

ORDINANCE NO. 532

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA, PROVIDING FOR CLEAR GUIDELINES FOR DEVELOPMENT, CONSISTENT WITH GENERALLY ACCEPTED ENGINEERING METHODOLOGY AND PROCEDURES, TO EVALUATE THE CONCURRENCY OF ROADWAYS AND PUBLIC FACILITIES WITHIN THE CITY'S CONCURRENCY MANAGEMENT SYSTEM, AS REQUIRED BY AND IN A MANNER CONSISTENT WITH CHAPTER 163.3180(16), F.S.; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF MEXICO BEACH, BAY COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. Purpose: The purpose of this Ordinance is to describe the requirements and procedures necessary to implement the concurrency provisions of the City of Mexico Beach Comprehensive Plan and Land Development Regulations. This Ordinance is intended to ensure the availability of public transportation facilities and services and the adequacy of those facilities at adopted levels of service concurrent with the impact of development. These concurrency requirements shall apply only to transportation facilities, including roads and public transit. All other provisions dealing with concurrency management are contained in Article VII of the Land Development Regulations relating to (1) sanitary sewer, solid waste, drainage, and potable water and (2) parks and recreation.

SECTION 2. Certificate of Traffic Concurrency Required: A Certificate of Traffic Concurrency shall be required in conjunction with the issuance of any development order. No development order or permit shall be issued in a manner that will result in a reduction below the adopted levels of service found in the City of Mexico Beach Comprehensive Plan unless adequate mitigation is provided.

SECTION 3. Adopted Levels of Service: The adopted level of service (LOS) standards for transportation facilities are those contained in the Transportation Element of the City of Mexico Beach Comprehensive Plan.

SECTION 4. Initial Determination of Concurrency: At the request of the applicant or at the discretion of (1) the employee of the City of Mexico Beach (the "City") in charge of the Planning Department or his or her designee, (2) an employee of Bay County, Florida designated by Bay County and providing services under an Interlocal Agreement between the City and Bay County, or (3) an employee of a third-party under contract with the City to provide services relating to this Ordinance ("Planning Official"), an initial determination of concurrency may be performed prior to the issuance of any development order and a Conditional Certificate of Traffic Concurrency for traffic issued. This Conditional Certificate of Traffic Concurrency shall not be binding on the City. Only those Certificates of Concurrency issued in conjunction with development orders shall be binding.

SECTION 5. Burden of Proof: The burden of showing compliance with the adopted levels of service and meeting the concurrency evaluation shall be upon the applicant, the Planning Official or his/her designee will assist in the preparation of the necessary documentation and information.

SECTION 6. De Minimis Exceptions: If a proposed development relates to land use of such a low intensity as to have a de minimis effect pursuant to Section 163.3180(6), F. S., if any, upon the level of service standards set forth in the City of Mexico Beach Comprehensive Plan, the development shall be exempt from concurrency review.

The following development activities shall be deemed de minimis and are exempt from concurrency review:

1. Room additions to single family residences;
2. Construction of accessory structures;
3. Construction of signs;
4. Co-locations of communications towers; and
5. Replacement of structures destroyed by fire, hurricanes, tornadoes, or other acts of God not exceeding the area and cubic content of the structure prior to its destruction.

SECTION 7. Allocation of Capacity: Traffic capacity shall be allocated upon issuance of a development order. The allocation of traffic capacity shall be subject to the following sunset provisions:

1. Capacity approved and assigned to a development order will remain allocated until the development order expires, or until the development receives a Certificate of Occupancy, whichever occurs first. In the instance the development order expires, capacity shall be lost at the expiration of the development order, and a new Certificate of Traffic Concurrency must be attained once the development order has expired.

2. Capacity for a Planned Unit Development or a Development of Regional Impact shall remain allocated until such time as established by an enforceable development agreement.

SECTION 8. Concurrency Review Submittal Requirements: The Town shall use the procedures listed below to determine compliance of an application for a development order with this concurrency management system for traffic. At the time of application for a development order, a concurrency evaluation shall be made to determine the availability of the facilities or services required to be concurrent prior to the issuance of the development order. An application for a development order shall provide the City or any entity with which the City is under contract to provide concurrency management system reviews with all information required to conduct the concurrency evaluation. Upon receipt of the development order application, the Planning

Official shall perform the concurrency evaluation or review for each of the public facilities and services for which level of service standards have been determined. The review period for issuance of a Certificate of Traffic Concurrency shall not begin until such time as the Planning Official has deemed the application complete.

