

ORDINANCE #08 – 78

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE ANNUAL CONCURRENCY TEST STATEMENT BE ESTABLISHED FOR PINELLAS COUNTY BY AMENDING SECTIONS 134-258, 134-259, 134-260 AND 134-261 OF THE PINELLAS COUNTY CODE; AMENDING THE LEVEL OF SERVICE CONDITIONS FOR PUBLIC SERVICES AND FACILITIES; AMENDING THE METHODOLOGY USED TO DETERMINE LEVEL OF SERVICE CONDITIONS TO UPDATE REFERENCES; AMENDING THE METHOD FOR ADJUSTMENTS AND VARIANCES TO THE CONCURRENCY TEST STATEMENT TO UPDATE REFERENCES; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THIS ORDINANCE AT THE PUBLIC HEARING AND/OR WITH RESPONSIBLE PARTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161, et seq., Florida Statutes, establishes the Local Government Comprehensive Planning and Land Development Regulation Act (the Act); and

WHEREAS, the Act requires that local governments in the state of Florida adopt a Comprehensive Plan and further, adopt a Concurrency Management System; and

WHEREAS, Pinellas County adopted a Comprehensive Plan on August 8, 1989 through its adoption of Ordinance #89-32; and

WHEREAS, Rule 9J-5, F.A.C., establishes the minimum criteria to ensure the availability of public facilities and services concurrent with the impacts of development; and

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

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

WHEREAS, certain level of service standards need to be updated as a result of the Evaluation and Appraisal Report-based amendments adopted on March 18, 2008;

WHEREAS, the map entitled State and County Roads, Pinellas County Concurrency Test Statement 2008, depicting certain roadways designated by adoption of this Ordinance as congestion containment corridors, constrained county roads, deficient state roads with no mitigating improvements scheduled or planned and long term concurrency management corridor is attached as Exhibit A;

WHEREAS, Ordinance #07-49 amending Sections 134-258, 134-259, 134-260, and 134-261 of the Pinellas County Code was adopted by the Board of County Commissioners on October 16, 2007;

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

WHEREAS, Pinellas County through action on this Ordinance, adopts the annual Concurrency Test Statement for Pinellas County for 2008.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Pinellas County, Florida:

SECTION I. Section 134-258 of the Pinellas County Land Development Code is hereby amended to read as follows:

Sec. 134-258. Level of Service Conditions – for Utilities, Recreation/Open Space, Stormwater, Roadways and Mass Transit

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

Public Facility/Service	Existing LOS	Adopted LOS Std.	Status of Public Facility/Service of this Ordinance
Pinellas County Water Demand Planning Area (PCWDPA)	Tampa Bay Water is able to meet annual demand	Refer to Section 134-259, (1)(b) of the Pinellas County Code	Acceptable
Pinellas County Wastewater System 1) William E. Dunn 2) So. Cross Bayou	1) 6.38 mgd based on a capacity of 9.00 mgd 2) 21.39 mgd based on a capacity of 33.00 mgd	Refer to Section 134-259, (2) of the Pinellas County Code	1) Acceptable 2) Acceptable
Recreation and Open Space (Countywide)	15.85 acres /1,000 residents	14.0 acres/1,000 residents	Acceptable
Solid Waste and Resource Recovery (Countywide)	County is able to dispose of the solid waste for which it is responsible (current generation rate is 1.06 ton/person/year)	1.30 tons/person/year	Acceptable

Public Facility/Service	Existing LOS	Adopted LOS Std.	Status of Public Facility/Service of this Ordinance
Stormwater		(See Concurrency Management Ordinance)	Acceptability determined at time of site plan review.
Mass Transit	All major generators and attractors are served	Service to all major generators and attractors	Acceptable
County and State Roads	Varies per road segment	C average daily / D peak hour and v/c ratio less than 0.9 with the exception of constrained and congestion containment facilities. The LOS standard on constrained and congestion containment facilities is LOS F.	See Section 134-259(6) of this Ordinance

SECTION II. Section 134-259 of the Pinellas County Land Development Code is hereby amended to read as follows:

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

The Level of Service Conditions for Public Services and Facilities are as follows:

1. Pinellas County Water Demand Planning Area (PCWDPA)

a. **Existing level of service:** Tampa Bay Water is able to supply all potable water required by Pinellas County Utilities to service its customers.

b. Adopted Level of Service Standard

(1) Except as otherwise provided in the Master Water Supply Contract and in the associated Interlocal Agreement, all potable water required by Pinellas County Utilities to serve its customers shall be supplied by Tampa Bay Water.

