



**CITY OF ALTAMONTE SPRINGS
COMMISSION AGENDA
APRIL 5, 2016**

7:00 P.M. REGULAR MEETING

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES OF WORKSHOP AND REGULAR MEETING OF MARCH 15, 2016

INFORMAL COMMUNICATIONS FROM THE FLOOR

1. **PUBLIC HEARING
1ST READING** Ordinance 1691-16 - Amending City Code to replace transportation impact fees with mobility fees
2. **PUBLIC HEARING
1ST READING** Ordinance 1692-16 – Land Development Code Amendment to repeal concurrency for transportation and establish a Mobility Management Program
3. **REQUEST FOR APPROVAL** Cost-Share Agreement between the St. John’s River Water Management District and the City of Altamonte Springs
4. **REQUEST FOR APPROVAL** Waive Formal Solicitation and Approve Single Source-Sanitary Force Main Assessments
5. **REQUEST FOR APPROVAL** Waive Formal Solicitation and Approve Single Source- Xylem Flygt AC Series Pumps, Parts, and Service
6. **REQUEST FOR APPROVAL** Orienta Avenue Improvements – Right of Way Purchase (Parcel 101 & 102)
7. **REQUEST FOR APPROVAL** Orienta Avenue Improvements – Right of Way Purchase (Parcel 103)
8. **REQUEST FOR APPROVAL** Orienta Avenue Improvements – Right of Way Purchase (Parcel 107 & 108)

9. FINANCE ITEMS

AFIRST Reuse Augmentation Facility and AFIRST Stormwater Pump Station & Forcemain Improvements, Contract ITB14-021- Approve Contract Change Order No. 3 with Wharton-Smith, Inc. in the amount of \$60,031.31

Persons with disabilities needing assistance in participating in any of these proceedings should contact the City Clerk Department ADA Coordinator 48 hours in advance of the meeting at 407-571-8122 (Voice) or 407-571-8126 (TDD).

Persons are advised if they wish to appeal any decision made at the hearing/meetings, they will need to ensure that a verbatim record of the proceedings is made which includes the testimony evidence upon which the appeal is to be based, per Chapter 286.0105, Laws of Florida. The City of Altamonte Springs does not provide this verbatim record.



WORKSHOP OF THE CITY COMMISSION

MARCH 15, 2016

Pursuant to due notice, a workshop of the Commission of the City of Altamonte Springs, Seminole County, was held at City Hall Annex 175 Newburyport Avenue, in said City on March 15, 2016 at 6:00 p.m.

PRESENT WERE: Commissioners Batman, Reece, Wolfram, Hussey and Mayor Bates

ALSO PRESENT WERE:

Frank Martz	-	City Manager
Skip Fowler	-	City Attorney
Erin O'Donnell	-	City Clerk
Jonathan Paul	-	Nue Urban Concepts

Mr. Frank Martz called the workshop to order at 6:00 p.m.

Mr. Martz opened the discussion of mobility and concurrency by providing a history of transportation projects in the City. The City has been working on a way to align our fee structures with what our policy intentions have been. We've attempted concurrency from the late 80's and 90's which was a novel idea but didn't work. Since then the City has learned mobility is our focus area. The modes of transportation aren't as important as moving the people. He added that mobility fees are where we want to go which will replace our current impact fees. We have the ability to fund the operations which gives us more flexibility. He then recognized the staff who have worked on increasing mobility in the City: Tim Wilson, Director of Mobility; Alisha Maraviglia, Senior Planner; and Jonathan Paul, our Consultant who has helped us shape our mobility fees and mobility structure program. This process is a clear departure on how we've done things in the past and is a cheaper option.

Mr. Jonathan Paul of Nue Urban Concepts introduced himself and noted he's spent the last year working on mobility fees for the City. He has extensive experience in mobility and like other cities, Altamonte Springs is looking at an alternative to impact fees. The drive for mobility fees have been pushed by transportation concurrency. Although there were well intentions, the idea of new roadway capacity provided in conjunction with new development only works well in suburban areas. The traditional thinking towards new development was to add more travel lanes but it has been found that those who try to implement this idea can't continue as they expand.

The Legislature has been constantly changing efforts towards concurrency and they are becoming more involved in how municipalities are handling new development and providing more restrictions. In 2011, the option for concurrency became optional which impacted counties and cities. Laws are changing in

response to new development and there are more ways to get around traffic congestion other than building new roads. He added that he is aware of the steps the City is taking to address mobility in the area and how we are handling multimodal transport in the community. The obvious benefit to multimodal uses is a more efficient use of transportation. It moves the community in different direction and provides safety for all users.

