

**CITY OF ST. PETE BEACH, FLORIDA**

**ORDINANCE NO. 2008-47**

**AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE TEXT OF THE FUTURE LAND USE, RECREATION, HOUSING, INFRASTRUCTURE, CAPITAL IMPROVEMENTS, CONSERVATION AND COASTAL, AND INTERGOVERNMENTAL COORDINATION ELEMENTS AND ADDING AN UPDATED TRANSPORTATION MAP, A RECREATION MAP, AND FUTURE LAND USE MAP SERIES OF THE COMPREHENSIVE PLAN TO ADDRESS THE RECOMMENDATIONS IN THE REVIEW OF THE EVALUATION AND APPRAISAL REPORT BY THE STATE LAND PLANNING AGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR A SPECIAL REFERENDUM ELECTION IN THE CITY; PROVIDING FOR A BALLOT QUESTION TO BE SUBMITTED TO THE ELECTORS OF THE CITY AT SUCH REFERENDUM ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.3191 Florida Statutes requires that Cities periodically evaluate the efficacy and implementation of their Comprehensive Plans and update the Plan based on statutory requirements and major issues identified by the community and;

**WHEREAS**, the DCA found the Evaluation and Appraisal Report Sufficient on July 31, 2007; and

**WHEREAS**, the City has drafted the appropriate amendments to the Comprehensive Plan based on the major issues and required statutory changes to the Plan; and

**WHEREAS**, the Planning Board of the City of St. Pete Beach and the City Commission of the City of St Pete Beach conducted public hearings noticed pursuant to Florida law and pursuant to Ordinance 88-36 of the City of St. Pete Beach and Section 22-3.9 of the Land Development Code; and

**WHEREAS**, the comprehensive plan amendment is determined to be in the best interest of the citizens of the City of St. Pete Beach.

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:**

**Section 1.** The St. Pete Beach Future Land Use, Housing, Infrastructure, Conservation and Coastal, and Intergovernmental Coordination Elements and Transportation, Recreation, and Future Land Use Map series of the Comprehensive Plan are hereby amended in accordance with the text attached hereto as Attachment A.

**See Attachment A**

**Section 2.** If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

**Section 3** All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

**Section 4.** A referendum election is called for November 3, 2009 in the City of St. Pete Beach. The following ballot question shall be placed on the ballot for said referendum election on November 3, 2009.

**St. Pete Beach Comprehensive Plan Amendment  
Infrastructure, Capital Improvements, Conservation  
and Coastal, Intergovernmental Coordination  
Elements.**

Ordinance 2008-47 amends the Housing, Infrastructure, Capital Improvements, Conservation and Coastal and Intergovernmental Coordination Comprehensive Plan Elements of the Comprehensive Plan to address and resolve recommendations based upon the review of the Evaluation and Appraisal Report by the State Land Planning Agency.

Should Ordinance 2008-47 be approved?

Yes \_\_\_\_\_

No \_\_\_\_\_

**Section 5.** Section 1 of the Ordinance shall become effective when the ballot question contained in Section 4 hereof is:

- (i) approved by the citizens of St. Pete Beach in accordance with the requirements of Section 3.15 of the City Charter; and
- (ii) when the State Land Planning Agency issues a final order determining the adopted amendment to be in compliance with Section 163.3184(9), *Florida Statutes*, or when the Administration Commission issues a final order determining the adopted amendment to be compliance in accordance with Section 163.3184(10), *Florida Statutes*.

**Section 6.** The remaining provisions of this ordinance shall become effective immediately upon adoption.

Mike Finnerty  
Michael Finnerty, MAYOR

FIRST READING: 12-16-2008  
 PUBLISHED:  
 SECOND READING: 6-23-2009  
 PUBLIC HEARING: 6-23-2009

I, Theresa B. McMaster, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 23<sup>rd</sup> day of June, 2009

Theresa McMaster  
Theresa B. McMaster, City Clerk

Approved by referendum on  
 11-3-2009      1640 Yes  
                          776 No

**ATTACHMENT "A"**

“Attachment A”

**Future Land Use Element**

Policy 1.7.1

The City shall, ~~through administration of the land development regulations,~~ ensure that land is developed in such a manner as to protect natural resources through encouraging the planting of native vegetation, restoration of dunes, beach re-nourishment, and regulating construction along the Coastal Construction Control line.

Policy 1.7.2

Unique and/or irreplaceable natural resources such as the City's beaches, shores, dunes and mangroves shall be protected from the adverse effects of development. ~~through administration of the land development regulations.~~ Sand dunes and mangroves may not be disturbed during development and construction activities.

Policy 1.7.4

Species of flora and fauna listed in the Coastal and Conservation Element of this comprehensive plan as endangered, threatened or species of special concern, as defined by federal law or Florida statutes, shall not be removed during development or redevelopment processes. ~~shall be protected through requiring compliance with appropriate federal and state regulations as administered through the land development regulations.~~

Policy 1.7.9

The City, ~~through the administration of the land development regulations,~~ shall ensure that natural water courses are protected in their natural state and are not subject to alteration. Activities that alter the flow of a watercourse that are expressly prohibited include: Damming, diking, or adding fill for the production of additional land for development purposes.

Policy 1.7.14

The City's limited non-potable water resources shall be conserved and protected from ~~depletion or over-development through the administration of the Future Land Use Map and Future Land Use Element policies.~~ land development regulations.

Policy 1.8.1

The ~~land development regulations~~ City shall ensure that surface cover vegetation loss during construction is minimized and/or replaced to reduce erosion and flooding. A minimum of 10% of the site shall be covered with vegetation post-construction.

Policy 1.8.2

~~The land development regulations shall~~ City shall ensure-require the developer/owner of any new development or redevelopment site ~~is responsible for the on-site management of to manage~~ stormwater runoff in a manner such that post-development runoff rates, volumes and pollutant loads do not exceed pre-development conditions.

Policy 1.8.3

Where feasible, ~~the land development regulations shall require that~~ finished grades ~~are~~ shall be designed to direct water flows along natural drainage courses and through natural terrain.

Policy 1.8.4

~~Impervious surface areas shall be minimized through the administration of standards contained within the land development regulations.~~ Impervious surfaces shall be limited through the application on lot coverage standards in the Future Land Use Element.

Policy 1.8.5

~~The land development regulations~~ City shall require ensure that future drainage out-falls associated with both ~~either~~ new development ~~or~~ and redevelopment are designed to prevent the direct discharge of runoff into either Boca Ciega Bay or the Gulf of Mexico.

Policy 1.8.6

~~The land development regulations shall encourage~~ City shall employ stormwater best management practices, such as the use of either vegetated swales, rail barrels, rain gardens, pervious parking areas, underground ex-filtration, in conjunction with retention ponds, or sand filtration and catchment systems where the lack of space prohibits the use of retention or detention ponds.

Policy 1.8.7

~~The City shall, where practical, comply with the policies of the Pinellas County Master Drainage Plan, as amended.~~

## Housing Element

~~Policy 1.6.3. In accordance with the Standard Existing Building Code, buildings left vacant for a time period exceeding 2 years shall be analyzed prior to re-occupancy for hazards affecting the safe use and occupancy of the dwelling unit.~~

## Infrastructure Element

### Policy 2.2.1

In accordance with the Drainage Ordinance, the 10-year frequency, 60-minute storm event Drainage Level of Service: Drainage facilities shall accommodate the twenty-five (25) year, twenty-four (24)-hour storm event. Unless the City provides a community-wide stormwater facility or utility, retention must be on-site and accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of the project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces and parking areas. The project must also provide detention for all storm flows. Detention must prevent peak flows after development from exceeding the peak flow prior to development. All drainage facilities shall meet all applicable local, State and federal water quality standards.

### Policy 2.2.2

The St. Pete Beach's land development regulations shall contain provisions which ensure that, all development activity shall adhere to the interim drainage level of service of the 10-year frequency, 60-minute storm event. All new development and redevelopment proposals shall be reviewed under the City's Concurrency Management System Ordinance to ensure the level of service standards established in this element shall be maintained.

### Policy 2.2.3

The following stormwater management techniques shall be used to maintain or improve water quality:

- ~~• No more than 60 percent of residential lots and 70 percent of commercial lots shall be covered with paving or other types of impervious surfaces, including structure.~~
- o Regular maintenance of retention swales adjacent to City roadways.
- o Use of front, rear and side lot line swales in new development.
- o Use of erosion and runoff control devices during construction;

- o Where necessary, the City shall consider construction of drainage retention areas in the public right-a-way; and
- o Where existing waterways are not sea-walled, native marine vegetation shall be used for shoreline stabilization where technically feasible.

**Conservation and Coastal Management Element**

Policy 1.4.7

Although limited natural resources remain in the City of St. Pete Beach, every effort shall be taken to protect these resources as follows:

- o Recreational development shall be compatible with the surrounding environment;
- o The clearing of trees and wetland vegetation shall be prohibited, unless a mitigation plan is submitted and approved by the City, the objective being no net loss of wetlands and trees specifically permitted; and
- o All applications for site development approval shall be subject to site plan review in accordance with the land development regulations.

**Objective 1.9**

**In accordance with this Comprehensive Plan, the City of St. Pete Beach shall protect and restore its beaches, dunes and natural system, protect its recreational and commercial working waterfronts, and establish construction standards which minimize the impacts of man-made structures on these systems through the land development regulations.**

Policy 1.9.7 Recreational and commercial working waterfronts are defined as a parcel or parcels of real property that provide access for water-dependent commercial activities or provide access for the public to the navigable waters of the state. Recreational and commercial working waterfronts require direct access to or a location on, over, or adjacent to a navigable body of water. The term includes water-dependent facilities that are open to the public and offer public access by vessels to the waters of the state or that are support facilities for recreational, commercial, research, or governmental vessels. These facilities include docks, wharfs, lifts, wet and dry marinas, boat

ramps, boat hauling and repair facilities, commercial fishing facilities, boat construction facilities, and other support structures over the water.

Policy 1.9.8 The City shall protect its recreational and commercial working waterfronts by considering the following strategies:

Investigating the feasibility of investing directly in property preservation through land acquisition;

Applying for grants to improve or develop City-owned waterfront recreational facilities, including parks, boat ramps, boardwalks, and marinas;

Amending the Land Development Code to provide design standards for marinas;

Coordinating with Pinellas County to implement the Working Waterfront Tax Deferral Program.

~~Policy 3.4.5 By the year 2000, the City shall adopt the disaster mitigation strategies developed by its participation in Project Impact, as applicable to St. Pete Beach.~~

Policy 3.4.5 3.4.6 The City of St. Pete Beach, working in cooperation local, regional and state agencies, shall ensure that all post-disaster reconstruction activities shall be required to follow the appropriate hazard mitigation measures and regulations.

~~Objective 2.1 In recognition of the fact that the community is located within the identified Coastal High Hazard Area, as redefined by Section 163.3178(2)(h), the~~  
The City shall, to the extent practical, limit public expenditures that subsidize development within the Coastal High Hazard Area consistent with the Future Land Use Map as adopted. , thus limiting population growth.

Policy 2.1.2

The City shall not support or finance sewer and water line extensions or expansions within the Coastal High Hazard Area which will encourage future growth/higher residential densities in those vulnerable areas.

Objective 2.2

~~Because a majority of the community is located within the Coastal High Hazard Area, defined as the area below the elevation of the inundated from a category one storm surge line hurricane as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) model and reflected in the most recent Regional Evacuation Study, Storm Tide~~

***Atlas*, the City shall require appropriate development and construction standards to mitigate the adverse effects of coastal hazards.**

~~Policy 2.2.3 The City shall require a coastal hazard disclosure statement on all real estate transfers or leases.~~

Policy 2.3.4 The adopted level of service standard for out-of-county hurricane evacuation clearance time for a category 5 storm event as measured on the Saffir-Simpson scale shall be 16 hours.

### **Recreation Element**

Policy 1.1.8

The City shall maintain adequate public access points to all recreation sites including beaches, waterways, and shores.

### **Intergovernmental Coordination Element**

~~Policy 1.4.1 City staff will coordinate annually, or more often as needed, with Pinellas County staff for the purpose of determining future unincorporated area needs for water and sewer within each respective unincorporated area served by the City.~~

~~Policy 1.4.2 For the purpose of obtaining comments pertaining to development expected in the County's comprehensive plan, the City will notify Pinellas County of plans to adopt construction schedules within its capital improvements element for water and sewer facilities in unincorporated areas within the City's service areas.~~

~~Policy 1.4.6 The City will enter into an interlocal agreement with Pinellas County for joint projects identified in the City's management plan and the County's Management Plan.~~

## Capital Improvements Element

**Objective 1.6 Concurrency Management- The City shall use level of service standards to measure the adequacy of existing public facilities and to ensure that future development will be served with adequate public facilities.**

Policy 1.6.1 Pursuant to Chapter 163, F.S., and Chapter 9J-5, F.A.C., City shall require that the City shall not issue any development permits for development unless the applicant or developer submits an application for concurrency, utilizing best available data and professionally accepted methodologies, as well as documentation from the facility provider, that demonstrates to the City's satisfaction that public facilities required by the subject development will be in place concurrent with the impacts of development. Furthermore, the applicant shall assure the City that the subject development will not reduce the level of service associated with public facilities serving the development below the adopted level of service standards. Public facilities for the purpose of concurrency shall mean facilities related to traffic, drainage, solid waste, potable water, wastewater, schools, and parks and recreation.

Policy 1.6.2 . The following criteria shall be used to determine when concurrency has been satisfied for potable water, sanitary sewer, solid waste, and drainage:

- a. The necessary facilities and services are in place at the time the development order is issued;
- b. A development order is issued subject to the conditions that the necessary facilities and services will be in place when the impacts of development occur; or
- c. At the time the development order is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, to be available when the impacts of development occur.

Policy 1.6.3 The following criteria shall be used to determine when concurrency has been satisfied for recreation and parks:

- a. The necessary facilities and services are in place or under construction within one year of the time the development order is issued; or

b. A development order is issued subject to the condition that the acreage to serve the new development is dedicated or acquired by the City, or that funds in the amount of the development's fair share are committed by the developer.

Policy 1.6.4 The following criteria shall be used to determine when concurrency has been satisfied for roads:

a. The necessary facilities and services are in place or under construction at the time the development permit is issued;

b. A development permit is issued subject to the condition that the necessary facilities and services needed to serve the new development are scheduled to be in place or under construction not more than three (3) years after the issuance of the development order, and the facilities and services are included in the City's five (5)-year schedule of capital improvements. The schedule of capital improvements may recognize and include transportation projects included in the first three (3) years of the Florida DOT five (5)-year work program; or

c. At the time a development permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement to be available or under construction not more than three (3) years after the development permit is issued.