(2) In the event that Tampa Bay Water determines that the regional system has experienced a shortfall or a production failure as defined in the Interlocal Agreement, Pinellas County shall respond with one or more of the following actions and alternatives:

(a) Institute additional water conservation measures;

(b) Halt or otherwise restrict the issuance of development orders and permits;

(c) Develop new sources of potable water within the parameters of the Interlocal Agreement;

- (d) Purchase potable water from suppliers other than Tampa Bay Water.
 - (e) Cooperate with Tampa Bay Water, the Southwest Florida Water Management District, and the affected local governments to develop a regional response to the situation; and
 - (f) Use actions and alternatives not identified in this policy.
- (3) Pinellas County shall use the following Level of Service when preparing its annual 5-year and 20-year potable water demand projections for the Pinellas County Water Demand Planning Area, which are required by the Master Water Supply Contract to enable Tampa Bay Water to formulate its capital improvement program:

Pinellas County Water Demand Planning Area gallons per capita per day (gpcd)

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

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

Average Daily Flow (August 2007 through August 2008) for the PCWDPA = 66.29 million gallons per day (mgd)

66.29 mgd based on: 62.82 mgd from Pinellas County Utilities + 3.04 mgd from the City of Clearwater Utilities + 0.43 mgd from the City of Tarpon Springs Utilities.

PCWDPA population as of August 2008 = 718,296

Existing Level of Service = $66.29 \text{ mgd} \div 718,296 = 92 \text{ gpcd}$

Maximum daily flow (Pinellas County Utilities only) = 77.1 mgd

Projected population increase in the PCWDPA (based on the difference between the August 2009 projected population and the August 2008 population) = 3,592

Projected 2009 Water Demand = $66.29 \text{ mgd} + [(3,592 \times 92) = 0.33 \text{ mgd}] = 66.29 \text{ mgd} + 0.33 \text{ mgd} = 66.62 \text{ mgd}$

Status of Potable Water Level of Service Conditions: acceptable; no existing or projected capacity deficits

2. Sanitary Sewer System/Wastewater Treatment

Adopted Level of Service Standards for Wastewater Treatment: William E. Dunn Wastewater Treatment Plant and South Cross Bayou Wastewater Treatment Plant

- a. Wastewater flows associated with existing and permitted development cannot exceed the wastewater treatment plant's permitted design capacity
- b. Pinellas County will, for concurrency management purposes, annually compare wastewater flows to permitted treatment capacity to determine the percentage of available capacity and assess whether permitted treatment capacity exceeds the needs of existing and permitted development.
- c. If an annual assessment evidences that a capacity deficit could occur within 10 years, Pinellas County Utilities will prepare a more detailed capacity analysis as directed by 62-600.405, F.A.C., and determine whether facility expansion is required or if the service area is built out.
- d. System-wide Considerations

Treated effluent and sludge shall meet all pertinent federal, state and local standards and regulations for treatment, reuse and disposal.

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

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

	Year	Estimated or Projected Service Area Population	Facility Design Capacity (MGD)	Projected Average Daily Flow (MGD)	Projected Average Daily Flow Per Person (GPCPD)	Capacity Surplus (or Deficit) (MGD)	Percent of Plant Capacity
William E. Dunn							
<i>actual data</i>	2008	106,378	9.00	6.33	60	2.67	70%
	2010	109,648	9.00	6.58	60	2.42	73%
	2015	111,211	9.00	6.67	60	2.33	74%
	2020	112,043	9.00	6.72	60	2.28	75%
South Cross							
<i>actual data</i>	2008	249,223	33.00	21.23	84	11.77	64%
	2010	255,198	33.00	21.43	84	11.57	65%
	2015	259,040	33.00	21.73	84	11.24	66%
	2020	262,271	33.00	22.03	84	10.97	67%

Source: Pinellas County Planning Department (including Pinellas County Comprehensive Plan-- Potable Water Supply, Wastewater and Reuse Element) and Pinellas County Utilities, 2008.
Flow data and per capita data for 2008 based on actual figures (Pinellas County Utilities, 2008); population estimates and projections prepared by Pinellas County Planning Department, 2008.