Mr. Paul went over a few highlights of mobility fees stating that this allows money to be spent on sidewalks, bike lanes, trails, transit facilities and road capacity improvements. It gives our staff more flexibility with different types of transit options. This transition will also be a policy replacement of transportation concurrency and road impact fees and streamline the process for efficiency. It also encourages local business as there are lower fees for smaller businesses.

Commissioner Reece asked about the clarification on the different types of impact fees and how they are collected. Mr. Martz clarified that we have a variety of fees for different reasons but all the different types of impact fees assessed are for different purposes and agencies. Mr. Paul added that the mobility fee being assessed will only replace the impact fee for transportation while all other types of fees will continue to be assessed.

Commissioner Batman asked about how long this program has been in effect in other cities, specifically Alachua. Mr. Paul responded that they were the first to come online in 2010 and there has been a huge growth in the past year to move towards this fee approach with municipalities and counties. He commented that working with the City has been a positive experience because we are proactively planning and are further ahead than other governments in the area. Altamonte Springs has been on the leading edge and being progressive on this. This fee will also help out our activity centers as we are assessing a lower fee if development is done in the activity centers.

Mr. Paul continued his presentation by going over the requirements of the fees by starting with identifying the need and benefit. The burden has now been shifted to local governments and we have a technical report to provide the City with legal backing on the fee structure and the impact of the land use. Part of the challenge to assign these fees is having to start moving forward rather than backward and looking at ways to provide adequate roadway capacity in our community. He encouraged the Commission to read the technical report further for methodology and schedule.

Commissioner Hussey asked about how we would go about implementing the program. Mr. Paul let them know that an Ordinance would be coming before them soon and go into effect June 1 after approval. Mr. Martz added that this program will give us the flexibility we need to grow. He brought up our recent partnership with Uber as an example citing that we didn't know what the partnership could do for us ten years ago. Commissioner Reece asked if the authority over our flexibility could change over the years with government. Mr. Paul let her know that the terms of this program are entirely up to the City and although the State can intervene at a later time, there has been a "grandfather" clause that he's noticed throughout the years when it comes to regulating a local government's land use authority. Our fees and plan are based in the activity centers we've identified and the plan allows us to grown with technology and change. As an example he stated that residents can get to activity centers in our City without having to travel to major arterial roads and therefore the impact on our main roads are reduced and this will incentivize

growth in the activity centers as the fees are lowered. He gave several examples of mobility fees for different types of development noting that most are the same or lower than already in place today.

Commissioner Hussey also clarified how this fee would be assessed for building permits. Mr. Martz clarified that these fees would only be assessed on brand new structures and not new businesses into an existing space. Mayor Bates asked how the formula was created to get the new fees. Mr. Paul indicated that it was all contained in the technical manual.

Mr. Paul continued his presentation by taking the Commission through the next steps. He indicated that we'd need to advertise our hearings and hold them for our Ordinances making this program effective by June 1, 2016 and all permits for new development will be assessed the new fees on or after that date. The new fees will allow the City greater flexibility and encourage new business in our existing activity centers and transit oriented areas.

Mayor Bates thanked Mr. Paul for his time and making this subject easy to understand for everyone. Commissioner Reece asked how the City would market the new program to let developers know of the new changes and incentive. Mr. Martz replied that developers we want to attract to our area will already know of this program because they are business savvy but they will reach out local media to promote the program. Commissioner Reece added that she's known of past calls for builders and business owners who reach out to them to see if there are any incentives to building in our City.

Mr. Martz closed by stating that this approach is an "anti-urban sprawl" idea. The less travel involved the cheaper, and by eliminating that travel cost, the build out is essentially cheaper. He noted that one of the most important items of consideration in our dissemination is that Altamonte Springs is invested in transit. With future issues pending with SunRail we can only be as ahead of the game as possible. Our original approach with our EDO didn't require the success of SunRail to impact the success of the plan to work for our community. We will be focusing on our three areas and making them successful irrespective of the outcome of SunRail. With this new plan we are incentivizing building in our area and it will of course be cheaper for new development.

Mr. Martz entertained any questions of the Commission noting that we would need to know any concerns in advance before we starting our marketing of the program. The Commission was in unanimous support of the program with several comments to Mr. Martz about us always doing the right thing for the City.

Mr. Martz thanked the key staff and our consultant who've prepared all this information for the City and commented on the great work they've done with it. He also wanted to thank our attorney Mary Sneed for all her help with our staff.

