with the comprehensive plan as well as the Metropolitan Planning Organization (MPO) Long Range Transportation Plan.

**Policy 1.1.4:**

The town shall work cooperatively with the MPO, Pinellas County, and other local governments to complete any subsequent update of the Multimodal Impact Fee Ordinance through the MPO planning process, which includes review by the MPO Technical Coordinating Committee and MPO Policy Board.

**Policy 1.1.5:**

The town shall continue to work with the Pinellas Suncoast Transit Authority (PSTA) to increase the efficiency of the fixed-route system by encouraging mass transit use through the application of the Pinellas County Mobility Plan and the town’s Site Plan Review Process.

**Policy 1.1.6:**

The town shall work with the MPO, Pinellas County, and other local governments to coordinate the application of the Pinellas County Mobility Plan throughout the Town.

**Section 3.**

That Policy 1.1.5 and Policy 1.5.9 of the Capital Improvements Element of the Town of Belleair Comprehensive Plan are hereby amended to read as follows:

**Policy 1.1.5:**

Existing and anticipated public facility capacity deficiencies identified in other elements of this plan ~~may be corrected~~ shall be addressed according to the Five-Year Schedule of Capital Improvements adopted through this policy of the Town of Belleair Comprehensive Plan Capital Improvements Element consistent with and in support of this Capital Improvement Element by separate ordinance as provided for and consistent with Florida Statutes Chapter 163, Section 3177(3)(a) and (b) subject to the annual review of the CIE by the town.

**Schedule of Capital Improvements**

(All numbers are in thousands: \$100,000 = 100)

Type of Project & Name	Totals	Fiscal Year Costs / Funding Source				
		FY 07/08	FY 08/09	FY 09/10	FY 10/11	FY 11/12
No Projects						
Fund Summary						
Totals						

**Roads:**

~~Peak hour operational level of service “D” for all arterial and collector roads.~~

**Policy 1.5.9:**

Developments or redevelopments requiring the use of roads shall receive development orders ~~subject to:~~ the Transportation Management System Policies of the Transportation Element and Chapter 70 of the Land Development Code.

- ~~• The public facilities being in place or under construction at the time of issuance of the certificate of occupancy; or~~
- ~~• The development order is issued conditioned on the necessary facilities and~~

~~services will be in place or under construction not more than three years after certificate of occupancy issuance as provided in the Schedule of Capital Improvements; or~~

- ~~• The landowner has made a binding commitment to the town to pay the fair share of the cost of providing transportation facilities necessary to serve the proposed development.~~

**Section 4.** That Policy 1.5.12 and Policy 1.5.13 of the Capital Improvements Element are hereby deleted.

**Section 5.** 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 6.** 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: April 18, 2017**

**PASSED ON SECOND READING:**

**ATTEST:**

\_\_\_\_\_  
**Town Clerk**

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**Mayor**