

Item # 67

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: 2006 Fall Large Scale Plan Amendment Cycle Adoption Ordinance—A single ordinance adopting the approved 2006 Fall Large Scale Plan Amendments to the Vision 2020 Seminole County Comprehensive Plan

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Sheryl Stolzenberg **EXT.** 7431

Agenda Date <u>11/07/06</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/> Public Hearing – 1:30 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>
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MOTION/RECOMMENDATION:

1. Continue this item to the December 12, 2006 Board of County Commissioners meeting to allow time for staff to address the Objections, Recommendations and Comments (ORC) Report received from the Department of Community Affairs; or
2. Enact a single ordinance adopting the previously approved Fall 2006 Cycle Large Scale Plan Amendments to the Vision 2020 Seminole County Comprehensive Plan; or
3. Deny enactment of a single adoption ordinance; or
4. Continue this item to a date and time certain.

District: Countywide Sheryl Stolzenberg, Principal Coordinator

BACKGROUND:

Part II, Chapter 163, Florida Statutes, allows two (2) large scale comprehensive plan amendment cycles per calendar year. The statute requires that all amendments within a single cycle be enacted on the same day and forwarded as a single submittal to the Florida Department of Community Affairs for a finding of compliance/non-compliance.

The attached ordinance enacts the previously adopted plan amendments, each adopted by the Board of County Commissioners during this plan amendment cycle.

STAFF RECOMMENDATION:

Staff recommends the Board continue this item to the December 12, 2006 Board of County Commissioners meeting to allow time for staff to address the Objections, Recommendations and Comments (ORC) Report received from the Department of Community Affairs.

Reviewed by: <u>KL</u> Co Atty: _____ DFS: _____ Other: <u>[Signature]</u> DCM: _____ CM: _____ File No. <u>ph130pdp06</u>

ATTACHMENT:

Adoption Ordinance.

AN ORDINANCE AMENDING THE VISION 2020 SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN PROPERTY BY VIRTUE OF A LARGE SCALE DEVELOPMENT AMENDMENT; AMENDING THE TEXT OF THE CAPITAL IMPROVEMENTS, IMPLEMENTATION, AND TRANSPORTATION ELEMENTS OF THE VISION 2020 SEMINOLE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County (hereinafter referred to as the "Board") enacted Ordinance Number 91-13, adopting the 1991 Seminole County Comprehensive Plan, which was subsequently amended in accordance with State law; and

WHEREAS, the Board enacted Ordinance Number 2001-21, which renamed the 1991 Seminole County Comprehensive Plan to the "Vision 2020 Seminole County Comprehensive Plan" (hereinafter referred to as the "Plan"); and

WHEREAS, the Board has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to Large Scale Plan Amendments; and

WHEREAS, the Board has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Land Planning Agency held a public hearing with all required public notice for the purpose

of providing recommendations to the Board of County Commissioners with regard to the Plan amendments set forth herein; and

WHEREAS, the Board held public hearings with all required public notice for the purposes of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendments set forth herein; and

WHEREAS, the Board hereby finds that the Plan, as amended by this ordinance, is internally consistent with and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, and the State Comprehensive Plan, and the Strategic Regional Plan of the East Central Florida Regional Planning Council; and

WHEREAS, the Plan amendments set forth herein have been reviewed by all required State agencies and the Objectives, Recommendations and Comments Report prepared by the Department of Community Affairs has been considered by the Board; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Legislative Findings. The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.

Section 2. Amendment To Future Land Use Map Designation.

