

**THE CITY OF MADEIRA BEACH, FLORIDA  
PUBLIC NOTICE**

**LOCAL PLANNING AGENCY  
PLANNING COMMISSION**

The Planning Commission, serving as the Local Planning Agency of the City of Madeira Beach, Florida will meet at the Madeira Beach City Centre Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708, to conduct Public Hearings on the following City business.

**7:00 PM**

**MONDAY, JULY 11, 2016**

**COMMISSION CHAMBERS**

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF THE MINUTES – APRIL 28, 2016**
- V. NEW BUSINESS**
  - A. ORDINANCE 2016-06 – ADMINISTRATIVE WAIVER  
LAND DEVELOPMENT REGULATIONS AMENDMENT**

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, CREATING SECTION 86-29 OF THE CODE OF ORDINANCES TO PROVIDE FOR ADMINISTRATIVE WAIVERS; PROVIDING FOR PURPOSE, APPLICABILITY, AUTHORITY, APPLICATION PROCESS, REVIEW, FINDINGS AND DECISION, CONDITIONS OF APPROVAL, AND APPEAL PROCEDURES; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. ORDINANCE 2016-07 – CONCURRENCY MANAGEMENT  
LAND DEVELOPMENT REGULATIONS AMENDMENT**

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 90 – CONCURRENCY MANAGEMENT OF THE CODE OF ORDINANCES; AMENDING SECTION 90-2 DELETING VARIOUS DEFINITIONS RELATING TO SCHOOL CONCURRENCY, REVISING THE DEFINITION OF “PUBLIC SCHOOLS INTERLOCAL AGREEMENT”, AND CREATING DEFINITIONS FOR “DEFICIENT FACILITY”, “LAND DEVELOPMENT REGULATORY SYSTEM”, “MOBILITY PLAN”, “NEW PEAK HOUR TRIP”, “PEAK HOUR”, “PRE-EXISTING USE”, “TRANSPORTATION MANAGEMENT PLAN” AND “TRANSPORTATION MANAGEMENT SYSTEM”; AMENDING SECTIONS 90-4, 90-5, 90-7 AND 90-8 TO DELETE THE PROVISIONS RELATING TO SCHOOL CONCURRENCY; AMENDING SECTION 90-9 AND SECTION 90-10 IN THEIR ENTIRETY TO REPEAL THE TRANSPORTATION CONCURRENCY PROVISIONS AND TO ESTABLISH A TRANSPORTATION MANAGEMENT SYSTEM; CREATING SECTION 90-11 PROVIDING FOR THE APPLICATION OF TRANSPORTATION MANAGEMENT PLAN STRATEGIES TO DEFICIENT ROAD

Any person who decides to appeal any decision of Planning Commission serving as the Local Planning Agency with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes 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. The law does not require the City Clerk to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation in order to participate in this meeting should call (727) 391-9951 or fax a written request to (727) 399-1131.

**Posted June 30, 2016**

CORRIDORS; CREATING SECTION 90-12 PROVIDING FOR METHODOLOGY OF DETERMINATION OF TRIP GENERATION; RENUMBERING SECTION 90-11 TO 90-13; RENUMBERING SECTION 90-12 TO 90-14 AND DELETING THE ADOPTED LEVEL OF SERVICE FOR ARTERIAL AND COLLECTOR ROADS; RENUMBERING SECTION 90-13 TO 90-15; AND PROVIDING FOR AN EFFECTIVE DATE.

**C. ORDINANCE 2016-08 – TRANSPORTATION ELEMENT  
COMPREHENSIVE PLAN TEXT AMENDMENT**

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE GOALS, OBJECTIVES AND POLICIES OF THE TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO DELETE TRANSPORTATION CONCURRENCY, TO PROVIDE FOR A MULTIMODAL TRANSPORTATION SYSTEM THAT MANAGES THE IMPACTS OF DEVELOPMENT PROJECTS, INCREASES MOBILITY AND MITIGATES IMPROVEMENTS CONSISTENT WITH THE METROPOLITAN PLANNING ORGANIZATION'S LONG RANGE TRANSPORTATION PLAN AND THE PINELLAS COUNTY MOBILITY PLAN; AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT TO REVISE CONCURRENCY REFERENCES TO MOBILITY MANAGEMENT AND TO UPDATE A REFERENCE TO THE INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD OF PINELLAS COUNTY REGARDING THE COORDINATION OF LAND USE AND PUBLIC SCHOOL FACILITIES PLANNING; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT TO SUPPORT THE ESTABLISHMENT OF A MULTIMODAL TRANSPORTATION SYSTEM IN ACCORDANCE WITH THE PINELLAS COUNTY MOBILITY PLAN, AND TO ELIMINATE THE PUBLIC SCHOOLS LEVEL OF SERVICE STANDARD; AND PROVIDING FOR AN EFFECTIVE DATE.

**D. ORDINANCE 2016-09 – COASTAL MANAGEMENT ELEMENT  
COMPREHENSIVE PLAN TEXT AMENDMENT**

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH; REVISING THE GOALS, POLICIES AND OBJECTIVES OF THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT TO DELETE REFERENCE TO ACCEPTABLE ROADWAY LEVELS OF SERVICE IN POLICY 1.8.1; TO REVISE GOAL 2 TO INCLUDE REFERENCES TO HIGH WATER EVENTS; TO ADD OBJECTIVES AND POLICIES REGARDING FLOODING AND SEA LEVEL RISE; AND PROVIDING FOR AN EFFECTIVE DATE.

**E. ORDINANCE 2016-10 – PUBLIC SCHOOL FACILITIES ELEMENT  
COMPREHENSIVE PLAN TEXT AMENDMENT**

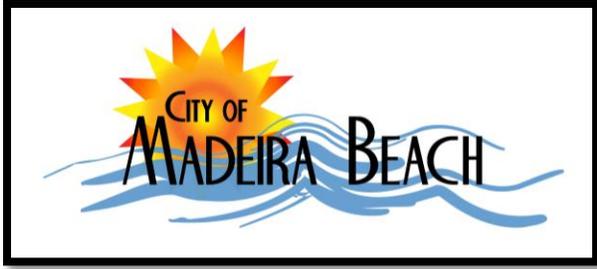
AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE PUBLIC SCHOOL FACILITIES ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO DELETE OBJECTIVES 2, 3 AND 4 AS WELL AS THE POLICIES UNDER THOSE OBJECTIVES; RENUMBERING OBJECTIVES 5, 6, 7 AND 8 AS WELL AS THE POLICIES UNDER THOSE OBJECTIVES; AND PROVIDING FOR AN EFFECTIVE DATE.

Any person who decides to appeal any decision of Planning Commission serving as the Local Planning Agency with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes 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. The law does not require the City Clerk to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation in order to participate in this meeting should call (727) 391-9951 or fax a written request to (727) 399-1131.

- VI. PLANNING COMMISSION DISCUSSION**
- VII. OLD BUSINESS – N/A**
- VIII. REPORTS**
  - **CITY ATTORNEY**
  - **PLANNING AND ZONING DIRECTOR**
- IX. NEXT MEETING : August 8, 2016**
- X. ADJOURNMENT**

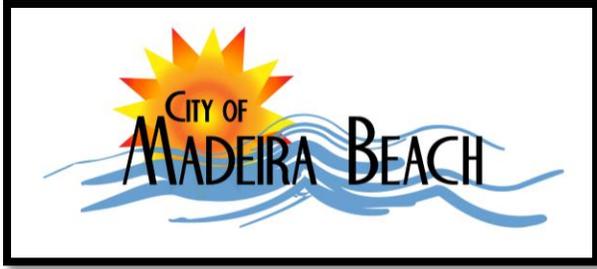
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**Posted June 30, 2016**



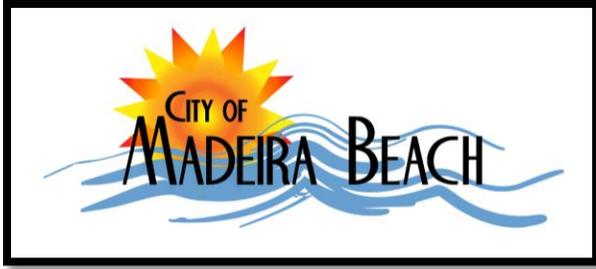
**LOCAL PLANNING AGENCY/  
PLANNING COMMISSION MEETING**  
**July 11, 2016**

**I. CALL TO ORDER**



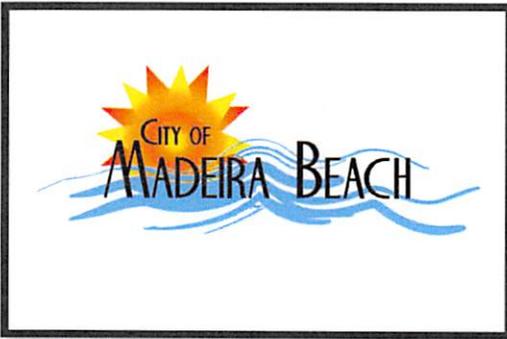
**LOCAL PLANNING AGENCY/  
PLANNING COMMISSION MEETING**  
**July 11, 2016**

**II. ROLL CALL**



LOCAL PLANNING AGENCY/  
PLANNING COMMISSION MEETING  
July 11, 2016

**III. APPROVAL OF THE MINUTES - *April 28, 2016***



## THE CITY OF MADEIRA BEACH, FLORIDA

### PUBLIC NOTICE

### LOCAL PLANNING AGENCY PLANNING COMMISSION MINUTES

The Planning Commission, serving as the Local Planning Agency of the City of Madeira Beach, Florida will meet at the Madeira Beach City Centre Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708, to conduct Public Hearings on the following City business.

7:00 P.M.

THURSDAY, APRIL 28, 2016

COMMISSION CHAMBERS

A. **CALL TO ORDER-** *The meeting was called to order at 7:00pm by Chairperson Jim Everett*

B. **ROLL CALL-**

*Roll was called by Executive Administrative Assistant Cheryl McGrady*

*Members present: Commissioners Everett, Noble, Carr, Brown, Lawrence, Rasmussen and Spildie*

C. **APPROVAL OF THE MINUTES – MARCH 14, 2016**

*Motion made by Vice Chairperson Brown seconded by 2<sup>nd</sup> Chairperson Noble motion passed 7-0.*

D. **NEW BUSINESS**

*Chairperson Everett asked the City Attorney Tom Trask to be recused from the first two items on the agenda under new business. Chairperson Everett owns an insurance company with his wife and Mr. Karns is a client of Mrs. Everett. Chairperson Everett will conduct the meeting after items one and two under new business have been completed.*

1. **TO CONSIDER THE APPLICATION FOR THE REZONING OF 0, 15000, 15006, 15015, 15040, 15042, 15026 MADEIRA WAY AND 0, 15023, 15031 GULF BLVD AND 0, 200, 206, 210, 212, 352, 388, 390, 410, 420 150<sup>TH</sup> AVENUE FROM C-3 COMMERCIAL RETAIL TO PD PLANNED DEVELOPMENT, ORDINANCE 2016-01.**

2. **TO CONSIDER THE APPLICATION FOR ENTERING INTO A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MADEIRA BEACH AND MADEIRA BEACH DEVELOPMENT CO., LLC.**

*The new business was read by Vice-Chair Jeff Brown, he then asked the City Attorney to read the general information request of the applicant to the board and the audience.*

*The City Attorney stated this is a continuance of the meeting on March 14, 2016.*

*The City Attorney swore everyone that would be speaking at tonight's meeting.*

*The City Attorney explained the order of presentation, first the applicant then the City. The two affected parties will then be able to give testimony and be heard at the time.*

*The City Attorney explained the additional information on the Dais to the board and the audience.*

*Attorney Kate Wells, gave her presentation for the applicant Madeira Beach Development Company. Attorney Kate Wells stated that because this is a continuance from the March 14, 2016 meeting that the presentation all the evidence and testimony have been incorporated in tonight's meeting so that the applicant does not have to the presentation again for tonight's meeting.*

*Attorney Kate Wells stated to the Board and the audience that this development is being built and designed as to the City of Madeira Beach Master Plan created in 2001, thereafter in 2005 the City created PD zoning the Planned Development Zoning District districts which allows the City to bury the dimension standards and created the flexibility for developers and property owners. In 2009 the Special Area Plan was created and amended in 2014. The Special Area Plan created special tools and strategies to guide re development in the City downtown corridor.*

*Attorney Kate Wells informed the board and the audience that her client Madeira Beach Development did make one modification to the existing site plan which includes angle parking along Madeira Way, everything else remains the same. Attorney Kate Wells, stated that the FDOT upon the request of the developer to relocate the traffic light from Madeira Way to Madeira Cove denied such request stating that their studies did not warrant moving the traffic signal at this time.*

Attorney Kate Wells stated that they want to be able to discuss the rezoning and Development Agreement at one time they go hand and hand so the second application on the agenda is the development agreement. The Development Agreement is good for up to 15 years or until all phases or the project are complete it allows for the project to be completed in phases. Attorney Kate Wells stated that her client to make amendments to the Development Agreement, such as the opening schedule for the bridge at the Tom Stuart Causeway, and the FDOT lights.