Policy 1.6.5 As part of the preparation of the five (5)-year schedule of capital improvements, the City shall prepare an annual report that details the capacity or deficiency of the following public facilities: roads, sanitary sewer, solid waste, drainage, potable water, and parks and recreation based on best available data from the service provider. The annual report shall, at a minimum, include the following information for each facility:

a. Adopted level of service standard;

b. Existing deficiency or capacity;

c. Reserved capacity for approved, but un-built, development;

d. Improvements to be made by all approved developments; and

e. Improvements to be made by the City or any other governmental agency.

Policy 1.6.6 The City shall not issue a development permit within those areas of the City where public facilities do not meet the adopted level of service standards. The areas to be evaluated to

determine whether public facilities meet the adopted level of service standard are described for each type of public facility, as follows:

a. Roads –City-wide

b. Sanitary sewer-City-wide;

c. Solid waste- City-wide;

d. Drainage- City-wide;

e. Potable water-City-wide;

f. Parks and recreation- City-wide; and

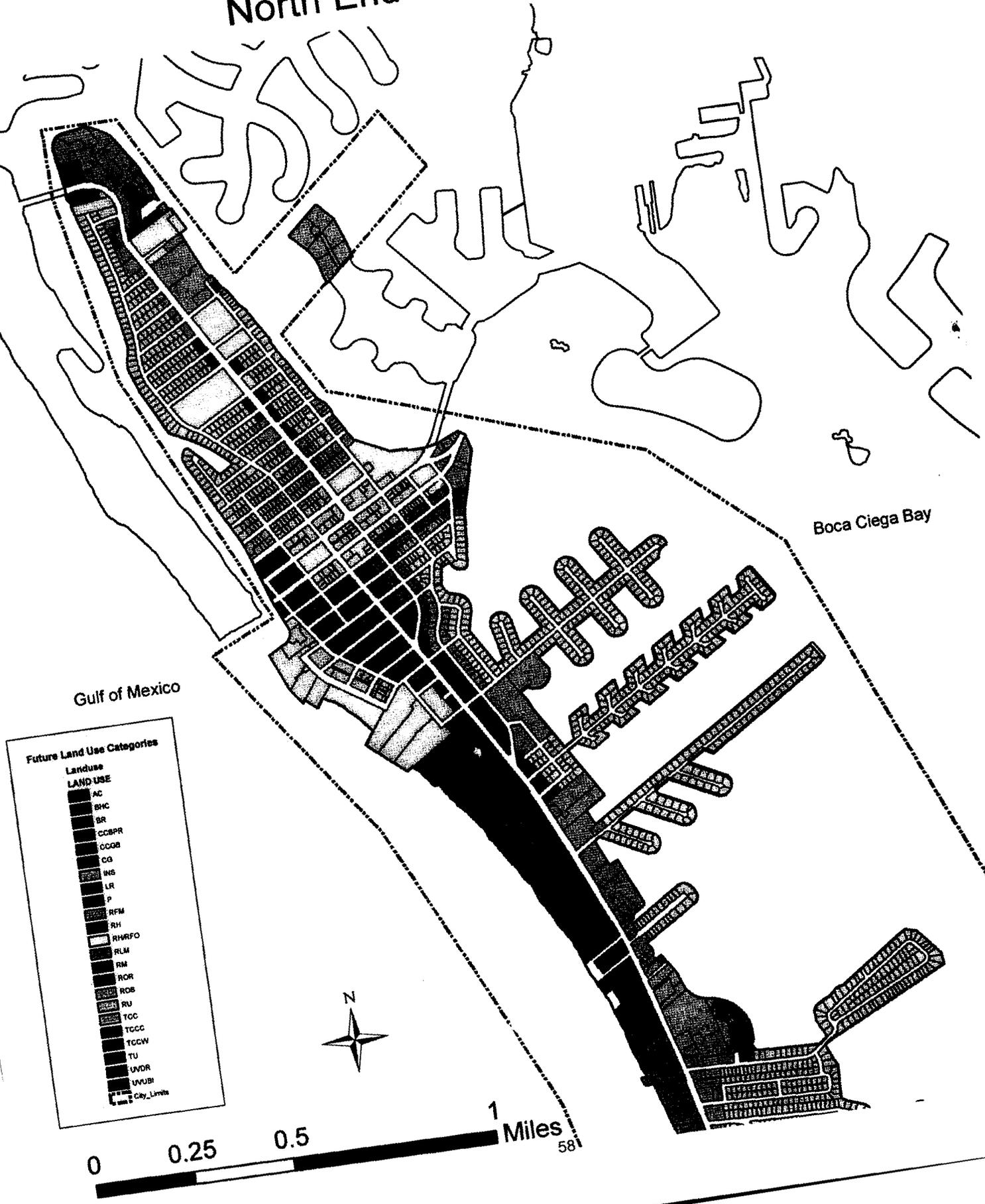
g. Schools – Concurrency Service Areas, consistent with the maps located in the Public School Facilities Element and interlocal agreement with Pinellas County.

Policy 1.6.7. The City shall establish a monitoring system to monitor the remaining capacity and deficiencies of the public facilities addressed in the Capital Improvements Element and to determine whether concurrency certificates shall be issued.

Policy 1.6.8 A concurrency certificate shall be required prior to the issuance of any final development permit. Final development permits shall contain a specific site plan for development including the densities and intensities of development.