The following information is required for submittal to determine if adequate traffic capacity exists concurrent with the proposed development.

1. Transportation Facilities. The evaluation for roads shall compare the existing level of service standards to the adopted level of service standards established by the Comprehensive Plan for the impacted roads, pursuant to Rule 9J-5.0055(a), F.A.C., as amended. The evaluation shall address the need for new facilities and expansions of alternative transportation modes to provide a safe and efficient transportation network and enhance mobility.

A transportation study shall be required if the proposed development meets any of the following criteria. The transportation study shall follow the requirements of Section 8 (2).

- a. The project or proposed development is determined to have impacts to any facility that is currently at or within ten (10) percent of the adopted level of service maximum volume.
 - b. The project or proposed development is projected to generate 100 or more peak-hour trips.
 - c. The project or proposed development meets any of the thresholds listed as 100 peak-hour trips in Table 1 of the Site Impact Handbook as produced by the Department of Transportation.
2. Transportation Study. A transportation study prepared by a Florida licensed Traffic Engineer shall be required if the proposed development is determined to meet any of the criteria specified in Section 7 (6). The following requirements related to required transportation studies:
 - a. Review. The Planning Official shall apply a concurrency evaluation to the subject property based on professionally acceptable trip generation characteristics as found in the most current edition of Trip Generation, published by the Institute of Transportation Engineers.
 - b. Application Meeting. An application meeting between the Planning Official and the applicant is required. The purpose of this meeting will be to review the methodology and procedure, and to determine the study area and study period.

- c. Define Study Area. The study area is defined as the primary impact area affected by traffic associated with the site. A study area will be established based on the average trip length associated with the land use, as set forth in the trip generation characteristics for that land use as approved by the Planning Official. The primary impact area will be approved by the Planning Official at the application meeting.
- d. Existing Conditions. The following existing conditions shall be provided by the applicant:
 - i. Existing peak hour traffic volumes and level of service standards for all collectors and arterials within the study area.
 - ii. Existing turning movement at the impacted intersection(s) level of service.
- e. Sources of Data. The required data shall be the most recent available. Traffic volumes shall be adjusted to reflect annual conditions using current FDOT seasonal adjustment factors approved by the City unless the project or proposed development is located within a tourist corridor, as defined at the application meeting. If so, then volumes shall be adjusted to a thirteen (13) week peak season.
 - i. The required level(s) of service for roadways shall be determined in accordance with the adopted level(s) of service given in the Transportation Element of the Comprehensive Plan. Specifically, the methodologies are provided in the most recent edition of the FDOT publication titled Florida's Level of Service Standards and Guidelines Manual for Planning. The City shall adopt the LOS standards established by the DOT facilities on the Florida Interstate Highway System as defined in Section 338.011, F.S., and the Strategic Intermodal System as defined in Sections 339.61 – 339.64, F.S.
 - ii. The required intersection capacity(ies) shall be based on the most recent edition of the Highway Capacity Manual, Special Report 209, as published by the Transportation Research Board.
- f. Projection of Future Roadway Traffic. Traffic volume(s) shall be projected for each development phase including the year of project completion. Volumes can be determined using one of the following procedures:
 - i. Multiplying existing volumes by the annual growth factors provided by or on behalf of the City. Traffic generated by any

major project approved since the traffic counts were conducted shall be used as background traffic data.

- ii. Multiplying existing volumes by an annual growth factor developed by the applicant and approved by the City. Traffic generated by any major project approved since the traffic counts were conducted shall be included as background traffic.
 - iii. Using projections from an area modeling effort, when applicable.
 - iv. Methodology regarding projections of intersection(s) turn movements and level of service shall be established during the application meeting.
- g. Projection of Traffic Generation. The following procedures shall be provided:
- i. To determine project traffic generation, the current edition of Trip Generation as published by the Institute of Traffic Engineers (ITE) shall be used, or trip rates may be obtained from studies of comparable sites or standards adopted by the City.
 - ii. Identify all land uses, density and intensity of development and trip rates.
 - iii. Any proposed reduction for internal capture of trips between land uses of a mixed-use project or for passerby trips shall be provided by the applicant at the application/methodology meeting and shall be approved by the City.
 - iv. Accident data, when required by the City or its designee.
- h. Projection of Traffic Distribution/Assignment. Project traffic distribution shall be based on reasonable and acceptable industry assumptions and methodologies as applied to the individual site(s) conditions to be approved by the City during the application/methodology meeting.
- i. Transportation System Management Strategies. A discussion of any proposed transportation system management strategies shall be included in the study.