David Healy, FAICP of Calvin, Giordano & Associates, Inc., presented the staff report to the Planning Commission, as he stated in the March 14, 2016 meeting staff recommends approval for both the re-zoning and the Development Agreement. The Developer will need to meet the concurrency test for each phase of the project as they are completed. Mr. Healey explained the exhibits that are attached to the development agreement to both the board and the audience. The staff conclusion and recommendation is that all criteria have been meet and recommends approval.

City Attorney asked the affected party Mr. Pete Trott if he would like to speak as an effected party. Attorney Kate Wells had objection to Mr. Trott being heard. The City Attorney asked Mr. Trott to explain how he is more effected more than any other person. The City Attorney then asked Vice Chairperson Brown if he wanted to allow Mr. Trott to be heard, Chairperson Brown stated that he would allow Mr. Trott to be heard. Mr. Trott made his presentation to the board, the attorneys and the audience. Mr. John Lipa the other affected party then gave his presentation to the board, the attorneys and the audience. After all testimony was heard from both parties with no cross examination from Madeira Beach Developments Attorney, the City Manager addressed amendment 9.11 to the board, the attorneys and the audience.

Vice Chair Brown opened the floor to the public.

Several citizens voiced their concerns about the height of the building and the traffic flow.

Vice-Chair Brown closed the floor for public discussion.

Motion was by Commission Noble to the Board of Commissioners to accept and recommend the application from C-3 to PD Planned Development motion was seconded by Commissioner Rasmussen motion carried 6-0.

Motion was made by Commissioner Noble to recommend to the City Board of Commissioners to accept and approve the Development Agreement between the City of Madeira Beach and Madeira Beach Development with the addendum motion was seconded by Commissioner Lawrence motion carried 6-0.

Vice-Chair Brown has given the gavel back to Chairperson Everett to finish the meeting.

**3. TO CONSIDER PINES MADEIRA, LLC'S APPLICATION FOR ENTERING INTO AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MADEIRA BEACH AND PINES MADEIRA, LLC.**

City Attorney explained to the board members and the public that this is an amendment to an existing development and was brought before you for the sole purpose of installing an ATM for Wells Fargo.

Planning Consultant Luis Serna, explained that this is simply an amendment to remove two parking spaces to install a free standing ATM for Wells Fargo.

Staff recommends approval for the amendment to the original development agreement created in 2013.

Chairperson Everett opened the floor to the public.

One citizen spoke and was in favor of the agreement.

Chairperson Everett closed the floor to the public.

Motion was made by Commissioner Brown that we enter into the agreement, motion was seconded by Commissioner Lawrence motion carried 7-0.

The City Attorney said that there will be a second reading of this agreement on May 10<sup>th</sup>, 2016.

**E. OLD BUSINESS**

1. *City Manager Crawford stated the he would like the Planning Commission to consider changing the meeting times form 7:00pm to 6:00pm.*
2. *City Manager also took a moment to introduce our new Planner Michelle Orton to the board.*

**F. PLANNING COMMISSION DISCUSSION-None**

**G. REPORTS**

- **CITY ATTORNEY**

*The City Attorney thanked the Board for their patience and understanding thru this long process.*

*The City Manager then also thanked the City staff and the Planning Consultants for all their time and effort thru this long process.*

- **PLANNING AND ZONING DIRECTOR**

**H. NEXT MEETING -July 11, 2016**

**I. ADJOURNMENT -*Meeting adjourned at 9:36pm***

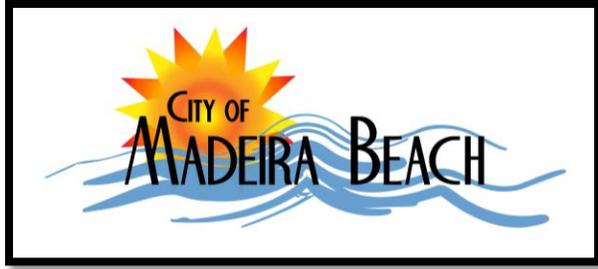
Date Approved:                July 11, 2016

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Jim Everett, Chairperson

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Submitted by Cheryl McGrady, Executive Assistant



**LOCAL PLANNING AGENCY/  
PLANNING COMMISSION MEETING**  
July 11, 2016

**IV. NEW BUSINESS**

- A. ORDINANCE 2016-06 – ADMINISTRATIVE WAIVER  
LAND DEVELOPMENT REGULATIONS AMENDMENT
- B. ORDINANCE 2016-07 – CONCURRENCY MANAGEMENT  
LAND DEVELOPMENT REGULATIONS AMENDMENT
- C. ORDINANCE 2016-08 – TRANSPORTATION ELEMENT  
COMPREHENSIVE PLAN TEXT AMENDMENT
- D. ORDINANCE 2016-09 – COASTAL MANAGEMENT ELEMENT  
COMPREHENSIVE PLAN TEXT AMENDMENT
- E. ORDINANCE 2016-10 – PUBLIC SCHOOL FACILITIES ELEMENT  
COMPREHENSIVE PLAN TEXT AMENDMENT



**A. ORDINANCE 2016-06**

**ADMINISTRATIVE WAIVER**

**LAND DEVELOPMENT REGULATION  
AMENDMENT**





**MADEIRA BEACH  
LOCAL PLANNING AGENCY/PLANNING COMMISSION  
JULY 11, 2016 – AGENDA MEMO**

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**FROM:** Michelle Orton, CFM  
Planning and Zoning Director

**SUBJECT:** **FIRST READING OF ORDINANCE NO. 2016-06 PERTAINING TO ADMINISTRATIVELY WAIVING THE CITY'S LAND DEVELOPMENT REGULATIONS WHEN SPECIAL CIRCUMSTANCES OR SPECIFIC FINDINGS APPLY.**

**BACKGROUND:** It has been determined by City staff that the strict application of the City's Land Development Regulations (LDR) has denied a property owner privileges enjoyed by other property owners in the same vicinity and zoning district. This has been found in older subdivisions that were platted and built prior to the City's LDR.

The granting of the waiver will only be permitted if the applicant has determined there are special circumstances and specific findings that have been made. Waivers will not be granted for permitted land uses, density, floor area ratio, specific prohibitions (ex. prohibited signs), and procedural requirements. The waiver would not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located and would ensure that the approval complies with the required findings.

**BUDGETARY  
IMPACT:** N/A

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**STAFF  
RECOMMENDATION:** Staff recommends a Local Planning Agency/Planning Commission recommendation to the Board of Commissioners for **APPROVAL** of Ordinance 2016-06. This would schedule a first BOC reading on July 12, 2016, and contingent on first reading approval, the second and final BOC reading on August 9, 2016.

**ATTACHMENT(S):** Ordinance 2016-06

**Agenda Item:** \_\_\_\_\_

**ORDINANCE NO. 2016-06**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, CREATING SECTION 86-29 OF THE CODE OF ORDINANCES TO PROVIDE FOR ADMINISTRATIVE WAIVERS; PROVIDING FOR PURPOSE, APPLICABILITY, AUTHORITY, APPLICATION PROCESS, REVIEW, FINDINGS AND DECISION, CONDITIONS OF APPROVAL, AND APPEAL PROCEDURES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, under certain circumstances City staff has found that the strict application of the City's Land Development Regulations has denied a property owner privileges enjoyed by other property owners in the same vicinity and zoning district; and

**WHEREAS**, City staff has reviewed Subpart B – Land Development Regulations of the Madeira Beach Code of Ordinances and found it necessary to create a process for administratively waiving standards of the Land Development Regulations; and

**WHEREAS**, the granting of certain administrative waivers may only occur when special circumstances apply and specific findings have been made; and

**WHEREAS**, it is necessary to exclude administrative waivers for permitted land uses, density, floor area ratio, prohibited development standards, and procedural requirements; and

**WHEREAS**, the Board of Commissioners has determined it is meritorious establish a process for waiving certain provisions of the Land Development Regulations.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA:**

**Section 1.** That Section 86-29 of Article I of Chapter 86 of the Code of Ordinances of the City of Madeira Beach is hereby created to read as follows:

**Sec. 86-29 - Administrative waiver.**

- (a) *Purpose.* Administrative waiver provides a process for the city staff to consider requests to waive or modify certain standards of this Code when, special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development regulations otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same zoning district.
- (b) *Applicability.* An administrative waiver may be granted to waive or modify any requirement of the land development regulations (LDR) except: permitted land uses; density; floor area ratio; specific prohibitions (for example, prohibited signs), or procedural requirements.
- (c) *Review authority.* The City Manager or designee may approve an administrative waiver to grant relief from the required setbacks in the LDR, up to a maximum variance of fifteen percent of the requirement or a maximum of five feet, whichever is smaller.

An administrative waiver may also be used to grant relief from "on-site parking, loading, and landscaping" up to a maximum reduction of ten percent provided there is less than a one percent reduction in the impervious surface ratio on the site.

- (d) *Application filing and processing.* An application for an administrative waiver shall be completed, filed, the required application fee paid and processed in compliance with this chapter. It is the responsibility of the applicant to provide evidence in support of the findings required in subsection (f).
- (e) *Project review, notice and hearing.* Each application shall be reviewed by the City Manager or designee to ensure that the proposal complies with this Section, and other applicable requirements of the LDR. The City Manager or designee may approve or deny an administrative waiver without a public hearing or public notice.
- (f) *Findings and decision.* The City Manager or designee may approve or deny an application for an administrative waiver. The City Manager or designee shall record the decision and the findings on which the decision is based.
  - (1) *General findings.* The City Manager or designee may approve an administrative waiver only after first making all of the following findings.
    - a. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of the LDR deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district;
    - b. The approval of the administrative waiver includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and
    - c. The administrative waiver is consistent with the comprehensive plan, and any other adopted plan or policy of the city.
  - (2) *Reasonable accommodation.* The City Manager or designee may also grant an administrative waiver to the site planning or development standards of the LDR in compliance with this section, based on the finding that the waiver is necessary to accomplish a reasonable accommodation of the needs of a disabled person, in compliance with the Americans with Disabilities Act (ADA).
  - (3) *Sanitation service.* The City Manager or designee may also grant an administrative waiver to the site planning or development standards of the LDR in compliance with this section, based on the finding that the waiver is necessary to install a dumpster and provide traffic circulation on the site for the sanitation vehicle.
  - (4) *Improvements to existing buildings.* The City Manager or designee may also grant an administrative waiver to a development standard of the LDR in compliance with this section, based on the finding that the improvement is required by the Florida Building Code.
- (g) *Conditions of approval.* In approving an administrative waiver, the City Manager or designee:
  - (1) Shall impose conditions to ensure that the approval does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located; and
  - (2) May impose any reasonable conditions to ensure that the approval complies with the findings required by subsection (f).

(h) *Appeal procedures.* A property owner that is denied an administrative waiver may, before presenting their grievance to any circuit court or other court of competent jurisdiction attacking the land development regulations, or any of its terms and provisions, shall first apply to the board of commissioners of the city, or petitioning the special magistrate for relief as in such cases made and provided.