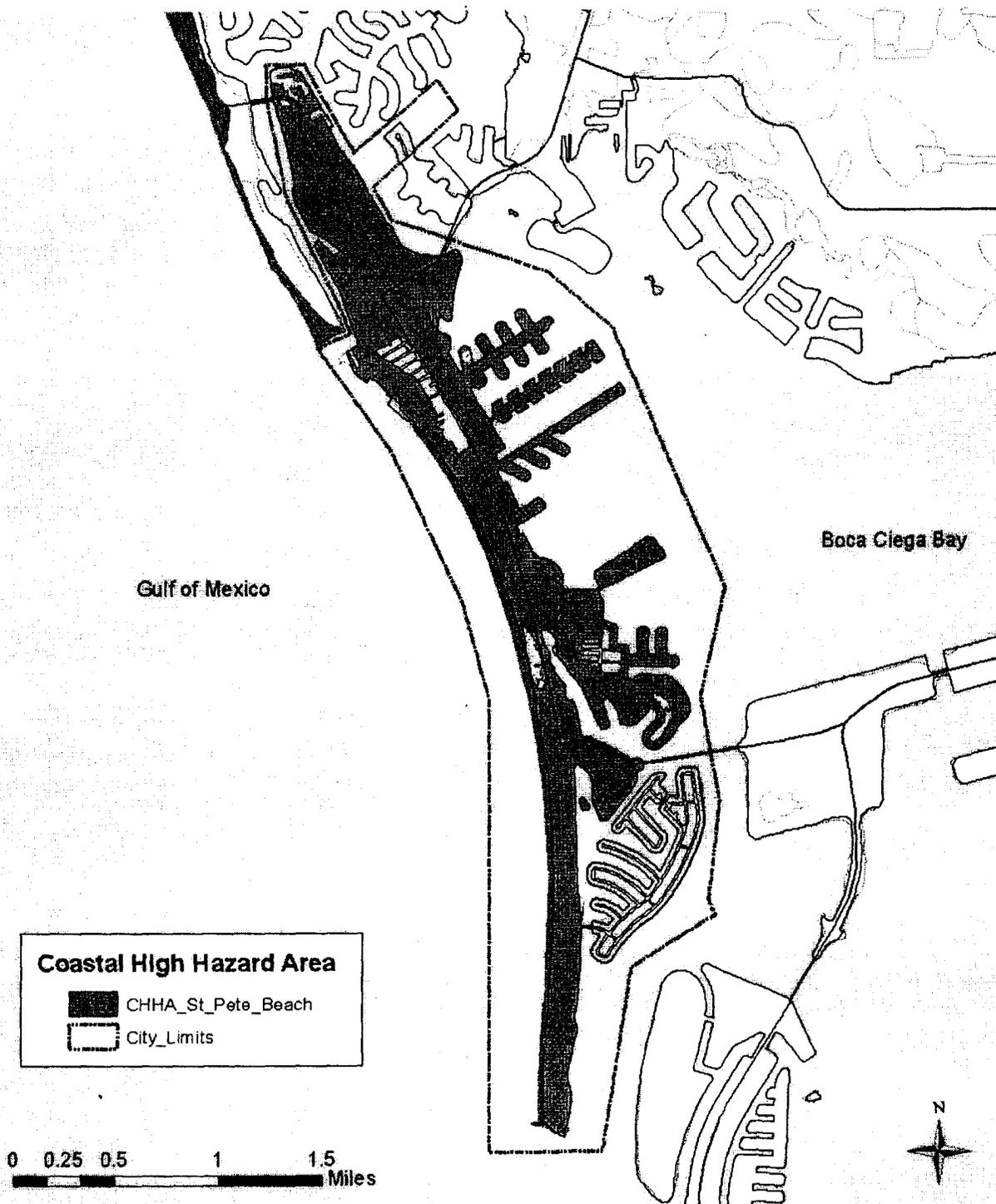
**“Attachment A” Continued – Maps**

# 2030 FLUM Series Future Land Use Categories North End of City

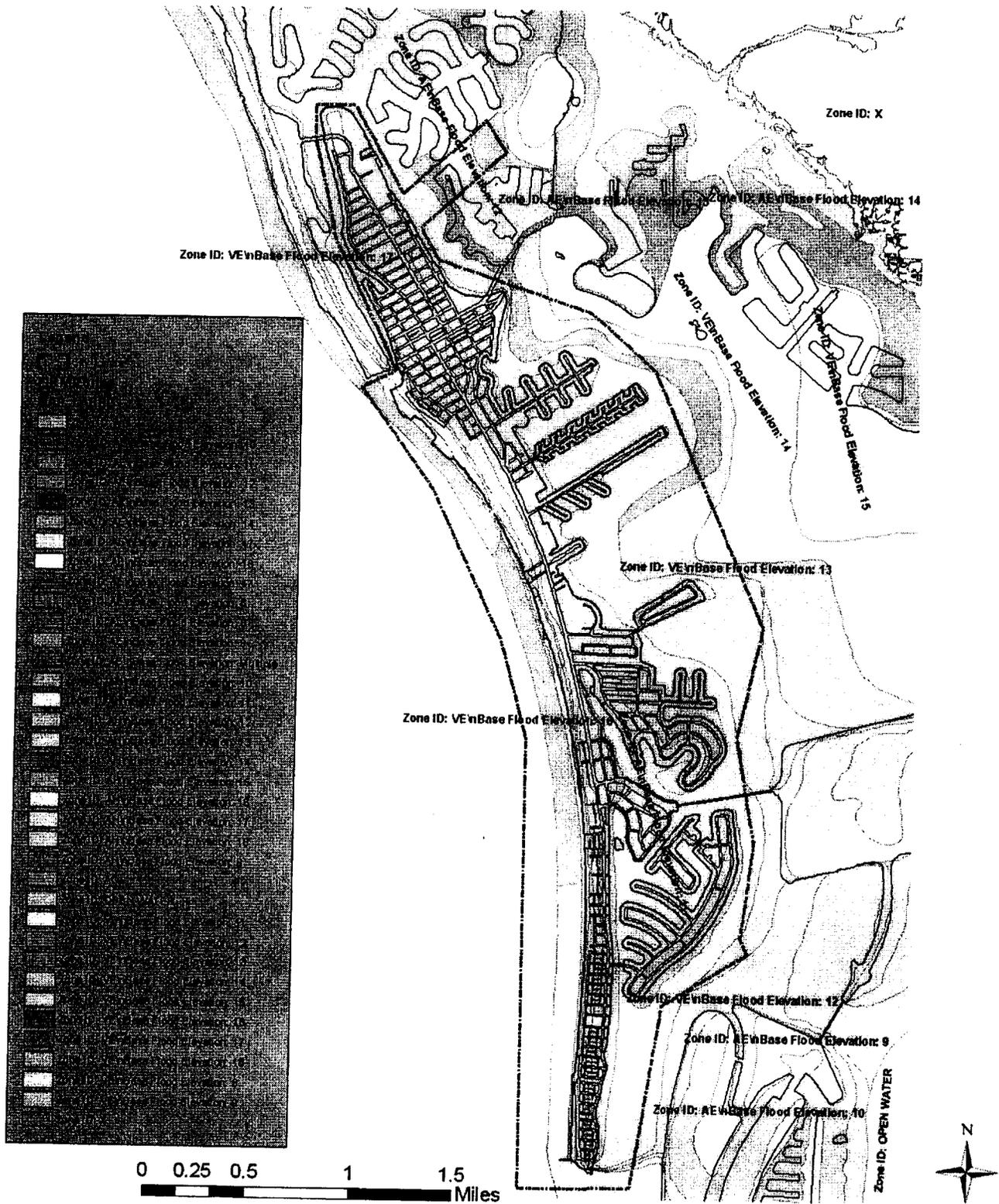




# 2030 FLUM Series Coastal High Hazard Area



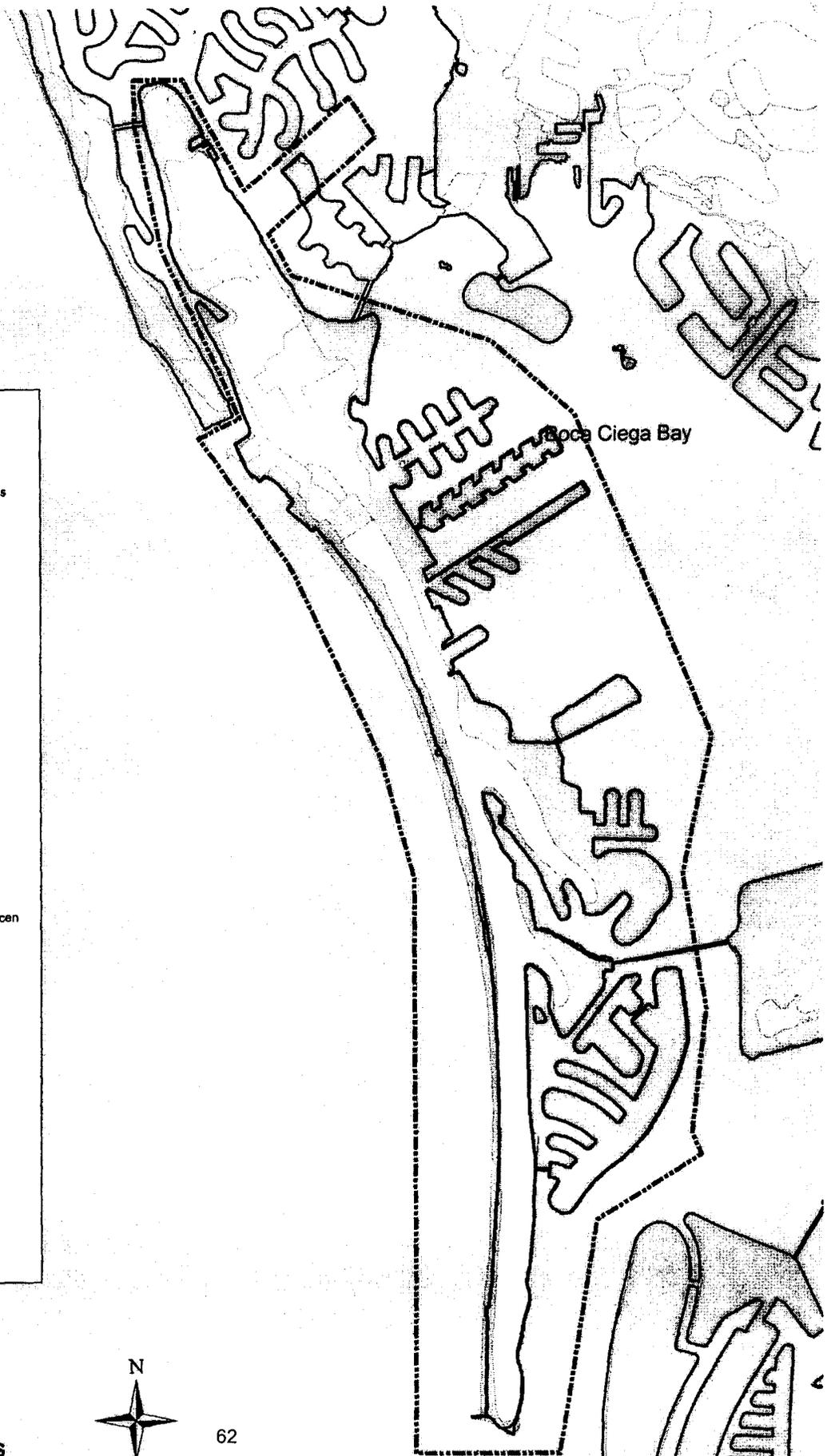
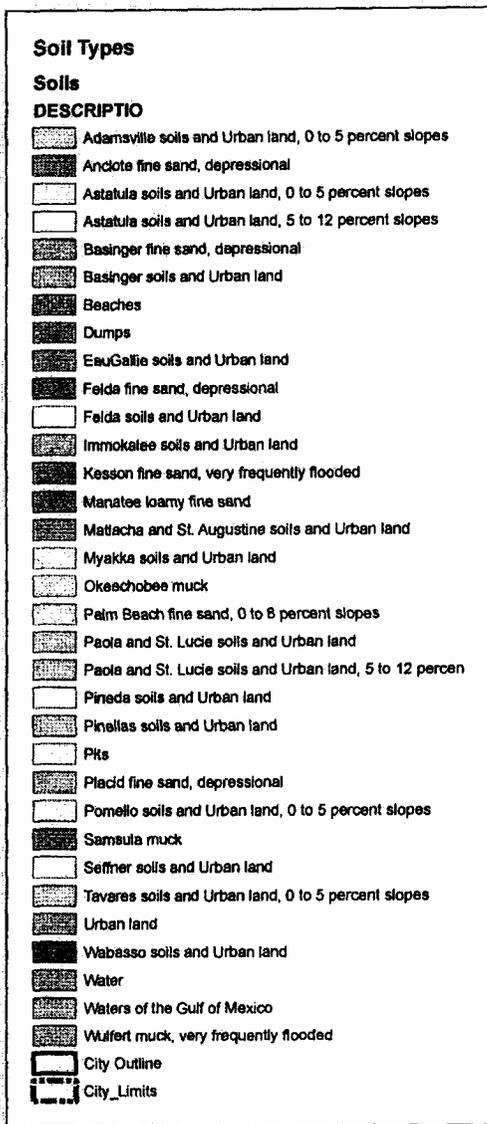
# 2030 FLUM Series: Flood Zones



# 2030 FLUM Series Soils

Gulf Of Mexico

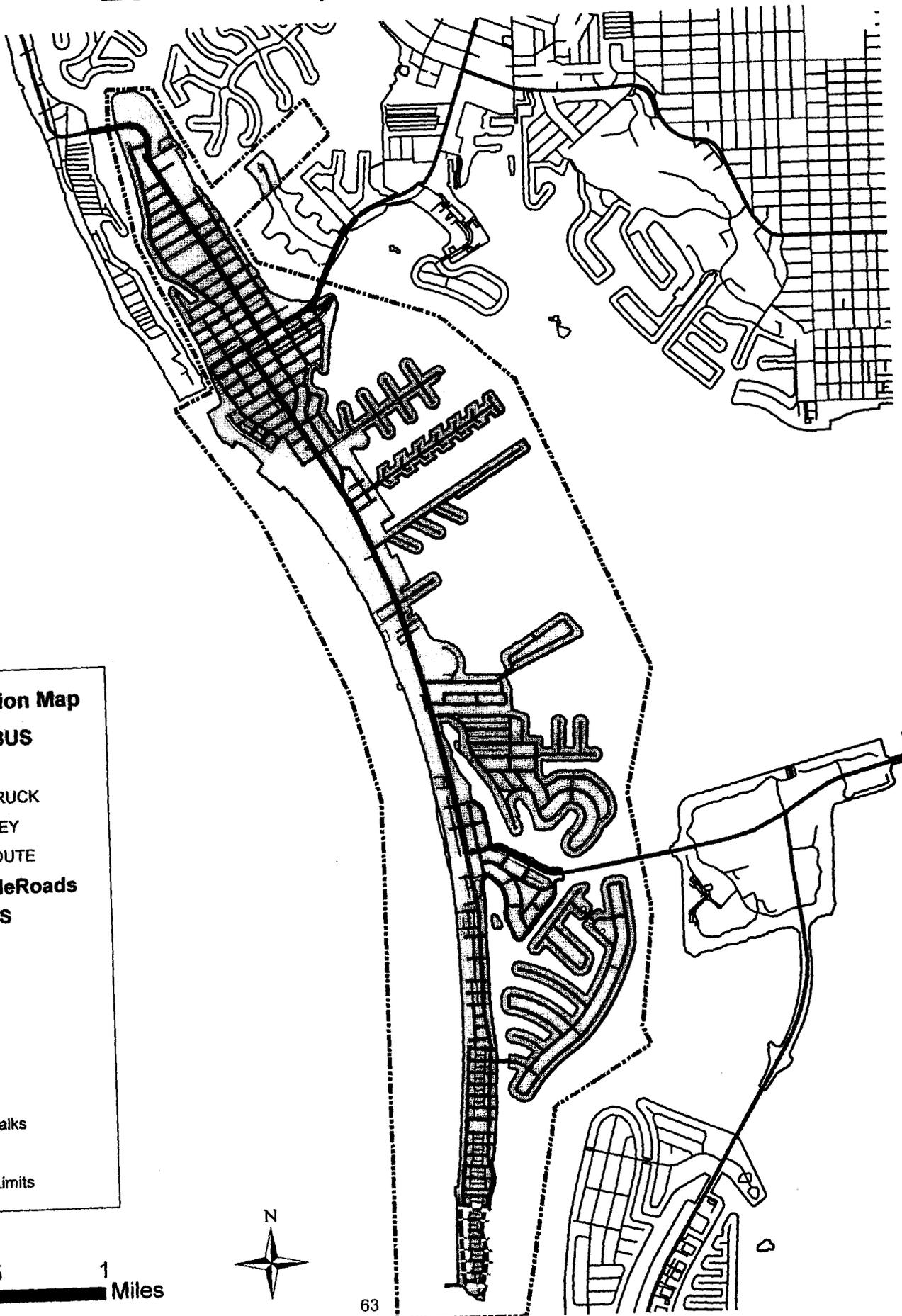
Boca Ciega Bay



0 0.25 0.5 1 Miles



# 2030 Transportation Map



## Transportation Map

### TRUCK & BUS

#### BusTruck

— BUS-TRUCK

— TROLLEY

— ALT ROUTE

### CountyWideRoads

#### SEG\_CLASS

— C

— LM

— LS

— MA

— MC

— PA

— Sidewalks

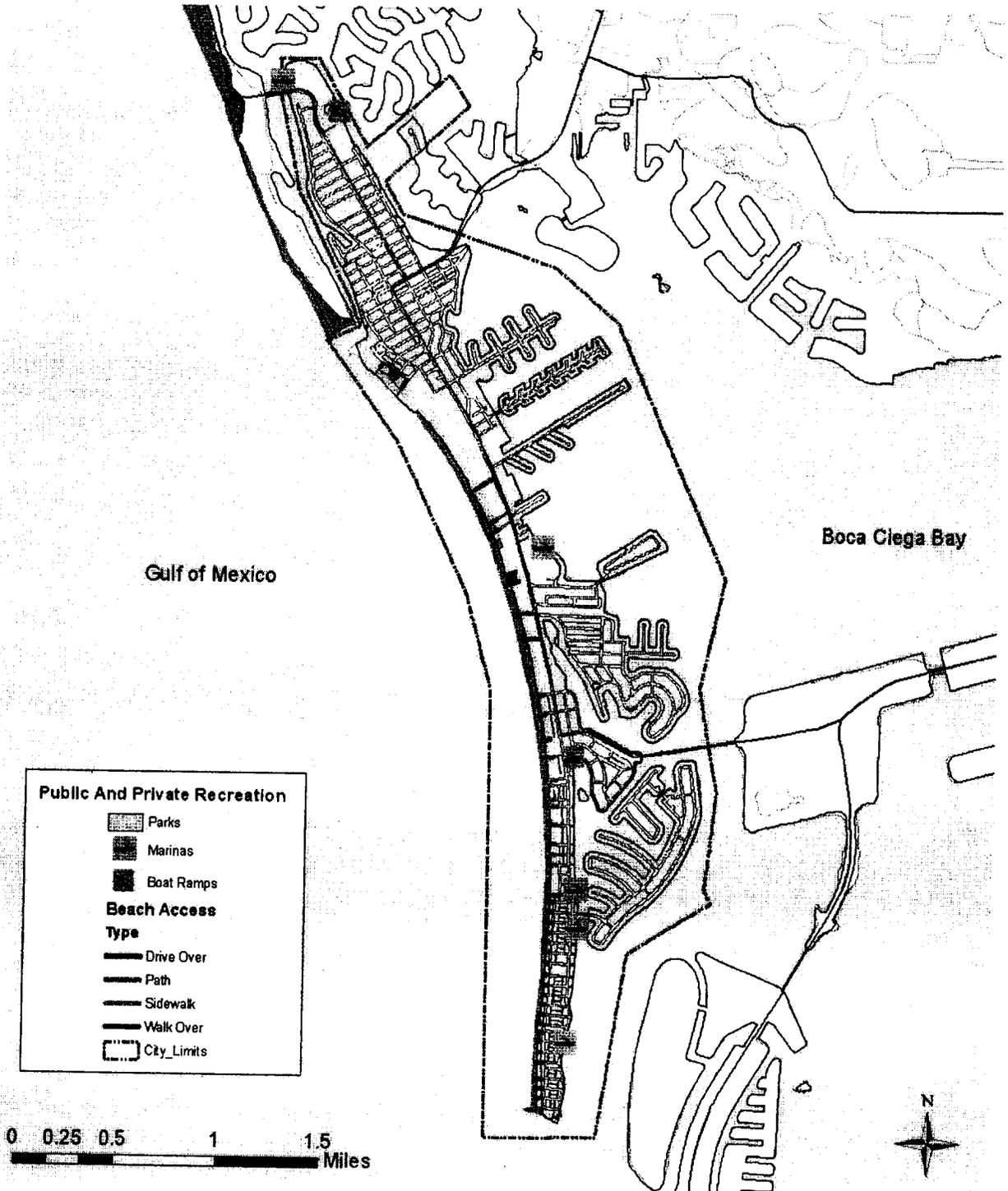
Block

City\_Limits

0 0.25 0.5 1 Miles



# 2030 Recreation Map Public and Private Recreation Sites



## Supporting Documentation



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

February 27, 2009

The Honorable Mike Finnerty  
Mayor, City of St. Pete Beach  
155 Corey Avenue  
St. Pete Beach, Florida 33706-1839

3-2-09

Date Ent'd	Mayor	<input checked="" type="checkbox"/>
Comm #1	#2	#3
G. Mgr.	C. Atty.	C. Clk.
Other	Paul Halber	
Action		

Dear Mayor Finnerty:

The Department has completed its review of the proposed Comprehensive Plan Amendment for the City of St. Pete Beach (DCA Number 09-1ER, which was received on December 24, 2008. Based on Chapter 163, Part II, Florida Statutes (F.S.), and Rule 9J-5, Florida Administrative Code, we have prepared the attached report, which outlines the Department's findings concerning the amendment. It is particularly important that the City address the objections set forth in our review report so that these issues can be successfully resolved prior to the adoption of the amendment.

We have also included a copy of local, regional and state agency comments for your consideration. Within the next 120 days, the City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, our report outlines procedures for final adoption and transmittal.

The proposed Amendment (DCA Number 09-1ER) is an update to the comprehensive plan based on the Evaluation and Appraisal Report (EAR). The Department has identified issues with the amendment including concerns regarding updated maps of the Future Land Use and Transportation Elements; concurrency management system, working waterfronts, and recommendations of the adopted EAR. The Department has also identified concerns with several of the policies in the comprehensive plan. Our report includes recommendations to help the City in addressing these issues prior to the adoption.