SECTION 9. Minimum Requirements for Certificate of Traffic Concurrency: In order to obtain a Certificate of Traffic Concurrency, the following conditions must be satisfied for each of the public facilities and services, and such conditions given in the Certificate of Traffic Concurrency. For each system, a Certificate of Traffic Concurrency may be issued if the

necessary facilities and services re in place at the time a development order or permit is issued, or the following is demonstrated:

1. Transportation Facilities. The evaluation for roads shall compare the existing level of service standards to the adopted level of service standards established by the City Comprehensive Plan for the impacted roads pursuant to Rule 9J-5.005(a), F.A.C., as amended. The concurrency requirement may be satisfied by complying with the following standards:
 - a. At the time a Certificate of Traffic Concurrency is issued, the necessary facilities and services are in place or under construction; or
 - b. A Certificate of Traffic Concurrency may be issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than three years after issuance of a building permit or its functional equivalent as provided in the adopted capital improvement program. The schedule of capital improvements may recognize and include transportation projects included in the first three years of the applicable adopted FDOT five year work program. The capital improvements element must include the requirements set out in Rule 9J-5.005(3)(c)(2), F.A.C., as amended.
 - i. The capital improvements element and 5-year schedule of capital improvements which, in addition to meeting all of the other statutory and rule requirements, must be financially feasible. The capital improvements element and schedule of capital improvements may recognize and include transportation projects included in the first three years of the applicable adopted FDOT five-year work program.
 - ii. A 5-year schedule of capital improvements which must include both necessary facilities to maintain the adopted level of service standards to serve the new development proposed to be permitted and the necessary facilities required to eliminate those portions of existing deficiencies which are priority to be eliminated during the 5-year period under the City Comprehensive Plan's schedule of capital improvements.
 - iii. A financially feasible funding system based on currently available revenue sources which must be adequate to fund the public facilities required to serve the development authorized by the development order and development permit and which public facilities are included in the 5-year schedule of capital improvements.

- iv. A 5-year schedule of capital improvements which must demonstrate the actual construction of the road or mass transit facilities and the provision of services must be scheduled to comment in or before the third year of the 5-year schedule of capital improvements.
- c. The requirements of Rule 9J-5.005(3)(c), F.A.C., as amended, are met.

SECTION 10. Expiration of Certificate of Traffic Concurrency: A Certificate of Traffic Concurrency shall automatically expire simultaneously with the expiration of the development order to which it applies. In the event that the development order does not have a specified expiration date, the Certificate of Traffic Concurrency shall expire six (6) months after the date of issuance of the development order. In the event that a time extension is granted prior to the expiration of the development order, then the accompanying Certificate of Traffic Concurrency shall be automatically renewed for the duration of the extension given to the accompanying development order. Should the extension exceed one (1) year from the date of issuance of the initial development order, a new concurrency review shall be performed.

SECTION 11. Exceptions of Traffic Concurrency Requirements: For the purpose of issuing a development order or permit, a proposed development may be deemed to have a de minimis impact and may not be subject to the concurrency requirements of Rule 9J-5.0055(3)(c)(1-4), F.A.C., only if all of the conditions specified in Subsection 163.3180(6), F.S., are met. Additionally, traffic concurrency requirements shall not apply to the following:

1. Pursuant to Subsection 163.3180(4)(c), F.S., the concurrency requirement, except as it relates to transportation facilities, may be waived by the City for urban infill and redevelopment areas designated pursuant to Subsection 163.3187(3)(a), F.S. The City of Mexico Beach may grant an exception to concurrency of transportation facilities if the requirements of Subsection 163.3180(5)(b), F.S., are met.
2. The City will not require a development to meet transportation concurrency if the requirements of Subsection 163.3180(11), F.S., have been met.