**Section 2.** That this Ordinance shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF  
MADEIRA BEACH, FLORIDA, THIS \_\_\_\_ day of \_\_\_\_\_, 2016.**

\_\_\_\_\_  
Travis Palladeno  
Mayor

**ATTEST:**

\_\_\_\_\_  
Aimee Servedio, City Clerk



**B. ORDINANCE 2016-07**

**CONCURRENCY MANAGEMENT**

**LAND DEVELOPMENT REGULATION  
AMENDMENT**





## MEMORANDUM

TO: City of Madeira Beach  
City Manager and Planning Director

FROM: Calvin Giordano & Associates, Inc.  
Luis N. Serna, AICP. Planning Director, Tampa Bay

SUBJECT: Updates to the Madeira Beach Comprehensive Plan and  
Land Development Regulations

DATE: June 29, 2016

In response to recent changes in regulations at the State and regional levels, we have prepared draft updates to the Madeira Beach Comprehensive Plan and Land Development Regulations to address consistency with these new regulations. The proposed revisions specifically address adoption by Pinellas County of a Mobility Management Plan and corresponding Mobility Management System, enactment of a requirement by the State of Florida that local governments address potential impacts of sea level rise, and the execution of a revised Interlocal Agreement between the Pinellas County School Board and the municipalities within the school district.

### **Mobility Management Revisions**

In 2011, the State of Florida enacted the Community Planning Act which among other changes, rescinded the requirement for communities to enforce transportation concurrency and its associated level of service standards for public roadways. In response, the Pinellas County Metropolitan Planning Organization (MPO) developed a mobility management system as an alternative approach to addressing the impacts of development on public roadways. The MPO encouraged all communities within its boundaries to, by 2016, replace their transportation concurrency management regulations with rules that are consistent with the MPO's mobility management system.

The primary advantage of the proposed mobility management approach over the existing transportation concurrency system is that the mobility management approach offers a more flexible, practical, and efficient alternative that will facilitate multimodal transportation solutions. Under the current system, when a roadway is operating at capacity, the only available alternatives for development or redevelopment that would result in additional traffic on the roadway system are for developers to add capacity by paying for road widening (adding lanes), or by adjusting traffic signal timing. Often, such options are not feasible due to the physical site constraints on the roadway system in urban areas. The transportation

Building Code Services  
Coastal Engineering  
Code Enforcement  
Construction Engineering & Inspection  
Construction Services  
Contract Government  
Data Technologies & Development  
Emergency Management Services  
Engineering  
Governmental Services  
Indoor Air Quality  
Landscape Architecture & Environmental Services  
Municipal Engineering  
Planning  
Public Administration  
Redevelopment & Urban Design  
Renewable Energy  
Resort Development  
Surveying & Mapping  
Transportation Planning & Traffic Engineering  
Utility & Community Maintenance Services  
Water Resources Management

Feather Sound Corporate Center  
13535 Feather Sound Dr.  
Suite 135  
Clearwater, FL 33762  
Phone: 727.394.3825

Headquarters:  
1800 Eller Drive, Suite 600  
Fort Lauderdale, FL 33316  
Phone: 954.921.7781  
Fax: 954.921.8807

concurrency approach often encourages urban sprawl by directing development and traffic away from urban areas to less developed areas.

By contrast, the proposed mobility management approach encouraged by the MPO allows for a coordinated, regional, and multi-modal approach to transportation impacts that is better suited to more urban communities. Rather than focusing solely on vehicular traffic, the mobility management approach allows for the consideration of other transportation options such as sidewalks, bicycle facilities, and transit in order to address transportation capacity. The proposed system replaces the current system of collection of roadway impact fees with the collection of mobility fees. Such fees are directed toward improvements to all types of transportation facilities based on the MPO's Mobility Management Plan.

### **Sea Level Rise**

In 2015, the State of Florida enacted a law that requires the Coastal Management Elements of each local government's comprehensive plan to address the impacts of sea level rise. The law, as specified in Section 163.3178(2)(f), Florida Statutes, requires that each local government's Coastal Management Element include a redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in coastal areas when opportunities arise. According to the law, the component must:

1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.
4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.
5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.

6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

The City's existing Coastal Management Element includes some existing objectives and policies that comply with the 2015 law. However, in order to be fully compliant with the requirements of Section 163.3178 of Florida Statutes, we are recommending adoption of the proposed modifications to the City's Coastal Management Element.

### **Public School Facilities**

In 2011, the State of Florida through the Community Planning Act rescinded the requirement for local governments to implement school concurrency. In 2012, Madeira Beach entered into a Public Schools Interlocal Agreement, which replaced the previous Interlocal Agreement with the Pinellas County School Board that was adopted 2007. While the 2012 Agreement requires continued coordination among communities and the School Board in planning for school facilities, the Pinellas Schools Collaborative, at their meeting on September 7, 2011, recommended the County and municipalities rescind school concurrency. In the City's Evaluation and Appraisal Report (EAR) notification letter to the Florida Department of Economic Opportunity, dated April 27, 2015, amendments to the Public School Facilities Element in response to the 2012 Interlocal Agreement are cited as likely being necessary. The proposed revisions remove the requirement for school concurrency from the Public School Facilities Element of the Comprehensive Plan.

### **Recommendation**

We recommend adoption of these proposed amendments to the Land Development Code and Comprehensive Plan. The proposed amendments allow for continued coordination with regional and state Comprehensive Plan and Land Development Code requirements. The amendments are consistent with and do not impact existing or proposed land uses in an adverse manner and will not adversely affect the natural environment, the demand on public facilities, or property values. The proposed amendments will encourage the continued orderly and logical development pattern now provided for under the Comprehensive Plan and are consistent with the public interest.

Please feel free to contact us if you have any questions regarding these amendments.

## **ORDINANCE NO. 2016-07**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 90 – CONCURRENCY MANAGEMENT OF THE CODE OF ORDINANCES; AMENDING SECTION 90-2 DELETING VARIOUS DEFINITIONS RELATING TO SCHOOL CONCURRENCY, REVISING THE DEFINITION OF “PUBLIC SCHOOLS INTERLOCAL AGREEMENT”, AND CREATING DEFINITIONS FOR “DEFICIENT FACILITY”, “LAND DEVELOPMENT REGULATORY SYSTEM”, “MOBILITY PLAN”, “NEW PEAK HOUR TRIP”, “PEAK HOUR”, “PRE-EXISTING USE”, “TRANSPORTATION MANAGEMENT PLAN” AND “TRANSPORTATION MANAGEMENT SYSTEM”; AMENDING SECTIONS 90-4, 90-5, 90-7 AND 90-8 TO DELETE THE PROVISIONS RELATING TO SCHOOL CONCURRENCY; AMENDING SECTION 90-9 AND SECTION 90-10 IN THEIR ENTIRETY TO REPEAL THE TRANSPORTATION CONCURRENCY PROVISIONS AND TO ESTABLISH A TRANSPORTATION MANAGEMENT SYSTEM; CREATING SECTION 90-11 PROVIDING FOR THE APPLICATION OF TRANSPORTATION MANAGEMENT PLAN STRATEGIES TO DEFICIENT ROAD CORRIDORS; CREATING SECTION 90-12 PROVIDING FOR METHODOLOGY OF DETERMINATION OF TRIP GENERATION; RENUMBERING SECTION 90-11 TO 90-13; RENUMBERING SECTION 90-12 TO 90-14 AND DELETING THE ADOPTED LEVEL OF SERVICE FOR ARTERIAL AND COLLECTOR ROADS; RENUMBERING SECTION 90-13 TO 90-15; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Madeira Beach amended its adopted Comprehensive Plan to replace transportation concurrency with a mobility management system in accordance with the Pinellas County Mobility Plan that provides the means to manage traffic impacts of development while maximizing mobility and accessibility through the use of multi-modal impact fees; and

**WHEREAS**, in coordination with Pinellas County and through the implementation of the Pinellas County Mobility Management System, certain provisions within the City’s Land Development Regulations with regard to transportation concurrency must be repealed and replaced with provisions for the Mobility Management System; and

**WHEREAS**, the City of Madeira Beach amended its adopted Comprehensive Plan to eliminate adopted levels of service and school capacity for public school facilities, while maintaining a cooperative partnership with Pinellas County by interlocal agreement to ensure continued public school facility planning collaboration; and

**WHEREAS**, certain provisions within the City’s Land Development Regulations with regard to school concurrency must be repealed.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA:**

**Section 1.** That the definitions of “additional capacity (for school concurrency)”, “available capacity (for school concurrency)”, “concurrency service area (for school concurrency)”, “district-wide level-of-service for school concurrency”, “educational plant survey or the Five-Year Plant Survey”, “effective date”, “enrollment”, “existing level of service (for school concurrency)”, “FISH (Florida Inventory of School Houses)”, “Five-Year Facilities Work Program or Five-Year Work Program (for school concurrency)”, “level-of-service standard (for school concurrency)”, “public school facilities element (PSFE)”, “school board”, “school capacity and level of service report for school concurrency”, “school concurrency approval”, and “vested students” are hereby deleted from Section 90-2 of Chapter 90 of the Code of Ordinances of the City of Madeira Beach.

**Section 2.** That the definition of “public schools interlocal agreement” of Section 90-2 of Chapter 90 of the Code of Ordinances of the City of Madeira Beach is hereby amended to read as follows:

*Public schools interlocal agreement* means the interlocal agreement ~~filed with the Pinellas County Board Clerk on April 24, 2007~~ executed by the City on November 6, 2012 between the Pinellas County School Board, Pinellas County, and the 12 municipalities within Pinellas County ~~that are required to implement school concurrency per Florida Statutes § 163.3177(1), or as it may subsequently be amended.~~

**Section 3.** That Section 90-2 of Chapter 90 of the Code of Ordinances of the City of Madeira Beach is amended to provide for definitions of “deficient facility”, “Land Development Regulatory System”, “mobility plan”, “new peak hour trip”, “peak hour”, “pre-existing use”, “transportation management plan”, and “transportation management system”, to read as follows:

*Deficient facility* means a road operating at peak hour level of service E or F, and/or a volume- to-capacity (v/c) ratio of 0.9 or higher with no mitigating improvements scheduled within three years.

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

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

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

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

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

*Transportation management plan*, as developed by an applicant representing a proposed development, is submitted in conjunction with individual site plans seeking to utilize transportation management strategies to address their development impacts, protect roadway capacity and to increase mobility. These strategies include, but are not limited to, density/intensity reductions, project phasing, access controls, capital improvements and/or incentives encouraging mass transit, bicycle or pedestrian travel, ride-sharing or roadway improvements. Strategies that are standard site plan review requirements would not be eligible for inclusion in a transportation management plan. Transportation Management Plans must be submitted to the Planning Department for review and approval.

*Transportation management system* refers to the management of development impacts on transportation facilities and implementation of mobility improvements pursuant to the Mobility Plan. (Note: This is intended to replace references to concurrency management system pertaining to transportation).

**Section 4.** That Section 90-4 of Chapter 90 of the Code of Ordinances of the City of Madeira Beach is amended to read as follows:

**Sec. 90-4 – Intent and findings.**

- (a) The recital clauses of this chapter and the following statements are hereby adopted by reference as the legislative findings of the board of commissioners and shall act as a further justification and authority for the adoption of this chapter:
- (1) To implement the goals, objectives and policies and level of service standards in the city comprehensive plan.
  - (2) That development orders and permits be issued in a manner which will not result in a reduction of the level of service below the adopted level of service standards in the city comprehensive plan.
  - (3) To adhere to and implement the schedule of capital improvements in the city comprehensive plan and other capital improvements as necessary to maintain the level of service standards within this section.
  - (4) To adopt reasonable land development regulations in the furtherance of the public benefit, while at the same time ensuring that property owners have a reasonable, beneficial and economic use of property and that no property rights have been taken.
- (b) It is the intent of this chapter to establish a concurrency management system that ensures that facilities and services needed to support land development are available concurrent with the impacts of such development. The concurrency management system shall ensure that the adopted levels of service standards for roadways, potable water, sanitary sewer, solid waste, drainage and recreation shall not be degraded below

the levels adopted in the city comprehensive plan by the issuance of a final development permit.