The Future Land Use Map of the Future Land Use Element of the Plan is hereby amended by changing the future land use designation assigned to the property depicted therein and legally described in Exhibit A (attached hereto and incorporated herein by this reference) as noted in the following table:

Ord. Exh.	Name	Amendment Number	Land Use Change From - To	LPA Hearing Date	BCC Hearing Dates
A	Orange Boulevard Steve Valentine PUD	06F.FLU01	From SE (Suburban Estates) to PD (Planned Development) with a maximum of 109 single family dwelling units and a maximum density of 2.5 dwelling units per net buildable acre	07/12/06	08/08/06 11/07/06

Section 3. Text Amendments. The text of the Plan is hereby amended as set forth in Exhibit B (attached hereto and incorporated herein by this reference) as noted in the following table:

Ord. Exh.	Name	Amendment Number	Amended Elements	LPA Hearing Date	BCC Hearing Dates
B	Proportionate Fair-Share Program	06F.TXT01.1	Capital Improvements	07/12/06	08/08/06 11/07/06
		06F.TXT01.2.1, 2, 3, 4, 5	Implementation		
		06F.TXT01.3.1, 2, 3	Transportation		

Section 4. Severability.

(a) The enactment of this Ordinance includes one (1) amendment to the Future Land Use Map, and nine (9) text amendments.

(b) If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. Exclusion From County Code/Codification.

(a) It is the intent of this Board that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of or as

a volume of the Land Development Code of Seminole County in accordance with prior directions given to the said Code codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 6. Effective Date.

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with State law.

(b) This Ordinance shall take effect upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendments set forth herein shall be twenty-one (21) days after the Florida Department of Community Affairs' publication of a notice of intent to find the Plan amendments in compliance, if no affected party challenges the Plan amendments, or, if an affected party challenges the Plan amendments, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendments are in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders or development permits, if dependent upon an amendment, may be issued or commence before an

amendment has become effective. If a final order of noncompliance is issued by the Administration Commission adopting a resolution affirming its effective status, a copy of said resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 12th day of December 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley, Chairman

Exhibit A

SE (Suburban Estates) to PD (Planned Development) (06F.FLU01)

COMMENCE AT THE NORTHEAST CORNER OF GOVERNMENT LOT 1, SECTION 36, TOWNSHIP 19 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA; THENCE S00°00'00"W ALONG THE EAST LINE OF SAID GOVERNMENT LOT 1 A DISTANCE OF 33.00 FEET; THENCE N89°50'00"W A DISTANCE OF 40.00 FEET TO THE WEST RIGHT OF WAY LINE OF ORANGE BOULEVARD AND FOR A POINT OF BEGINNING; THENCE S00°00'00"W ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 1709.41 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK A, TOWN OF PAOLA, AS RECORDED IN PLAT BOOK 1, PAGE 4, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE N89°50'00"W ALONG THE NORTH LINE OF SAID BLOCK A, TOWN OF PAOLA, A DISTANCE OF 1413.96 FEET; THENCE N00°18'00"E A DISTANCE OF 1709.40 FEET TO THE SOUTH RIGHT OF WAY LINE OF SOUTH SYLVAN LAKE DRIVE; THENCE S89°50'00"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 323.00 FEET; TO THE WEST LINE OF LOT 1, TROVE PARK, AS RECORDED IN PLAT BOOK 4, PAGE 76, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. THENCE S00°00'00"W ALONG SAID WEST LINE A DISTANCE OF 160.04 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE S89°50'00"E ALONG SAID SOUTH LINE A DISTANCE OF 150.00 FEET TO THE EAST LINE OF SAID LOT 1; THENCE N00°00'00"E ALONG SAID EAST LINE A DISTANCE OF 160.04 FEET TO THE SOUTH RIGHT OF WAY LINE OF SOUTH SYLVAN LAKE DRIVE; THENCE S89°50'00"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 932.01 FEET TO THE POINT OF BEGINNING.

Exhibit B

Text amendments to the
Capital Improvements, Implementation, and Transportation Elements

(See following page)

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OBJECTIVE CIE 4 USER PAYS PRINCIPLE

Development shall bear a proportionate cost of needed facility improvements through equitable and legally available means.

Policy CIE 4.1 **Developments' Proportionate Share**

Development will bear an equitable and proportionate share of the cost of providing new or expanded public facilities required to maintain adopted levels of service through mechanisms such as impact fees, capacity fees, developer dedications, developer contributions pursuant to land development regulations and special benefit assessment/taxing districts.