Status of Wastewater Treatment Level of Service Conditions: acceptable; no existing or projected capacity deficits

3. Solid Waste / Resource Recovery

- a. Population as of August 2008 = 1,108,076*

Projected August 2009 population = 1,113,616

Difference between August 2008 population and August 2009 population = 5,540

*Total population (permanent, seasonal and tourist) was used in establishing the Solid Waste/Resource Recovery Level of Service Standard.

- b. Operating Capacity of solid waste disposal system:
Resource Recovery Plant: 977,287 tons/year =
(3,150 tons per day x 365 days per year x .85**)
Bridgeway Acres Landfill: Expected to last at least thirty (30) years, based on current design and disposal rate.

**Optimum operating efficiency is 100% - 85% of the time.

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

Projected demand on solid waste disposal system is based on:

Current Demand (July 2006 through July 2007) = 1,221,055 tons/year
(906,489 tons, resource recovery plant + 314,566 tons, landfill)

Current Generation Rate = 1.09 tons/person/year

Projected Demand = 1,221,055 tons/year Current Demand (July 2007 through July 2008) + 4,857 tons (associated with Service Area population increase from July 2007 through July 2008 August 2009) = 1,225,912 tons/year

- d. Adopted Level of Service Standard = Disposal of 1.30 tons/person/year (resource recovery plant and landfill)

Status of Solid Waste Disposal Level of Service Conditions: acceptable; no existing or projected capacity deficits

4. Recreation/Open Space

- a. Population as of August 2008 = 1,017,743*

Projected August 2009 population = 1,022,831

Difference between August 2009 population and August 2008 population = 5,088

- b. Capacity of the County park/preserve system: 16,131 acres total (accessible to the public)
- c. Existing level of service = $(16,131 \text{ acres} / 1,017,743) \times 1,000 = 15.85$ acres per 1,000 County residents

Projected level of service as of August 2009 = $(16,131 \text{ acres}/1,022,831) \times 1,000 = 15.77$ acres/1,000 residents.

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

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

Status of Recreation Level of Service Conditions: acceptable; no existing or projected capacity deficits

5. Stormwater

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

6. Traffic Circulation:

- a. Level of Service Standards:

The level of service standard for State and County roads is LOS C average daily/D peak hour with a volume-to-capacity (v/c) ratio less than 0.9 with the exception of congestion containment and constrained facilities. The LOS standard for these facilities is LOS F. These LOS standards have been established in the Transportation Element and the Concurrency System Management Section of the County Comprehensive Plan. Roadway operating conditions that are below the adopted level of service standard are termed "deficient" in this Section.

- b. Transportation Management Plan:

- (1) Transportation management plans are generally required to be developed and submitted by those development applicants who propose to locate a development project within a designated concurrency management corridor. The application of transportation management strategies/improvements will be an option available to the developer to exceed current density and intensity restrictions. The development applicant will coordinate with County staff to develop the Transportation Management Plan applicable to their particular development project. The determination of appropriate strategies/improvements will be primarily dependent upon the projected impact of the development project on the surrounding traffic circulation system. Specific conditions of the particular concurrency management

corridor impacted by the development will also be considered. Any specific strategies/improvements identified will be applied as conditions to the final site plan approval. Transportation Management Plans must be developed by the applicant and accepted by Pinellas County. The next section provides examples of the initiatives that may be applied in the concurrency management corridors. It is not meant to be a definitive listing nor is it meant to infer that a development's effect on adjacent roadway traffic can be fully eliminated through the application of these provisions.