~~(c) The purpose of school concurrency is to assure that there is available capacity for the anticipated students in each concurrency service area where residential units are created at the time those students need to go to school.~~

~~(d) The legislative findings are as follows:~~

~~(1) Florida Statutes § 163.3177(12) was amended in 2005 to require all non-exempt counties and each non-exempt municipality within those counties to adopt and implement a public school facilities element and a school concurrency program;~~

~~(2) The county is not exempt from the requirements of Florida Statutes § 163.3177(12), and must, along with the 12 non-exempt municipalities within the county, adopt a public school facilities element and implement school concurrency; and~~

~~(3) The board of commissioners adopted amendments to the city comprehensive plan on May 27, 2008, to establish concurrency for public school facilities.~~

**Section 5.** That Section 90-5 of Chapter 90 of the Code of Ordinances of the City of Madeira Beach is amended to read as follows:

**Sec. 90-5 – Concurrency review procedures; evaluation of a development permit.**

(a) A concurrency evaluation must be performed by the city prior to the issuance of a development permit. The concurrency evaluation for a development permit will be incorporated into the development review process. The evaluation with respect to facility or service availability will be included in the staff report or review.

(b) The issuance of a certificate of concurrency shall be required with the issuance of any final development permit.

(c) If a development requires more than one development permit, the issuance of the certificate of concurrency shall occur with the issuance of the first development permit.

(d) A certificate of concurrency shall automatically expire with the expiration of the development permit to which it applies, unless otherwise specified in this chapter. In the event that a time extension is granted to the expiration of the development permit, then the accompanying certificate of concurrency shall automatically be renewed for the length of the time extension.

(e) If the concurrency determination results in a finding that public facilities and services are sufficient to serve the proposed development, the appropriate city departments shall reserve the capacity required for the development permit at the time of application for such permit, except that reservation of capacity for F.S. ch. 380, development permits, shall occur at the time of issuance of the final report by the Tampa Bay Regional Planning Council. This capacity shall not be returned to the system unless and until the application is, for whatever reason, denied, rejected, invalidated or abandoned.

(f) If the concurrency determination results in a finding that public facilities and services are not sufficient to serve the development, the application for the development permit shall be returned to the applicant with an explanation as to what the deficiencies are.

~~(g) Application for school concurrency review. The development tracking system is accessed by the city when an application for school concurrency review ("application") is submitted to the city. A city representative shall then ascertain the completeness of the documentation, in a timely manner, to ensure that the required information is sufficient to accept the application for school concurrency review.~~

~~(h) Specific procedures for school concurrency.~~

- ~~(1) When the review process for an application is initiated, the city shall consider the most current adjusted information on available capacity for school concurrency provided by the county. If this information reveals that there is available capacity within each of the concurrency service areas established for school concurrency where the proposed residential approval would be located, then the city shall proceed under subsection (2). If the information reveals that there is not available capacity within a concurrency service area for school concurrency where the proposed residential approval would be located, then the city shall proceed under subsection (3).~~
- ~~(2) Development review process when there is available capacity for school concurrency.
  - ~~a. The city is authorized to issue a school concurrency approval for a residential site plan or final subdivision approval of less than 25 dwelling units without submitting a school concurrency application to the school district.~~
  - ~~b. A school concurrency application for residential site plans or residential final subdivisions of 25 dwelling units or greater shall be submitted by the city to the school district and the county on a form provided by the school district.~~
  - ~~c. Within 25 days of receipt from the city of a completed school concurrency application, the school district will review the application and shall render a school concurrency determination stating whether there is available capacity for all types of schools to accommodate the estimated number of students that would be generated by the proposed residential approval and maintain the adopted level-of-service standard. The school district may request assistance from the county in reviewing applications.~~
  - ~~d. If the school district determines that there is available capacity within the concurrency service areas where the proposed residential approval would be located, then an adequate level of service would be provided within the concurrency service areas and the residential approval shall be issued a school concurrency approval by the city.~~
  - ~~e. If the school district determines that there is not available capacity within an affected concurrency service area and the adopted level-of-service standard would be exceeded, then the school district shall consider whether there is available capacity in the contiguous concurrency service area(s).
    - ~~1. If the school district determines that, in the aggregate, there is available capacity in the concurrency service area and in the contiguous concurrency service area(s) to accommodate the estimated number of students from the proposed residential approval, then an adequate level of service would be provided and the residential approval shall be issued a school concurrency approval by the city.~~
    - ~~2. If the school district determines that, in the aggregate, there is not available capacity in the concurrency service area and in the contiguous concurrency service area(s) to accommodate the estimated number of students from the proposed residential approval, then an adequate level of service would not be provided for that type of school and the residential approval shall not be issued a school concurrency approval by the city.~~
    - ~~3. If the school district determines that, in the aggregate there is not available capacity, then within 25 days after receiving the completed school~~~~~~

concurrency application from the county, the school district shall identify the required proportionate share mitigation and recommend acceptable form(s) of mitigation in writing to the city and the applicant.

- ~~4. When the school district determines that there is not adequate capacity for a residential approval, then the city may only issue a school concurrency approval after the execution of a legally binding development mitigation agreement between the applicant, the county, and the school board.~~
- ~~(3) Development review process when at least one concurrency service area has no available capacity.
  - ~~a. A school concurrency application shall be submitted by the city to the school district and the county for all residential approval, regardless of size, that are located within the concurrency service area that has no available capacity. The school concurrency application shall be submitted on a form provided by the school district.~~
  - ~~b. The development review process shall then follow the procedures in subsection (2)e.~~~~
- ~~(4) The city shall provide documentation of all school concurrency approvals to the county within 30 days of issuance.~~
- ~~(5) Continued validity of a school concurrency approval. A school concurrency approval shall be valid for purposes of the issuance of development orders or permits for 24 months from the date of issuance by the city. Once a development order or permit has been issued, the school concurrency approval shall be valid until a certificate of occupancy is issued or the development order or permit is no longer in effect.~~
- ~~(i) Vesting for school concurrency. For the purposes of meeting the level-of-service standard, residential approvals, development orders, and permits approved for any property prior to the effective date shall be vested and shall not require a school concurrency approval.~~
- ~~(j) Requirements when modification is proposed to an already approved site plan. A modification will not result in any extension to the validity time frame associated with a school concurrency approval issued for the initial site plan. If modifications increase the potential number of students that would be generated by the proposed residential approval, the modifications shall be subject to the school concurrency review in subsection (h). The validity period for a school concurrency approval issued for modifications to a site plan shall be identical to the validity time frame associated with the school concurrency approval issued for the initial site plan. modifications in demand on available capacity will for reflected in the development tracking system. If the city determines that such modifications constitute a large-scale review as required by section 110-51 submittal of a new site plan will be required. In such instances, the school concurrency approval issued for the original site plan submittal will no longer be valid, and the new site plan will be subject to the school concurrency review.~~
- ~~(k) Credits for school concurrency determination.
  - ~~(1) After the effective date, any property with existing dwelling units that are demolished or destroyed shall receive a credit for the estimated number of students generated from existing dwelling units. Credits may not be transferred to another property but may be used on abutting property if part of the same residential approval. The applicant will be required to provide proof of such existing uses in a form acceptable to the city manager or his/her designee.~~
  - ~~(2) The application of credits for public school capacity attributable to the number of~~~~

~~student seats generated by a previous and existing on-site residential use may be used for a new residential approval, in the place of the capacity which would be generated by the new residential approval, in perpetuity from the effective date.~~

**Section 6.** That Section 90-7 of Chapter 90 of the Code of Ordinances of the City of Madeira Beach is amended to read as follows:

**Sec. 90-7 – Concurrency management system; methods and procedures manual.**

The manual shall define the internal procedures and methods used by the city in administering this chapter. This shall include the administrative procedures for issuing the certificate of concurrency. Such a document shall be approved and updated by the city manager or his designated representative.

~~School capacity and level of service report for school concurrency. Each year, the school district shall prepare a school capacity and level of service report for school concurrency (the "report") to calculate the existing level of service for school concurrency and the available capacity for school concurrency within each concurrency service area. The county shall be notified by the city when new dwelling units have received certificates of occupancy and when the school concurrency approval for a residential approval has expired. The county shall provide this information to the school district for inclusion in the annual report.~~

**Section 7.** That Section 90-8 of Chapter 90 of the Code of Ordinances of the City of Madeira Beach is amended to read as follows:

**Sec. 90-8 – Minimum requirements for concurrency.**

In order to obtain a certificate of concurrency based on the existence of adequate public facilities and/or service, including potable water, sewer, solid waste, drainage, parks and recreation, the following conditions must be satisfied:

- (1) The necessary facilities and services are in place at the time final development permit is issued;
- (2) The final development permit is issued subject to the condition that the necessary facilities and services are included in year one of the capital improvement element;
- (3) The necessary facilities are under construction at the time final development permit is issued;
- (4) Provisions of facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to a development agreement pursuant to F.S. § 163.3220, or an agreement or development order of state quality development issued pursuant to F.S. ch. 380. The agreement must guarantee that the necessary facilities and services will be in place when impacts of the development incur.
- ~~(5) Mitigation for public school concurrency.
  - a. ~~If capacity is not available, the applicant may choose to satisfy the public school facilities concurrency requirements of the city by making a proportionate fair share contribution, pursuant to the following requirements:
    1. ~~Acceptable forms of mitigation may include, without limitation, the following:
      - A. ~~Contribution of land;~~
      - B. ~~The construction of public school facility;~~
      - C. ~~Expansion of an existing public school facility;~~~~~~~~

- ~~D. Payment for land acquisition or the expansion or construction of a public school facility;~~
  - ~~E. The creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits;~~
  - ~~F. Charter schools will be recognized as public school facilities and will serve to expand the capacity of the school district. Charter schools are a potential option for mitigating the impact that new residential approvals may have on public school facilities.~~
- ~~2. The following standards shall apply to any mitigation required by the school district:~~
- ~~A. Proposed mitigation must be directed toward a permanent school capacity improvement identified in the Five-Year Work Program for school concurrency, with the exception of charter schools, that satisfies the estimated demands created by the proposed residential approval;~~
  - ~~B. Relocatable classrooms will not be accepted as mitigation;~~
  - ~~C. Mitigation shall be proportionate to the demand for public school facilities estimated to be created by the proposed residential approval;~~
- ~~3. The proportionate share mitigation amount shall be calculated using the following formula for each school level:~~
- ~~Multiply the number of additional new student stations required for mitigation of the estimated demand for public school facilities created by the proposed residential approval by the average cost per student station using the actual construction cost being experienced by the school district for student stations at the time when proportionate share mitigation is accepted plus the inclusion of land costs, if any.~~
- ~~b. Development mitigation agreement.~~
- ~~1. The development mitigation agreement shall provide for the required mitigation to mitigate the impacts of the proposed development on public school facilities.~~
  - ~~2. Upon notification by the school district that a proposed development project is subject to public school facilities concurrency regulations and is eligible to participate in the proportionate share program, the applicant, and the city shall be notified within 21 days in writing of such during the site plan review process.~~
  - ~~3. In order to move forward in the development process, if the applicant chooses to exercise this concurrency option, a meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. The applicant and the school district shall attempt to negotiate a development mitigation agreement which shall provide for the required mitigation to mitigate the impacts of the proposed development on public school facilities. The city shall be a party to this agreement.~~
  - ~~4. After a mitigation project is identified and agreed upon by the applicant and the school district, a development mitigation agreement will be prepared by the applicant with direction from the school district. The final agreement, after approval by the school board, will become a part of the final site plan submittal. Final approval of the site plan and agreement rests with the city manager or designee. If the applicant and the school board are unable to agree on an acceptable form of mitigation, the conflict resolution provision provided in section 14 of the public schools interlocal agreement may be utilized.~~