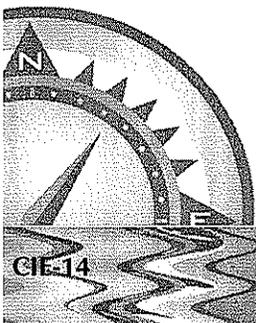
Policy CIE 4.2 **Fee Assessments**

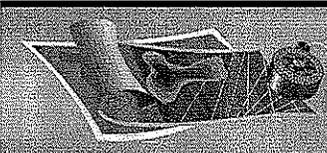
The County shall regularly evaluate whether present fee levies are adequate to address impacts of inflation, whether the County needs to appropriate new impact fees, and whether capacity fees, user charges, special benefit assessment/ taxing districts and other mechanisms are adequately and fairly meeting the fiscal demands placed on the County by new development.

Policy CIE 4.3 **Proportionate Fair-Share Program**

The Proportionate Fair-Share Program shall apply to all developments in the County that impact a road segment or transportation facility in the County Concurrency Management System where the developer has been notified of a failure to achieve transportation concurrency on the roadway segment or segments, or transportation facility or facilities. An applicant may choose to satisfy the transportation concurrency requirements by making a proportionate fair-share contribution if the proposed development is consistent with the County's Comprehensive Plan and Land Development Code, and the County's five-year Capital Improvement Program (CIP) and the Capital Improvements Element (CIE) include a transportation improvement or improvements that, upon completion, will accommodate the additional trips generated by the proposed development, or the County agrees to add the transportation improvement to the CIP and CIE no later than the next regular update of those documents. When the Proportionate Fair-Share Program is used by a developer, this source of funding shall be included in the CIP and CIE as a revenue stream for the affected transportation improvement or improvements.

(Added: Amendment 06F.TXT01.1, Ordinance 2006-XX, 11/07/2006)





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- 3 "Development permit" means an arbor permit, a building permit, a construction permit-site, a construction permit-subdivision, a deck and porch permit, a plumbing permit, a razing permit, a septic repair permit, a septic tank permit, a sign permit and any other development approval other than a final development order or preliminary development order.
- 4 "Public facility" means the capital improvements and systems of each of the following: arterial and collector roads, mass transit, stormwater management, potable water, sanitary sewer, solid waste, parks and recreation, library, fire-rescue service, and other County buildings.

Land Development Regulations

The County shall maintain its land development regulations providing for a system of review of various applications for development orders and permits which applications, if granted, would impact the levels of service of Category I and Category III public facilities. Such system of review shall assure that no final development order or development permit shall be issued which results in a reduction in the levels of service below the standards adopted in the Comprehensive Plan for Category I and Category III public facilities. The County land development regulations shall also contain the methodology for determining the proportionate fair-share obligation for a transportation facility, if said transportation facility fails to achieve transportation concurrency and the developer of a proposed development wishes to exercise the option to satisfy transportation concurrency in this manner.

(Revised: Amendment 06F.TXT01.2.1, Ordinance 2006-XX, 11/07/2006)

The land development regulations address the circumstances under which public facilities may be provided by applicants for development orders or permits. Development orders and permits may be issued subject to the provision of public facilities by the applicant subject to each of the following requirements:

- A The County and the applicant enter into an enforceable development agreement which shall provide, at a minimum, a schedule for construction of the public facilities and mechanisms for monitoring to ensure that the public facilities are completed concurrent with the impacts of the development, or the development will not be allowed to proceed; and
- B The public facilities to be provided by the applicant are contained in the Schedule of Capital Improvements of the Comprehensive Plan, or, in the case of a development where transportation concurrency is to be met through the Proportionate Fair-Share methodology, a transportation improvement or improvements are added to the Schedule of Capital Improvements of the Comprehensive Plan and the County five-year Capital Improvement Program no later than the next regular update of those documents.