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100  
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: [www.dca.state.fl.us](http://www.dca.state.fl.us)

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦  
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7958 (p) 850-922-5623 (f) ♦

The Honorable Mike Finnerty  
February 27, 2009  
Page Two

We are available to assist the City in responding to our report. Please contact Valerie Jenkins, Senior Planner, at (850) 922-1803, if we may be of further assistance in the matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael McDaniel". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Michael McDaniel, Chief  
Office of Comprehensive Planning

MM/vj

Enclosures: Objections, Recommendations and Comments Report  
Review Agency Comments

cc: Mr. Karl Holley, AICP, City of St. Pete Beach  
Mr. Manny Pumariega, Executive Director, Tampa Bay Regional Planning Council

## INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of the City of St. Pete Beach's proposed amendment to their comprehensive plan (DCA Number 09-1ER) pursuant to Chapter 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objections. Other approaches may be more suitable in specific situations. Some objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by the local government and corrected when the amendment is resubmitted for our compliance review. Objections, which are not addressed, may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items, which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments, which follow the objections and recommendations section, are advisory in nature and will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

## TRANSMITTAL PROCEDURES

Upon receipt of this report, the City has 120 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. The process for adoption of local comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes (F.S.), and Rule 9J-11.011, Florida Administrative Code (F.A.C.). The City must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2)(a), F.S.

Within ten working days of the date of adoption, the City must submit the following to the Department:

Three copies of the adopted comprehensive plan amendment;

A copy of the adoption ordinance;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to Manny Pumariega, Executive Director, Tampa Bay Regional Planning Council.

Please be advised that Section 163.3184(8)(c), F.S., requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. **Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review. In the event no names, addresses are provided, please provide this information as well.** For efficiency, we encourage that the information sheet be provided in electronic format.

**DEPARTMENT OF COMMUNITY AFFAIRS**  
**OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT**  
**FOR THE**  
**CITY OF ST. PETE BEACH**  
**COMPREHENSIVE PLAN AMENDMENT 09-1ER**

February 27, 2009  
Division of Community Planning  
Office of Comprehensive Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT  
FOR THE  
CITY OF ST. PETE BEACH  
AMENDMENT 09-1ER**

**I. CONSISTENCY WITH CHAPTER 163, PART II, FLORIDA STATUTES (F.S.), AND RULE 9J-5, FLORIDA ADMINISTRATIVE CODE (F.A.C.)**

**Introduction:** The City's proposed Amendment 09-1ER is the Evaluation and Appraisal Report (EAR) based plan amendments to update the Comprehensive Plan. The Department has completed its review of the proposed amendment and has identified the following objections and comments.

**A. OBJECTIONS**

**1. Lack of Updated Maps:** The EAR-based amendment does not include Future Land Use Map as well as a Future Transportation Map with the future timeframe for which it is intended stated on the maps consistent with the planning timeframe for the City's comprehensive plan. Also, the EAR-based amendment does not include an updated natural resource map or map series.

[Sections 163.3177(5)(a), (6)(a); and Rules 9J-5.005(1)(e); 9J-5.005(4), and 9J-5.006(4)(a) and (b), F.A.C.]

**Recommendation:** Include with the amendment a Future Land Use Map and a Future Transportation Map with the future timeframe for which it is intended clearly stated on the maps consistent with the planning timeframe for the City's comprehensive plan. In addition, include an updated natural resource map or map series.

**2. Working Waterfronts:** The City has amended the Conservation and Coastal Management Element to establish a definition for "recreational and commercial working waterfronts." However, the City is not proposing to amend the Recreation and Open Space Element with respect to the Working Waterfront as required by Section 163.3177(6)(e), F.S.

[Section 163.3177(6)(a), and (e), F.S.; and Rule 9J-5.002(8), F.A.C.]

**Recommendation:** Revise the Recreation and Open Space Element to include provisions addressing Working Waterfront in or order to be consistent with the requirements of Section 163.3177(6)(e), F.S. The policy should recognize waterways in the City's comprehensive system of public and private sites for recreation

**3. Lack of Update to the Concurrency Management System:** The City's comprehensive plan does not establish adequate guidelines for applying concurrency as required. Policy 2.3.3 to the Future Land Use Element defers to the City's 1992 Concurrency Management System to permit new development where facilities and services are available or planned to be available. The policy states that, "The City shall permit no new development where the facilities and services are not available or planned to be available in accordance with the Concurrency Management System adopted in 1992 as Chapter 102, St. Pete Beach code of Ordinances, as amended" Additionally, proposed Policy 2.2.2 and Policy 1.1.5 to the Infrastructure Element, Policy 1.1.2 to the Transportation Element, Policy 1.3.4 to the Capital Improvements Element, and Policy 1.1.9 to the Recreation and Open Space Element state that, "All new development and redevelopment proposals shall be reviewed under the City's Concurrency Management System Ordinance to ensure the level of service standards established in this element shall be maintained". This is inadequate because according to state law each local government shall adopt as a component of the comprehensive plan, objectives, policies, and standards for the establishment of a concurrency management system.

[Section 163.3180, F.S., and Rule 9J-5.0055, F.A.C.]

**Recommendation:** Revise the comprehensive plan to include adequate guidelines and standards for the application of Concurrency Management System in the City.

**4. Inconsistency with Recommendations of the Adopted EAR:**

a. Page 43 through 44 of the City's adopted EAR identified that the protection of sea turtles is part of a county-wide effort to protect these animals from extinction. Pinellas County and some of its municipalities have adopted sea turtle lighting ordinances designed to protect the animals from the adverse effects of artificial lighting. The adopted EAR recommended that the City should revise or adopt objectives and policies into its comprehensive plan to protect sea turtles. However, the City has not proposed to revise the comprehensive plan as recommended by the EAR.

b. Page 40 of the City's adopted EAR also identified that the City needed to amend its Housing and Intergovernmental Coordination Elements to include policies regarding coordination with Pinellas County to develop affordable housing strategies on a regional basis. However, the EAR-based amendment does not include revisions to these elements to address this issue.

[Sections 163.3177(6)(d) and (f); 163.3178; and 163.3191(10), F.S.; and Rules 9J-5.002(8); 9J-5.010(3)(c)5 and 10; 9J-5.013(2)(c)5., F.A.C.]

**Recommendation:** Revise the comprehensive plan to amend or add objectives and policies to provide restriction of artificial lighting known to adversely affect the survival of sea turtles. Also, revise the amendment to include policies, appropriately supported by best available data and analysis, to develop affordable housing strategies on a regional

basis. In this regard, the City may want to consider entering into an agreement with Pinellas County or other local governments regarding affordable housing establishing a plan policy addressing the agreement.

**5. Plan Implementation:** The following objectives and policies in the comprehensive plan, although they have not been proposed to be changed, defer to the land development regulations for the guidelines and standards for implementing the comprehensive plan.

Future Land Use Element:

a. Policy 1.6.3 and Policies 1.7.1, 1.7.2, 1.7.4, 1.7.9, and 1.7.14 defer standards and guidelines to the City's LDRs for the protection of natural and historic resources, instead of establishing them in the comprehensive plan as required.

[Sections 163.3177(5)(a)(b); 163.3177(6)(a), (6)(d), and (6)(f) i.e., F.S., and Rules 9J-5.005(6); 9J-5.006(3)(c)8., and (4)(b)1. through 5.; and 9J-5.010(3)(c)4., F.A.C.]

**Recommendation:** Revise the policies identified in the objection to include guidelines and standards to be utilized by the City to regulate development in order to ensure the protection of historic and natural resources.

b. Policies 1.8.1 through 1.8.6 defer standards and guidelines to the City's LDRs for the enforcement of stormwater drainage and implementation of drainage improvements. Furthermore, Policy 1.8.7 states that, "The City shall, where practical, comply with the policies of the Pinellas County's Master Drainage Plan, as amended," without identifying those policy provisions established in the County's Master Drainage Plan to be relied upon.

[Sections 163.3177(5)(a)(b); 163.3177(6)(a), F.S., and Rules 9J-5.005(6); 9J-5.011(2)(c)4., F.A.C.]

**Recommendation:** Revise Policies 1.8.1 through 1.8.6 to include guidelines and standards to be utilized by the City to regulate the impact of development on stormwater drainage. Also, revise Policy 1.8.7 to include those provisions identified in Pinellas County's Master Drainage Plan relating to the enforcement of stormwater drainage and implementation of drainage improvements.

**B. Comments**

The City's adopted EAR includes Figure 4 (Vacant Property in St. Pete Beach) and Figure 5 (Sample of Non-Vacant Property) maps. These maps do not contain a legend, north arrow, source and map scale, and land use categories. Additionally, Figure 5 only shows a portion of the City's boundaries which depicts the City's vacant lands. However, Figure 5 should include the entire City limits in order to establish the extent of existing vacant development in the City at the time of this EAR based amendment.

Furthermore, the maps appear to be a black and white photocopy which makes it illegible and difficult to read.

## **II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN**

The proposed amendments do not adequately address and further the State Comprehensive Plan, relating to the following goals and policies:

- Goal 6.a, (Public Safety); Policies 6.b.22 and 6.b.23 related to Objection 3;
- Goal 8.a., (Coastal Marine); Policy 8.b.4 to Objection 2;
- Goal 9.a, (Natural Systems and Recreational Lands); Policy 15.b.1 related to Objection 6;
- Goal 25.a, (Plan Implementation); Policy 25.b.7 related to all of the above objections.

**Recommendation:** Revise the proposed amendments to be consistent with the above goals and policies of the State Comprehensive Plan, as recommended in this report.



Agenda Item #3.H.21  
02/09/09

*Adopted  
8:00  
Comm. 4*

**LOCAL GOVERNMENT COMPREHENSIVE PLAN  
PROPOSED EAR-BASED AMENDMENT REPORT**

**ST. PETE BEACH  
DCA#09-1ER**

For Council meeting of February 9, 2009  
Report prepared January 14, 2009

Staff Contact:  
Jessica Lunsford, ext. 38

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For Council meeting of February 9, 2009  
Report prepared January 14, 2009

2

Staff Contact:  
Jessica Lunsford, ext. 38

# St. Pete Beach EAR-Based Amendments

## Amendment #09-1ER

### Summary of amendments:

- Amendment to the Housing Element deleting Policy 1.63;
- Amendments to the Infrastructure Element clarifying the Level of Service Standards for stormwater management and drainage;
- Amendment to the Conservation and Coastal Management Element requiring a mitigation plan for tree or wetland vegetation removal resulting in no net loss of said vegetation;
- An Amendment to the Conservation and Coastal Management Element providing for the protection of the City's recreational and commercial working waterfronts;
- Amendments to the Conservation and Coastal Element changing the definition and rules regarding construction in the Coastal High Hazard Area, consistent with recent changes to Florida Statutes, and;
- Amendments to the Intergovernmental Coordination Element deleting irrelevant policies.
  
- **Regionally Significant:** Yes, based on the fact that by their breadth and scope, the EAR-based amendments will directly or indirectly be related to or impact regionally significant resources and facilities.
  
- **Result in extra-jurisdictional impacts?:** No.
  
- **Effects of the amendment on the following issues:**
  - **Compatibility among local plans including, but not limited to, land use and compatibility with military bases:**
  - **Impact/protect regional facilities/resources identified in the SRPP including, but not limited to, groundwater recharge and the availability of water supply:** Addressed in a previous amendment, Ordinance 2007-84.
  - **Affordable housing issues and designation of adequate sites for affordable housing:** Addressed in a previous amendment, Ordinance 2008-15.
  - **Protection of natural resources of regional significance identified in the SRPP including, but not limited to, protection of spring and groundwater resources, and recharge potential:** Addressed in a previous amendment, Ordinance 2007-84.
  - **Effectiveness and enhancement of economic development within the region including, but not limited to, preservation of military bases:** Not applicable to the proposed amendment.
  - **Compatibility with regional transportation corridors and facilities including, but not limited to, roadways, seaports, airports, public transportation**

**systems, high speed rail facilities, and intermodal facilities:** The Comprehensive Plan amendments are compatible with Gulf Blvd, a regionally significant hurricane evacuation route and a regional roadway.

- **Adequacy of and compatibility with emergency preparedness plans and local mitigation strategies (plans) including, but not limited to, the impacts on and availability of hurricane shelters, maintenance of county hurricane evacuation clearance times, and hazard mitigation:** St. Pete Beach has included the appropriate objectives and policies to address the recent changes to the Florida Statutes in this amendment and in an earlier amendment, Ordinance 2007-33.
  
- **Regional Comments:** None.
  
- **Applicable SRPP Policies:** The additions and revisions contained in the proposed amendment were found to be supportive of and further the goals and policies of the SRPP's five subject areas.
  
- **Consistency with SRPP:** Consistent.



# Florida Department of Transportation

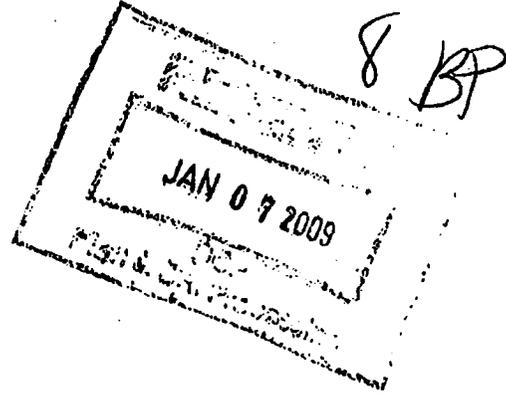
CHARLIE CRIST  
GOVERNOR

11201 N. McKinley Drive  
Tampa, FL 33612-6456

STEPHANIE C. KOPELOUSOS  
SECRETARY

December 31, 2008

Mr. Ray Eubanks  
Division of Community Planning  
Florida Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100



**Re: City of St. Pete Beach Proposed EAR-based Plan Amendment 09-1ER**

Dear Mr. Eubanks:

We have reviewed the City of St. Pete Beach proposed comprehensive plan (the Plan) Amendment 09-1ER (based on the Evaluation and Appraisal Report- EAR) according to the provisions of Chapter 163, Florida Statutes; Chapter 9J-5, Florida Administrative Code; and our Plan review guidelines. Our comments follow.

**Background** St. Pete Beach is the southernmost barrier island community in Pinellas County. The 2005 estimate of population was 10,032. The City (2.25 square miles) has 4.5 miles fronting the Gulf of Mexico, and is 1.6% vacant land (24 acres; 99 parcels). Approximately 60 of those parcels are being redeveloped. Consultants for the City conducted community visioning meetings and prepared a community redevelopment plan (CRP), but the voters repealed it in 2006, and also the CRP-related Plan amendments. The EAR issues were: Enhancing Gulf Boulevard; revitalizing the City; affordable housing; enhancing tree canopy; protecting sea turtles; and reducing the potential density allowed by the Future Land Use Map. The EAR-based amendments address each issue area with a proposed Plan change or by explaining their decision not to take action.

**Comment:** The City mentions future streetscape projects to improve the appearance and function of Gulf Boulevard and improve pedestrian mobility and safety. Please be aware that all plans for design and modifications to State Roads, including Gulf Boulevard and Blind Pass Road, need to follow standards in the Plans Preparation Manual (PPM), the Standard Index and the FDOT Standard Specifications Manual for Road and Bridge Construction (FDOT statewide standards). Early coordination of plans will be helpful.