John Sember, Growth Management Director, added to the conversation that there is a companion ordinance regarding the changes to our Land Development Code which will remove traffic concurrency and will allow for savings for new development. Mr. Wilson added that it will make it a lot more user friendly. Mr. Martz added that members of Growth Management have spent many hours on the intricacies of reviewing the traffic impact study required with submittal. This change will allow us to eliminate the staff time spent and still require the right items to be able to do the right thing. Mr. Wilson added that in the companion ordinance we will implement a mobility performance standard which will allow us to have proper analyses with larger properties.

Mr. Paul commended the City of Altamonte Springs by stating that we were continuing to be a leader in Central Florida. He spoke to the Commission and said that they should be impressed with their staff. Mr. Martz agreed that he wanted us to continue to remind the Commission that the reason they are innovative is because the Commission lets us be. He gave credit where it was due and that our culture of spirited thinking embraces this innovation.

The workshop adjourned at 6:53 p.m.

ATTEST:

MAYOR

CITY CLERK



REGULAR MEETING OF THE CITY COMMISSION MARCH 15, 2016

Pursuant to due notice, a regular meeting of the Commission of the City of Altamonte Springs, Seminole County, was held at 225 Newburyport Avenue, in said City on March 15, 2016 at 7:00 p.m.

PRESENT WERE: Mayor Bates, Commissioners Batman, Hussey, Reece, and Wolfram

ALSO PRESENT WERE:

Frank Martz	-	City Manager
Skip Fowler	-	City Attorney
Erin O'Donnell	-	City Clerk

The meeting was called to order by Mayor Bates at 7:00 p.m.

INVOCATION:

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Motion: Moved by Commissioner Hussey, seconded by Commissioner Reece, to approve the minutes of the regular Commission Meeting of March 1, 2016 and special Commission Meeting of March 4, 2016 as presented. Motion carried unanimously.

INFORMAL COMMUNICATION FROM THE FLOOR: None

1. PUBLIC HEARING

Resolution 1322- Adoption of Seminole County Floodplain Management Plan

No members of the public appeared before the Commission.

Motion: Moved by Commissioner Wolfram, seconded by Commissioner Batman to pass and adopt Resolution 1322. Commissioner Batman – yes; Commissioner Hussey – yes; Commissioner Reece – yes; Commissioner Wolfram – yes; Mayor Bates – yes. Motion carried 5-0.

2. REQUEST FOR APPROVAL

Reappointment of Commissioner Sarah Reece to Seminole County Community Service Block Grant Advisory Board

Motion:

Moved by Commissioner Hussey, seconded by Commissioner Wolfram to reappoint Commissioner Reece to the Board. Motion carried unanimously.

3. FINANCE ITEMS

- A. Orange Avenue & West Town Parkway Utility Extension, contract BVP14-156** - Approve utilizing Polk County's contract with Killebrew, Inc. for the Orange Avenue and West Town Parkway utility extension in the amount of \$224,926.46

Motion:

Moved by Commissioner Wolfram, seconded by Commissioner Reece to approve the finance item. Motion carried unanimously.

INFORMAL COMMUNICATION FROM THE FLOOR: None

REPORTS:

CITY ATTORNEY- None

CITY CLERK- None

CITY MANAGER

Firstly, Mr. Martz reported on the status of a new accreditation achievement of our Police Department. When our department received the prestigious "Excelsior Accreditation", we were the first in Seminole County to receive it. We have since earned it again and he wanted to report that with the 387 agencies in the State of Florida, only 4% have earned it twice and 11% have earned it once. He commented that this is an excellent job for the entire department that lies with the leadership of our department several Police Chiefs ago. He added that when we tout that we are the finest, this is the reason why.

Secondly, he reported that the press has been overwhelmingly good on our Uber partnership and he thanked the Commission for their cooperation. He added that the launch of the service is going to start on March 21 and that they should check their email on the details. Commissioner Batman asked which edition of a specific magazine he should be looking for to get a copy of the article and Mr. Martz replied that he should find the information online for the most up to date information.

Lastly, Mr. Martz reported on several Public Works items. Two years ago, we submitted projects to the legislature-one being advanced water treatment of reclaimed water and the second being a test program to find a way to turn reclaimed water to drinking water standards. In the past these projects have been cut out of the budget and vetoed but he is happy to report that this year we got one of our programs approved (advanced water treatment design). With the money of \$750,000 we will be able to begin the design of the program. The other project for the pilot of reuse to potable water was submitted in an application to the SJRWMD and was approved for funding.

This is significant as they typically only fund 30% of projects and we received 50%, resulting in \$500,000. It will allow us to start the design process and continue to be ahead of the curve.