- ~~5. The development mitigation agreement shall include the applicant's commitment to continue to renew the development mitigation agreement until the mitigation is completed as determined by the school board or as determined through the conflict resolution procedures provided for in section 14 of the public schools interlocal agreement, if applicable.~~
- ~~6. Upon execution of a development mitigation agreement, the applicant shall receive public school facilities concurrency approval or functional equivalent.~~
- ~~7. If the applicant chooses not to continue with their project, the applicant may submit a letter to the school district to withdraw from the development mitigation agreement at any time prior to the execution of the agreement.~~
- ~~8. A development mitigation agreement can be amended or cancelled by mutual consent of the parties to the agreement or by their successors in interest.~~
- ~~e. Cross jurisdictional impacts. In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development and concurrency, the city will notify the other local government in writing if the proposed mitigation is located in a different jurisdiction, and allow the opportunity for the other local government to comment on mitigation proposals.~~

**Section 8.** That Section 90-9 of Chapter 90 of the Code of Ordinances of the City of Madeira Beach is amended in its entirety, to read as follows:

**Sec. 90-9. - Transportation.**

- ~~(a) The provisions as outlined in section 90-7 may satisfy the concurrency test.~~
- ~~(b) The capital improvements element includes the necessary transportation improvements and identifies an estimated date of commencement of actual construction and the estimated date of project completion.~~
- ~~(c) The funding system is realistic, financially feasible and based upon currently available revenue services which are adequate to fund the transportation improvements required to serve the development, authorized by the development order and development permit.~~
- ~~(d) Actual construction of the necessary road or mass transit facilities and services is scheduled to commence in or before the third year of the schedule of capital improvements.~~

**Sec. 90-9 – Purpose and Intent.**

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

**Section 9.** That Section 90-10 of Chapter 90 of the Code of Ordinances of the City of Madeira Beach is amended in its entirety, to read as follows:

**Sec. 90-10. - Proportionate fair share program.**

- ~~(a) General requirements.~~
  - ~~(1) An applicant may choose to satisfy the transportation concurrency requirements of the city by making a proportionate fair share contribution, pursuant to the following requirements:~~

- a. ~~The proposed development is consistent with the comprehensive plan and applicable land development regulations.~~
  - b. ~~The five-year schedule of capital improvements in the Madeira Beach CIE includes a transportation improvement(s) that, upon completion, will mitigate the transportation impacts of the proposed development in accordance with the requirements of this subsection.~~
- (2) ~~The applicant may also choose to satisfy transportation concurrency by contributing to an improvement that, upon completion, will satisfy the requirements of this subsection, but that is not contained in the CIE where the following apply:~~
- a. ~~City adopts, by resolution or ordinance, a commitment to add the improvement to the CIE no later than the next regularly scheduled update. To qualify for consideration under this subsection, the proposed improvement must be determined to be financially feasible pursuant to F.S. § 163.3180(16)(b)1., consistent with the comprehensive plan, and in compliance with the provisions of this subsection. Financial feasibility for this subsection means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed ten years to fully mitigate impacts on the transportation facilities.~~
  - b. ~~If the funds allocated for the CIE are insufficient to fully fund construction of a transportation improvement required for the applicant to comply with the terms of this subsection, the city may enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair-share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one or more improvements which will significantly benefit the impacted transportation system.~~
  - c. ~~The improvement or improvements funded by the proportionate fair-share component must be adopted into the CIE.~~
  - d. ~~Any improvement project proposed to meet the applicant's fair-share obligation must meet design standards of the FDOT, as applicable.~~
- (b) ~~Proportionate fair share mitigation agreement.~~
- (1) ~~Upon notification that a proposed development project is subject to transportation concurrency regulations and is eligible to participate in the proportionate fair share program, the applicant shall be notified in writing of such during the site plan review process.~~
  - (2) ~~If the applicant chooses to exercise this concurrency option, a meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues.~~
  - (3) ~~After a mitigation project is identified and agreed upon by the county, the applicant and FDOT, a proposed proportionate fair-share obligation and binding agreement will be prepared by the city or the applicant with direction from the city. The final agreement will become a part of the site plan submittal which will be delivered to the appropriate parties for review. Final approval of the site plan and agreement rests with the city manager.~~
- (c) ~~Determining proportionate fair-share obligation.~~
- (1) ~~The proportionate fair share obligation shall be based on the impact a development has on a transportation facility as determined by a traffic impact analysis that~~

~~assesses the distribution and volume of traffic generated by the proposed development.~~

- ~~(2) A facility shall be considered impacted when the net trips generated by the proposed development meets or exceeds five percent of the facility's peak hour capacity.~~
- ~~(3) Should the impacted facility be operating at an LOS that meets the locally adopted LOS standard, it would not be eligible for the application of proportionate fair share provisions.~~
- ~~(4) Should the impacted facility be operating at a substandard LOS based on existing conditions or as a result of the impacts of a proposed development, the facility would be identified as eligible for proportionate fair share provisions and the applicant would be notified as such.~~
- ~~(5) Proportionate fair share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.~~
- ~~(6) A development shall not be required to pay more than its proportionate fair share. The fair market value of the proportionate fair share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.~~
- ~~(7) The methodology used to calculate an applicant's proportionate fair share obligation shall be as provided for in F.S. § 163.3180(12), as follows:  
The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS.~~

~~or~~

~~Proportionate Fair Share = [(Development Trips)/(SV Increase)] x Cost~~

~~Where:~~

~~Development Trips = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the CMS.~~

~~SV Increase = Service volume increase provided by the eligible improvement to roadway segment "i".~~

~~Cost = Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.~~

- ~~(8) For the purposes of determining proportionate fair share obligations, the city shall determine improvement costs based upon the actual cost of the improvement, as obtained from the CIE or the MPO Transportation Improvement Program. Where such information is not available, improvement cost shall be determined using one of the methods described below.
  - ~~a. An analysis by the city of construction costs that incorporates data from recent projects and is updated annually; or~~
  - ~~b. The most recent issue of FDOT transportation costs, as adjusted based upon the type of cross section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements~~~~

~~not included in the adopted FDOT work program shall be determined using this method in coordination with the FDOT district.~~

- ~~c. In order to accommodate increases in construction material costs, project costs shall be adjusted by an inflation factor. In the context of the above formula, the term "cumulative" includes only those trips from the stage or phase of a development being considered in the calculation. The trips expected to reach the (failing) roadway for this calculation are those identified in the traffic impact analysis for the development which has been prepared in accordance with the city's concurrency management system. Any assumptions used in the calculation of proportionate fair share contributions shall be consistent with assumptions made by or used in the city's concurrency management system.~~

~~If the city has accepted right-of-way dedication for the proportionate fair share contribution, credit for the dedication of the dedicated right-of-way shall be valued on the date of the dedication at 110 percent of the most recent assessed value by the Pinellas County property appraiser. The applicant, at its expense, shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the city. If the estimated value of the right-of-way dedication proposed by the applicant is less than the city estimated total proportionate fair share obligation for that development, then the applicant shall also pay the difference.~~

~~Adjustment for Inflation and Cost Escalation.~~

$$\text{Cost} = \text{Cost}_0 \times (1 + \text{Cost growth}_{3\text{yr}})^n$$

~~Where:~~

~~Cost<sub>n</sub> = The cost of the improvements in year n;~~

~~Cost<sub>0</sub> = The cost of the improvement in the current year;~~

~~Cost<sub>growth</sub><sub>3yr</sub> = The growth rate of costs over the last three years;~~

~~n = The number of years until the improvement is constructed.~~

~~The three-year growth rate is determined by the following formula:~~

$$\text{Cost}_{\text{growth}}_{3\text{yr}} = [\text{Cost}_{\text{growth}}_{-1} + \text{Cost}_{\text{growth}}_{-2} + \text{Cost}_{\text{growth}}_{-3}] / 3$$

~~Where:~~

~~Cost<sub>growth</sub><sub>3yr</sub> = The growth rate of costs over the last three years;~~

~~Cost<sub>growth</sub><sub>-1</sub> = The growth rate of costs in the previous year;~~

~~Cost<sub>growth</sub><sub>-2</sub> = The growth rate of costs two years prior;~~

~~Cost<sub>growth</sub><sub>-3</sub> = The growth rate of costs three years prior.~~

- ~~(9) The value of a proportionate fair share mitigation project proposed by the applicant and accepted by the city shall be determined using one of the methods provided in this section.~~

- ~~(10) The city may also accept right-of-way dedication for the proportionate fair share payment. Credit for the dedication shall be based on fair market value established by an independent appraisal approved by the city and at no expense to the city. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the city at no expense to the city. If the estimated value of the right of way dedication proposed by the applicant is less than the estimated total proportionate fair share obligation for that development, then the applicant must also pay the difference.~~

- ~~(d) Impact fee credit for proportionate fair share mitigation.~~

- ~~(1) Proportionate fair share contributions shall be applied as a credit against impact fees consistent to the extent that all or a portion of the proportionate fair share~~

- ~~contribution is used to address the same capital infrastructure improvements contemplated by the applicable impact fee ordinance.~~
- ~~(2) Impact fee credits for the proportionate fair-share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. Impact fees owed by the applicant will be reduced per the proportionate fair-share agreement as they become due per the impact fee section of the Pinellas County Land Development Code. If the applicant's proportionate fair-share obligation is less than the development's anticipated road impact fee for the specific stage or phase of development under review, then the applicant or its successor must pay the remaining impact fee amount to the county.~~
- ~~(e) Proportionate fair-share agreements.~~
- ~~(1) Upon execution of a proportionate fair-share agreement, the applicant shall receive transportation concurrency approval or functional equivalent. Should the applicant fail to apply for a development permit then the agreement shall be considered null and void, and the applicant shall be required to reapply.~~
- ~~(2) Payment of the proportionate fair-share contribution is due in full prior to issuance of the final development order or recording of the final plat and shall be non-refundable. If the payment is submitted more than 12 months from the date of execution of the agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment.~~
- ~~(3) All proportionate fair share mitigation improvements authorized under this subsection must be completed prior to issuance of a development permit, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. It is the intent of this subsection that any required improvements be completed before issuance of building permits or certificates of occupancy.~~
- ~~(4) Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to issuance of the final development order or recording of the final plat.~~
- ~~(5) Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.~~
- ~~(6) Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement.~~
- ~~(7) The city may enter into proportionate fair-share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.~~
- ~~(f) Appropriation of fair-share revenues.~~
- ~~(1) Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the CIE, or as otherwise established in the terms of the proportionate fair-share agreement. Proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. Proportionate fair-share revenues may also be used as the 50 percent local match for funding under the FDOT Transportation Regional Incentive Program.~~
- ~~(2) In the event a scheduled proportionate fair share improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the~~

- construction of another improvement within the same corridor or planning sector that would mitigate the impacts of development pursuant to subsection 90-9(a)(2)b.
- ~~(3) Where an impacted facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in F.S. § 339.155, the city may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT Transportation Regional Incentive Program. Such coordination shall be ratified by the city through an interlocal agreement that establishes a procedure for earmarking the developer contributions for this purpose.~~
- ~~(4) Where an applicant constructs a transportation facility that exceeds their proportionate fair-share obligation, the city shall reimburse them for the excess contribution using one or more of the following methods:~~
- ~~a. An impact fee credit account may be established for the applicant in the amount of the excess contribution, a portion or all of which may be assigned and reassigned under the terms and conditions acceptable to the city.~~
- ~~b. An account may be established for the applicant for the purpose of reimbursing the applicant for the excess contribution with proportionate fair-share payments from future applicants on the facility.~~
- ~~c. The city may compensate the applicant for the excess contribution through payment or some combination of means acceptable to the city and the applicant.~~
- ~~(g) Cross-jurisdictional impacts.~~
- ~~(1) In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development and concurrency, the city may enter into an agreement with one or more adjacent local governments to address cross-jurisdictional impacts of development on multi-jurisdictional transportation facilities. The agreement shall provide for application of the methodology in this subsection to address the cross-jurisdictional transportation impacts of development.~~
- ~~(2) A development application submitted subject to transportation concurrency requirements and meeting all of the criteria listed below shall be subject to this subsection.~~
- ~~a. All or part of the proposed development is located within ½-mile of the area which is under the jurisdiction, for transportation concurrency, of an adjacent local government.~~
- ~~b. If the additional traffic from the proposed development would use five percent or more of the adopted peak hour LOS maximum service volume of a multi-jurisdictional transportation facility within the concurrency jurisdiction of the adjacent local government ("impacted multi-jurisdictional facility").~~
- ~~c. The impacted multi-jurisdictional facility is projected to be operating below the level of service standard, adopted by the adjacent local government, when the traffic from the proposed development is included.~~
- ~~(3) Upon identification of an impacted multi-jurisdictional facility pursuant to subsection (g)(2)c., the city shall notify the applicant and the affected adjacent local government in writing of the opportunity to derive an additional proportionate fair-share contribution, based on the projected impacts of the proposed development on the impacted adjacent facility.~~
- ~~(4) The adjacent local government shall have up to 90 days in which to notify the city of a proposed specific proportionate fair-share obligation, and the intended use of the~~