(2) Transportation Management Plan Strategies:

- (a) **Intensity reduction:** The intensity of the proposal may be reduced through an across-the-board reduction of the permitted floor area ratio, as it would otherwise normally apply to the proposal. Other such corrective actions that would reduce the intensity of the proposal may also apply.
- (b) **Density reduction:** The density of the proposal may be decreased by a reduction in the number of units per acre below that which would otherwise normally apply to the proposal.
- (c) **Outparcel Deletion:** Those portions of the proposal characterized as outparcels that create separate and unique impacts may be deleted from the total proposal.
- (d) **Physical highway improvements:** Link capacity improvements, acceleration/deceleration lanes, intersection improvements, frontage roads, etc.
- (e) **Operational improvements (signal):** Signal removal, no signalization, signal timing improvements, etc.
- (f) **Access management strategies:** No direct connection, right-in/right-out, substantial alternative access, one point access, shared access, median controls, etc.
- (g) **Mass Transit Initiatives:** Implementation of a plan to encourage transit usage (e.g., employer-issued bus passes). Other mass transit initiatives may include direct route subsidies, provision of feeder service or the construction of bus stop amenities.
- (h) **Ride-sharing incentives:** Implementation of a plan to encourage ride-sharing (e.g., designated parking spaces for carpools, employer-sponsored carpool program, participation in transportation management organization/initiative programs).
- (i) **Bicycle/pedestrian improvements:** Structural improvements or construction of a bikeway or sidewalk connecting an existing bikeway/sidewalk network or providing access to a school, park, shopping center, etc.
- (j) **Intelligent transportation system (ITS) improvements:** This includes improvements pertaining to computerized traffic signal systems that automatically adjust to maximize traffic flow and to permit emergency vehicles to pass through intersections quickly; freeway management systems, such as

electronic message signs, and electronic fare payment on public buses that reduce passenger boarding time.

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

c. Proportionate Fair Share Mitigation

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

d. Provisions to apply to development served by roadways below the adopted Level of Service Standard:

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

Development projects within 1/2 mile of the centerline or 1/2 mile arc radius of the terminus of a congestion containment road may not exceed 50 percent of the maximum floor area, dwelling units/rooms allowed under the applicable zoning district. If the applicant agrees to implement one or more Transportation Management Plan strategies that will further reduce transportation impacts, the 50 percent density/intensity maximum may be exceeded commensurate with the extent of the impact reduction(s).

Designated Congestion Containment Corridors include the following:

Road Segment:	From:	To:
66 th Street (SR 693)	US Highway 19	Ulmerton Road (SR 688)
102 nd Ave. (CR 296)	Oakhurst Rd. (CR 233)	125 th St
Forest Lakes Blvd. (CR 667)	Tampa Road (SR 584)	SR 580
Roosevelt Blvd (SR 686)	49th Street North (CR 611)	Ulmerton Road (SR 688)
Ulmerton Road (SR 688)	Lake Seminole Bypass Canal	El Centro Ranchero
Ulmerton Road (SR 688)	West of 38 th St.	E. Roosevelt Blvd. (SR 686)
Gandy Blvd. (SR 600)	4 th Street (SR 687)	West of San Martin Boulevard (CR 823)

Road Segment:	From:	To:
US 19 (SR 55)	49 th Street North (CR 611)	Park Boulevard (SR 694)
Belcher Road (CR 501)	Gulf-To-Bay Boulevard (SR 60)	Northeast Coachman Road (SR 590)
Keene/Starkey Road (CR 1)	E. Bay Drive (SR 686)	Bryan Dairy Road (CR 296)

(2) Long Term Concurrency Management Corridor.