Mr. Ray Eubanks  
December 31, 2008  
Page Two

Comment: The City needs to address new statutory requirements resulting from the recent changes to Section 163.3177, Florida Statutes. Each unit of local government within an urbanized area is required in part to amend the transportation element to incorporate transportation strategies addressing reduction in greenhouse gas emissions. Amendments to the Future Land Use Element are also required.

Thank you for the opportunity to review the proposed amendment. If you have any questions, please contact me at (813) 975-6444 or [carol.collins@dot.state.fl.us](mailto:carol.collins@dot.state.fl.us).

Sincerely,



Carol M. Collins, LGCP Coordinator

cc: Kathleen Neill, Director of Policy Planning, FDOT  
Karl E. Holley, AICP, Director, St. Pete Beach Community Development Director  
Catherine M. Hartley, AICP, Senior Planner, St. Pete Beach



# Florida Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Charlie Crist  
Governor

Jeff Koutkamp  
Lt. Governor

Michael W. Sole  
Secretary

8 BP  
1/26/09

January 23, 2009

Mr. D. Ray Eubanks  
Bureau of Local Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**Re: City of St. Pete Beach 09-1ER; Comprehensive Plan Amendment Review  
Objections, Comments and Recommendations Report**

Dear Mr. Eubanks:

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (DEP or Department) has reviewed the above-referenced Evaluation and Appraisal Report (EAR) based amendments submitted by the City of St. Pete Beach (City) under the provisions of Chapter 163, Part II, *Florida Statutes (F.S.)*, and Chapters 9J-5 and 9J-11, *Florida Administrative Code (F.A.C.)*.

As required by law, the scope of our comments and recommendations is limited to the environmental suitability of the proposed changes in light of the Department's regulatory and proprietary responsibilities. The amendment package consists of amendments to the City's comprehensive plan (Plan) based upon its EAR. To assist your agency in developing the state's response to the proposed amendment package, the Department provides the following comments and recommendations regarding the amendments.

## ENERGY CONSERVATION POLICIES

New 2008 statutory revisions will require the City to make changes to its Future Land Use, Transportation, Conservation and Housing elements to address requirements to reduce energy consumption and greenhouse gas emissions. The Department provides the following list of resources that may help the City in meeting these requirements:

"More Protection. Less Process"

### Climate Change Resources

- The chapter on Climate Change in the **Florida Planning Toolbox** (pages 17-47) (<http://www.cuesfau.org/toolbox/>) contains a wealth of useful information for local governments, including websites for climate change resource organizations and publications, examples of several Florida city and county climate change plans, and sample policies for reduction of energy consumption and GHG emissions.
- Florida Energy Office (<http://www.dep.state.fl.us/energy/>): Solar Energy Rebate Program, Renewable Energy Technology Grants Program, Renewable Energy Technology Tax Incentives Program, Farm to Fuel Grant Program, and other financial incentives. *Note: Effective July 1, 2008, the Florida Energy Office will be housed in the Executive Office of the Governor. The new website is under construction.*
- The International Council for Local Environmental Initiatives (ICLEI) has a free climate change software program that is designed to take data from local governments on energy use and solid waste disposal, and convert it into GHG emissions statistics. The software is available at the following ICLEI web address: <http://www.icleiusa.org/>. Using this tool, a local government can account for emissions resulting from its consumption patterns and be in a better position to design effective strategies to reduce these emissions.
- The Environmental Protection Agency (EPA) has a website devoted to climate change located at <http://www.epa.gov/climatechange/>. The site has valuable information regarding climate change and also offers emission calculator tools.
- The EPA's Clean Energy Program website, located at <http://www.epa.gov/cleanenergy/index.html>, gives you access to state and local energy programs throughout the country. The link is provided on the Florida Energy Office's website, located at <http://www.dep.state.fl.us/energy/>.
- The St. Johns River Water Management District ([http://sjr.state.fl.us/map\\_5\WMDs.html](http://sjr.state.fl.us/map_5\WMDs.html)) provides access to websites for the state's five water management districts.
- The Florida Department of Community Affairs' website provides guidance documents on growth management topics. (<http://www.dca.state.fl.us/fdcp/dcp/publications/index.cfm>).

Mr. D. Ray Eubanks  
City of St. Pete Beach 09-1ER  
Page 3 of 3  
January 23, 2009

- The U. S. Department of Energy website shows the average electricity consumption per household and the amount of wattage used by a variety of appliances.  
([http://www.eia.doe.gov/emeu/repse/electuse/er01\\_us.html#Electricity](http://www.eia.doe.gov/emeu/repse/electuse/er01_us.html#Electricity)).

Thank you for the opportunity to comment on this proposal. If I may be of further assistance, please call me at (850)245-2182.

Sincerely,

*Robin Branda*

Environmental Specialist III  
Office of Intergovernmental Programs

/rsb



JBP  
1/29/09

FLORIDA DEPARTMENT OF STATE  
Kurt S. Browning  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

January 27, 2009

Mr. Ray Eubanks  
Department of Community Affairs  
Bureau of State Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Re: Historic Preservation Review of the St. Pete Beach (09-1ER) Comprehensive Plan  
Amendment (Pinellas County)

Dear Mr. Eubanks:

According to this agency's responsibilities under Section 163, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources were given sufficient consideration in the request to amend the St. Pete Beach Comprehensive Plan.

We reviewed proposed Evaluation and Appraisal Report based text changes to various elements of the St. Pete Beach Comprehensive Plan to consider the potential effects of these actions on historic resources. While our cursory review suggests that the proposed changes may have no adverse effects on historic resources, it is the city's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

Frederick P. Gaske, Director

xc: Mr. Bob Dennis

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office  
(850) 245-6300 • FAX: 245-6436

Archaeological Research  
(850) 245-6444 • FAX: 245-6452

Historic Preservation  
(850) 245-6333 • FAX: 245-6437

**BOARD OF COUNTY  
COMMISSIONERS**

Nancy Bostock  
Neil Brickfield  
Calvin D. Harris  
Susan Latvala  
John Morroni  
Karen Williams Seel  
Kenneth T. Welch



January 28, 2009

Ray Eubanks, Administrator  
Plan Review and Processing  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2356

JAN 30 2009

RE: St. Pete Beach 09-1ER

Dear Mr. Eubanks:

As part of the Comprehensive Plan Evaluation and Appraisal Report (EAR)-Based Amendments Review Process, the Pinellas County Planning Department, as the County Land Planning Agency, has reviewed the referenced City of St. Pete Beach Comprehensive Plan EAR-Based Amendment package. The review and recommendations are developed in accordance with the requirements of Section 163.3184(5), F.S. and Chapter 9J-11.010, F.A.C., and consider the effect and relationship of the proposed EAR-Based Amendments to the Pinellas County Comprehensive Plan.

Following review, the County has no comments regarding the City's proposed amendments.

Thank you for the opportunity to review the proposed Comprehensive Plan Amendment package. If you have any questions regarding the findings above, please feel free to contact me at 464-8200.

Sincerely,

Gordon Beardslee, General Planning Administrator  
Pinellas County Planning Department

CC: Catherine Hartley, Senior Planner, City of St. Pete Beach

PLEASE ADDRESS REPLY TO:  
600 Cleveland Street  
Suite 750  
Clearwater, Florida 33755  
Phone: (727) 464-8200  
Fax: (727) 464-8201  
Website: [www.pinellascounty.org](http://www.pinellascounty.org)



City Response to DCA  
Objections, Comments, and Recommendations Report

## DCA Objections to the EAR Based Amendments

Objection 1: Lack of Updated Maps – Include new Transportation and Future Land Use Maps.

City's Response: Please find attached an updated Future Land Use Map.

A new transportation map is provided as part of the EAR based amendments as requested.

Objection 2: Include Waterways on the Recreation Map.

City's Response: Please find a new recreation map showing waterways, boat ramps, and other recreation sites within the City. Also, the City has amended Recreation Policy 1.1.8 to ensure that waterways are part of this City's comprehensive system of parks and recreation sites.

### Policy 1.1.8

The City shall maintain adequate public access points to all recreation sites including beaches, waterways, and shores.

Objection 3: Lack of Update to the Concurrency Management System:

City's Response: The City proposes the following changes, as recommended:

### Capital Improvements Element

Objective 1.6 Concurrency Management- The City shall use level of service standards to measure the adequacy of existing public facilities and to ensure that future development will be served with adequate public facilities.

Policy 1.6.1 Pursuant to Chapter 163, F.S., and Chapter 9J-5, F.A.C., City shall require that the City shall not issue any development permits for development unless the applicant or developer submits an application for concurrency, utilizing best available data and professionally accepted methodologies, as well as documentation from the facility provider, that demonstrates to the City's satisfaction that public facilities required by the subject development will be in place concurrent with the impacts of development. Furthermore, the applicant shall assure the City that the subject development will not reduce the level of service associated with public facilities serving the development below the adopted level of service standards. Public facilities for the purpose of concurrency shall mean facilities related to traffic, drainage, solid waste, potable water, wastewater, schools, and parks and recreation.

Policy 1.6.2 . The following criteria shall be used to determine when concurrency has been satisfied for potable water, sanitary sewer, solid waste, and drainage:

- a. The necessary facilities and services are in place at the time the development order is issued;
- b. A development order is issued subject to the conditions that the necessary facilities and services will be in place when the impacts of development occur; or
- c. At the time the development order is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, to be available when the impacts of development occur.

Policy 1.6.3 The following criteria shall be used to determine when concurrency has been satisfied for recreation and parks:

- a. The necessary facilities and services are in place or under construction within one year of the time the development order is issued; or
- b. A development order is issued subject to the condition that the acreage to serve the new development is dedicated or acquired by the City, or that funds in the amount of the development's fair share are committed by the developer.

Policy 1.6.4 The following criteria shall be used to determine when concurrency has been satisfied for roads:

- a. The necessary facilities and services are in place or under construction at the time the development permit is issued;
- b. A development permit is issued subject to the condition that the necessary facilities and services needed to serve the new development are scheduled to be in place or under construction not more than three (3) years after the issuance of the development order, and the facilities and services are included in the City's five (5)-year schedule of capital improvements. The schedule of capital improvements may recognize and include transportation projects included in the first three (3) years of the Florida DOT five (5)-year work program; or
- c. At the time a development permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement to be available or under construction not more than three (3) years after the development permit is issued.

Policy 1.6.5 As part of the preparation of the five (5)-year schedule of capital improvements, the City shall prepare an annual report that details the capacity or deficiency of the following public facilities: roads, sanitary sewer, solid waste, drainage, potable water, and parks and recreation based on best available data from the service provider. The annual report shall, at a minimum, include the following information for each facility:

- a. Adopted level of service standard;
- b. Existing deficiency or capacity;
- c. Reserved capacity for approved, but un-built, development;
- d. Improvements to be made by all approved developments; and
- e. Improvements to be made by the City or any other governmental agency.

Policy 1.6.6 The City shall not issue a development permit within those areas of the City where public facilities do not meet the adopted level of service standards. The areas to be evaluated to determine whether public facilities meet the adopted level of service standard are described for each type of public facility, as follows:

a. Roads –City-wide

b. Sanitary sewer-City-wide;

c. Solid waste- City-wide;

d. Drainage- City-wide;

e. Potable water-City-wide;

f. Parks and recreation- City-wide; and

g. Schools – Concurrency Service Areas, consistent with the maps located in the Public School Facilities Element and interlocal agreement with Pinellas County.

Policy 1.6.7. The City shall establish a monitoring system to monitor the remaining capacity and deficiencies of the public facilities addressed in the Capital Improvements Element and to determine whether concurrency certificates shall be issued.

Policy 1.6.8 A concurrency certificate shall be required prior to the issuance of any final development permit. Final development permits shall contain a specific site plan for development including the densities and intensities of development.

Objection 4: Inconsistency with Recommendations of the adopted EAR.

- A. Sea Turtle Protection – the City recommended in the EAR that policies be adopted for turtle protection. Subsequent to the EAR, the city adopted a turtle protection ordinance in its land development regulations, but did not amend its plan as recommended in the EAR. The following amendments to the coastal element for turtle protection are as follows:

Coastal and Conservation Element

Objective 1.12 To protect hatchling marine turtles from the adverse effects of artificial lighting, provide overall improvement in nesting habitat degraded by light pollution, and increase successful nesting activity and production of hatchlings.

Policy 1.12.1 The following activities are prohibited on the beach at nighttime during the nesting season, (May 1<sup>st</sup> through October 31<sup>st</sup>) for the protection of nesting females, nests, and hatchling marine turtles:

(a) The operation of all motorized vehicles, except emergency and law enforcement vehicles or operated by those persons who have authorization or a permit to engage in marine turtle conservation or research issued by the United States Fish and Wildlife Service, or the Florida Fish and Wildlife Conservation Commission, and Florida Department of Environmental Protection approved for mechanical beach cleaning or beach re-nourishment activities.

(b) The building of campfires or bonfires.

(c) Any transient lighting which purposely and flagrantly illuminates nesting sea turtles or hatchlings. This prohibition does not apply to those persons who have authorization or a permit to engage in marine turtle conservation or research.

Policy 1.12.3 If any turtle nests or nesting activities have been reported within a portion of a beach, any temporary structures, including but not limited to beach chairs, umbrellas and cabanas which have the potential for entrapment of marine turtles and which may interfere with the use of the natural beach environment for nesting habitat shall be:

- (1) Removed from the beach nightly; or
- (2) Stored in areas designated by the City of St. Pete Beach staff which are situated to avoid interference with marine turtles; or

Policy 1.12.4 In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the following standards for artificial light sources on all new coastal construction shall be applied:

(a) Exterior artificial light fixtures directly or indirectly illuminating the beach shall be designed as follows:

- (1) Exterior lights are completely shielded downlight only fixtures or recessed fixtures having low wattage Bug Type Bulbs, low-pressure sodium vapor (LPS) bulbs, Red or Amber Light-Emitting Diodes (LED), or True Neon light sources.
- (2) All fixtures are mounted as low in elevation as possible through use of low-mounted wall fixtures, low bollards, and ground-level fixtures

(b) Floodlights, uplights or spotlights that are directly visible from the beach, or which indirectly or cumulatively illuminate the beach, are prohibited.

(c) Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve their functional role(s). The use of motion detector switches that keep lights off except when approached and that switch hooded or shielded lights on for the minimum duration possible are preferred.

