

PPC News

Growth Management Could See Big Changes

On Friday, May 1, 2009, the regular session of the Florida Legislature came to an end. It saw the passage of a major growth management bill, which proposes big changes to state requirements for local land use planning, as well as a number of other related bills.

Senate Bill (SB) 360, named the “Community Renewal Act,” was the major bill dealing with growth management issues. The bill has received both praise and criticism, with supporters saying that it will boost the economy and promote development in urban areas, and critics stating that it will allow developers to avoid paying their fair share for transportation infrastructure.

Under the bill, the existing transportation concurrency management system will be replaced with a “mobility fee” program, which has not yet been developed. The Florida Department of Community Affairs (DCA) and Department of Transportation (FDOT) are directed to develop a plan for implementing the new fee, and to submit it to the Legislature no later than December 1, 2009.

The bill also designates counties with more than 1,000 people per square mile, including the municipalities located within them, as “dense urban land areas.” Pinellas County and its local governments would qualify for the designation, which among other provisions, provides exemptions from development of regional impact (DRI) regulations for certain developments.

Designation as a dense urban land area, together with other criteria, additionally qualifies a local government to be designated as a “transportation

concurrency exception area,” or TCEA, which is exempt from concurrency requirements. Pinellas County and its municipalities would qualify as a TCEA. Within two years after being designated, a local government is required to adopt comprehensive plan strategies to support and fund mobility, including alternative modes of transportation. They are also encouraged to adopt complementary land use and transportation strategies that reflect the region’s shared vision for its future.

In addition to these provisions for dense urban land areas, SB 360 contains a number of provisions

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A CLOSER LOOK AT PLANNING ISSUES

Special Area Plans

As Pinellas County approaches buildout, one planning tool that is proving increasingly beneficial is the special area plan. As outlined in Section 4.2.7.5. of the *Countywide Plan Rules*, these plans allow local governments to establish standards for land uses, densities and intensities, locational characteristics, and traffic generation, together with appropriate future land use designations, to reflect locally-desired characteristics for a specific area. They provide an excellent means to encourage quality planned redevelopment in areas of importance to a community such as downtowns, employment centers, neighborhood corridors, and resort areas. Both the *Countywide Plan for Pinellas County* and *Pinellas by Design: An Economic Development and Redevelopment Plan for the Pinellas Community* encourage their use.

To meet the Rule requirements, a special area plan must clearly:

- Describe the existing uses and character of the special area, and the issues needing to be addressed.
- Establish planning objectives.
- Propose new standards for densities, intensities, mixed uses, and other characteristics, and explain how they will help meet the objectives.
- Describe any design guidelines, affordable housing provisions, public/private agreements or incentives, or special transportation provisions applicable to the special area.
- Identify potential potable water, sewer, storm-water drainage, and transportation system impacts, and explain how they will be mitigated.

- Describe how the plan will further county-wide planning objectives identified in the *Pinellas by Design* plan, and address relevant countywide considerations outlined in the Rules, such as potential impacts on public educational facilities and adjoining jurisdictions.

The Rules require local governments to meet all these criteria when drafting their special area plans. However, PPC staff experience is that not all of the plans submitted for review include the required information. This may be due to a number of factors. A special area plan, by its nature, is created through a local process and is designed to express a community's vision and planning priorities. The resulting document may meet these local needs, but still fall short of the Rule criteria, which are designed to evaluate local planning decisions in a countywide context.

It may also be that some communities are not fully aware of the requirements, or that the language of the Rules does not provide clear guidance.

While PPC staff typically work with local governments to ensure that the submittal requirements are met, this process can require a significant investment of time on the part of both parties. To address this problem, the PPC has begun to examine the special area plan review process and criteria to determine how they can be simplified and made more understandable. Refinement of the criteria, greater specificity in the Rule language, or even the use of supplemental materials, such as a model special area plan or how-to guide, may be considered.

The PPC looks forward to working with its member local governments to address these issues and encourage greater and more effective use of this important redevelopment tool.



COUNCIL MEMBER CHANGES

Welcome Newest Members

Vice-Mayor Nina Bandoni City of Safety Harbor



Vice-Mayor Bandoni was born in Michigan and moved to Safety Harbor 26 years ago. She holds a bachelor's degree in business management from Eckerd College. The former head of the Clearwater Housing

Department, she is president of Turnstone Properties, Inc., which helps nonprofit organizations with strategic planning, executive coaching, and development services. Ms. Bandoni was elected to the Safety Harbor City Commission in 2008, and serves on the Tampa Bay Regional Planning Council, Pinellas County Schools Transportation Committee, and Low Income Housing Leadership Network.