- (a) It is recognized by the Department of Community Affairs, the Department of Transportation and the County that FIHS facilities are strategically important as high speed and high volume inter-city and inter-regional roads. Therefore, given the need to protect the capacity of these roads, development should be mitigated and phased appropriately in order to minimize the impacts on levels of service until the state-funded improvements necessary to alleviate the deficient conditions on a long-term basis can be implemented. The Department of Transportation and the Department of Community Affairs have approved the application of long term concurrency management by the County on US Highway 19. Impact fee revenues generated from development within the corridor will be earmarked to provide some of the funding needed for the improvements.
- (b) Long-term concurrency management provisions contained in this Subsection apply to the portion of US Highway 19 designated as a long term concurrency management corridor, from Klosterman Road to Whitney Road.
- (c) Development projects within ½-mile of the centerline or ½-mile arc radius of the terminus of any long term concurrency management road segment may not exceed 50 percent of the maximum floor area, dwelling units/rooms allowed under the applicable zoning district. If the applicant agrees to implement Transportation Management Plan strategies that will reduce transportation impacts, the 50 percent density/intensity maximum may be exceeded commensurate with the extent of the impact reduction(s). The following roadway is subject to the requirements of Long Term Concurrency Management corridors in accordance with the provisions of this Subsection.

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

(3) Constrained Roadways and Deficient State Facilities with No Mitigating Improvements Scheduled or Planned.

(a) Constrained roads designated in this Section include County facilities operating at deficient levels of service that are precluded from mitigating capacity improvements due to physical or policy constraints. This Section also includes State facilities operating at deficient levels of service that are precluded from mitigating capacity improvements due to policy or physical constraints.

(b) Development projects within 1/2 mile of the centerline or 1/2 mile arc radius of the terminus of facilities identified in this Section may not exceed 50 percent of the maximum floor area, dwelling units/rooms allowed under the applicable zoning district. If the applicant agrees to implement Transportation Management Plan strategies that will further reduce transportation impacts, the 50 percent density/intensity maximum may be exceeded. The amount of additional density/intensity allowed above the 50 percent maximum will be based on the extent of the impact reduction and consideration of the congestion level of the roadway as determined by the volume-to capacity ratio indicated in the MPO Level of Service Report. The following roadways include those designated as constrained roads and deficient State facilities with no mitigating improvements scheduled or planned:

Road Segment:	From:	To:
Alternate US 19 (SR 595)	Myrtle Avenue (SR 595)	Pinellas/Pasco CL
Tarpon Avenue (SR 582)	Alternate US 19 (SR 595)	US 19 (SR 55)
Gulf-to-Bay Blvd (SR 60)	Highland Avenue (CR 375)	Pinellas/Hillsborough CL
Belcher Road (CR 501)	Tampa Road (CR 584)	Curlew Road (SR 586)
Belleair Road (CR 464)	Keene Road (CR 1)	US 19 (SR 55)
Forest Lakes Blvd. (CR 667)	Tampa Road (SR 584)	Pinellas/Hillsborough CL
Tyrone Boulevard (SR 595)	Park Street (CR 1)	22 nd Avenue North
US 19 (SR 55)	Gandy Boulevard (SR 600)	22 nd Avenue North
Court Street	Highland Avenue (CR 375)	Pierce Street
Memorial Causeway (SR 60)	Causeway Boulevard	Island Way
McMullen-Booth Road/East Lake Road (CR 611)	Pinellas/Pasco CL	Gulf-To-Bay Blvd. (SR 60)
Gulf Blvd (SR 699)	Park Blvd (CR 694)	Walsingham Road (CR 330)
Keystone Road (CR 582)	East Lake Road (CR 611)	Woodfield Boulevard
Park Blvd (CR 694)	Duhme Road/113 th Street	US Highway 19
38th Avenue N (CR 184)	49 th Street North (CR 611)	Interstate 275 (SR 93)