(d) Only low intensity recessed or louvered lighting, or other appropriate low intensity lighting, shall be used on dune crossovers where permissible. All light fixtures on dune crosswalks must utilize low wattage Bug Type Bulbs, low-pressure sodium vapor (LPS) bulbs, Red or Amber Light-Emitting Diodes (LED) or True Neon light sources. Dune crosswalk lighting seaward of the primary dune, or on the beach in areas where the primary dune no longer exists, shall not be used.

- B. Page 40 of the adopted EAR recommended the City *consider* adding policies to its Housing and Intergovernmental Elements to include policies regarding the coordination with Pinellas County to develop affordable housing strategies on a regional basis. The City has considered such policies and has instead realized its responsibility to provide its "fair share" of affordable housing within City limits, especially since the major employers in the city are tourism-related and count on lower wage workers. Instead of relying on other jurisdictions to supply affordable housing (which also taxes the transportation system), the City has adopted

affordable housing polices as part of Ordinance 2008-15 (DCA # 2008-02AR), requiring an impact fee (linkage fee) for affordable housing for redeveloping properties, as well as a density bonus for providing on site affordable housing. Additional polices are not suggested.

Objection 5 a and b: The Department identified several policies in the adopted Comprehensive Plan that deferred to the Land Development Regulations for implementation, specifically Future Land Use policies 1.7.1, 1.7.2, 1.7.4, 1.7.9, 1.7.14 and 1.8.1-1.8.7. Policy 1.8.7 is removed entirely, due to the fact that the Pinellas County drainage plan is out of date and only includes design guidelines; SWFWMD rules for drainage design would over-ride design guidelines in the plan.

The remaining polices are revised as recommended, as follows:

#### Future Land Use Element

##### Policy 1.7.1

The City shall, ~~through administration of the land development regulations,~~ ensure that land is developed in such a manner as to protect natural resources through encouraging the planting of native vegetation, restoration of dunes, beach re-nourishment, and regulating construction along the Coastal Construction Control line.

##### Policy 1.7.2

Unique and/or irreplaceable natural resources such as the City's beaches, shores, dunes and mangroves shall be protected from the adverse effects of development. ~~through administration of the land development regulations.~~ Sand dunes and mangroves may not be disturbed during development and construction activities.

##### Policy 1.7.4

Species of flora and fauna listed in the Coastal and Conservation Element of this comprehensive plan as endangered, threatened or species of special concern, as defined by federal law or Florida statutes, shall not be removed during development or redevelopment processes. ~~shall be protected through requiring compliance with appropriate federal and state regulations as administered through the land development regulations.~~

##### Policy 1.7.9

The City, ~~through the administration of the land development regulations,~~ shall ensure that natural water courses are protected in their natural state and are not subject to alteration. Activities that alter the flow of a watercourse that are expressly prohibited include: Damming, diking, or adding fill for the production of additional land for development purposes.

Policy 1.7.14

The City's limited non-potable water resources shall be conserved and protected from ~~depletion or over-development~~ through the administration of the Future Land Use Map and Future Land Use Element policies. ~~land development regulations.~~

Policy 1.8.1

The ~~land development regulations~~ City shall ensure that surface cover vegetation loss during construction is minimized and/or replaced to reduce erosion and flooding. A minimum of 10% of the site shall be covered with vegetation post-construction.

Policy 1.8.2

The ~~land development regulations shall~~ City shall ensure require the developer/owner of any new development or redevelopment site ~~is responsible for the on-site management of to manage~~ stormwater runoff in a manner such that post-development runoff rates, volumes and pollutant loads do not exceed pre-development conditions.

Policy 1.8.3

Where feasible, the ~~land development regulations shall require that finished grades are~~ shall be designed to direct water flows along natural drainage courses and through natural terrain.

Policy 1.8.4

~~Impervious surface areas shall be minimized through the administration of standards contained within the land development regulations.~~ Impervious surfaces shall be limited through the application on lot coverage standards in the Future Land Use Element.

Policy 1.8.5

The ~~land development regulations~~ City shall require ensure that future drainage out-falls associated with both ~~either~~ new development ~~or~~ and redevelopment are designed to prevent the direct discharge of runoff into either Boca Ciega Bay or the Gulf of Mexico.

Policy 1.8.6

The ~~land development regulations shall encourage~~ City shall employ stormwater best management practices, such as the use of either vegetated swales, rail barrels, rain gardens, pervious parking areas, underground ex-filtration, in conjunction with retention ponds, or sand filtration and catchment systems where the lack of space prohibits the use of retention or detention ponds.

Policy 1.8.7

~~The City shall, where practical, comply with the policies of the Pinellas County Master Drainage Plan, as amended.~~

Copy of Proposed Amendment Package

# City of St. Pete Beach EAR-Based Amendments

*Transmitted to the Department of Community Affairs  
December 18, 2008*

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**CITY OF ST. PETE BEACH, FLORIDA**

**ORDINANCE NO. 2008-47**

**AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE TEXT OF THE HOUSING, INFRASTRUCTURE, CONSERVATION AND COASTAL, AND INTERGOVERNMENTAL COORDINATION ELEMENTS OF THE COMPREHENSIVE PLAN TO IMPLEMENT THE RECOMMENDATIONS IN THE EVALUATION AND APPRAISAL REPORT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.3191 Florida Statutes requires that Cities periodically evaluate the efficacy and implementation of their Comprehensive Plans and update the Plan based on statutory requirements and major issues identified by the community and;

**WHEREAS**, the DCA found the Evaluation and Appraisal Report Sufficient on July 31, 2007; and

**WHEREAS**, the City has drafted the appropriate amendments to the Comprehensive Plan based on the major issues and required statutory changes to the Plan; and

**WHEREAS**, the Planning Board of the City of St. Pete Beach and the City Commission of the City of St Pete Beach conducted public hearings noticed pursuant to Florida law and pursuant to Ordinance 88-36 of the City of St. Pete Beach and Section 22-3.9 of the Land Development Code; and

**WHEREAS**, the comprehensive plan amendment is determined to be in the best interest of the citizens of the City of St. Pete Beach,

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:**

**Section 1.** The St. Pete Beach Housing , Infrastructure, Conservation and Coastal, and Intergovernmental Coordination Elements of the Comprehensive Plan are hereby amended in accordance with the text attached hereto as Attachment A.

**See Attachment A**

**Section 2.** If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

**Section 3** All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

**Section 4.** This Ordinance shall become effective when approved by the citizens of St. Pete Beach in accordance with the requirements of Section 3.15 of the City Charter and when the State Land Planning Agency issues a final order determining the adopted amendment to be in compliance with Section 163.3184(9), *Florida Statutes*, or when the Administration Commission issues a final order determining the adopted amendment to be compliant in accordance with Section 163.3184(10), *Florida Statutes*, whichever occurs first.

\_\_\_\_\_  
**Michael Finnerty, MAYOR**

**FIRST READING:**                    December 16, 2008  
**PUBLISHED:**                     \_\_\_\_\_  
**SECOND READING:**             \_\_\_\_\_  
**PUBLIC HEARING**                 \_\_\_\_\_

I, Theresa B. McMaster, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**ATTACHMENT "A"**

## Proposed EAR-based Amendments

### Housing Element

~~Policy 1.6.3. In accordance with the *Standard Existing Building Code*, buildings left vacant for a time period exceeding 2 years shall be analyzed prior to re-occupancy for hazards affecting the safe use and occupancy of the dwelling unit.~~

### Infrastructure Element

#### Policy 2.2.1

~~In accordance with the Drainage Ordinance, the 10-year frequency, 60-minute storm event Drainage Level of Service: Drainage facilities shall accommodate the twenty-five (25) year, twenty-four (24)-hour storm event. Unless the City provides a community-wide stormwater facility or utility, retention must be on-site and accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of the project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces and parking areas. The project must also provide detention for all storm flows. Detention must prevent peak flows after development from exceeding the peak flow prior to development. All drainage facilities shall meet all applicable local, State and federal water quality standards.~~

#### Policy 2.2.2

~~The St. Pete Beach's land development regulations shall contain provisions which ensure that, all development activity shall adhere to the interim drainage level of service of the 10-year frequency, 60-minute storm event. All new development and redevelopment proposals shall be reviewed under the City's Concurrency Management System Ordinance to ensure the level of service standards established in this element shall be maintained.~~

#### Policy 2.2.3

The following stormwater management techniques shall be used to maintain or improve water quality:

- ~~o No more than 60 percent of residential lots and 70 percent of commercial lots shall be covered with paving or other types of impervious surfaces, including structure.~~
- o Regular maintenance of retention swales adjacent to City roadways.
- o Use of front, rear and side lot line swales in new development.

- o Use of erosion and runoff control devices during construction;
- o Where necessary, the City shall consider construction of drainage retention areas in the public right-a-way; and
- o Where existing waterways are not sea-walled, native marine vegetation shall be used for shoreline stabilization where technically feasible.

**Conservation and Coastal Management Element**

**Policy 1.4.7**

Although limited natural resources remain in the City of St. Pete Beach, every effort shall be taken to protect these resources as follows:

- o Recreational development shall be compatible with the surrounding environment;
- o The clearing of trees and wetland vegetation shall be prohibited, unless a mitigation plan is submitted and approved by the City, the objective being no net loss of wetlands and trees specifically permitted; and
- o All applications for site development approval shall be subject to site plan review in accordance with the land development regulations.

**Objective 1.9**

**In accordance with this Comprehensive Plan, the City of St. Pete Beach shall protect and restore its beaches, dunes and natural system, protect its recreational and commercial working waterfronts, and establish construction standards which minimize the impacts of man-made structures on these systems through the land development regulations.**

Policy 1.9.7 Recreational and commercial working waterfronts are defined as a parcel or parcels of real property that provide access for water-dependent commercial activities or provide access for the public to the navigable waters of the state. Recreational and commercial working waterfronts require direct access to or a location on, over, or adjacent to a navigable body of water. The term includes water-dependent facilities that are open to the public and offer public access by vessels to the waters of the state or that are support facilities for recreational, commercial, research, or governmental vessels. These facilities include docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, commercial fishing facilities, boat construction facilities, and other support structures over the water.

Policy 1.9.8 The City shall protect its recreational and commercial working waterfronts by considering the following strategies:

Investigating the feasibility of investing directly in property preservation through land acquisition;

Applying for grants to improve or develop City-owned waterfront recreational facilities, including parks, boat ramps, boardwalks, and marinas;

Amending the Land Development Code to provide design standards for marinas;

Coordinating with Pinellas County to implement the Working Waterfront Tax Deferral Program.

~~Policy 3.4.5 By the year 2000, the City shall adopt the disaster mitigation strategies developed by its participation in Project Impact, as applicable to St. Pete Beach.~~

Policy 3.4.5 3.4.6 The City of St. Pete Beach, working in cooperation local, regional and state agencies, shall ensure that all post-disaster reconstruction activities shall be required to follow the appropriate hazard mitigation measures and regulations.

**Objective 2.1 ~~In recognition of the fact that the community is located within the identified Coastal High Hazard Area, as redefined by Section 163.3178(2)(h), the~~ The City shall, to the extent practical, limit public expenditures that subsidize development within the Coastal High Hazard Area consistent with the Future Land Use Map as adopted. ~~, thus limiting population growth.~~**

Policy 2.1.2

The City shall not support or finance sewer and water line extensions or expansions within the Coastal High Hazard Area which will encourage future growth/higher residential densities in those vulnerable areas.

**Objective 2.2**

**Because a majority of the community is located within the Coastal High Hazard Area, defined as the area below the elevation of the ~~inundated from a category one storm surge line~~ hurricane as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) model and reflected in the most recent ~~Regional Evacuation Study, Storm Tide Atlas~~, the City shall require appropriate development and construction standards to mitigate the adverse effects of coastal hazards.**

~~Policy 2.2.3 The City shall require a coastal hazard disclosure statement on all real estate transfers or leases.~~

Policy 2.3.4 The adopted level of service standard for out-of-county hurricane evacuation clearance time for a category 5 storm event as measured on the Saffir-Simpson scale shall be 16 hours.

#### **Intergovernmental Coordination Element**

~~Policy 1.4.1 City staff will coordinate annually, or more often as needed, with Pinellas County staff for the purpose of determining future unincorporated area needs for water and sewer within each respective unincorporated area served by the City.~~

~~Policy 1.4.2 For the purpose of obtaining comments pertaining to development expected in the County's comprehensive plan, the City will notify Pinellas County of plans to adopt construction schedules within its capital improvements element for water and sewer facilities in unincorporated areas within the City's service areas.~~

~~Policy 1.4.6 The City will enter into an interlocal agreement with Pinellas County for joint projects identified in the City's management plan and the County's Management Plan.~~

# St. Petersburg Times

Published Daily

St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA  
COUNTY OF Pinellas

} s.s.

Before the undersigned authority personally appeared A. Robison who on oath says that he/she is Legal Clerk of the *St. Petersburg Times* a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter RE: CITY ST PETE BEACH PUBLIC HEARING ORD.# 2008-45, 46, 47 was published in said newspaper in the issues of *Neighborhoods Times*, 11/12/2008.

Affiant further says the said *St. Petersburg Times* is a newspaper published at St. Petersburg, in said Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as second class mail matter at the post office in St. Petersburg, in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he /she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Amy Robison*

Signature of Affiant

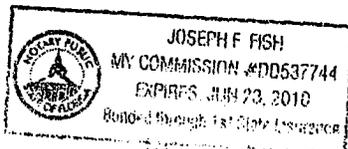
Sworn to and subscribed before me  
this 12th day of November A.D.2008

*Joseph F. Fish*

Signature of Notary Public

Personally known  or produced identification

Type of identification produced \_\_\_\_\_



LEGAL NOTICE

## CITY OF ST. PETE BEACH NOTICE OF PUBLIC HEARING

The City of St. Pete Beach Planning Board, acting as the Local Planning Agency, will conduct public hearings on Wednesday, November 19th, 2008, at 4:00 p.m., at City Hall, 155 Corey Avenue, to receive comments on the following issues:

**ORDINANCE 2008-45**

An Ordinance of the City of St. Pete Beach, Pinellas County, Florida, adopting amendments to the St. Pete Beach Land Development Code rezoning property located at 1301 Gulf Way from its current designation of Residential Low Medium 2 (RLM-2) to Traditional Hotel District (THD).

**ORDINANCE 2008-46**

An Ordinance of the City of St. Pete Beach, Pinellas County, Florida, adopting amendments to the St. Pete Beach Land Development Code rezoning property located at 1307 Gulf Way from its current designation of Residential Low Medium 2 (RLM-2) to Traditional Hotel District (THD).