(Revised: Amendment 06F.TXT01.2.2, Ordinance 2006-XX, 11/07/2006)

Concurrency Implementation and Monitoring System

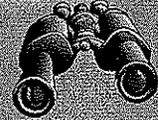
The County shall continue Concurrency Implementation and Monitoring Systems consisting of the following components:

Public Facility Capacity Review

Each application for a development order or permit shall be analyzed for concurrency. Records shall be maintained during each fiscal year to indicate the cumulative impacts of all development orders approved during the fiscal year-to-date on the capacity of public facilities. The land development regulations of the County shall provide that applications for development orders that are denied because of insufficient capacity of public facilities may be resubmitted after a time period to be specified in the land development regulations. Such time period is in lieu of, and not in addition to, other minimum waiting periods imposed on applications for development orders that are denied for reasons other than lack of capacity of public facilities. Land development regulations shall require that development commence within a specified time after a development order is



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issued, or the determination of capacity shall expire, subject to reasonable extensions of time based on criteria included in the regulations.

Review of Changes in Planned Capacity of Public Facilities

The County shall review each amendment to the Capital Improvements Element, in particular any changes in standards for levels of service and changes in the Schedule of Capital Improvements, in order to review the amount of capacity that is available.

Concurrency Implementation Strategies

Standards for levels of service are applied according to the timing of the impacts of development on public facilities. Final development orders and development permits impact public facilities in a matter of months and are issued subject to the availability of water, sewer, solid waste, and stormwater management facilities prior to the impacts of the development. Parks must be under construction within one (1) year of the issuance of the development order or permit. Roads and mass transit must be included in the first three (3) years of the five-year capital improvements schedule, or, in the case of a transportation improvement financed through the Proportionate Fair-Share Program, must be added to the five-year capital improvement schedule at the next regular amendment update, and the schedule must:

- A Be financially feasible based on currently available sources of revenue, including any Proportionate Fair-Share funding;
- B Include estimated dates of commencement and completion of actual construction;
- C Not be changed without an amendment to the Comprehensive Plan; and
- D Designate the areas to be served by facilities.

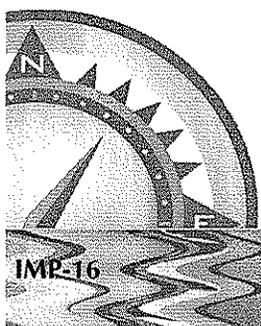
Preliminary development orders can be issued subject to public facility capacity, but the capacity determination expires unless the applicant provides financial assurances to the County and obtains subsequent development orders before the expiration of the initial development order. As an alternative, the determination of public facility capacity for preliminary development orders can be waived with a written agreement that a capacity determination must be made prior to issuance of any final development order or development permit for the subject property. Such a waiver specifically precludes the acquisition of rights to a final development order or permit as a result of the issuance of the preliminary development order (See Policy IMP 2.4).

Standards for levels of service are applied within appropriate geographical areas of the County. Standards for countywide public facilities are applied to development orders based on levels of service throughout the County. Standards for public facilities that serve less than the entire County are applied to development orders on the basis of levels of service within assigned service areas (See Objective IMP 3.0).

Public facility capital improvements are prioritized according to the criteria in the Capital Improvements Element. Applications for available capacity will be considered on a first-come, first-served basis.

The County shall review the Concurrency Implementation Strategies as part of each Evaluation and Appraisal Report cycle.

(Revised: Amendment 06F.TXT01.2.3, Ordinance 2006-XX, 11/07/2006)



Capacity of Public Facilities for Development Orders or Permits Issued Prior to Adoption of the Plan

The County will identify properties, which have vested development rights pursuant to procedures contained in the land development regulations. Properties not identified by the County as having vested development rights may petition for a determination of such rights.



OBJECTIVE IMP 2 DETERMINATION OF CAPACITY

The County shall continue to determine the availability of facility capacity to meet adopted level of service standards of the several County public facilities prior to development approvals.

Policy IMP 2.1 Establishment of Concurrency Doctrine

The Board of County Commissioners of Seminole County finds that the impacts of development on public facilities within the County occur at the same time (i.e., concurrently) as development authorized by certain final development orders or development permits.

Policy IMP 2.2 Concurrency Management System Implementation

The County shall determine, prior to the issuance of such development orders, whether or not there is sufficient capacity of Category I and Category III public facilities to meet the standards for levels of service for existing and committed development and the impacts of proposed development concurrent with the proposed development, including in such determination for transportation improvement capacity any additional capacity to be financed through the Proportionate Fair-Share Program.

