

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certain provisions within the City's Land Development Regulations with regard to transportation concurrency must be repealed and replaced with provisions for the Mobility Management System; and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WHEREAS, certain provisions within the City's Land Development Regulations with regard to school concurrency must be repealed.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.~~

- ~~e. 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_n = The cost of the improvements in year n;~~

~~Cost₀ = The cost of the improvement in the current year;~~

~~Cost_growth_{3yr} = 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:~~

$$\text{Cost_growth}_{3\text{yr}} = [\text{Cost_growth}_{.1} + \text{Cost_growth}_{.2} + \text{Cost_growth}_{.3}] / 3$$

~~Where:~~

~~Cost_growth_{3yr} = The growth rate of costs over the last three years;~~

~~Cost_growth_{.1} = The growth rate of costs in the previous year;~~

~~Cost_growth_{.2} = The growth rate of costs two years prior;~~

~~Cost_growth_{.3} = 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. 90-44-13 – 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:

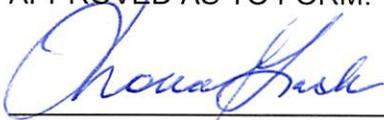
Sec. 90-13 15 – Appeals, reviews and variances.

- (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 11th day of October, 2016.

APPROVED AS TO FORM:



Thomas J. Trask, CITY ATTORNEY



Travis Palladeno, Mayor

ATTEST:



Aimee Servedio, City Clerk

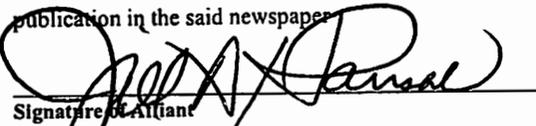
Tampa Bay Times

Published Daily

STATE OF FLORIDA } ss
COUNTY OF Pinellas County

Before the undersigned authority personally appeared Jill Harrison who on oath says that he/she is Legal Clerk of the Tampa Bay Times a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter RE: TJT-LDR Amendments was published in Tampa Bay Times: 9/23/16. in said newspaper in the issues of St Pete Times Beaches

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

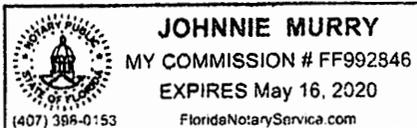

Signature of Affiant

Sworn to and subscribed before me this 09/23/2016.


Signature of Notary Public

Personally known or produced identification

Type of identification produced _____



NOTICE OF LAND DEVELOPMENT REGULATION CHANGES

In accordance with the City of Madeira Beach Code of Ordinances, the City of Madeira Beach Charter, and Florida Statutes:

NOTICE IS HEREBY GIVEN, that the Board of Commissioners of the City of Madeira Beach will conduct a second and final reading of, and proposes to adopt, Ordinance 2016-07 and Ordinance 2016-11 at a public hearing on Tuesday, October 11, 2016 at 6:00 p.m. at the City of Madeira Beach Commission Chambers, located at 300 Municipal Drive, Madeira Beach, FL 33708.

The title of said Ordinances are as follows:

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.

ORDINANCE 2016-11

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING IN ITS ENTIRETY CHAPTER 94 OF THE CODE OF ORDINANCES RELATING TO FLOOD DAMAGE PREVENTION AND FLOOD HAZARD MANAGEMENT; ADOPTING FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR THE REGULATIONS TO BE KNOWN AS THE "FLOODPLAIN MANAGEMENT ORDINANCE"; ESTABLISHING MINIMUM REQUIREMENTS, IN CONJUNCTION WITH THE FLORIDA BUILDING CODE, TO MINIMIZE PUBLIC AND PRIVATE LOSSES DUE TO FLOODING THROUGH THE REGULATION OF DEVELOPMENT IN FLOOD HAZARD AREAS; ADOPTING DEFINITIONS; ADOPTING FLOOD INSURANCE RATE MAPS TO SERVE AS THE MINIMUM BASIS FOR ESTABLISHING FLOOD HAZARD AREAS; PROVIDING FOR SPECIFIC STANDARDS FOR A-ZONES AND V-ZONES, INCLUDING A TWO FEET OF FREEBOARD ABOVE THE BASE FLOOD ELEVATION; PROVIDING FOR THE DESIGNATION, AUTHORITY AND DUTIES OF A FLOODPLAIN ADMINISTRATOR; PROVIDING FOR PERMITTING AND INSPECTION PROVISIONS WITHIN FLOOD HAZARD AREAS; PROVIDING FOR VARIANCES AND APPEALS TO BE HEARD BY SPECIAL MAGISTRATE; PROVIDING REGULATION FOR VIOLATION OF THE FLOODPLAIN MANAGEMENT ORDINANCE; PROVIDING FOR TERMS NOT DEFINED BY THE FLOODPLAIN MANAGEMENT ORDINANCE OR THE FLORIDA BUILDING CODE; ADOPTING LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Copies of the proposed Ordinances are available for inspection in the Office of the City Clerk between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

All persons are hereby advised that any presentation they make to the Board of Commissioners will be encouraged to be as precise as possible. The Board of Commissioners may limit the time of each individual to permit maximum participation by the public at large. Any person who decides to appeal any decision of the Board of Commissioners with respect to any matter considered at this meeting will need a record of 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. Therefore, the applicant must make the necessary arrangements with a private reporter or private recording firm and bear the resulting expense. 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) 391-1131.

Michelle Orton
Planning and Zoning Director