- ~~funds when received. The adjacent local government must provide reasonable justification that both the amount of the payment and its intended use comply with the requirements of F.S. § 163.3180(16). Should the adjacent local government decline proportionate fair share mitigation under this subsection, then the provisions of this subsection would not apply and the applicant would be subject only to the proportionate fair share requirements of the city.~~
- ~~(5) If the subject application is subsequently approved by the city, the approval shall include a condition that the applicant provides, prior to the issuance of any building permit covered by that application, evidence that the proportionate fair share obligation to the adjacent local government has been satisfied.~~

**Sec. 90-10 – Transportation Management Plan.**

- (a) Transportation management plans are to be submitted by applicants of development projects in conjunction with their site plans. Transportation management plans are required for development applications seeking to utilize transportation management strategies/improvements to address their development impacts. The extent of the strategies/improvements included in an approved transportation management plan in terms of the scale of the project(s) and roadway capacity and/or mobility benefits provided shall be based primarily on the projected impact of the development project on the surrounding traffic circulation system. Specific conditions of the deficient road corridor impacted by the development will also be considered. Transportation management plan strategies/improvements applicable to development projects within deficient road corridors will be determined at the time of site plan review. Should the impacts of the development project impact a road under the jurisdiction of an adjacent local government or FDOT, the identification of appropriate TMP strategies shall be coordinated with the affected jurisdiction(s). Transportation management plans must be developed by the applicant and accepted by the [local government]. Transportation management plan strategies/improvements include, but are not limited to those listed below.
- (1) *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.
  - (2) *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.
  - (3) *Project phasing.* A project may be divided into logical phases of development by area, with later phases of the development proposal's approval withheld until the needed facilities are available.
  - (4) *Outparcel deletion.* Those portions of the proposal characterized as outparcels that create separate and unique impacts may be deleted from the total proposal.
  - (5) *Physical highway improvements.* A project may construct link capacity improvements, acceleration/deceleration lanes, intersection improvements or frontage roads.
  - (6) *Operational improvements (signal).* This includes efforts involving signal removal or signal timing improvements.
  - (7) *Access management strategies.* These include access management controls such as the preclusion of a direct connection to a deficient facility, right-in/right-out

- driveways, alternative driveway locations, reduction of a driveway, single point access, shared access or the implementation of median controls.
- (8) Mass transit initiatives. A project may implement a plan to encourage transit (e.g., employer-issued bus passes). Other mass transit initiatives may include, but are not limited to, direct route subsidies, provision of feeder service or the construction of bus stop amenities, bus pull-off areas and dedication of park and ride parking spaces.
- (9) Demand management/commuter assistance. These include efforts to encourage ride-sharing (e.g., designated parking spaces for carpools, employer-sponsored carpool program, participation in transportation management organization/initiative programs), and to implement flexible work hour and telecommuting programs.
- (10) Bicycle/pedestrian improvements. These would involve structural improvements or construction of a bikeway or sidewalk connecting an existing bikeway/sidewalk network or providing access to a school, park, shopping center, etc. These improvements may also include pedestrian treatments in parking areas, sidewalks connecting developments with adjacent land uses, trail improvements and bicycle rack and on-street bicycle lane installations, and the planting of trees to provide shade canopy along sidewalks.
- (11) Intelligent transportation system improvements. This includes improvements pertaining to computerized traffic signal systems that automatically adjust to maximize traffic flow and to permit emergency vehicles to pass through intersections quickly. It also includes freeway management systems, such as electronic message signs, and electronic fare payment on public buses that reduce passenger boarding time.
- (12) Livable community site design features. These include, but are not limited to, implementation of pedestrian friendly site design features such as orienting buildings toward the street and parking lots to the side or rear of buildings.
- (b) Transportation management plans seeking to implement strategies that do not involve structural improvements, such as ride-sharing and transit incentive programs, must include a monitoring program to ensure the strategies are carried out in accordance with the plan, as developed by the applicant and accepted by the City of Madeira Beach.

**Section 10.** That Section 90-11 of Chapter 90 of the Code of Ordinances of the City of Madeira Beach is created, to read as follows:

**Sec. 90-11 – Deficient Road Corridors, Transportation Management Plan Strategies Applied**

- (a) Deficient road corridors include parcels within one-half mile of the centerline or terminus of a facility operating under a deficient level of service.
- (b) In support of the provisions of this section regarding deficient road corridors, policies in the comprehensive plan seek to discourage future land use map (FLUM) amendments that allow for an increase in automobile trips generated from sites proposed for amendment.  
It is recognized that exceptions to this provision may apply within road corridors where the local government comprehensive plan is seeking increased densities and intensities for planning purposes.
- (c) Development projects located within deficient road corridors that generate between 51 and 300 new peak hour trips are classified as tier 1.

- (1) Developers of tier 1 projects are required to submit a transportation management plan designed to address their impacts while increasing mobility and reducing the demand for single occupant vehicle travel.
- (2) The cost of transportation management strategies implemented for tier 1 projects are creditable toward their multimodal impact fee assessment in accordance with the Multimodal Impact Fee Ordinance. If the cost of the improvement exceeds the assessment, the development project would not be subject to payment of the fee.
- (d) Development projects located within deficient road corridors that generate more than 300 new peak hour trips are classified as tier 2. Developers of tier 2 projects are required to conduct a traffic study and submit an accompanying report. The report shall include the results of the traffic study and a transportation management plan identifying improvements necessary to mitigate the impacts of the project. The report shall be submitted to the Planning Department for review. The cost of transportation management strategies implemented for tier 2 projects may be applied as credit toward the project's multimodal impact fee assessment in accordance with the Multimodal Impact Fee Ordinance or payment of the fee could be included as part of a transportation management plan.
- (e) Development projects that generate less than 51 new peak hour trips are required to pay a multimodal impact fee in accordance with the Multimodal Impact Fee Ordinance. They are not required to submit a transportation management plan or traffic study. A traffic study and corresponding transportation management plan for a land development project generating more than 50 new peak hour trips outside a deficient road corridor may be required if through the site plan review process the local government determines that operational improvements such as intersection or median modifications are necessary to accommodate the additional trips generated by the proposed land use.

**Section 11.** That Section 90-12 of Chapter 90 of the Code of Ordinances of the City of Madeira Beach is created, to read as follows:

**Sec. 90-12 – Methodology Applied**

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

**Section 12.** That Section 90-11 of Chapter 90 of the Code of Ordinances of the City of Madeira Beach is hereby renumbered, as follows:

**Sec. 90-11-13 – Intergovernmental coordination.**

- (a) Provision of public facilities or services to other governmental entities. The city shall provide service to other local governmental entities within the county in accordance with the policies included in the comprehensive plan. The city shall administer this division such that development in those areas shall be consistent with the comprehensive plan and implementing ordinances, and actions of the county.
- (b) Receipt of public facilities or services from other governmental entities. Concerning those services that are provided by other governmental entities, the city shall recognize the level of service provided by such entities in accordance with the policies of the

comprehensive plan. The city shall ensure that all development within its area shall be in accordance with such policies as identified in the comprehensive plan.

**Section 13.** That Section 90-12 of Chapter 90 of the Code of Ordinances of the City of Madeira Beach is hereby renumbered and amended, to read as follows:

**Sec. 90-12-14 – Recognition of established levels of service in the city comprehensive plan.**

The city shall recognize those levels of service adopted in the city comprehensive plan and as set forth in this section. The levels of service for public facilities and services subject to concurrency are:

- (1) Potable water. Potable water provided by the county. Adopted level of service is 150 gallons/capita/day.
- (2) Wastewater. Wastewater disposal provided by the county. Adopted level of service is 112 gallons/capita/day.
- (3) Stormwater management. All new development and redevelopment activity within the city will adhere to the drainage requirements of a ten-year frequency/60 minute stormwater event until the Sand Key Master Drainage Plan is completed, at which time the drainage requirements will adhere to the 25-year/24-hour duration storm event. This criteria is based upon a tidal elevation of plus 2.0 feet mean sea level and the water elevation anywhere in the city shall not be greater than 1.0 feet above the crown of the road. All stormwater requirements will be monitored on a permit by permit basis and require a SWFWMD permit including water quality and quantity design standards.
- (4) Solid waste. Disposal as provided by the county. Adopted level of service = 6.5 pounds/capita/day.
- (5) Recreation and open space. Adopted level of service for recreation and open space:
  - a. Mini-park: One mini-park per 2,500 population.
  - b. Neighborhood parks: One park per 5,000 population.
  - c. Community park: One park per 10,000 population.
  - d. District park: One park per 50,000 population.
  - e. Baseball/softball field: One per 6,000 population.
  - f. basketball court: One per 5,000 population.
  - g. Bicycle trails: One per 5,000 population.
  - h. Boat ramp/docks: One per 5,000 population.
  - i. Fishing site: One per 5,000 population.
  - j. Golf course: One per 50,000 population.
  - k. Handball/racquetball court: One per 5,000 population.
  - l. Picnic area: One acre per 6,000 population.
  - m. Swimming pool: One per 25,000 population.
  - n. Tennis court: One per 5,000 population.
- ~~(6) Transportation. Arterial and collector roads: Adopted level of service: D (Volume/capacity ratio  $\leq$  0.9).~~

**Section 14.** That Section 90-13 of Chapter 90 of the Code of Ordinances of the City of Madeira Beach is hereby renumbered, as follows:

**Sec. 90-13 15 – Appeals, reviews and variances.**

- (a) The board of commissioners is the appellate authority for hearing appeals of persons aggrieved by an administrative decision relating to a concurrency determination.
- (b) Any person wishing to appeal any ruling or order of an administrative decision may file a request to the city manager to be heard by the board of commissioners. Such request must be in written form and clearly indicate when the original application was made, what the variance or review concerns, what property or project the application involved and be filed within 15 days of the ruling or order being appealed. The board of commissioners shall, within 15 days of receipt of any appeal, set a date and time to hear the appeal. The decision of the board of commissioners is final in all such matters.