He concluded his report by stating that Lake Orienta will have to be closed temporarily due to a leak in the sewage system of Royal Arms. The association has hired a lab for testing and we've let the media know about the closure. He wanted to reiterate that although it was not our spill, we need to protect our public. Commissioner Batman asked about whether or not residents who kayak would be prohibited. Mr. Martz clarified that they would as all activities on the lake are prohibited at this time and they have tried all different methods to notify the public.

COMMISSIONER BATMAN

COMMISSIONER REECE

COMMISSIONER HUSSEY - None

COMMISSIONER WOLFRAM- None

MAYOR BATES

Wanted to pass along her congratulations to staff in Public Works and the Altamonte Springs Police Department. Mr. Martz added that he wanted to clarify that not only sworn officers were involved in the efforts of the accreditation, but civilian as well. He wanted to specifically thank Darlene Krokos who assisted heavily in the first accreditation and the success of this most recent one.

The meeting adjourned at 7:12 p.m.

ATTEST:

MAYOR

CITY CLERK



Meeting Date: April 5, 2016

From: Tim Wilson
Tim Wilson, Director of Mobility

Approved: Franklin W. Martz
Franklin W. Martz, City Manager

Official Use Only

Commission Action: _____

City Manager: _____

Date: _____

SUBJECT: Ordinance No. 1691-16 (1st reading) – amending City Code to replace transportation impact fees with mobility fees.

SUMMARY EXPLANATION & BACKGROUND:

The proposed amendment replaces City transportation impact fees with City mobility fees. The ordinance modifies Chapter 25 of the City Code of Ordinances to include a new article for mobility fees and the proposed mobility fee schedule. The ordinance references the technical analysis prepared by NUE Urban Concepts dated May, 2015. The ordinance also establishes the methodology to calculate mobility fees, amends the standards and requirements for developer contribution credits, outlines the process for alternative fee calculations, proposes new credit criteria to reduce the mobility fee for off-site improvements, and provides other miscellaneous changes to establish a mobility fee in the City. The effective date of the Ordinance is June 1, 2016.

The proposed mobility fee rates are either the same amount or less than the existing transportation impact fee rates for similar uses. The mobility fee has a lower rate for new development located in the City's activity centers or the transit oriented area that surrounds SunRail furthering City economic development and multi-modal transportation policies outlined in **City Plan 2030**.

The City Commission held a workshop on March 15, 2016 to review and discuss the proposed mobility fee program and the draft mobility fee schedule. Since the meeting, the mobility fee schedule has been updated and is included in the ordinance.

FISCAL INFORMATION: Not applicable

RECOMMENDED ACTION: APPROVE Ordinance No. 1691-16 on first reading, and SET second reading for April 19, 2016.

ORDINANCE 1691-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ALTAMONTE SPRINGS, FLORIDA, RELATING TO IMPACT FEES AND MOBILITY FEES, AMENDING THE ALTAMONTE SPRINGS CODE OF ORDINANCES, CHAPTER 25, "IMPACT FEES," BY RENAMING SAME TO "IMPACT FEES AND MOBILITY FEES"; BY RESTRUCTURING SAID CHAPTER INTO ARTICLES AND SEQUENTIALLY RENUMBERING SECTIONS AS NECESSARY; BY ADOPTING ARTICLE I, "IN GENERAL," SETTING FORTH GENERAL PROVISIONS FOR IMPACT AND MOBILITY FEES, DEFINITIONS, PURPOSE, FINDINGS, AND RULES OF CONSTRUCTION; BY ADOPTING ARTICLE II, "IMPACT FEES," PLACING CURRENT CHAPTER 25 INTO ARTICLE II, CORRECTING SCRIVENOR'S ERRORS AND REPEALING SCHEDULE 4, "TRANSPORTATION SERVICES IMPACT FEE SCHEDULE" IN ITS ENTIRETY; BY ADOPTING ARTICLE III, "MOBILITY FEES", IMPOSING A MOBILITY FEE AND SETTING FORTH CALCULATIONS FOR SAME, REGULATIONS FOR SAME AND ADOPTING NEW SCHEDULE 4, "MOBILITY FEE SCHEDULE"; BY ADOPTING ARTICLE IV, "MISCELLANEOUS PROVISIONS," SETTING FORTH THE PROCESS FOR REVIEW OF ALTERNATIVE FEE CALCULATIONS, CREDITS, VESTED RIGHTS, EXEMPTIONS, EFFECT ON LAND DEVELOPMENT REGULATIONS, REQUIREMENT FOR ANNUAL REPORTING, PENALTIES FOR VIOLATION, COUNTY WEST COLLECTOR ROAD IMPACT FEE COLLECTIONS, AND AFFORDABLE HOUSING PROVISIONS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, Pursuant to Article VIII, Section (2)(b) of the Florida Constitution and Chapter 166, Florida Statutes, the City of Altamonte Springs has broad home rule powers to adopt ordinances to provide for and operate transportation systems,

including roadways, transit facilities, and bicycle/pedestrian facilities within the City; and