Commissioner Stephanie Oddo Town of Belleair Representing Group C Communities



Commissioner Oddo has been a resident of Belleair for over four years. She holds a Bachelor's Degree in International Politics from Penn State University and a Master's Degree in Latin American Studies

from San Diego State University, and was a public relations and web services consultant in Washington, DC. She led a citizen group to study the issue of law enforcement services in Belleair; has served on the Belleair Civic Association Board, Belleair and Pinellas County Historic Preservation Boards, and Florida League of Cities; and is a member of Leadership Pinellas. She was elected to the Belleair Town Commission in 2007 and 2009.

Commissioner David Carson City of Dunedin



Commissioner Carson is a native of Illinois who has lived in the Tampa Bay region for 27 years, nine of those in Dunedin. He is the owner of Carson Pest Control, recipient of the Small Business of the Year

award from the Dunedin Chamber of Commerce in 1999. Mr. Carson has served on the City of Dunedin Permitting Task Force Committee, Board of Adjustment and Appeal, and Stadium Advisory Committee. He has also held leadership roles in the Dunedin Council of Organizations and Chamber of Commerce. He was elected to the Dunedin City Commission this year.

Mayor Patricia J. Shontz City of Madeira Beach Representing Group A Communities



Mayor Shontz was born in Pennsylvania, but has lived in Madeira Beach for more than forty years. She has been the owner and operator of three restaurants, and has held leadership roles in

the Madeira Beach Chamber of Commerce, the John's Pass Merchants Association, and the Rotary Club, where she served as the first female president of both the state and local chapters. Ms. Shontz has been a member of the Madeira Beach Planning Commission and Board of Adjustment, and has served five terms on the Madeira Beach City Commission. She was elected mayor in 2008.

Farewell to Former PPC Members

Mayor Robert Hackworth City of Dunedin



Mayor Hackworth was born in California, but has been a resident of Dunedin for nearly thirty years. He has followed an eclectic career path as a professional runner and cyclist, owner of a sports marketing firm, real estate developer, and partner in an educational publishing company. He began his tenure on the Dunedin City Commission in 2002, served as vice-mayor in 2003, and was elected mayor in 2006.

A veteran of the Council since 2003, Mr. Hackworth demonstrated leadership in efforts to foster improved intergovernmental coordination, particularly in the areas of redevelopment, concurrency management, and annexation.

Mayor Mary Maloof City of Treasure Island



Mayor Maloof is a native of Illinois, but has lived in Treasure Island for nearly thirty years. She has pursued organizational studies at Eckerd College, focusing on public leadership, and has been a partner in a clothing design and manufacturing business. First elected to the Treasure Island City Commission in 1997, she served three terms before being elected mayor in 2003 and reelected in 2006.

Ms. Maloof served as a member of the Council since 2006, and brought a thoughtful and cooperative approach to the countywide planning process.

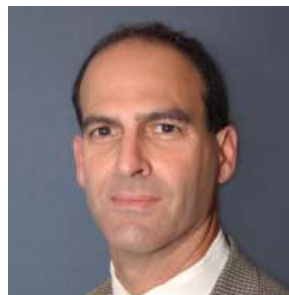
Mayor Dick Holmes City of South Pasadena



Mayor Holmes served on the City Commission from 1997 to 2002, and was elected mayor in 2004 and reelected in 2007. As a commissioner, he supervised public safety for the city, and was instrumental in introducing a community policing program. As mayor, he was chairman of the Pinellas Assembly task force addressing the county's Municipal Services Taxing Unit, and served on the Tampa Bay Regional Planning Council.

A member of the Council since 2005, Mayor Holmes brought fourteen years of municipal experience to the PPC, and was an enthusiastic champion of countywide planning.

Mayor Andy Steingold City of Safety Harbor



A lifelong Floridian, Mayor Steingold was born in Miami and has lived in Safety Harbor for six years. He was first elected to the City Council in 2005. He has served as vice president of the Safety Harbor Museum Board and president of the Huntington Trails Home Owners Association, and on the Safety Harbor Neighborhood Advisory Council, and the National League of Cities.

A member of the Council since 2006, Mayor Steingold approached countywide planning deliberations with thoroughness and attention to detail.