**ORDINANCE 2008-47**

An Ordinance of the City of St. Pete Beach, Pinellas County, Florida, adopting amendments to the text of the Housing, Infrastructure, Intergovernmental Coordination, and Conservation and Coastal Management Elements of the Comprehensive Plan in order to implement the actions recommended by the City's Evaluation and Appraisal Report.

Copies of the proposed amendments and plans are available at City Hall in the Offices of the City Clerk and the Community Development Department. Written comments on the proposed ordinance may also be submitted to the above City departments. For further information regarding any advertised ordinance or issue, please contact the Community Development staff at (727) 363-9266.

All interested parties will be heard. The foregoing hearings may be continued to another meeting. If a person decides to appeal any decision made at this hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). The City does not furnish verbatim transcripts. Interested parties should make the necessary arrangements for verbatim transcripts.

In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact Public Works, no later than four days prior to the proceeding at (727) 363-9243 for assistance; if hearing impaired, contact the Florida Relay Service Numbers, (800) 955-8771 (TDD).

Karl Holley, Director of Community Development

11/12/08

880919-01

## Comprehensive Plan Citizen Courtesy Information List

Local

Government: St. Pete Beach

Hearing Date: 12/16/2008

Type Hearing: Transmittal (Proposed) Adoption Proposed EAR-based Amendments

DCA Amendment Number: \_\_\_\_\_ (DCA Official Use)

**Please Print Clearly**

By providing your name and address you will receive information concerning the date of publication of the Notice of Intent by the Department of Community Affairs.

Citizen Name	Address, City, State, Zip Code	<input type="checkbox"/> Check Appropriate Response(s)		Identify Amendment which is of Interest
		Written Comment	Spoken Comment	
<u>Deb Schechner</u>	<u>Box 66083 S.P.B 33736-6083</u>			<u>2008-47 EAR BASED AMENDMENTS</u>

600 Cleveland Street, Suite 850 • Clearwater, Florida 33755-4160  
Telephone 727.464.8250 • Fax 727.464.8212 • www.pinellasplanningcouncil.org

Mayor Bob Hackworth, *Chairman*  
Mayor Beverley Billiris, *Vice-Chairman*  
Vice-Mayor Jerry Knight, *Secretary*  
Commissioner John Morrone, *Treasurer*  
Councilmember Sandra L. Bradbury  
Councilmember John Doran  
Mayor Pat Gerard  
Mayor Dick Holmes  
Councilmember Jim Kennedy  
School Board Member Linda S. Lerner  
Mayor Mary H. Maloof  
Mayor Jim Ronecker  
Mayor Andy Steingold

David P. Healey, AICP  
Executive Director

December 1, 2008

Catherine M. Hartley, AICP  
Senior Planner  
City of St. Pete Beach  
Department of Community Development  
155 Corey Avenue  
St. Pete Beach, FL 33706-1839

**RE: Review of Draft Amendments to the Comprehensive Plan (Ordinance No. 2008-47), for Consistency with the Countywide Rules**

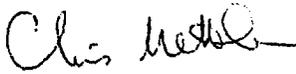
Dear Ms. Hartley,

Thank you for providing Council staff with the draft amendments to the comprehensive plan referenced above. Pursuant to Division 3.3 of the *Rules Concerning the Administration of the Countywide Future Land Use Plan (Countywide Rules)*, Council staff has reviewed the proposed amendments for consistency with the Countywide Rules, as follows:

- The definition of "Coastal High Hazard Area" referenced in Conservation and Coastal Management Element Objective 2.2 is not technically consistent with the Countywide Rules at present, however the Countywide Rules definition will be proposed to be amended to take the state legislation into consideration in the near future, which should cause this local amendment to be deemed consistent.
- The remaining amendments to the Comprehensive Plan are not governed by the consistency criteria of the Rules and therefore are not subject to the consistency provisions.

Thank you for transmitting these comprehensive plan amendments for review. Please note that upon adoption, a copy of the final ordinance as adopted, and any subsequent codification thereof, must be filed with us. If you have any questions, please feel free to call me at 464-8250.

Sincerely,



Christopher M. Mettler  
Program Planner

cc: Mr. Mike Bonfield, City Manager  
Mayor Mary Maloof, PPC Representative

## **EAR-based Amendment Summary**

In 2007, the City prepared its Evaluation and Appraisal Report in Accordance with Section 163.3191 Florida Statutes. The EAR addressed six major issues and made recommendations on what changes, if any, should be made to the Comprehensive Plan. The following summarizes the major issues, recommendations, and how the city has implemented those recommendations since the EAR's adoption in 2007:

### ***Local Issue 1: Enhancing the appearance and functionality Gulf Boulevard/Blind Pass Road***

***EAR Recommended Actions:*** *St. Pete Beach should begin the process of addressing this issue by gathering the empirical data necessary to make rational planning decisions. A pedestrian and a traffic study analyzing the patterns of people and automobiles along the Gulf Boulevard corridor would help to further define the extent of the issue in St. Pete Beach. Additionally, developing a streetscape plan for the public elements throughout the corridor, including sidewalks, intersections, pedestrian amenities, will help form a cohesive feel, which supports the objective of enhancing the pedestrian mobility along Gulf Boulevard (p 33).*

***How the City has addressed this issue:*** In July 2008, District 7 of the FDOT conducted a study of this corridor and made several recommendations for design improvements and conceptual streetscape drawings that will improve the pedestrian environment along the corridor. To begin the process of aesthetic improvements, the City has begun negotiations with Progress Energy and other utilities to place overhead utility lines underground. The City has requested a non-binding estimate from Progress Energy regarding the cost, and the response is anticipated by mid-January.

Regarding other improvements to Gulf Boulevard/Blind Pass Road: The City is in the process of adopting a CRA Plan for the area. One of the main capital improvement projects listed in the Plan is to conduct significant streetscaping along the corridor using Tax-increment financing. A draft of the CRA plan and TIF projections has been reviewed by Pinellas County Staff and the City is currently making recommended changes to the Plan. The City anticipates adoption of the Plan prior to the fall of 2009. (Per the City's charter, a voter referendum must be conducted to adopt a CRA Plan. The plan cannot be amended by staff and approved by the County in time to be placed on the ballot for the March 10, 2009 election; therefore, the City will have to conduct a special election.)

### ***Local Issue 2: Revitalizing the community while maintaining its character***

***EAR Recommended Actions:*** *St. Pete Beach should develop a comprehensive community redevelopment approach to look further at these issues. The City should reassess the Community Redevelopment Plan that was rejected by voters in November 2006 to determine if revisions or modifications to that plan could be made to address the community's concerns. Additionally, a comprehensive assessment of the current status of*

*the tourist lodging industry should be undertaken to examine future likely trends and to provide an economic analysis of what kinds of units are being built. This would allow the City to make informed decisions regarding the land use regulations needed to implement and/or to facilitate redevelopment.*

*The City should consider revisiting the visioning process in order to better understand what the community desires. It will be important to find an appropriate method for reaching a representative mix of citizens so that a clear perspective on what they like and don't like, as well as their expectations for what their local government should be doing about planning and land use issues can be discussed.*

*Staff should assess the City's LDRs to address concerns regarding incompatible use impacts are mitigated, as well as to review the consistency of currently permitted uses within the RFM District with Policy 1.3.6. Additionally, the LDRs should be revised such that a minimum of 51 percent of the use of mixed-use projects is required to be consistent with the primary use of the applicable future land use classification as established by the Comprehensive Plan (p 36).*

***How the City has addressed the issue:*** The City has adopted an amendment to the plan via Ordinance 2008-15 (DCA 2008-2) that established significant redevelopment initiatives throughout the City, based on prior planning efforts and an extensive campaign to achieve community consensus. DCA reviewed extensive plan amendments in the fall of 2008 and did not challenge the adopted amendment. However, a citizen has challenged the amendment and the plan is not in effect until the Administrative Law judge finds the plan In Compliance.

Once the Plan is found In Compliance and is officially in effect, the City will adopt the appropriate LDR's to implement the plan, with a focus on urban design and multimodal accessibility.

### ***Local Issue 3: Contributing to affordable housing in the region***

***EAR Recommended Actions:*** *St. Pete Beach should consider amending its Housing and Intergovernmental Coordination Elements to include policies regarding the coordination with Pinellas County to develop affordable housing strategies on a regional basis (p 40).*

***How the City has addressed the issue:*** Also a part of the amendment discussed above, the City adopted amendments to its housing element requiring an affordable housing impact fee for all new development within the City.

### ***Local Issue 4: Preserving and enhancing existing tree canopy***

***EAR Recommended Action:*** *St. Pete Beach should consider the addition of policies within its Future Land Use Element and/or Coastal and Conservation Element to provide more guidance for the protection of trees and the replacement of trees that are removed (p42).*

***How the City has addressed the issue:*** Included as part of this amendment package is an amendment to the Conservation and Coastal Management Element that provides for the requirement of a mitigation plan for tree removal that results in no net loss of trees.

***Local Issue 5: Protection for marine (sea) turtles***

***EAR Recommended Action:*** St. Pete Beach should consider revising and/or adding objectives and policies within its Plan to strengthen the protection for sea turtles within the city. The City should adopt portions of the model lighting ordinance for marine turtle protection into its Land Development Regulations (LDRs) (page 44).

***How the City has addressed the Issue:*** The City adopted an ordinance (2007-21) that amended Section 44 of the LDR's to include new lighting standards and prohibitions for driving on the beach during nesting season.

***Local Issue 6: Reducing Potential Densities on the Future Land Use Map***

***EAR Recommended Action:*** St. Pete Beach should analyze the relationship between the allowable Plan densities and actual densities within the City to determine if the densities should be reduced in the context of the Future Land Use Plan (p 47).

***How the City has addressed this issue:*** Permanent residential densities as well as transient accommodation densities were significantly analyzed during the adoption of Ordinance 2008-15, as described above. During that process, the city determined that certain densities should not be decreased in order to encourage redevelopment.

***Other EAR actions:*** The amendments that have been included as part of this transmittal package are mainly "housekeeping" amendments that were identified in the EAR as required due to changes in state statutes, such as the definition of the CHHA and protecting recreational and commercial working waterfronts. The attached tables summarized the issues, statutory requirements, and what changes have been proposed or adopted since the adoption of the EAR.

ADDITIONAL RECOMMENDED CHANGES FROM EAR CONTAINED WITHIN TEXT OF DOCUMENT	Current Policy Status
<p>1 Updated demographic information should be included within the revised Comprehensive Plan's data and analysis section during the EAR-based amendment phase of this process. (PG 14)</p> <p>2 St. Pete Beach should clarify language within its Infrastructure Element pertaining to levels of service for Drainage to ensure that what is adopted is clear and implemented. (PG 23)</p> <p>3 consider adding reference to Pinellas County's annual concurrency test statement within the City's concurrency management process and strengthen language in the Intergovernmental Coordination Element to provide accurate population information to the County specifically for water supply planning (PG 23)</p> <p>4 A pedestrian and a traffic study analyzing the patterns of people and automobiles along the Gulf Boulevard corridor would help to further define the extent of the issue in St. Pete Beach.</p> <p>5 Additionally, developing a streetscape plan for the public elements throughout the corridor, including sidewalks, intersections, pedestrian amenities, will help reassess the Community Redevelopment Plan that was rejected by voters in November 2006 to determine if revisions or modifications to that plan could be made to address the community's concerns.</p> <p>6 comprehensive assessment of the current status of the tourist lodging industry should be undertaken to examine future likely trends and to provide an economic analysis of what kinds of units are being built.</p> <p>7 consider revisiting the visioning process in order to better understand what the community desires.</p> <p>8 find an appropriate method for reaching a representative mix of citizens so that a clear perspective on what they like and don't like, as well as their expectations for what their local government should be doing about planning</p>	<p>Current Policy Status          Fs 163.3191(10) Within 6 months after the effective date of the update amendments to the comprehensive plan, the local government shall provide to the state land planning agency and to all agencies designated by rule a complete copy of the updated comprehensive plan. Most of the data and analysis was updated as part of the EAR. Staff will update the data and analysis as necessary and transmit along with a copy of the plan after Admin Law Judge declares plan in Compliance.</p> <p>See proposed amendment to the Infrastructure Element.</p> <p>The City's concurrency management process is incorporated in the LDC and further revisions to strengthen concurrency management can be added to the LDC. The City successfully coordinated with Pinellas County regarding water supply planning and adopted ordinance 2007-34 amending the plan to incorporate policies regarding water supply planning.</p> <p>The Pinellas MPO commissioned a study of Gulf Boulevard and Blind Pass to assess these issues and make recommendations. A schematic streetscape plan was also developed as part of this study.</p> <p>The City has reconsidered its community development district and has transmitted the FLUE amendments to DCA - Ordinance 2008-15.</p>

<p>6</p> <p>Address affordable housing by: consider amending its Housing and Intergovernmental Coordination Elements to include policies regarding the coordination with Pinellas County to develop affordable housing strategies on a regional basis. (PG 40)</p>	<p>Affordable Housing polices were added to the Comp Plan via Ordinance 2008-15 which has been transmitted to DCA.</p>
<p>7</p> <p>Address Tree Canopy Concerns by: consider the addition of policies within its Future Land Use Element and/or Coastal and Conservation Element to provide more guidance for the protection of trees and the replacement of trees that are removed. (PG 42)</p>	<p>See proposed amendment to conservation element 1.4.7 The City opted to amend its LDC versus the comprehensive plan to implement more stringent regulations regarding turtle protection. Ordinance 2007-21</p>
<p>8</p> <p>Address Protection of Sea Turtles by: consider revising and/or adding objectives and policies within its Plan to strengthen the protection for sea turtles within the city. (PG 44)</p>	<p>This analysis was completed and transmitted along with ordinance 2008-15.</p>
<p>9</p> <p>Address Reducing Potential Densities on FLUM by: analyze the relationship between the allowable Plan densities and actual densities within the City to determine if the densities should be reduced in the context of the Future Land Use Plan. (PG 47)</p>	<p>The MPO does not set level of service standards for roadways or multimodal transportation facilities. FDOT sets the level of service standards for state roads, and has developed a methodology to assess the LOS for multimodal facilities; it has not set a standard LOS for these facilities. Municipalities may set a target multimodal LOS standard to meet based on this methodology, but must also implement a capital improvement plan to reach this LOS.</p>
<p>10</p> <p>Transportation Element Review: coordinate with the MPO to determine if similar standards should be implemented for bikelped or transit provisions. (PG 81)</p>	<p>Staff will complete a housing survey and include it in the data and analysis portion of the plan.</p>
<p>11</p> <p>Housing Element Review: When the City begins the next phase of this process, it should complete an updated housing survey to assess the condition of the existing housing stock. (PG 87)</p>	<p>Pinellas County is currently evaluating the T-Groin system and hiring an engineer to design a new configuration. The City does not need to adopt a policy to evaluate the system.</p>
<p>12</p> <p>Coastal Element Review: consider the addition of a new policy under the Coastal and Conservation Element Objective 1.9 requiring periodic review of the effectiveness of the T-Groin system and the provision to make adjustments as necessary.</p>	<p>A five year capital improvement plan was transmitted to DCA via ordinance 2008-34.</p>
<p>13</p> <p>Capital Improvements Element Review: An amendment to the Capital Improvement Element is necessary to include the requirements of annual transmission of the schedule of capital improvements to DCA.</p>	

