



**COMMUNITY DEVELOPMENT BOARD
PLANNING AND DEVELOPMENT DEPARTMENT
STAFF REPORT**

MEETING DATE: December 15, 2015
AGENDA ITEM: F. 2.
CASE: TA2015-10006
ORDINANCE NO.: 8806-16
REQUEST: Review and recommendation to the City Council, of an amendment to the Code of Ordinances renaming transportation impact fee to multi-modal impact fee; and amending the Community Development Code to repeal and replace proportionate fair-share with a mobility management system and multi-modal impact fee, updating criteria accordingly, and updating various references.
INITIATED BY: City of Clearwater, Planning and Development Department

BACKGROUND:

The 2011 Community Planning Act made substantial amendments to Chapter 163, Florida Statutes, including repealing state mandated transportation concurrency. In response to those changes, the Pinellas County Metropolitan Planning Organization (MPO) coordinated with the various local governments to develop an alternative approach to transportation concurrency. The result of this collaborative effort, the Pinellas County Mobility Plan, was endorsed by the MPO in 2013. Model code amendments were later provided to municipalities to integrate into their local ordinances.

The City has adopted required levels of service for solid waste, sanitary sewer, stormwater, potable water, hurricane evacuation, and parks. Transportation impact fees are established by the Pinellas County Code Chapter 150-40 (the Transportation Impact Fee Ordinance, or TIFO), and are applied countywide. Levels of service are maintained through the application of the City's concurrency management requirements, which are imposed to ensure that permits are not issued for a development project without the public facilities and services necessary to handle its impacts being in place. The proposed amendments described in this report are associated with the proposed City of Clearwater Comprehensive Plan amendments being processed concurrently with this case (see CPA2015-04001), which propose to repeal transportation concurrency and establish the policy framework for a new Mobility Management System.

The purpose of the proposed Mobility Management System is to provide a tiered development review approach requiring larger scale projects adding trips to the surrounding road network to implement transportation management strategies in-lieu of or as credit toward their impact fee assessment. The goal is to increase mobility for all users, including bicyclists, pedestrians, and public transit, while reducing the amount of single-occupant vehicular trips.

ANALYSIS:

Ordinance No. 8806-16 proposes to repeal transportation concurrency requirements and the proportionate fair-share program, as allowed under Chapter 163, Florida Statutes. A new Mobility Management System would be established and a multi-modal impact fee would replace the transportation impact fee, consistent with the amended Pinellas County Transportation Impact Fee Ordinance.

The following is a brief analysis of each aspect of the proposed amendment.

- 1. Multi-Modal Impact Fee** [pages 2, 18-23 of ordinance]
The proposed amendment updates the name of the fee from Transportation Impact Fee to Multi-Modal Impact Fee in several locations, including within the Code of Ordinances. It also establishes the multi-modal impact fee, fee credits, payment of fees, disposition of the funds, refund of fees, and fee exemptions. This fee, which is part of the proposed Mobility Management System, replaces the existing Proportionate Fair-Share program, and is consistent with the Pinellas County Transportation Impact Fee Ordinance.
- 2. Repeal of Transportation Concurrency** [pages 3 and 4 of ordinance]
The proposed amendment exempts roads from the list of facilities required to have a certificate of concurrency/capacity.
- 3. Zoning Atlas Amendments** [pages 2-3 of ordinance]
Updates the term “commission” to “council” throughout the section, and changes the review criteria for roadways from “traffic carrying capacities” to “traffic operations”.
- 4. Repeal of Proportionate Fair Share** [pages 4-14 of ordinance]
The proposed amendment repeals the requirement that a proportionate fair-share contribution must be paid. The Mobility Management System replaces the Proportionate Fair-Share program.
- 5. Mobility Management System** [pages 14-18 of ordinance]
Establishes the Mobility Management System, which is the tiered development review process that requires larger scale projects adding trips to the surrounding road network to implement transportation management strategies in-lieu of or as credit toward their multi-modal impact fee assessment. Smaller scale projects which generate less than 51 new peak hour trips on deficient road corridors will only be required to pay their multi-modal impact fee assessment; whereas projects that generate a greater number of trips on deficient road corridors will be required to submit a transportation management plan (Tier 1 projects, 51 – 300 new p.m. peak hour trips) or submit a traffic study with an accompanying report and transportation management plan (Tier 2 projects, greater than 300 new p.m. peak hour trips). Development projects that are not on a deficient road corridor that generate less than 50 new peak hour trips will only have to pay the multi-modal impact fee; whereas projects that generate more than 50 new peak hour trips will be reviewed by City staff, and any significant impacts that are found will be required to follow the requirements of Tier 1 or Tier 2 projects. The Mobility Management System also includes a variety of transportation management plan strategies/improvements (pages 16 – 18 of ordinance) which, if implemented by the developer, can be credited against their multi-modal impact fee assessment.