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that affect planning in local jurisdictions. Among other provisions, the bill:

- Moves back the statutory requirement for local comprehensive plan capital improvements elements to be “financially feasible” from December 1, 2009 to December 1, 2011;
- Requires local comprehensive plan intergovernmental coordination elements to provide for a dispute resolution process that was previously voluntary;
- States that if a zoning change is needed to properly enact the provisions of any proposed future land use plan amendment, a local government is required to “consider” an applicant request for that change;
- With certain exceptions, extends for a period of two years permits and development orders that have expiration dates between September 1, 2008, through January 1, 2012; and
- States that county land development regulations are to “Maintain the existing density of residential properties or recreational vehicle parks if the properties are intended for residential use and are located in the unincorporated areas that have sufficient infrastructure, as determined by a local governing authority, and are not located within a coastal high hazard area.” The land use implications of this provision are, at present, unknown.

In addition to SB 360, a number of other bills passed which will have an impact on local governments if signed into law.

House Bill (HB) 227, according to the staff analysis accompanying the bill, “requires that, should a person challenge an impact fee ordinance, the government that enacted the ordinance must show, by a preponderance of the evidence, that the imposition or amount of the fee meets the requirements of state legal precedent or statute.”

Furthermore, “the bill also provides that the court may not use a deferential standard that favors either party. The effect of this change is that the court will not use the ‘fairly debatable’ standards of review when evaluating the legality of an impact fee ordinance.”

HB 1021 is a transportation bill that integrates airport planning and adjacent land uses in local comprehensive plans. The bill also transfers any remaining assets or liabilities of the Tampa Bay Commuter Transit Authority, which has been dormant for a number of years, to the Tampa Bay Area Regional Transportation Authority (TBARTA).

While not directly affecting Pinellas County, the failure to pass SB 1212 (Central Florida’s SunRail system) is nonetheless, significant. The bill was intended to allow public purchase of a 61-mile stretch of existing rail freight tracks in a four-county area, and implementation of a commuter rail system. FDOT and the CSX corporation had reached an agreement on the purchase of the tracks, but other issues, particularly the public assumption of virtually all risks, worked against the bill’s passage. The failure of SB 1212 could help Pinellas County by identifying the weak points in the proposed legislation so that when opportunities for enhanced mobility occur in this county and legislation is required to implement it, the same mistakes are not made.

Finally, several bills that did not pass proposed either the elimination or breaking up of the DCA; the placement of a 3-year moratorium on the imposition or collection of all impact fees by a county or municipality; the requirement for an affordable housing element for seniors in local comprehensive plans; and the imposition on local governments of a \$200 fee for each proposed comprehensive plan amendment submitted to DCA.

At this writing, the bills have not yet been presented to the Governor. Once he receives each bill, he will have 15 days to act on it.

Upcoming Hearing and Meeting Schedule

Planners Advisory Committee	Pinellas Planning Council	Countywide Planning Authority
June 8, 2009	June 17, 2009	July 7, 2009
July 6, 2009	July 15, 2009	August 4, 2009
August 10, 2009	August 19, 2009	September 8, 2009
September 8, 2009	September 16, 2009	October 6, 2009

The Pinellas Planning Council

- Mayor Beverley Billiris, Chairman (Tarpon Springs)
- Vice-Mayor Jerry Knight, Vice-Chairman (Group B Communities: Belleair Beach, Belleair Shore, Indian Rocks Beach, Indian Shores, North Redington Beach*, Redington Beach, Redington Shores)
- Commissioner John Morrioni, Treasurer (Pinellas County)
- Mayor Patricia Gerard, Secretary (Largo)
- Vice-Mayor Nina Bandoni (Safety Harbor)
- Councilmember Sandra Bradbury (Pinellas Park)
- Commissioner David Carson (Dunedin)
- Councilmember John Doran (Clearwater)
- Councilmember Jim Kennedy (St. Petersburg)
- School Board Member Linda Lerner (Pinellas County School District)
- Commissioner Stephanie Oddo (Group C Communities: Belleair*, Belleair Bluffs, Gulfport, Kenneth City, Seminole, South Pasadena)
- Mayor Jim Ronecker (Oldsmar)
- Mayor Patricia J. Shontz (Group A Communities: Madeira Beach*, St. Pete Beach, Treasure Island)

* Councilmember serves on this governing body.

The Countywide Planning Authority

- Commissioner Calvin D. Harris, Chairman
- Commissioner Karen Williams Seel, Vice-Chair
- Commissioner Nancy Bostock
- Commissioner Neil Brickfield
- Commissioner Susan Latvala
- Commissioner John Morrioni
- Commissioner Kenneth T. Welch

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