WHEREAS, the City of Altamonte Springs currently has a long established road impact fee system, set forth in Ordinance 877-86, as amended, which has been one part of an overall growth management program as set forth in the City of Altamonte Springs Comprehensive Plan; and

WHEREAS, the road impact fee system is principally focused on vehicular mobility, whereas a mobility fee system takes a comprehensive view on the provision of mobility through walking, biking, transit and motor vehicles; and

WHEREAS, the mobility fee system focuses on person miles of travel, which includes walking, biking, transit and motor vehicular trips, generated by new development and the resulting impact on multi-modal capacity and accordingly requires the expenditure of revenue derived under that system to be used on multi-modal improvement projects that increase multi-modal capacity; and

WHEREAS, the mobility fee system includes, but is not limited to, considerations of the impact of person miles of travel generated by new development on multi-modal capacity as well as considerations of the impact of new development on overall mobility within the community; and

WHEREAS, Altamonte Springs is experiencing growth and new development that necessitates the expansion of transportation facilities for a variety of modes to meet the demands of new development and redevelopment including adequate and efficient mobility and multi-modal corridors along with different mobility options; and

WHEREAS, imposition of a mobility fee requiring future growth to contribute its fair share of the cost of growth-necessitated transportation facilities is necessary and reasonably related to the public health, safety, and welfare of the people of the City; provided that the mobility fee does not exceed the actual amount necessary to offset the demand on transportation facilities generated by new development; and

WHEREAS, Section 163.3180, Florida Statutes, encourages local governments to develop tools and techniques including adoption of long-term strategies to facilitate development patterns that support multi-modal solutions, adoption of an area wide level of service not dependent on any single road segment function, and establishing multi-modal level of service standards that rely primarily on non-vehicular modes of transportation where existing or planned community design will provide adequate level of mobility; and

WHEREAS, Section 163.3180, Florida Statutes, further encourages local governments to adopt an alternative mobility funding system; and

WHEREAS, City Plan 2030, the Altamonte Springs Comprehensive Plan, in its

multi modal transportation element sets out goals to develop and maintain a safe, convenient, efficient transportation system which: recognizes present need; reflects the Future Land Use Plan and the plans of adjacent jurisdictions; provides for an affordable balance of alternative transportation modes; provides for safe, efficient intermodal transportation linkages; and respects the integrity of environmentally sensitive areas and wildlife habitat; and

WHEREAS, the City Commission finds that this ordinance supports and furthers Goal 2-1 of the multi-modal transportation element of the Comprehensive Plan which is "TO INTEGRATE THE MULTI-MODALTRANSPORTATION SYSTEM WITH THE FUTURE LAND USE ELEMENT, THE FUTURE LAND USE MAP, AND THE LAND DEVELOPMENT CODE TO GUIDE DEVELOPMENT TYPES, DENSITIES AND INTENSITIES, AND SITE DESIGN THAT SUPPORTS AND ENHANCES THE CITY'S MULTI-MODAL TRANSPORTATION SYSTEM AND THE CITY'S MOBILITY GOALS"; and

WHEREAS, the mobility fees imposed hereby (1) are in compliance with the "dual rational nexus test" developed under Florida case law, (2) meet the "essential nexus" and "rough proportionality" requirements established by the United States Supreme Court in *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987) and *Dolan v. City of Tigard*, 512 U.S. 374 (1994), (3) are consistent with the requirements set forth in Section 163.3180, Florida Statutes, and (4) are consistent with and being imposed in accordance with Section 163.31801, Florida Statutes; and

WHEREAS, the City Commission has determined that the proposed Ordinance adopting a mobility fee will help to preserve and enhance the rational nexus between the need for multi-modal travel demands generated by new development in Altamonte Springs and the mobility fees imposed on that development; and

WHEREAS, establishment of a city-wide mobility fee district to regulate mobility fee expenditures is the best method of ensuring that the multi-modal transportation facilities funded by mobility fees have the rational nexus and benefit to the development for which the mobility fees were paid; and

WHEREAS, mobility fees collected will be deposited in the mobility fee fund for the city-wide mobility fee district and expended for the purposes set forth herein; and

