

Ordinance No. 818

AN ORDINANCE OF THE CITY OF DEFUNIAK SPRINGS, AMENDING CHAPTER 18, PLANNING AND DEVELOPMENT, DEFUNIAK SPRINGS CODE OF ORDINANCES, ARTICLE V, CONCURRENCY MANAGEMENT; SECTION 18-84 CONCURRENCY REVIEW; PROVIDING FOR CLARIFICATION; PROVIDING FOR MITIGATION FOR IMPACT TO TRANSPORTATION FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR ENFORCEMENT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Florida Statutes, (F.S.), provides for comprehensive plan implementation through the enactment of certain land development regulations by ordinance; and

WHEREAS, the Florida legislature intends for local planning be a continuous and ongoing process; and

WHEREAS, Chapter 163, Florida Statutes, directs local governments to adopt amendments to ensure that the plan provides appropriate policy guidance for growth and development; and

WHEREAS, the City Council of the City of DeFuniak Springs has adopted transportation impact analysis requirements; and

WHEREAS, such requirements need updating from time to time to remain relevant.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of DeFuniak Springs, Florida, to approve and adopt the following:

Chapter 18 of the City of DeFuniak Springs Code of Ordinances is hereby amended as follows:

Section 1. Findings of fact.

The City Council of the City of DeFuniak Springs has repealed Proportionate Fair Share provisions related to transportation concurrency as allowed by the Community Planning Act, Chapter 2011-139, Laws of Florida, eliminating the state mandate for transportation concurrency.

The City Council of the City of DeFuniak Springs desires to retain various aspects of transportation impact analysis and transportation concurrency when considering development proposals in order to protect the health, safety and welfare of the motoring public, and to facilitate orderly growth and economic development by maintaining levels of service provided by the roadway system.

Section 2. Short title. This ordinance shall be known as the "2012 Transportation Update Amendment to the Land Development Regulations".

Section 3. Revisions. The amendments to Section 18-84 are attached hereto as Exhibit "A" and by reference made a part hereof. Within Exhibit "A", new or revised language is underlined and deleted language is stricken.

Section 4. Severability. This ordinance and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional, void, invalid, or unenforceable by any court of competent jurisdiction, it is hereby provided that the remainder of the ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section or clause be adjudged unconstitutional or invalid as applied to a particular property, building, or other

structure, it is hereby provided that the application of such portion of the ordinance to other property, buildings, or structures shall not be affected thereby.

Section 5. Inclusion in code, codification, scrivener's errors. The provisions of this ordinance shall become and be made a part of the existing land development regulations of the City. Sections of the ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section", "chapter", "article", or such other appropriate word or phrase in order to accomplish such intentions. Sections of this ordinance may require the correction of typographical errors which do not affect the intent. Such corrections may be authorized without need of a public hearing, by filing a corrected or re-codified copy of same with the Walton County Clerk of Court.

Section 6. Repeal. To the extent of any conflict with the existing regulations of the City, they are hereby repealed. The adoption of this ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said regulations, as amended, if the violation is also a violation of the provisions of these regulations.

Section 7. Filing. An official, true, and correct copy of this amendment to the land Development Regulations, as adopted and amended from time to time, shall be filed with the Walton County Clerk of Courts and also maintained by the City of DeFuniak Springs Planning Department which shall be responsible for its administration.

Section 8. Effective date. These provisions shall take effect pursuant to law.

APPROVED AND ADOPTED at a regular meeting of the City Council of the City of DeFuniak Springs, Florida, on this 11th day of June, 2012, by the CITY COUNCIL OF THE CITY OF DEFUNIAK SPRINGS, FLORIDA.

By: C. Harold Carpenter
C. Harold Carpenter, Mayor

Attest: Loretta Laird
Loretta Laird, City Clerk

Exhibit A

Section 18-84. Concurrency review.

(a) *Generally.* The City of DeFuniak Springs shall use the procedures listed below to determine compliance of an application for a development order with its concurrency management system. At the time of application for a development order, a concurrency evaluation shall be made to determine availability of the facilities or services required to be concurrent. An application for a development order shall provide the city with all information required so as to enable the concurrency evaluation to be made. Upon receipt of a complete concurrency review application, the City of DeFuniak Springs shall perform the concurrency evaluation for each of its public facilities and services. A concurrency review application shall not be deemed complete until all applicable permits, verification letters or other proof has been submitted pursuant to subsection (b) of this section.