Road Segment:	From:	To:
Belcher Road (CR 501)	Sunset Point Road (CR 576)	NE Coachman Road (SR 590)
Bay Drive	US Highway 19 (SR 55)	Clearwater Largo Road (CR 321)
Welch Causeway (SR 666)	Gulf Boulevard (SR 699)	Duhme Road/113 th Street North (CR 321)
Keene Road (CR 1)	Drew Street (SR 590)	State Road 580
Tampa Road (SR 584)	Curlew Road (SR 586)	SR 580
Tampa Road (CR 752)	East Lake Road (CR 611)	US Highway 19 (SR 55)
NE Coachman Rd (SR 590)	US Highway 19 (SR 55)	Drew Street (SR 590)
Bay Pines Blvd (SR 595)	Seminole Blvd (SR 595)	West end of Seminole Bridge
Indian Rocks Road (CR 233)	W. Bay Drive (CR 416)	Walsingham Road (CR 330)
Keene Road (CR 1)	E. Bay Drive (SR 686)	Belleair Road (CR 464)
Seminole Blvd. (SR 595)	E. Bay Drive (SR 686)	Ulmerton Road (SR 688)
Bay Drive (SR 686)	Missouri Avenue (SR 595)	US Hwy 19 (SR 55)
US 19 (SR 55)	Klosterman Road (CR 880)	Beckett Way
Interstate 275 (SR 93)	Gandy Blvd. (SR 600)	5 th Avenue South

(4) Deficient Roadways with Scheduled Mitigating Improvements.

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

Road Segment:	From:	To:	Improvement No.
Keystone Rd (CR 582)	East Lake Rd (CR 611)	US 19 (SR 55)	1
Ulmerton Road (SR 688)	East of US 19 (SR 55)	East of 49 th Street (CR 611)	2
Ulmerton Road (SR 688)	West of US 19 (SR 55)	El Centro Ranchero	3
102 nd Avenue	125 th Street (CR 283)	113 th St. (CR 321)	4
Bryan Dairy Road (CR 296)	Starkey Road (CR 1)	72 nd Street	5
Starkey Road/ Park Street (CR 1)	Bryan Dairy Road (CR 296)	84 th Lane	6
Ulmerton Road (SR 688)	East of 119 th St.	West of Seminole Bypass	7

Road Segment:	From:	To:	Improvement No.
Belleair Causeway (CR 416)	Indian Rocks Rd. (CR 233)	Gulf Blvd. (CR 183)	8
US Highway 19	Ulmerton Rd. (SR 688)	49 th Street (CR 611)	9
Gandy Blvd. (SR 694)	28 th Street	Interstate-275	10

The following improvements will mitigate deficient levels of service as noted in the previous table:

Improvement No.:	Type of Improvement:	Construction Date:*
1	Four Lanes Divided	FY 2009/10
2	Six Lanes Divided	**
3	Six Lanes Divided	**
4	Reconstruction and traffic flow improvements	FY 2010/11
5	Six Lanes Divided	FY 2010/11
6	Six Lanes Divided	FY 2008/09
7	Six Lanes Divided	FY 2009/10
8	Bridge Replacement and Expansion to Two Lane Divided	**
9	Six Lane Partially Controlled Access	**
10	Six Lanes Divided	FY 2008/09

*FY = Fiscal Year

**Construction underway

Capacity improvements from #9 and #10 not reflected in level of service data provided for this Section.

SECTION III. Section 134-260 of the Pinellas County Land Development Code is hereby amended to read as follows:

Section 134-260 Methodology Used to Determine the Level of Service Conditions

1. Since the level of service standards for recreation/open space, wastewater, and solid waste/resource recovery facilities and services are partially based on per capita standards, information on the existing population of the service areas is required. For purposes of this Division, the source used in developing population estimates, for permanent, seasonal, and tourist (depicted as a permanent population equivalent impact upon public services), were derived from the Pinellas County Population Projections 2005 -2030. The projections were at 5-year intervals. Population estimates for the interim years were calculated by interpolation. Adjustments reflecting a decrease population in 2007 and 2008 (a 0.41% decrease and a 0.61% decrease, respectively) were based upon calculated trends of the Bureau of Economic & Business Research, University of Florida. These percentage

decreases were factored in the interpolated calculations. It was optimistically assumed that the population growth would recover with a 0.5% increase between 2008 and 2009. For the purposes of this Division, this is based on a summarization of detailed traffic analysis zone (TAZ) data as calculated for the Year 2005. This method is also the foundation of the population figures used for analysis of water demand; however, necessary differences in approach are described below.