<p>Revised the definitions of <b>affordable housing, coastal planning area, port facility, and wetlands.</b></p> <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>	<p>9J-5.003</p>	<p>Administrative.</p>
<p>9J-5.019(4)(c)</p>	<p>Convenient on-site traffic flow addressed (TE Policy 1.3.1).</p>	
<p>Revised concurrency management system requirements to include provisions for establishment of <b>public school concurrency.</b></p>	<p>9J-5.005(1) and (2)</p>	<p>Ordinance 2007-32 DONE</p>
<p>Required data for the Housing Element include a description of <b>substandard dwelling units</b> and repealed the requirement that the housing inventory include a locally determined definition of standard and substandard housing conditions.</p>	<p>9J-5.010(1)(c)</p>	<p>Data and analysis is not part of the adopted GOPs; therefore no amendment is needed.</p>

<p>Authorized local governments to supplement the <b>affordable housing needs assessment</b> with locally generated data and repealed the authorization for local governments to conduct their own assessment.</p> <p>Required the Intergovernmental Coordination Element to include objectives that ensure adoption of <b>interlocal agreements</b> 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 <b>public school concurrency</b>.</p> <p>Required the Intergovernmental Coordination Element to include:</p> <ul style="list-style-type: none"> <li>· Policies that provide procedures to identify and implement joint planning areas for purposes of annexation, municipal incorporation and joint infrastructure service areas;</li> <li>· Adoption of an interlocal agreement for school concurrency.</li> </ul> <p>Required the Capital Improvements Element to include implementation measures that provide a five-year financially feasible <b>public school facilities</b> program that demonstrates the adopted level of service standards will be achieved and maintained and a schedule of capital improvements for <b>multimodal transportation districts</b> if locally established</p>	<p>9J-5.10(2)(b)</p> <p>9J-5.015(3)(b)</p> <p>9J-5.015(3)(c)</p> <p>9J-5.016(4)(a)</p>	<p>Supporting data for the Housing element includes the affordable housing needs assessment from the Shimberg Center supplemented by local data.</p> <p>Ordinance 2007-32 DONE</p> <p>DONE</p> <p>No annexation, municipal incorporation, infra areas - Not applicable ILA for school concurrency adopted</p> <p>DONE</p> <p>Ordinance 2007-32 included CIE information, annual CIE updates will address further</p> <p>No multimodal transportation districts established within SPB</p>
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Established the requirements for a public school facilities element.	163.3177(12)	Ordinance 2007-32 DONE
Established the minimum requirements for imposing school concurrency.	163.3180(13)	Ordinance 2007-32 DONE
Required that all comp plans comply with the school siting requirements by October 1, 1999.	163.3177(6)(a)	Ordinance 2007-32 DONE

<p>Required use of professionally accepted techniques for measuring level of service for cars, trucks, transit, bikes and pedestrians.</p>	<p>163.3180(1)(b)</p>	<p>The City is not required to adopt LOS standards for bikes, pedestrian, and transit facilities. The City may establish them if it chooses, but must also consider that the CIP must be financially feasible to achieve that target LOS.</p>
<p>Defined brownfield designation and added the assurance that a developer may proceed with development upon receipt of a brownfield designation. [Also see Section 163.3221(1) for "brownfield" definition.] Required that all agencies that review comprehensive plan amendments and rezoning include a nonvoting representative of the district school board.</p>	<p>163.3220(2)</p>	<p>No change is recommended.</p>
<p>Required coordination of local comprehensive plan with the regional water supply plan.</p>	<p>163.3177(4)(a)</p>	<p>Ordinance 2007-34 DONE</p>
<p>Required consideration of the regional water supply plan in the preparation of the conservation element.</p>	<p>163.3177(6)(d)</p>	<p>Ordinance 2007-34 DONE</p>
<p>163.3174</p>	<p>DONE</p>	<p>St. Pete Beach entered into an interlocal agreement with Pinellas County, the School Board of Pinellas County, and county municipalities, and is required to notify this group of any comprehensive plan amendments or rezonings that may increase residential density.</p>

<p>Required that the <b>Intergovernmental coordination element (ICE)</b> include relationships, principles and guidelines to be used in coordinating comp plan with regional water supply plans.</p>	<p>163.3177(6)(h)</p>	<p>Ordinance 2007-34 DONE</p>
<p>Required the local governments adopting a public educational facilities element execute an <b>inter-local agreement</b> with the district school board, the county, and non-exempting municipalities.</p>	<p>163.3177(6)(h) 4.</p>	<p>Ordinance 2007-32 DONE</p>
<p>Added a <b>new Section 163.31776</b> that allows a county, to adopt an optional public educational facilities element in cooperation with the applicable school board.</p>	<p>163.31776</p>	<p>Ordinance 2007-32 DONE</p>

<p>Added a new Section 163.31777 that requires local governments and school boards to enter into an inter-local agreement that addresses school siting, enrollment forecasting, school capacity, infrastructure and safety needs of schools, schools as emergency shelters, and sharing of facilities.</p>	<p>163.31777</p>	<p>Ordinance 2007-32 DONE</p>
<p>(6)(c): Extended the deadline adoption of the water supply facilities work plan amendment until December 1, 2006; provided for updating the work plan every five years; and exempts such amendment from the limitation on frequency of adoption of amendments.</p>	<p>163.3177</p>	<p>Ordinance 2007-34 DONE</p>

<p>(1): Provides legislative findings with respect to the shortage of affordable rentals in the state.</p> <p>(2): Provides definitions.</p> <p>(3): Authorizes local governments to permit accessory dwelling units in areas zoned for single family residential use based upon certain findings.</p> <p>(4) An application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to a very-low-income, low-income, or moderate-income person or persons.</p> <p>(5): Provides for certain accessory dwelling units to apply towards satisfying the affordable housing component of the housing element in a local government's comprehensive plan.</p>	<p>Creates 163.31771</p>	<p>St Pete Beach has amended its plan to allow for density bonuses for affordable housing as well as provided for a housing trust fund to fund affordable housing. This route has been taken versus providing for accessory dwelling units to satisfy the demand for affordable housing.</p>
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<p>163.3177</p>	<p>(3)(a)5.: Required the comprehensive plan to include a 5-year schedule of capital improvements. Outside funding (i.e., from developer, other government or funding pursuant to referendum) of these capital improvements must be guaranteed in the form of a development agreement or interlocal agreement.                  (3)(a)6.b.1.: Required plan amendment for the annual update of the schedule of capital improvements. Deleted provision allowing updates and change in the date of construction to be accomplished and penalty (3)(a)6.c.: Added oversight and penalty provision for failure to adhere to this section's capital improvements requirements.                  (3)(a)6.d.: Required a long-term capital improvement schedule if the local government has adopted a long-term concurrency management system.</p>	<p>163.3177</p>	<p>Only counties are required to make this change. Municipalities are exempt. No change required.</p>
<p>163.3177</p>	<p>(6)(a): Add requirement that future land use element of coastal counties must encourage the preservation of working waterfronts, as defined in s.342.07, F.S.                  (6)(c): Required the potable water element to be updated within 18 months of an updated regional water supply plan to incorporate the alternative water supply projects selected by the local government to meet its water supply needs.</p>	<p>163.3177</p>	<p>DONE                  Ordinance 2007-34</p>

	<p>(12): Must adopt public school facilities element.</p>	<p>163.3177 DONE Ordinance 2007-32</p>	
	<p>(2): Required the public schools interlocal agreement (if applicable) to address requirements for school concurrency. The opt-out provision at the end of Subsection (2) is deleted.  (5): Required Palm Beach County to identify, as part of its EAR, changes needed in its public school element necessary to conform to the new 2005 public school facilities element requirements.  (7): Provided that counties exempted from public school facilities element shall undergo re-evaluation as part of its EAR to determine if they continue to meet exemption criteria.</p>	<p>163.3177 DONE Ordinance 2007-32</p>	

<p>(2)(g): Expands requirement of coastal element to include strategies that will be used to preserve recreational and commercial working waterfronts, as defined in s.342.07, F.S.</p>	<p>163.3178</p>	<p>proposed policies: <u>Policy 1.9.7 – recreational and commercial working waterfronts are defined as a parcel or parcels of real property that provide access for water-dependent commercial activities or provide access for the public to the navigable waters of the state. Recreational and commercial working waterfronts require direct access to or a location on, over, or adjacent to a navigable body of water. The term includes water-dependent facilities that are open to the public and offer public access by vessels to the waters of the state or that are support facilities for recreational, commercial, research, or governmental vessels. These facilities include docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, commercial fishing facilities, boat construction facilities, and other support structures over the water.</u></p> <p><u>Policy 1.9.8 The City shall protect its recreational and commercial working waterfronts by considering the following strategies:</u></p> <p><u>Investigating the feasibility of investing directly in property preservation through land acquisition;</u></p>
<p>(1)(a): Added "schools" as a required concurrency item.</p>	<p>163.318</p>	<p><u>DONE</u> Ordinance 2007-32</p>

<p>(2)(a): Required consultation with water supplier prior to issuing building permit to ensure "adequate water supplies" to serve new development is available by the date of issuance of a certificate of occupancy.</p> <p>(2)(c): Required all transportation facilities to be in place or under construction within 3 years (rather than 5 years) after approval of building permit.</p> <p>(5)(d): Required guidelines for granting concurrency exceptions to be included in the comprehensive plan.</p> <p>(5)(e) - (g): If local government has established transportation exceptions, the guidelines for implementing the exceptions must be "consistent with and support a comprehensive strategy, and promote the purpose of the exceptions." Exception areas must include mobility strategies, supported by alternate modes of transportation, supported prior data and analysis. FDOT must be consulted to designating a transportation concurrency exception area. Transportation concurrency exception areas existing prior to July 1, 2006, or when meet these requirements by July 1, 2006, or when the EAR-based amendment is adopted, whichever occurs last.</p> <p>(6): Required local government to maintain records to determine whether 110% de minimis transportation impact threshold is reached. A summary of these records must be submitted with the annual capital improvements element update. Exceeding the 110% threshold dissolves the de minimis exceptions.</p>	<p>163.318</p>	<p><b>DONE</b> Ordinance 2007-34</p>
<p>163.318</p>	<p>This policy can be adopted in the concurrency management portion of the LDC.</p>	
<p>163.318</p>	<p>Significant data and analysis, as well as intergovernmental coordination, is required to adopt a TCEA. It is not recommended that the City adopt a TCEA at this time.</p>	
		<p>163.318 Administrative action- no amendment necessary.</p>

<p>(7): Required consultation with the Department of Transportation prior to designating a <b>transportation concurrency management area</b> (to promote infill development) to ensure adequate level-of-service standards are in place. The local government and the DOT should work together to mitigate any impacts to the Strategic Intermodal System.</p>	<p>163.318 This tool is not necessary for St. Pete Beach.</p>	
<p>(9)(a): Allowed adoption of a long-term concurrency management system for schools. (9)(c): (New section) Allowed local government issue approvals to commence construction notwithstanding s. 163.3180 in areas subject to a long-term concurrency management system.</p>	<p>163.318 Given the limited school age children projections for the County, a long term concurrency management system is not necessary at this time.</p>	<p>DONE Ordinance 2007-33</p>
<p>Changes the definition of the <b>Coastal High Hazard Area (CHHA)</b> to be the area below the elevation of the category 1 storm surge line as established by the SLOSH model. Ch. 2006-68, L.O.F.</p>	<p>163.3178(2)(h)</p>	
<p>Adds a new section allowing a local government to comply with the requirement that its <b>comprehensive plan direct population concentrations away from the CHHA</b> and maintains or reduces hurricane evacuation times by maintaining an adopted LOS Standard for out-of-county hurricane evacuation for a category 5 storm, by maintaining a 12-hour hurricane evacuation time or by providing mitigation that satisfies these two requirements. Ch. 2006-68, L.O.F.</p>	<p>163.3178(9)(a)</p>	<p>See new policy 2.3.4, below.</p>

<p>Adds a new section establishing a level of service for out-of-county hurricane evacuation of no greater than 16 hours for a category 5 storm for any local government that wishes to follow the process in s.163.3178(9)(a) but has not established such a level of service by July 1, 2008. Ch. 2006-68, LOF.</p>	<p>163.3178(9)(b)</p>	<p>Recommended policy: <u>Policy 2.3.4 The adopted level of service standard for out-of-county hurricane evacuation clearance time for a category 5 storm event as measured on the Saffir-Simpson scale shall be 16 hours.</u></p>
<p>Requires local governments to amend their <b>Future Land Use Map and coastal management element</b> to include the new definition of the CHHA, and to depict the CHHA on the FLUM by July 1, 2008. Ch. 2006-68, LOF.</p>	<p>163.3178(2)(c)</p>	<p>DONE Ordinance 2007-33</p>
<p>Creates a new section related to <b>electric distribution substations</b>; establishes criteria addressing land use compatibility of substations; requires local governments to permit substations in all FLUM categories (except preservation, conservation or historic preservation); establishes compatibility standards to be used if a local government has not established such standards; establishes procedures for the review of applications for the location of a new substation; allows local governments to enact reasonable setback and landscape buffer standards for substations. Ch. 2006-268, LOF.</p>	<p>163.3208</p>	<p>Most Plan Map categories allow for public/semi public uses, which include utilities. No change is required.</p>

<p><b>Affordable housing land donation density incentive bonus;</b> created by Ch. 2006-69, LOF, section 28. Allows a density bonus for land donated to a local government to provide affordable housing; requires adoption of a plan amendment for any such land; such amendment may be adopted as a small-scale amendment; such amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions.</p>		<p>Done. Ordinance 2008-15</p>
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