**Section 15.** That this Ordinance shall become effective immediately upon its passage and adoption, and only upon the passage and adoption of Ordinances 2016-08 and 2016-10.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS \_\_\_\_ day of \_\_\_\_\_, 2016.**

\_\_\_\_\_  
Travis Palladeno  
Mayor

**ATTEST:**

\_\_\_\_\_  
Aimee Servedio, City Clerk



**C. ORDINANCE 2016-08**

**TRANSPORTATION ELEMENT**

**COMPREHENSIVE PLAN  
AMENDMENT**



## ORDINANCE NO. 2016-08

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE GOALS, OBJECTIVES AND POLICIES OF THE TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO DELETE TRANSPORTATION CONCURRENCY, TO PROVIDE FOR A MULTIMODAL TRANSPORTATION SYSTEM THAT MANAGES THE IMPACTS OF DEVELOPMENT PROJECTS, INCREASES MOBILITY AND MITIGATES IMPROVEMENTS CONSISTENT WITH THE METROPOLITAN PLANNING ORGANIZATION'S LONG RANGE TRANSPORTATION PLAN AND THE PINELLAS COUNTY MOBILITY PLAN; AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT TO REVISE CONCURRENCY REFERENCES TO MOBILITY MANAGEMENT AND TO UPDATE A REFERENCE TO THE INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD OF PINELLAS COUNTY REGARDING THE COORDINATION OF LAND USE AND PUBLIC SCHOOL FACILITIES PLANNING; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT TO SUPPORT THE ESTABLISHMENT OF A MULTIMODAL TRANSPORTATION SYSTEM IN ACCORDANCE WITH THE PINELLAS COUNTY MOBILITY PLAN, AND TO ELIMINATE THE PUBLIC SCHOOLS LEVEL OF SERVICE STANDARD; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Comprehensive Plan of the City of Madeira Beach was adopted on May 27, 2008, subsequently amended by Ordinance 1179 on July 10, 2012 and Ordinance 2014-09 on November 12, 2014; and

**WHEREAS**, Florida's 2011 Community Planning Act lifted state-mandated requirements for transportation concurrency management and level of service standards, while encouraging the coordination of planning and growth management activities among local governments, metropolitan planning organizations, regional and state agencies; and

**WHEREAS**, Florida's 2011 Community Planning Act lifted state-mandated requirements for public school facilities level of service standards; and

**WHEREAS**, the Pinellas County Metropolitan Planning Organization (MPO) developed a coordinated countywide approach for review of development impacts utilizing a mobility management system; and

**WHEREAS**, the City of Madeira Beach proposes to replace transportation concurrency with a mobility management system in accordance with the Pinellas County Mobility Plan that provides the means to manage traffic impacts of development projects while maximizing mobility and accessibility through the use of multi-modal impact fees; and

**WHEREAS**, amendments to the Transportation Element of the City of Madeira Beach Comprehensive Plan are necessary to eliminate transportation concurrency and to establish the policy framework for a multi-modal mobility management system; and

**WHEREAS**, amendments to the Intergovernmental Element of the City of Madeira Beach Comprehensive Plan are necessary to reflect certain references to levels of service and concurrency management methodologies; and

**WHEREAS**, amendments to the Capital Improvement Element of the City of Madeira Beach Comprehensive Plan are necessary to eliminate the adopted level of service standard for roads and to coordinate the impacts of development and redevelopment projects and increase mobility in accordance with the Pinellas County Mobility Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA:**

**Section 1.** That Goal 1, Objective 1.1, Policy 1.1.1, and Policy 1.1.2 of Section 3.4 Transportation Element of the Comprehensive Plan of the City of Madeira Beach are hereby amended to read as follows:

~~**Goal 1:** A safe, convenient, and efficient motorized and non-motorized transportation system shall be available for all residents and visitors to the City.~~

~~**Objective 1.1:**~~

~~The operational level-of-service (LOS) "D" peak hour shall be the standard for all roads within the City.~~

~~**Policy 1.1.1:**~~

~~The City shall review all proposed development or redevelopment for consistency with this element and impacts upon the adopted LOS standard.~~

- ~~• All development orders and permits shall be issued only when it is documented by the developer's transportation analysis that such development is consistent with the level-of-service standards for the affected public facilities adopted by this comprehensive plan.~~
- ~~• The transportation analysis will utilize the latest and best methodology available at the time.~~
- ~~• In addition, no development orders or permits that affect access to state roads shall be issued until Florida Department of Transportation completes a review and gives conceptual approval of the development site access plan.~~

~~**Policy 1.1.2:**~~

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

**GOAL 1: PROVIDE FOR A SAFE, CONVENIENT, AND ENERGY EFFICIENT MULTIMODAL TRANSPORTATION SYSTEM THAT SERVES TO INCREASE MOBILITY, REDUCE THE INCIDENCE OF SINGLE-OCCUPANT VEHICLES,**

**EFFICIENTLY UTILIZE ROADWAY CAPACITY, REDUCE THE CONTRIBUTION TO AIR POLLUTION FROM MOTORIZED VEHICLES AND IMPROVE THE QUALITY OF LIFE FOR THE CITIZENS OF MADEIRA BEACH.**

**Objective 1.1:**

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

**Policy 1.1.1:**

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

**Policy 1.1.2:**

The land development regulatory system shall include provisions to address development that impacts “deficient” roadways, including facilities operating at peak hour level of service (LOS) E and F and/or volume-to-capacity (v/c) ratio of 0.9 or greater to ensure that development that generates more than 51 peak hour trips does not occur without providing for a mitigating improvement scheduled for construction within three years.

**Policy 1.1.3:**

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

**Policy 1.1.4:**

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

**Policy 1.1.5:**

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

**Policy 1.1.6:**

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

**Section 2.** That Policy 1.2.1 of Section 3.9 Intergovernmental Coordination Element of the Comprehensive Plan of the City of Madeira Beach is hereby amended to read as follows:

**Policy 1.2.1:**

The City shall, through the Pinellas County Metropolitan Planning Organization (MPO), work with Florida Department of Transportation and the MPO as necessary to ~~attain and assure acceptable continued operational level of service for the city streets.~~ manage the impacts of land development projects and increase mobility in accordance with the Pinellas County Mobility Plan.

**Section 3.** That Policy 1.3.4 of Section 3.9 Intergovernmental Coordination Element of the Comprehensive Plan of the City of Madeira Beach is hereby amended to read as follows:

**Policy 1.3.4:**

The City of Madeira Beach shall continue to implement the provisions of the *Interlocal Agreement with the School Board of Pinellas County* ~~approved on April 24, 2007 executed by the City on November 6, 2012,~~ regarding coordination of land use and public school facilities ~~planning as well as coordination of a school concurrency system.~~

**Section 4.** That Policy 1.4.3 of Section 3.9 Intergovernmental Coordination Element of the Comprehensive Plan of the City of Madeira Beach is hereby amended to read as follows:

**Policy 1.4.3:**

The City will forward requests for access to county- or state-maintained roadways to the Pinellas County Public Works Department or the Florida Department of Transportation, as appropriate, for comment concerning access criteria, permitting, and ~~level-of-service~~ operational impacts.

**Section 5.** That Policy 2.1.4 of Section 3.9 Intergovernmental Coordination Element of the Comprehensive Plan of the City of Madeira Beach is hereby amended to read as follows:

**Policy 2.1.4:**

The City will coordinate its ~~levels-of-service, concurrency management methodologies~~ mobility management methodologies, and land development regulations with the Florida Department of Transportation and Pinellas County to encourage compatibility with ~~level-of-service~~ mobility management and access management standards for county- and state-maintained roadways.

**Section 6.** That Policy 1.5.4 of Section 3.10 Capital Improvements Element of the Comprehensive Plan of the City of Madeira Beach is hereby amended to read as follows:

**Policy 1.5.4:**

The City of Madeira Beach shall use the following levels-of-service to determine the impacts of development and redevelopment.

Roads:

~~The operational level-of-service (LOS) D peak hour shall be the standard for all roads within the city.~~

Sanitary Sewer:

The adopted sanitary sewer level-of-service standard to extend throughout the time frame of this comprehensive plan is 111 gallons per capita per day.

Solid Waste:

The adopted solid waste level-of-service standard to extend throughout the time frame of this comprehensive plan is 4.9 pounds per capita per day of nonrecyclable waste.

Drainage:

The City shall require the first one inch of runoff from impervious surfaces to be retained on the site of the development.

The adopted level-of-service shall be the 10-year frequency, 60-minute storm event.

Potable Water:

The adopted potable water level-of-service standard is as follows:

<b>Year</b>	<b>2005</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>
Gallons per capita per day	137	134	132	130

Source: Regional Water Supply Plan, Chapter 4, Appendix 4, Table 34-A

Coastal Management:

The City shall protect water storage and water quality enhancement functions of wetlands and floodplain areas through land acquisition if feasible, enforcement of laws, and the application of land and water management practices which provide for compatible uses.

Parks and Recreation:

The level-of-service standard for parkland is 6.5 acres per 1,000 people

Public Schools:

~~Madeira Beach hereby adopts, consistent with Section 11 of the *Public Schools Interlocal Agreement*, the following level-of-service standard, which shall be applied consistently district-wide by all partner local governments within Pinellas County and by the School District. District-wide level-of-service standard: Student enrollment plus vested students divided by *Florida Inventory of School Houses (FISH) School Capacity* plus additional capacity does not exceed 100 percent. This level-of-service standard shall apply to each type of public school facility.~~

**Section 7.** That Policy 1.5.9 of Section 3.10 Capital Improvements Element of the

Comprehensive Plan of the City of Madeira Beach is hereby amended to read as follows:

**Policy 1.5.9:**

~~Developments or redevelopments requiring the use of road facilities shall receive development orders subject to the public facilities being in place or under construction at the time of issuance of the certificate of occupancy or:~~

- ~~• The development order issuance is conditioned upon the necessary facilities and services being in place or under construction not more than three years after building permit issuance as provided in the Schedule of Capital Improvements.~~

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

**Section 8.** That Policy 1.5.12 and Policy 1.5.13 Section 3.10 Capital Improvements Element of the Comprehensive Plan of the City of Madeira Beach are hereby deleted.

**Section 9.** That Policy 1.5.14 Section 3.10 Capital Improvements Element of the Comprehensive Plan of the City of Madeira Beach is hereby renumbered as follows:

**Policy 1.5.14-12:**

The city will contact Pinellas County Utilities prior to issuance of a building permit for development of vacant parcels to determine if adequate potable water supplies exist to serve the projected development.

**Section 10.** Pursuant to Section 163.3184(3), Florida Statutes, the effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF  
MADEIRA BEACH, FLORIDA, THIS \_\_\_\_ day of \_\_\_\_\_, 2016.**

\_\_\_\_\_  
Travis Palladeno  
Mayor

**ATTEST:**

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Aimee Servedio, City Clerk



**D. ORDINANCE 2016-09**

**COASTAL MANAGEMENT ELEMENT**

**COMPREHENSIVE PLAN  
AMENDMENT**



## ORDINANCE NO. 2016-09

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH; REVISING THE GOALS, POLICIES AND OBJECTIVES OF THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT TO DELETE REFERENCE TO ACCEPTABLE ROADWAY LEVELS OF SERVICE IN POLICY 1.8.1; TO REVISE GOAL 2 TO INCLUDE REFERENCES TO HIGH WATER EVENTS; TO ADD OBJECTIVES AND POLICIES REGARDING FLOODING AND SEA LEVEL RISE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Comprehensive Plan of the City of Madeira Beach was adopted on May 27, 2008, subsequently amended by Ordinance 1179 on July 10, 2012 and Ordinance 2014-09 on November 12, 2014; and

**WHEREAS**, Florida's 2011 Community Planning Act lifted state-mandated requirements for transportation concurrency management and level of service standards, while encouraging the coordination of planning and growth management activities among local governments, metropolitan planning organizations, regional and state agencies; and

**WHEREAS**, in 2015, the State of Florida enacted a law, contained in Section 163.3178(2)(f), Florida Statutes, that requires that the Coastal Management Element of each local government comprehensive plan address the impacts of sea level rise; and

**WHEREAS**, amendments to the Coastal Management Element are necessary in order for the Madeira Beach Comprehensive Plan to comply with the requirements of Section 163.3178(2)(f), Florida Statutes.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA:**

**Section 1.** That Policy 1.8.1 of Section 3.7 Conservation and Coastal Management Element of the Comprehensive Plan of the City of Madeira Beach is hereby amended to read as follows:

**Policy 1.8.1:**

The City shall work to reduce the effects of automobile emissions pollution by the following measures:

- Require vegetative buffer strips between roadways and residential development, as required in the land development regulations; and
- Promote alternative transportation modes such as public transportation, carpooling, walking, and bicycling; and
- ~~Assure continued operation of roadways at acceptable levels of service.~~

**Section 2.** That Policy 1.11.4 of Section 3.7 Conservation and Coastal Management Element of the Comprehensive Plan of the City of Madeira Beach is hereby amended to read

as follows:

**Policy 1.11.4:**

Pursuant to Section 163.3178, Florida Statutes, the level-of-service standards for ~~transportation, infrastructure, and recreation/open space~~ for the coastal planning area shall be identical to those for the City as a whole.