(Revised: Amendment 06F.TXT01.2.4, Ordinance 2006-XX, 11/07/2006)

Policy IMP 2.3 Maintain Adopted Level Of Service Standards

No final development order under which development activity impacting public facilities may ensue, or development permit, shall be issued by the County unless there shall be sufficient capacity of Category I and Category III public facilities to meet the standards for levels of service for existing development and for the proposed development, and the development order or permit shall be subject to the requirements of Policy IMP 2.5. In the absence of a final development order under which development activity impacting public facilities may ensue or a development permit, no development of land is authorized.

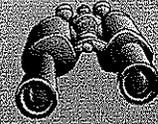
Policy IMP 2.4 Preliminary Development Orders (Capacity Determination)

For preliminary and final development orders for which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows:

- A The applicant may request a determination of such capacity as part of the review and approval of the development order subject to the requirements of Policy IMP 2.5; or
- B The applicant may elect to request approval of the development order without a determination of capacity of Category I and Category III public facilities provided that any such order is issued subject to requirements in the applicable land development regulation or to specific conditions contained in the development order that:
 - 1 Final development orders under which development activity impacting public facilities may ensue, and development permits for the subject property are subject to a determination of capacity of Category I and Category III public facilities, as required by Policy IMP 2.5.



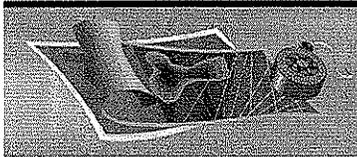
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C Roads and Mass Transit:

- 1 Any of the provisions of section A.1.-A.4. listed above for potable water, sewer, solid waste and drainage; or
- 2 Any of the provisions of section B.1.-B.3 listed above for parks and recreation; or
- 3 The County has committed to provide the necessary public facilities in accordance with the five-year Schedule of Capital Improvements and has adopted and implemented a concurrency management system based upon an adequate capital improvements program and schedule, provided that:
 - a The Capital Improvements Element and five-year Schedule of Capital Improvements must be financially feasible, including any Proportionate Fair-Share funds, where this option is used to satisfy transportation concurrency, and may include transportation projects included in the first three (3) years of the applicable adopted Florida Department of Transportation five-year work program; or, in the case of a developer choosing to satisfy transportation concurrency requirements through the Proportionate Fair-Share Program, the County adds the transportation improvement or improvements to the five-year Capital Improvements Program (CIP) and five year Schedule of Capital Improvements within the County's Comprehensive Plan Capital Improvements Element (CIE) at the next regular update of those documents.
 - b The five-year Schedule of Capital Improvements must include both necessary facilities to maintain the adopted level of service standards to service the new development proposed to be permitted, and the necessary facilities required to eliminate those portions of existing deficiencies which are a priority to be eliminated during the five-year period under the County's schedule of capital improvements in this Comprehensive Plan.
 - c The County uses a realistic, financially feasible funding system based on currently available revenue sources as defined in Chapter 9J-5.003(29), Florida Administrative Code; including any funds generated through the Proportionate Fair-Share option. The revenues must be adequate to fund the public facilities required to serve the development authorized by the development order or development permit, and which public facilities are included in the five-year schedule of capital improvements in this Comprehensive Plan; or, in the case of a transportation project to be funded through the Proportionate Fair-Share Program, the improvement is added to the five-year schedule of capital improvements at the next regular update.
 - d The five-year Schedule of Capital Improvements in this Comprehensive Plan must include the estimated date of commencement of actual construction and the estimated date of project completion.
 - e The five-year Schedule of Capital Improvements in this Comprehensive Plan must demonstrate that the actual construction of the roads and mass transit facilities are scheduled to commence in or before the third year of the five-year Schedule of Capital Improvements.