WHEREAS, mobility fees imposed hereunder achieve the goals, objectives and policies of the Comprehensive Plan and utilize the tools and techniques encouraged by Section 163.3180, Florida Statutes; and

WHEREAS, Altamonte Springs developed a fee technical report dated May 2015 that provided the technical analysis to determine the mobility fee and constitutes a proper factual predicate for imposition and expenditure of the mobility fees; and

WHEREAS, the City Commission has determined that the proposed Ordinance adopting a mobility fee will help to preserve and enhance the rational nexus between the need for multi-modal travel demands generated by new development in the City and the mobility fees imposed on that development; and

WHEREAS, the City Commission has determined, based upon project development time frames which are often delayed depending upon economic realities, to authorize the refund of collected impact or mobility fees after ten (10) years; and

WHEREAS, the City Commission has included a provision providing for credit for prior payments for a specific project for city transportation impact fees or capacity reservation fees related to transportation concurrency; and

WHEREAS, the mobility fee is intended to replace the road impact fee system and development assessed a mobility fee shall not be assessed a road impact fee; and

WHEREAS, the City Commission has noticed, advertised, scheduled and held a public hearing in compliance with Florida Statutes on this proposed Ordinance; and

WHEREAS, the City Commission has determined that it is advisable and in the public interest to adopt and implement the proposed Mobility Fee Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ALTAMONTE SPRINGS, FLORIDA:

SECTION ONE: Chapter 25, "Impact Fees," of the Altamonte Springs Code of Ordinances is hereby renamed "Impact Fees and Mobility Fees," restructured into Articles as set forth herein, renumbered sequentially as necessary, and amended to read as follows:

Article I. IN GENERAL.

Sec. 25-1. Short title; authority and applicability.

- (a) This chapter shall be known and may be cited as Altamonte Springs Impact Fee and Mobility Fee Ordinance.
- (b) The city commission has the authority to adopt this chapter pursuant to Article VIII of the 1968 Florida Constitution, and Chapters 163 and 166 of the Florida Statutes, and the Charter of the City of Altamonte Springs.
- (c) Planning for new capital improvements needed to serve new growth and development that generate the need for additional improvements and the implementation of these plans through the comprehensive planning process, is a responsibility of the city under Section 163.3161 et seq., Florida Statutes, and is in the best interest of the health, safety and welfare of the citizens of the city.

Sec. 25-2. Intent and purpose.

- (a) The city commission has determined and recognized through adoption of the 1994 Altamonte Springs Comprehensive Plan ~~entitled City Plan 2005~~ that new growth and development which the city will experience will necessitate extensive improvements to the ~~major road~~ multi-modal transportation network system, expansions of its parks and recreation facilities, ~~new equipment for the collection of solid waste~~, and new capital assets for its police, fire and emergency medical services. In order to finance the necessary new capital improvements, several combined methods of financing shall be employed, one of which will impose a regulatory impact fee and mobility fee on new growth and development which does not exceed the reasonably anticipated costs of the capital expenditures required to service future growth and new development without degradation to existing service levels or below minimum acceptable service levels.
- (b) Implementing a regulatory scheme that requires new development to pay ~~an impact fees~~ and mobility fees that does not exceed the reasonably anticipated capital costs incurred to serve new growth and development is the responsibility of the city in order to carry out the policy and intent of its comprehensive plan, as amended and adopted under Section 163.3161 et seq., Florida Statutes, and is in the best interest of the health, safety and welfare of the citizens of Altamonte Springs.
- (c) The purpose of this chapter is to enable Altamonte Springs to allow growth and development to proceed in the city in compliance with the adopted comprehensive plan, and to regulate growth and development so as to require growth and development to share in the burdens of growth by paying for the reasonably anticipated capital costs attributable to future growth and development.
- (d) It is not the purpose of this chapter to collect fees from growth and development in excess of the cost of the reasonably anticipated capital requirements needed to serve the new growth and development. The city commission hereby finds that this chapter has approached the problem of determining impact fees and mobility fees in a conservative and reasonable manner. This chapter will result in only partial recoupment of the capital expenditures attributable to future growth and new development. Impact fees and mobility fees will not be utilized to correct any existing deficiencies in any fashion whatsoever.
- (e) Absent an impact fee or mobility fee agreement pursuant to section 25-15 (b) herein, or requirements associated with the Mobility Solutions report or study set forth in Article II, "Concurrency and Mobility Management," of the City's Land Development Code, of this chapter it shall be the policy of Altamonte Springs to collect the impact fees and mobility fees assessed by this chapter in lieu of any off-site improvements.
- (f) The technical data, findings and conclusions herein are based on the most recent and localized data, including; Altamonte Springs 1994 Comprehensive Plan and its subsequent amendments, entitled ~~City Plan 2005 and City Plan 2020~~; the Impact Fee Background Report, 1986 and its amendments dated May 1988 ~~and~~