**Section 3.** That Goal 2 of Section 3.7 Conservation and Coastal Management Element of the Comprehensive Plan of the City of Madeira Beach is hereby amended to read as follows:

**Goal 2:**

**The City shall provide a set of guidelines for development that protect the lives and property of its residents from the effects of natural disasters including high tide events, storm surge, flash floods, stormwater runoff, and sea level rise.**

**Section 4.** That Objective 2.3 and Policy 2.3.1, Policy 2.3.2, Policy 2.3.3, Policy 2.3.4, Policy 2.3.5 and Policy 2.3.6 of Section 3.7 Conservation and Coastal Management Element of the Comprehensive Plan of the City of Madeira Beach are hereby created to read as follows:

**Objective 2.3:**

Development and redevelopment within the City shall proceed in a manner that lessens risk to public investments and private property by utilizing policies, techniques and practices that reduce negative impacts of flooding and sea level rise.

**Policy 2.3.1:**

Current and credible sea-level rise data should be considered when evaluating future land use amendment applications.

**Policy 2.3.2:**

Strategies for preparing for sea-level rise, such as increasing road surface elevation standards, subsurface stabilization, stormwater management and drainage, and adjustment of bridge heights to allow for navigation, should be collectively assessed and implemented where appropriate.

**Policy 2.3.3:**

The City may collaborate with state and Pinellas County as appropriate to develop strategies for responding to sea-level rise, including consideration of the effects of sea-level rise on potable water sources, saltwater intrusion, wastewater treatment facilities and the water table.

**Policy 2.3.4:**

Acquisition of severe repetitive loss properties, which have sustained repeated flood losses for use as public open space shall be considered as procurement opportunities arise, such as through the use of grants or tax deed sales.

**Policy 2.3.5:**

Development and redevelopment in the City will be consistent with or more stringent than the flood-resistant construction requirements in the Florida Building Code and

applicable floodplain management regulations set forth in 44 C.F.R. part 60.

**Policy 2.3.6:**

The City will continue to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for it residents.

**Section 5.** Pursuant to Section 163.3184(3), Florida Statutes, the effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF  
MADEIRA BEACH, FLORIDA, THIS \_\_\_\_ day of \_\_\_\_\_, 2016.**

\_\_\_\_\_  
Travis Palladeno  
Mayor

**ATTEST:**

\_\_\_\_\_  
Aimee Servedio, City Clerk



**E. ORDINANCE 2016-10**

**PUBLIC SCHOOL FACILITIES ELEMENT**

**COMPREHENSIVE PLAN**

**AMENDMENT**

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## ORDINANCE NO. 2016-10

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE PUBLIC SCHOOL FACILITIES ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO DELETE OBJECTIVES 2, 3 AND 4 AS WELL AS THE POLICIES UNDER THOSE OBJECTIVES; RENUMBERING OBJECTIVES 5, 6, 7 AND 8 AS WELL AS THE POLICIES UNDER THOSE OBJECTIVES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Comprehensive Plan of the City of Madeira Beach was adopted on May 27, 2008, subsequently amended by Ordinance 1179 on July 10, 2012 and Ordinance 2014-09 on November 12, 2014; and

**WHEREAS**, the 2011 Growth Management Act no longer requires local governments to ensure public school level of service or capacity through concurrency management; and

**WHEREAS**, in 2011, the Pinellas County Schools Collaborative recommended that Pinellas County and its municipalities rescind school concurrency; and

**WHEREAS**, in 2012, the City of Madeira Beach entered into a Public Schools Interlocal Agreement with the School Board of Pinellas County for the purpose of continuing to coordinate with the School Board on public school facilities planning while allowing for the elimination of school concurrency; and

**WHEREAS**, the City of Madeira Beach submitted an Evaluation and Appraisal Report notification letter, dated April 27, 2015, to the Florida Department of Economic Opportunity which stated the likely necessity for amendments to the Public School Facilities Element in response to the 2012 Public Schools Interlocal Agreement; and

**WHEREAS**, Pursuant to F.S. 163.3191 the City of Madeira Beach shall prepare and transmit a plan amendment for review within one year of its notification to the state land planning agency (Department of Economic Opportunity).

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA:**

**Section 1.** That Objective 2 and Policy 2.1, Policy 2.2, Policy 2.3, Policy 2.4, Policy 2.5, Policy 2.6, Policy 2.7, Policy 2.8, Policy 2.9, Policy 2.10, Policy 2.11, Policy 2.12, and Policy 2.13 of Section 3.11 Public School Facilities Element of the Comprehensive Plan of the City of Madeira Beach are hereby deleted.

**Section 2.** That Objective 3 and Policy 3.1 of Section 3.11 Public School Facilities Element of the Comprehensive Plan of the City of Madeira Beach are hereby deleted.

**Section 3.** That Objective 4 and Policy 4.1, Policy 4.2, Policy 4.3, Policy 4.4, and Policy 4.5 of Section 3.11 Public School Facilities Element of the Comprehensive Plan of the City of Madeira Beach are hereby deleted.

**Section 4.** That Objective 5 and Policy 5.1, Policy 5.2, Policy 5.3; Objective 6 and Policy 6.1; Objective 7 and Policy 7.1; Objective 8 and Policy 8.1, Policy 8.2 and Policy 8.3 of Section 3.11 Public School Facilities Element of the Comprehensive Plan of the City of Madeira Beach are hereby renumbered as follows:

**Objective ~~52~~:**

Madeira Beach shall support efforts that facilitate coordination of planning between Madeira Beach and the School District for the location and development of public educational facilities.

**Policy ~~52.1~~:**

Madeira Beach shall participate with the School District in the process of evaluating potential school closures, significant renovations to existing schools, and school site selection before land acquisition in accordance with the existing Interlocal Agreement for Public Educational Facilities Siting that was entered into with the School Board or as it may be subsequently amended.

**Policy ~~52.2~~:**

Madeira Beach shall determine the consistency of a proposed location of a new or expanded public educational facility of the School Board with the comprehensive plan, and considered with the general locational criteria adopted by the School Board.

**Policy ~~52.3~~:**

Before a significant change of program at a public educational facility is implemented, City of Madeira Beach Comprehensive Plan the School District and Madeira Beach shall require a review of the facility's onsite and offsite impacts. The School District and the Madeira Beach will work cooperatively to mitigate onsite and offsite impacts, including impacts to public facilities, identified through the review.

**Objective ~~63~~:**

Consistent with Section 163.3177(6)(a), F.S., and consistent with the Madeira Beach future land use policies, Madeira Beach shall explore those opportunities where colocation of public facilities and public schools provides a mutual benefit, serves a desirable community purpose, or represents an efficient use of finances and staff resources.

**Policy ~~63.1~~:**

As the opportunity arises, Madeira Beach and the School Board, shall evaluate the ability to enter into an agreement to collocate existing or planned school sites with other public facilities, including but not limited to: bike and pedestrian pathways, libraries, parks, community and recreational centers and facilities, museums, performing arts centers, auditoriums, stadiums, healthcare and social services and other uses as may be determined appropriate.

**Objective ~~74~~:**

Madeira Beach will support the School District's commitment to sustainable design and operations, as public schools are integral contributors to the quality of the surrounding community.

**Policy 74.1:**

Madeira Beach and the School District will share information on sustainable design and green building practices, and take advantage of opportunities to incorporate demonstration projects and technologies onsite, so that local schools can serve as community models of environmental efficiency.

**Objective 85:**

Madeira Beach shall collaborate with the School District and other local governments to promote safe access for students to public school facilities.

**Policy 85.1:**

Madeira Beach shall participate on the School Transportation Safety Committee (STSC) of the Pinellas County Metropolitan Planning Organization (MPO) to identify locations within the County where student safety is a concern, and to develop recommendations in response to student safety issues raised by the School District, local governments, the School Transportation and Enhanced Pedestrian Safety (STEPS) Committee, or the community to enhance the safety of students accessing public school facilities.

**Policy 85.2:**

Madeira Beach shall consider implementation of recommendations from the STSC that affect its jurisdiction, in coordination with the School District and any agencies that have some involvement in the identified action, to support student access to public schools in City of Madeira Beach Comprehensive Plan a manner that both improves student safety and is compatible with the surrounding community.

**Policy 85.3:**

Madeira Beach shall cooperate with School District initiatives that implement STSC recommendations for modifications to a school campus.

**Section 5.** Pursuant to Section 163.3184(4), Florida Statutes, the effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF**

MADEIRA BEACH, FLORIDA, THIS \_\_\_\_ day of \_\_\_\_\_, 2016.

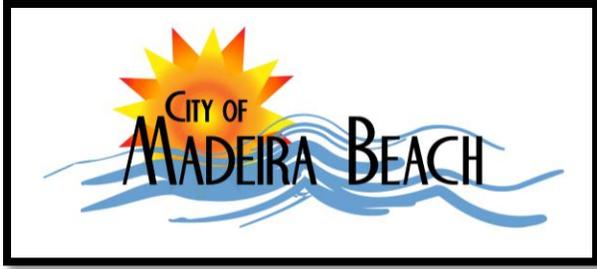
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Travis Palladeno  
Mayor

**ATTEST:**

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Aimee Servedio, City Clerk



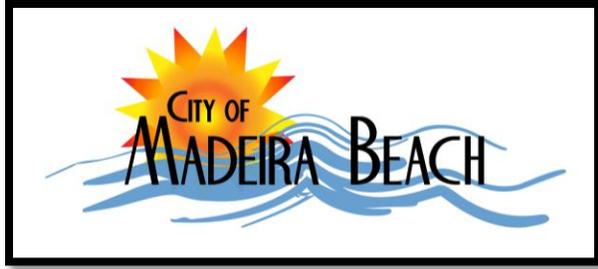
**LOCAL PLANNING AGENCY/  
PLANNING COMMISSION MEETING**  
**July 11, 2016**

**V. OLD BUSINESS**



**LOCAL PLANNING AGENCY/  
PLANNING COMMISSION MEETING**  
July 11, 2016

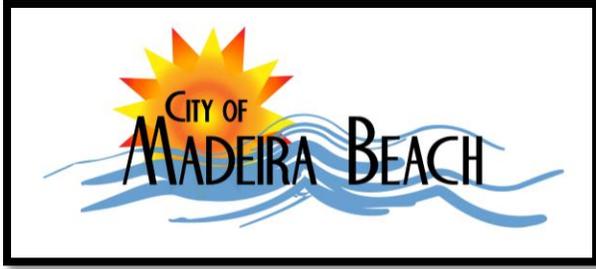
**VI. PLANNING COMMISSION DISCUSSION**



**LOCAL PLANNING AGENCY/  
PLANNING COMMISSION MEETING**  
July 11, 2016

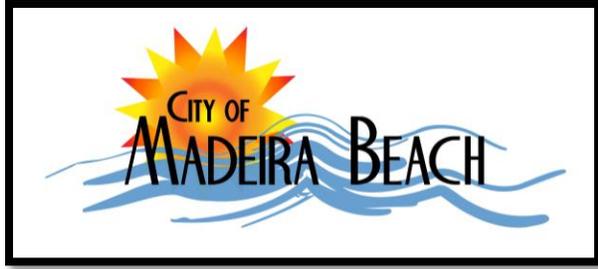
## **VII. REPORTS**

- **CITY ATTORNEY**
- **PLANNING AND ZONING DIRECTOR**



**LOCAL PLANNING AGENCY/  
PLANNING COMMISSION MEETING**  
**July 11, 2016**

**VIII. NEXT MEETING – August 8, 2016**



**LOCAL PLANNING AGENCY/  
PLANNING COMMISSION MEETING**  
July 11, 2016

**IX. ADJOURNMENT**