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- f An amendment to this Comprehensive Plan is required to eliminate, defer or delay construction of any road or mass transit facility which is needed to maintain the adopted level of service standard and which is listed in the five-year schedule of improvements in this Comprehensive Plan.
- g The County shall continue to enforce land development regulations, which, in conjunction with the Capital Improvements Element, ensure that development orders and permits are issued in a manner that will assure that the necessary public facilities will be available to accommodate the impact of that development.
- h The County shall continue to enforce a monitoring system which determines whether the County is adhering to the adopted level of service standards and the Schedule of Capital Improvements in this Comprehensive Plan, and which demonstrates the County's capability of monitoring the availability of public facilities.
- i This Vision 2020 Comprehensive Plan shall continue to clearly designate the areas within which facilities will be provided by the County with public funds in accordance with the five-year Capital Improvements Schedule of this Comprehensive Plan.

(Revised: Amendment 06F.TXT01.2.5, Ordinance 2006-XX, 11/07/2006)

Policy IMP 2.6 Limitation of Capacity Determinations

The determination that capacity is available shall apply only to specific uses, densities and intensities included in the development order or permit or in an enforceable developers agreement. The certificate of capacity shall not be transferable to any other property.

Policy IMP 2.7 Time Frame of Capacity Determinations

The determination that such capacity is available shall be valid for a period specified in the County's land development regulations. No further determination of capacity for the subject property shall be required prior to the expiration of the determination of capacity for the development order or permit provided that the capacity has been reserved for the development order or permit. The subject property may extend the reservation of capacity to subsequent development orders or permits for the same property. Any change in the density, intensity or land use that requires additional public facilities or capacity, is subject to review and approval or denial by the County.

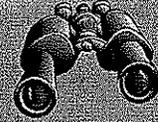
Policy IMP 2.8 Assurances of Capacity Availability

The determination that such capacity is available shall be binding on the County to the extent authorized by law at such time as the applicant provides assurances, acceptable to the County in form and amount, to guarantee the applicant's pro rata share of the County's financial obligation for public facilities which are to be constructed by the County for the general benefit of the public and the special benefit of the subject property. The County's land development regulations specify acceptable forms of assurances and procedures to be followed in the event that an applicant's pro rata share of a public facility is less than the full cost of the facility.

Policy IMP 2.9 Vested Rights

The County shall continue to enforce land development regulations that establish the criteria for determining the vested rights of previously issued development orders, and





OBJECTIVE TRA 13 FINANCING AND PROGRAMMING TRANSPORTATION IMPROVEMENT

The County shall provide a financially feasible program, including a Proportionate Fair-Share Program, for funding transportation improvements necessary to support the growth forecasts, goals, objectives and policies of the Future Land Use Element and as one means of providing for a safe, convenient and efficient transportation system, through implementation of the following policies.

(Revised: Amendment 06F.TXT01.3.1, Ordinance 2006-XX, 11/07/2006)

Policy TRA 13.1 Adopt Capital Improvements Program

The County shall establish and adopt a Capital Improvement Program that shall be updated annually. The CIP shall list planned improvements for all vehicular, transit, pedestrian, and bicycle modes and their interconnections.

Policy TRA 13.2 Programming of Transportation Improvements

The County shall plan, program and implement transportation improvements based on the costs and benefits of individual projects as they relate to improving the overall performance of the transportation system and in coordination with the land development program reflected in the Future Land Use Element. The County shall consider existing and projected capacity deficiencies, safety deficiencies, physical and policy constraints, required right-of-way needs, design deficiencies and system continuity considerations in the prioritization of transportation improvements.

Policy TRA 13.3 Funding of Transportation Improvements

The County shall continue to fund transportation improvement costs and operation and maintenance costs of the County Road System, transit system, and bicycle and pedestrian facilities through available sources of revenue, such as:

- State and Federal funds,
- Constitutional gas tax,
- Countywide road and bridge ad valorem tax,
- Local option gas tax,
- Local option sales tax,
- Special assessment districts, and
- Impact fees
- Proportionate Fair-Share Program

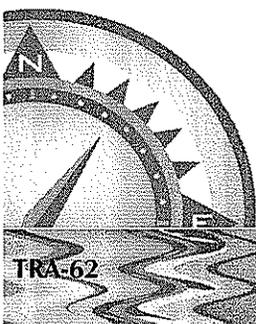
(Revised: Amendment 06F.TXT01.3.2, Ordinance 2006-XX, 11/07/2006)

Policy TRA 13.4 Use of Transportation Plans as Basis for Funding Improvements

The County shall use its transportation plans at the regional and State levels as the basis for securing Federal and State funds for improvements to the major road systems.