~~on the Altamonte Springs Transportation Study, 1982; Altamonte Springs Transportation Study Update, 1986; Microtrips Transportation Planning Package developed by PRC Voorhees; the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual; ITE Trip Generation Notebook, 4th Edition, 1987, 5th Edition, 1991, 6th Edition, 1997, and 8th Edition, 2008; 9th Edition, 2012; the 1993 Altamonte Springs Transportation Impact Fee Update dated May 1994, and the Police Services Impact Fee Study dated September 2002, the Rate Study for Parks and Recreation Facilities dated May 1994, The City of Altamonte Springs Rate Analysis dated July 2002, the City of Altamonte Springs Transportation Impact Fee Update dated June 1997, July 2002, and the City of Altamonte Springs Transportation Impact Fee Update dated March 2009, and the Altamonte Springs Mobility Fee Technical Report dated May 2015.~~

Sec. 25-3. Rules of construction.

For the purposes of administration and enforcement of this chapter, unless otherwise stated in this chapter, the following rules of construction shall apply:

- (a) In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table or illustrative table, the text shall control.
- (b) The word "shall" is always mandatory and not discretionary; and word "may" is permissive.
- (c) Words used in the present tense shall include the future, and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
- (d) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (e) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or" or "either" . . . or", the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected terms, conditions, provisions or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - 3. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (f) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (g) Except as otherwise provided herein, all words and phrases shall have the same meaning as ascribed to them in the City Code.

- (h) All references to statutes, ordinances, and other regulations shall be as they exist at the time of adoption of this chapter and as may be from time to time amended and/or renumbered or transferred.
- (i) The City Commission may adopt by resolution an administrative policy manual to provide for administration, enforcement and construction of this chapter.

Sec. 25-4. Definitions.

The following terms in this chapter shall have the meanings specified herein.

- (a) Adopted definitions: There is hereby adopted by reference those definitions and terms contained within the "Impact Fee Background Report," Altamonte Springs, Florida, 1986, and as amended, by Plantec Corporation, Jacksonville, Florida, and as further amended by Henderson, Young & Company for Parks and Recreation Facilities, dated May 1994 and Police Services Impact Fee Study dated September 2002 by Solin and Associates, Inc., Altamonte Springs, Florida, ~~and by Kimley Horn and Associates, Inc. for Transportation Impact Fee Update dated May 1994, and by the City of Altamonte Springs for the Transportation Impact Fee Update dated June 1997, July 2002, and March 2009,~~ and by NUE Urban Concepts, LLC, May 2015 for the Mobility Fee Technical Report to the extent same are not inconsistent with this chapter and the definitions provided herein. These studies are on file in the Growth Management Department of the City of Altamonte Springs.
- (b) Applicant: The person who applies for a building permit.
- (c) Building permit: An official document or certificate issued by the city authorizing the commencement of construction of any structure or portion of a structure.
- (d) Capital improvement: Includes the planning of, design and engineering for, acquisition of land or equipment, relocation of utilities and the construction of improvements for ~~roads~~ multi-modal transportation and associated stormwater management facilities, parks and recreation, ~~solid waste~~, fire and emergency medical services and police capital facilities. Improvements can also include site preparation, geotechnical analysis, mobilization, maintenance of traffic, floodplain and wetland compensation and mitigation and construction engineering and inspection services.
- (e) Community retail: A single retail, bank, restaurant, pharmacy, entertainment or personal, professional or business service development that is between 10,000 and 100,000 gross square feet in size that does not include a vehicular drive-thru lane, window or service and is not otherwise specifically included in Schedule 4: Mobility Fees.
- (f) Development: The carrying out of any building or mining operation, or the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels. The words development and redevelopment are synonymous for the purposes of this definition. See Section 1.2.1, City Land Development Code for further examples of activities or uses constituting or involving development.