SECTION 12. Strategies to Rectify Lack of Traffic Concurrency: Should a development not pass the above traffic concurrency evaluation, one or all of the strategies below may be used to rectify this:

1. An enforceable development agreement between the City and the developer, which may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S.
2. A reduction in the scale or impact of the proposed development.
3. Phasing of the proposed development.

4. Proportionate share contributions pursuant to Ordinance No. 531.

SECTION 13. Monitoring:

1. Annual Report. The Traffic Concurrency Management Report is required as a system for monitoring and ensuring adherence to the adopted level of service standards, the schedule of capital improvements, and the availability of public transportation facilities.
2. Contents. The City of Mexico Beach shall prepare an annual report as part of the Traffic Concurrency Management System that includes:
 - a. A summary of actual development activity, including quantity of development represented by type and square footage.
 - b. A summary of building permit activity indicating:
 - i. Those that expired without commencing construction;
 - ii. Those that are active at the time of report;
 - iii. The quantity of development represented by the outstanding building permits;
 - iv. Those that result from the development permits issued prior to the adoption of this Ordinance; and
 - v. Those that result from development permits issued pursuant to the requirements of this Ordinance.
 - c. A summary of development orders issued, indicating:
 - i. Those that expired without subsequent development permits;
 - ii. Those that are valid at the time of the report;
 - iii. The phases and quantity of development represented by the outstanding development permits.
 - d. An evaluation of each facility and service indicating the following (this is not an all inclusive list, but shall be deemed as a guideline for use in the traffic concurrency management system):
 - i. Existing and adopted levels of service for each facility.

- ii. The traffic capacity available for each facility at the beginning of the reporting period and the end of the reporting period.
- iii. The portion of the available capacity held for approved development orders.
- iv. A comparison of the actual traffic capacity to calculated capacity resulting from approved development orders and development permits over the previous year.
- v. A comparison of actual traffic capacity and level of service to adopted levels of service from the City of Mexico Beach Comprehensive Plan.
- vi. A forecast of the traffic capacity for each based upon the most recently updated schedule of capital improvements in the Capital Improvements Element of the Comprehensive Plan.
- vii. Projects funded within the Capital Improvements Plan to expand any deficient facilities, or transportation project funded through the Transportation Planning Organization.

The Concurrency Management Report shall be due to the City Council of Mexico Beach by December 1st of each year, reporting on the previous fiscal year's activity. It shall be used in part for the purpose of determining level of service capacities during the twelve (12) months following the presentation and/or adoption of the annual report to the City Council.

SECTION 14. Assurances: The City shall make available suitable land for the building and expansion of service facilities, and shall require the future land uses to be assured of adequate infrastructure and services. The City shall conduct an ongoing review and analysis of the infrastructure and services to meet the needs of future land uses adopted in the City of Mexico Beach Comprehensive Plan. Development shall be required to provide such lands by dedication where appropriate.

SECTION 15. Appeals: Appeals related to determinations of traffic concurrency shall be as stated in Section 7.04.00 of the City's Land Development Regulations, as may be amended or superseded.

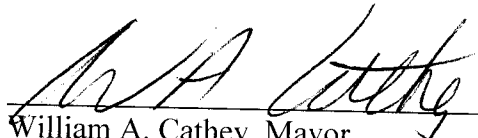
SECTION 16. Severability: If any section, paragraph, sentence, or clause hereof or any provision of this Ordinance is declared to be invalid or unconstitutional, the remaining provisions of this Ordinance shall be unaffected thereby and shall remain in full force and effect.

SECTION 17. Repealer: All City Ordinances, resolutions and charter provisions or parts thereof including but not limited to those sections of Chapter VII of the City's Land Development Regulations relating to traffic in conflict with this Ordinance are hereby repealed.

SECTION 18. Effective Date: This Ordinance shall take effect upon passage and publication as required by law.


Passed, Approved and Adopted in a meeting of the City Council of the City of Mexico Beach on this 9th day of January, 2007.

CITY OF MEXICO BEACH, FLORIDA



William A. Cathey, Mayor

ATTEST:



Deborah A. McLeod, City Clerk