2. An additional consideration in determining the existing level of service for recreation/open space, wastewater, and solid waste/resource recovery facilities and services is the impact of anticipated near term population growth. The impact of projected population growth over the next year (obtained by multiplying the projected increase in population for each service area by the existing level of service) is added to the actual demand (e.g., annual average flow) for the facilities. In this way, the additional demands associated with this anticipated population growth are factored into the assessment of existing level of service conditions. Flow data is obtained from Pinellas County Utilities. Park and open space acreages are obtained from the Planning Department.
3. For potable water supply, the existing levels of service and level of service standard is based upon Tampa Bay Water being able to meet the needs of the Pinellas County Water Demand Planning Area. For informational purposes, however, estimates of the Pinellas County Water Demand Planning Area population are applied to average daily flow figures to arrive at an estimate of existing per capita use.
4. In determining the existing levels of service (LOS) on roads for the purposes of the Concurrency Test Statement, peak hour traffic counts were derived from average daily traffic (ADT) volume counts. The ADT counts were compiled from data provided by the Pinellas County Metropolitan Planning Organization, the Florida Department of Transportation (FDOT) and various municipal governments. Based upon current roadway travel characteristics, various peak hour factors were used to determine peak hour traffic counts from ADT volume counts.

The specific data sources include:

- a. Pinellas County Seasonally Adjusted 2007 Traffic Counts, prepared by Florida Department of Transportation and the Pinellas County Planning Department;
- b. Florida Department of Transportation 2002 Level of Service Manual; and
- c. Pinellas County Metropolitan Planning Organization 2008 Level of Service Report.

SECTION IV. Sec. 134-261 of the Pinellas County Land Development Code is hereby amended to read as follows:

Section 134-261 Adjustments to concurrency test statement; variances

1. Section 134-259 identifies programmed improvements included in the County Capital Improvements Element and the Metropolitan Planning Organization's Transportation Improvement Program, as of the effective date of this division. These will compensate for

level of service deficiencies on the County and State roadway systems. Subsequent to January 1, 2009 revised level of service information or changes to improvement schedules may occur. If those revisions or changes would affect the concurrency status of roads, as identified in this division, the Board of County Commissioners may, by resolution and upon recommendation of the local planning agency, issue a variance to the concurrency management corridor designation status assigned to a roadway in the concurrency test statement. The extent to which a variance may be issued shall be limited to that degree of variance necessary to accommodate the effect of the revisions or changes upon the concurrency status of the roads. The Local Planning Agency and the Board of County Commissioners shall hold duly noticed public hearings on any proposed variance to the concurrency test statement.

2. Any revised level of service information or changes in the improvement schedules which could result in roads being downgraded to concurrency management corridor status that are not identified as such in this division shall require an amendment to this division in order to effectuate that change.

SECTION V. Severability

If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

SECTION VI. Inclusion in the Code

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

SECTION VII. Filing of Ordinances; Effective Date

Pursuant to Section 125.66, F.S., a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon notice of filing of the Ordinance with the Department of State or January 1, 2009, whichever is later.

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By Julie [Signature]
Attorney