6. Definitions [pages 23-25 of ordinance]

New definitions are added to explain various terms utilized in the Mobility Management System section of the Code and removes terms that deal with transportation concurrency.

CRITERIA FOR TEXT AMENDMENTS:

Section 4-601, CDC, sets forth the procedures and criteria for reviewing text amendments. All text amendments must comply with the following:

1. The proposed amendment is consistent with and furthers the goals, policies and objectives of the Comprehensive Plan.

A review of the *Clearwater Comprehensive Plan* identified the following Objectives and Policies which will be furthered by the proposed Code amendments:

Objective A.6.5 The City shall encourage improved land use compatibility through the evaluation of traffic calming techniques, multi-modal transportation networks, and the use of transit oriented development planning.

Policy A.6.5.3 All proposed development/redevelopment initiatives shall be reviewed for opportunities to improve pedestrian and bicycle access and consider the integration of bicycle and pedestrian transportation modes in all phases of transportation planning, new roadway design, roadway construction, roadway resurfacing and other capital projects consistent with the City's *Shifting Gears Bicycle and Pedestrian Master Plan 2006*. On Clearwater Beach, pedestrian and bicycle improvements should adhere to the policies and design guidelines set forth in *Beach by Design: A Preliminary Design for Clearwater Beach and Design Guidelines*.

Objective A.6.8 Identify those areas of the City that are appropriate for redevelopment as livable communities and require that specific sustainable elements be used in the redevelopment of these areas.

Policy A.6.8.9 Promote a variety of transportation modes such as walking, bicycling, ride sharing and mass transit to increase transportation choices and decrease dependence on the single-occupancy automobile.

Objective B.1.5 The City shall specifically consider the existing and planned LOS the road network affected by a proposed development, when considering an amendment to the land use map, rezoning, subdivision plat, or site plan approval.

The proposed amendments are being processed concurrently with CPA2015-04001, and will bring more consistency between the *Comprehensive Plan* and the *Community Development Code*. The change from transportation concurrency to the proposed Mobility Management System will require developers to better mitigate their potential transportation impacts by utilizing strategies that increase mobility for pedestrians, bicycles, and mass transit users and by utilizing livable communities techniques within development proposals. As such, the above reference objectives and policies of the *Comprehensive Plan* will be furthered.

2. The proposed amendment furthers the purposes of the Community Development Code and other City ordinances and actions designed to implement the Plan.

The proposed text amendment will further the purposes of the CDC in that it will be consistent with the following purposes set forth in Section 1-103.

- It is the purpose of this Development Code to implement the Comprehensive Plan of the city; to promote the health, safety, general welfare and quality of life in the city; to guide the orderly growth and development of the city; to establish rules of procedures for land development approvals; to enhance the character of the city and the preservation of neighborhoods; and to enhance the quality of life of all residents and property owners of the city (*Section 1-103.1., CDC*).
- Provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the city, with particular regard for safe and efficient vehicular and pedestrian traffic movement (*Section 1-103.E.4., CDC*).

The establishment of the Mobility Management System, which replaces transportation concurrency, will continue to ensure efficient vehicular movement while also requiring developers to better accommodate pedestrian, bicycle, and mass transit users on the road network system. The proposed amendments will also update references to current State Statute requirements. As such, the proposed amendment furthers the purposes of the *Community Development Code* as well as the actions designed to implement the *Clearwater Comprehensive Plan*.

SUMMARY AND RECOMMENDATION:

The proposed amendment to the Community Development Code is not inconsistent with and will further the goals, objectives and policies of the Clearwater Comprehensive Plan and the purposes of the Community Development Code. Based upon the above, the Planning and Development Department recommends **APPROVAL** of Ordinance No. 8806-16 that amends the Code of Ordinances and the Community Development Code.

Prepared by Planning and Development Department Staff: _____

Kyle Brotherton,
Planner

ATTACHMENTS: Resume
Ordinance No. 8806-16