Policy TRA 13.5 Pursue Alternate Forms of Funding

The County shall pursue funding outside the normal funding process for transportation projects that are needed by Seminole County residents but are not listed in either the financially feasible transportation plans or in the 5-year work programs at the regional and State levels.

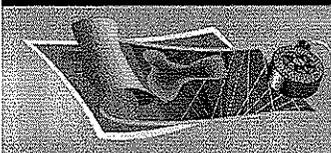


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- Policy TRA 13.12 Coordinated Capital Plans with Airport Authority and Rail Companies**
The County shall coordinate with the Airport Authority and rail companies during annual CIE updates to ensure participation in the County roads and utilities programs.
- Policy TRA 13.13 Evaluate Provision of Transit Services**
By 2005, the County shall evaluate the provision of transit services, and shall ensure that it is provided at a fair and reasonable price as compared to other alternatives and that it is financially feasible.
- Policy TRA 13.14 Consideration of Economic Vitality and Environmental Quality**
In its planning activities, the County shall consider the role that the transportation system plays in maintaining the economic vitality and environmental quality of the County.
- Policy TRA 13.15 Public Participation**
The County shall continue to require public notice of and public meetings on the planning and design of transportation improvements as required by law or as established by policy of the Board of County Commissioners.
- Policy TRA 13.16 Consideration of Transportation Systems Management Activities**
In order to make more efficient use of the existing transportation infrastructure and available financial resources, the County shall continue to consider and implement transportation systems management activities which discourage urban sprawl, reduce travel time, increase capacity at a relatively low cost, and increase the use of alternative modes of transportation.
- Policy TRA 13.17 Adopted Future Transportation System Map Series**
The County adopts the Future Transportation System Map Series as depicted in the Exhibits.
- Policy TRA 13.18 Proportionate Fair-Share Program**
The County hereby establishes within its Land Development Code (LDC) a Proportionate Fair-Share Program in accordance with Subsection 163.3180(16), Florida Statutes (F.S.) that shall apply to all developments in the County that impact a road segment in the County Concurrency Management System for which the developer has been notified of a failure to achieve transportation concurrency on a roadway segment or segments. This program shall not apply to Developments of Regional Impact (DRIs) using proportionate share under Subsection 163.3180(12), F.S., developments meeting the de minimis standards under Subsection 163.3180(6), F.S., or to developments exempted from concurrency as provided in the LDC. An eligible applicant may choose to satisfy the transportation concurrency requirements of the County by making a proportionate fair-share contribution if the proposed development is otherwise consistent with the Comprehensive Plan and applicable land development codes, and if the County's five-year Capital Improvement Program (CIP) and the Capital Improvements Element (CIE) of the County's Comprehensive Plan includes a transportation improvement or improvements that, upon completion, will accommodate the additional trips generated by the proposed development. The County may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Program by contributing to an improvement or improvements that, upon completion, will accommodate the additional trips generated by the proposed development but is not contained in the CIP and CIE where one of the following conditions apply: (1) The County adds the transportation improvement or





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improvements to the CIP and CIE no later than the next regular update and the improvement or improvements have been determined by the County Engineer or County Engineer's designee to be financially feasible, or (2) If the funds in the adopted CIP and CIE are insufficient to fully fund construction of a transportation improvement or improvements required by the Concurrency Management System, the County may require a proportionate fair-share payment for another improvement or improvements that will, according to the findings of the County's development review process, significantly benefit the impacted transportation system or systems, and said transportation improvement or improvements are adopted into the CIP and CIE at the next annual update of those documents.

(Revised: Amendment 06F.TXT01.3.3, Ordinance 2006-XX, 11/07/2006)