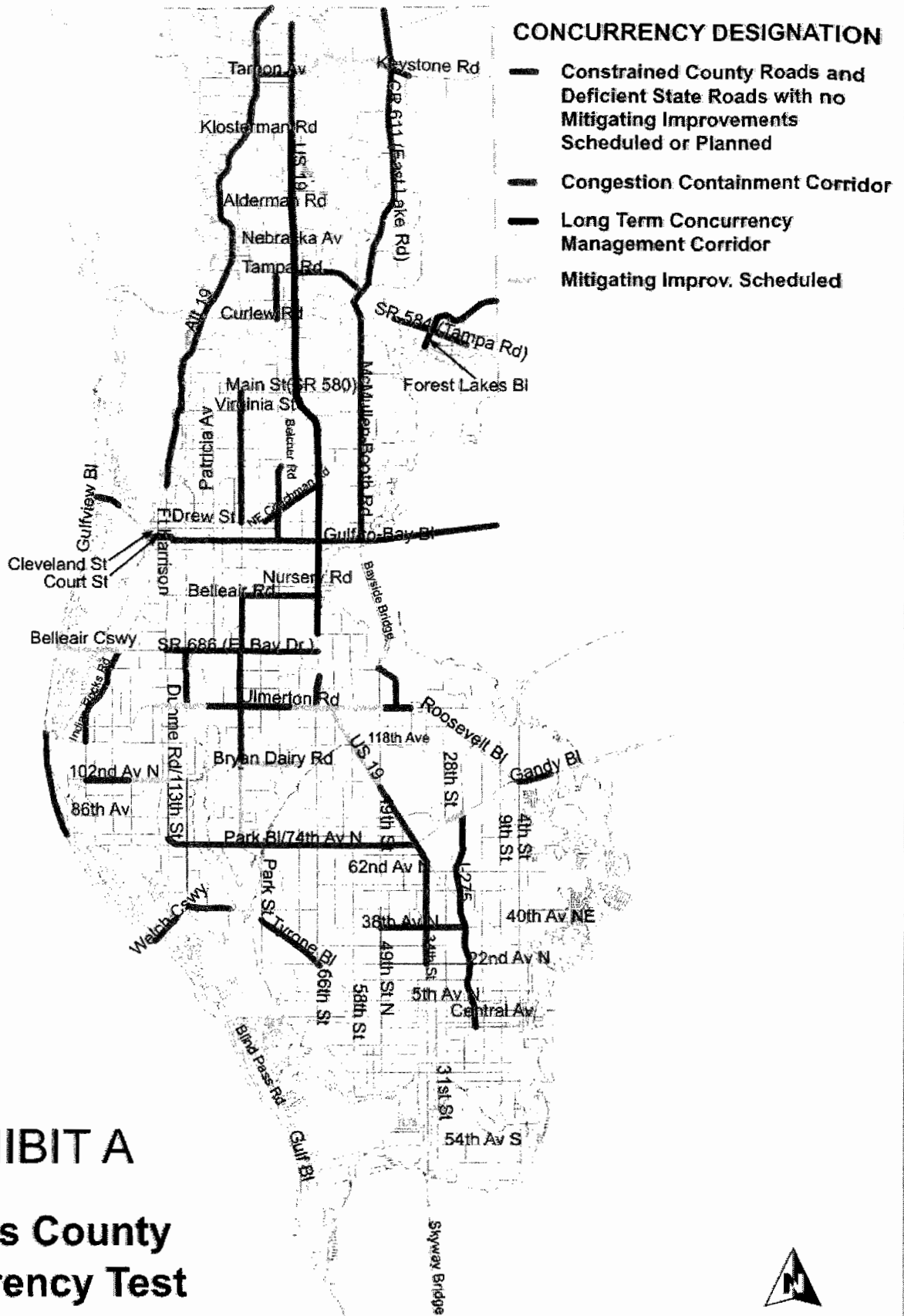


EXHIBIT A

Pinellas County Concurrency Test Statement 2008

Major Road Network



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11/18/08

STATE OF FLORIDA

COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on December 16, 2008 relative to:


ORDINANCE #08 – 78

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE ANNUAL CONCURRENCY TEST STATEMENT BE ESTABLISHED FOR PINELLAS COUNTY BY AMENDING SECTIONS 134-258, 134-259, 134-260 AND 134-261 OF THE PINELLAS COUNTY CODE; AMENDING THE LEVEL OF SERVICE CONDITIONS FOR PUBLIC SERVICES AND FACILITIES; AMENDING THE METHODOLOGY USED TO DETERMINE LEVEL OF SERVICE CONDITIONS TO UPDATE REFERENCES; AMENDING THE METHOD FOR ADJUSTMENTS AND VARIANCES TO THE CONCURRENCY TEST STATEMENT TO UPDATE REFERENCES; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THIS ORDINANCE AT THE PUBLIC HEARING AND/OR WITH RESPONSIBLE PARTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND ESTABLISHING AN EFFECTIVE DATE.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this December 19, 2008.

KEN BURKE
Clerk of the Circuit Court
and Ex-officio Clerk to the
Board of County Commissioners

By:


Cynthia N. Haumann, Deputy Clerk

