

ORDINANCE NO. 2012-13

AN ORDINANCE OF THE CITY OF OLDSMAR, FLORIDA, AMENDING THE CITY OF OLDSMAR LAND DEVELOPMENT CODE TO BE CONSISTENT WITH THE PUBLIC SCHOOL FACILITY ELEMENT OF THE CITY OF OLDSMAR COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the City of Oldsmar adopted a new Land Development Code on June 4, 1991 which was effective on July 1, 1991 and subsequently amended; and

WHEREAS, Section 163, Part II, Florida Statutes, establishes the Local Government Comprehensive Planning and Land Development Act; and

WHEREAS, the City of Oldsmar City Council adopted Ordinance 2007-25, on January 2, 2008, amending the Comprehensive Plan of the City by adopting a Public School Facilities Element; and

WHEREAS, City Staff submitted the adopted Public School Facilities Element to the Florida Department of Community Affairs on January 9, 2008; and

WHEREAS, the Community Planning Act (HB 7207) amended Section 163.3177, F.S. in 2011, eliminating the requirement of implementing school concurrency; and

WHEREAS, on September 7, 2011, the Pinellas Schools Collaborative reviewed the changes to Chapter 163, F.S. and recommended discontinuing the implementation of school concurrency, as significant coordination exists already between local governments and the School District; and

WHEREAS, amendments are therefore required to the Public School Facilities Element of the City of Oldsmar Comprehensive Plan in order to eliminate references to school concurrency; and

WHEREAS, corresponding amendments are also required to the Intergovernmental Coordination Element and the Capital Improvements Element of the City of Oldsmar Comprehensive Plan dealing with the requirements of implementing school concurrency, and changes to the Public School Facilities Interlocal Agreement; and

WHEREAS, Chapter 163.3202(1), Florida Statutes requires the City of Oldsmar, within one year of submission of its revised comprehensive plan to the Florida Department of Economic Opportunity, to adopt by ordinance and enforce land development regulations that are consistent with and implement its adopted Comprehensive Plan; and

WHEREAS, the City of Oldsmar has determined where the Land Development Code needs clarification and revision to accomplish this; and

WHEREAS, City staff has reviewed the City's Land Development Code and has recommended certain revisions to achieve consistency with the City's Comprehensive Plan; and

WHEREAS, the Planning Board for the City of Oldsmar held public hearings and duly considered the amendments of the Land Development Code, described herein and made its recommendation to the City Council; and

WHEREAS, City Council did agenda and discuss in public hearings the proposed amendments to the Land Development Code; and

WHEREAS, at the conclusion of City staff presentations and public hearings concerning the amendments, the City Council did find from the facts presented to the City Council, that the amendment would protect and preserve the public health, safety and welfare of the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLDSMAR, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1: That Section 2.1. of Article II of the Land Development Code of the City of Oldsmar is hereby amended to delete the following definitions:

Approval, public school concurrency.
Approval, residential.
Capacity, additional.
Capacity, available (Public Schools).
Concurrency service area.
Enrollment, student.
Financial feasibility.
Florida Inventory of School Houses (FISH).
Level of service standard, district-wide.
Public school capacity and level of service report.
Public school facilities element (PSFE).
Public schools interlocal agreement.
Students, vested.
Student stations.

Section 2: That the following definitions in Section 2.1. of Article II of the Land Development Code of the City of Oldsmar are hereby amended to read as follows:

Level of service (LOS) means a measure of performance and/or demand versus available capacity of public services and facilities. Regarding transportation facilities, LOS is based primarily on travel speeds on a scale of A through F. Roads operating at LOS A are at optimum efficiency with the lower grade roads reflecting travel conditions that are progressively worse. For the purposes of the city and the county concurrency management system, LOS reported for roadways is based on peak hour conditions. Level of service E and F roads and/or roads with a volume-to-capacity (v/c) ratio of 0.9 or more are operating below the adopted level of service standard established in the comprehensive plan and the concurrency test statement.

Public facilities and services. The public facilities and services covered by a comprehensive plan element for which level of service standards have been adopted by the city. The necessary public facilities and services are: transportation facilities, potable water, sanitary sewer, solid waste, parks and recreation, and drainage.

Work program, five-year. Five-year listing of capital outlay projects adopted by a governing body, such as the city council.

Section 3: That Section 11.1. of Article XI of the Land Development Code of the City of Oldsmar is hereby amended to read as follows:

11.1. GENERAL

The purpose of this section is to ensure that facilities and services needed to support development are available concurrent with the impacts of such development. Concurrency shall mean that public facilities and services shall be available at the time of development impact; that development will not degrade levels of service (LOS) for services as adopted in the City of Oldsmar comprehensive plan; and, that development orders or development permits shall not be issued if development will degrade levels of service. For the purpose of concurrency public facilities and services include the following for which level of service standards have been adopted: transportation facilities, potable water, sanitary sewer, solid waste, parks and recreation, and drainage.

Section 4: That Sections 11.10, 11.10.1, and 11.10.2 of Article XI of the Land Development Code of the City of Oldsmar are hereby deleted.

Section 5: That Sections 11.11. and 11.11.1 of Article XI of the Land Development Code of the City of Oldsmar are hereby renumbered and that Section 11.11.2 is hereby deleted:

11.10. Monitoring

11.10.1. Monitoring.

The concurrency management system shall be monitored and updated annually. Monitoring and updating shall consist of summing all approved services during each year and subtracting those sums from the capacities available at the beginning of the concurrency period. Any capital improvement scheduled during the concurrency period and constructed or placed into service shall then be added to the capacity totals. In addition, any developer-sponsored facility or service placed into service as a result of mitigation shall be accounted for in the specific facility/service provided. Upon calculation of available capacities under this method, all capital improvements projects budgeted and approved by the city council in the first year of its six-year capital improvements budget and program (CIP) shall be added to the relevant capacities. The sums of all aforementioned calculations shall then be the available capacities for the next year. The following calculation shall be the basis of the annual concurrency monitoring system:

	Available Capacity
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+	Programmed improvements (1st year CIP)
-	Development approved during year
=	Available capacity (Nth year)

If capital projects identified in the first year of the city's six-year CIP were not constructed or placed into service during the identified concurrency period, those projects shall be subtracted from available capacities and, if not provided for in the capital budget, removed from capacity available for concurrency purposes. Development projects approved based on service capacities presumed to be available shall not be permitted to proceed until a method to mitigate any deficiency has been approved. Such mitigation shall include, but not be limited to, phasing of a development project, payment of monies to construct necessary facilities, or the construction of necessary facilities.

Any certified plan or site development plan which has not started construction within the timeframe as specified in this Code shall be considered lapsed and shall forfeit any allocation of service it was given. Upon forfeiture all capacities so allocated shall be returned to the service/facility provider.

The concurrency management system shall be approved by resolution of the city council on the first regularly scheduled city council meeting in September of each year.

Section 6: The City of Oldsmar does hereby certify that the amendments contained herein, as well as the provisions of this Ordinance, are consistent with and in conformance with the City's Comprehensive Plan.

Section 7: Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

Section 8: Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 9: This Ordinance shall become effective immediately upon its final passage and adoption.

PASSED ON FIRST READING: November 20, 2012.

PASSED ON SECOND READING AND ADOPTED: January 2, 2013.

Jim Ronecker, Mayor
City of Oldsmar

ATTEST:

Ann E. Stephan, City Clerk
City of Oldsmar

APPROVED AS TO FORM:

Thomas J. Trask, Esquire
City Attorney
City of Oldsmar