(b) *Evaluation.*

(1) *Roads.*

a. *Generally.* The evaluation for roads shall compare the existing level of service standard to the adopted level of service standard established by the city's comprehensive plan for the impacted roads. The level of service shall be determined for conditions of the existing roads, to include any committed or funded improvements to those roads, meeting the minimum requirements for concurrency set forth in subsection (c) of this this section.

b. *Submittals.* The applicant for a development order shall submit to the city along with the application for a development order the following information:

1. The legal description of the development site;
2. The street address of the development site, if applicable;
3. A written statement indicating the nature and extent of the proposed development.
4. Any other information that may reasonably be required for the concurrency evaluation.

c. *City review.* The city will then conduct a transportation concurrency review of the proposed project based on the trip-generated characteristics including the type of land development activity based on the ITE code, independent variables, trip rate, trip length and percentage of new trips.

d. *Traffic Impact Analysis.* The applicant for a development order shall perform a Traffic Impact Analysis (TIA) as described below.

1. *Pre-Application meeting.*

An application meeting between the city and the applicant is required. The purpose of this meeting will be to review the methodology and procedure for calculation of trip generation rates, and to determine the study area and study period. This will usually be a PM peak hour analysis of adjacent street traffic; however, other time periods may require analysis or may be considered by the city where adjacent street traffic-based studies do not exist. The applicant shall use equations or rates from Trip Generation: An ITE Informational Report, latest edition. If the co-efficient of variation is ($R^2 \geq 0.75$), then equations shall be used; otherwise, rates shall be used. The transportation study shall be prepared, signed and sealed by a Florida registered engineer.

2. *Define study area.*

The study area is defined as one half (1/2) vehicle mile or three (3) percent of the maximum service volume of the impacted roadway(s) and is considered to be the

primary impact area affected by traffic associated with the site. However, additional distance or a radius around the site may be established based on the average trip length associated with the proposed land use as approved by the city. The primary impact area will be approved by the city at the pre-application meeting.

3. Existing conditions. The following existing conditions shall be provided in the TIA:

- (i) Existing PM peak hour traffic volumes and level of service on all collectors and arterials within the study area as agreed during the methodology meeting.
- (ii) Existing turning movement volumes at the impacted intersection(s) and intersection(s) level of service. Specify the LOS standard for intersections. It may be by approach, by movement, overall intersection, or v/c ratio <1.0

4. Sources of data.

- (i) The above required data shall be no older than the previous calendar year. Volumes shall be adjusted to reflect annual conditions using current FDOT seasonal adjustment factors for the city or other adjustment factors approved by the city.
- (ii) Required level(s) of service for roadways shall be determined in accordance with the adopted level(s) of service of the roadway provided in the Transportation element of the City of DeFuniak Springs Comprehensive Plan.
- (iii) The publication "*Trip Generation: An ITE Informational Report*", latest edition, as published by the Institute of Transportation Engineers shall be used for independent variables and other information to prepare the report.

5. Projection of future roadway traffic. Roadway volume(s) shall be projected for each development phase including the year of the project completion. Volume(s) can be determined using one of the following procedures:

- (i) Multiplying existing volumes by the annual growth factor provided by the city. Traffic generated by any major project approved since the traffic counts shall be included as background traffic.
- (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.
- (iv) Methodology regarding projection of intersection(s) turn movements and level of service shall be established at the pre-application meeting.

6. Projection of traffic generation. The following procedures and information shall be provided:

- (i) To determine traffic generation, the latest edition of the ITE Trip Generation Report shall be used or trip rates may be obtained from studies of comparable sites in the City of DeFuniak Springs or standards adopted by the city, and are subject to approval by the city.
- (ii) Identify all land use codes, amount of development and trip rates.

(iii) Any proposed reduction factors 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 pre-application / methodology meeting and approved by the city. Pass-by trips shall be less than ten (10) percent of the adjacent street peak hour traffic.

7. 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 in the pre-application meeting.

8. Transportation system management strategies. A discussion of any proposed transportation system management strategies shall be included in the study.

9. Provisions and measures which may be attached to the concurrency compliance certificate to mitigate or alleviate degradation of traffic level of service caused by impacts of the development may include, but are not limited to:

(i) *Project phasing.* A project may be divided into logical phases of development area, with approval for certain phases of the development occurring concomitant with needed facilities being placed in service.

(ii) *Out parcels.* Those portions of the project characterized as outparcels that create separate and unique impacts shall be permitted when ingress and egress is provided only through the primary parcel and approved by the city.

(iii) *Access management.* Access to the site shall be designed to reduce or eliminate the impact of the development upon the abutting roadway facility. This may include parcel-to-parcel access drives.

(iv) *Physical roadway improvements.* The developer of a site may construct capacity improvements, acceleration / deceleration lanes, intersection improvements or frontage roads as approved by the city.

(v) *Operational improvements.* The developer of a site may construct intersection improvements, including turning lanes, installation of or change in timing to signals as approved by the city.

(vi) *Bicycle / pedestrian improvements.* The developer of a site may construct bikeways or sidewalks connecting to existing or planned network facilities or provide access to a school, park, shopping center, etc.

(vii) *Other measures.* The developer may be required to implement other provisions for on- or off-site improvements that would reduce vehicular traffic impacts, based upon a plan originated by the developer and approved by the city and any other appropriate entities.