- (e)(g) *Encumbered*: Committed in capital improvements program for a specified improvement on a specified time schedule not in excess of ~~five (5) years~~ ten (10) years or committed by contract or interlocal governmental agreement for improvement, construction or acquisition such that the city is obligated to expend the committed or encumbered funds.
- (f)(h) *Gross square feet*: As referred to in the impact fee schedules and mobility fee schedule, section 25.6, means a total gross square footage under roof, measured from the exterior faces of the exterior walls and any enclosed areas for outdoor seating and sales, display or storage, except for auto sales and industrial uses which shall be based upon all areas under roof.
- (g)(i) *Impact fee or mobility fee component*: That portion of the impact fee or mobility fee attributable to either ~~transportation~~ mobility, parks and recreation, ~~solid waste~~, police or fire and emergency medical services all of which are components of the overall impact fee.
- (h)(j) *Impact generating land development activity*: Is land development designed or intended to permit a use of the land which will contain more dwelling units or floor space than the then existing use of the land in a manner that increases the generation of vehicular traffic person miles of travel demand, increases the park user occasions, ~~increases the demand on the solid waste facilities~~, increases the demand on library facilities, or increases the demand on police or fire and emergency medical service facilities.
- (k) *Neighborhood retail*: A retail, bank, restaurant, pharmacy, entertainment or personal, professional or business service development that is less than 10,000 gross square feet in size that does not include a vehicular drive-thru lane, window or service and is not otherwise specifically included in Schedule 4: Mobility Fees.
- (i)(l) *Off-site improvement*: Improvements located outside of the boundaries of the parcel proposed for development. Access improvements required to provide ingress and egress to the development parcel, which may include rights-of-way, easements, paving of adjacent or connecting roadways, turn lanes and deceleration/acceleration lanes, along with required traffic control devices, signage, and markings, and drainage and utilities, shall be considered on site improvements for the purposes of this chapter regardless of their actual location.
- (j)(m) *Out parcels*: A small area of a larger development, typically located on corners or adjacent to an ingress and egress point; which area may be developed independently of the larger development and which development may be dissimilar in use or architectural style to the larger development.
- (n) *Person mile of travel (PMT)*: The number of miles traveled by each person on a trip in order to account for all miles traveled by motor vehicle, transit, walking and/or bicycling.
- (o) *Person trip*: A trip by one person by motor vehicle, transit, walking and/or bicycling.
- (p) *Regional retail*: A retail, bank, pharmacy, entertainment or personal, professional or business service development that is greater than 100,000 gross square feet in

size that does not include a vehicular drive-thru lane, window or service and is not otherwise specifically included in Schedule 4: Mobility Fees.

- (q) Restaurant, sit down: A free standing or out parcel restaurant establishment that prepares and serves food primarily for consumption on premise that does not have drive-thru or drive-in facilities.
- (r) Vehicle miles of travel (VMT): A unit to measure vehicle travel made by a private motor vehicle, such as an automobile, van, pickup truck, or motorcycle where each mile traveled is counted as one vehicle mile regardless of the number of persons in the vehicle.
- ~~(k) — Out parcel transportation impact fees: When out parcels are developed, the transportation impact shall be calculated in the following fashion:
 - (1) — If there is an integrated access with the larger development from which the outparcel was created and there is no drive-in facility, then the impact fees will be calculated using the rate of the larger development; provided, the uses are similar or are included within the uses of the larger development.
 - (2) — If there is an integrated access with the larger development from which the outparcel was created and there is a drive-in facility, then the applicant may submit an alternative impact fee study demonstrating that the fees should be calculated as in (1) above.
 - (3) — If there is no integrated access with the larger development from which the outparcel was created, then the impact fees shall be calculated without regard to the larger development.~~
- ~~(l) — Shopping centers: A group of architecturally unified mixed retail uses of which nonretail uses shall not exceed twelve (12) per cent of the gross square feet of the center. Where uses generating higher automobile trip rates than retail (i.e.; restaurants, dry cleaners, financial institutions) exceed twelve (12) per cent, then additional transportation impact fees shall be due and payable. Any nonretail use shall pay such incremental increase in police impact fees as is applicable to the nonretail uses, not withstanding the fact that such use or uses may not exceed twelve (12) per cent of the gross square feet of the center.~~

Article II. IMPACT FEES.

Sec. 25-5. Adoption of impact fee study.

The city commission hereby adopts by reference the study entitled, "Impact Fee Background Report" dated July 1986, and its supplements dated May 1987, as prepared by Plantec Corporation, Jacksonville, Florida, and by Transportation Consulting Group dated May 1994, by Henderson, Young & Company, Winter Park, Florida, and the studies entitled "Rate Study for Parks and Recreation Facilities" dated July 2002 and "Rate Study for Police Facilities", dated September 2002, prepared by Solin & Associates, Inc. and the study entitled "Transportation Impact Fee Update", dated May 1994, as prepared by

Kimley Horn and Associates, Inc., and the study entitled "City of Altamonte Springs Transportation Impact Fee Update", as prepared by the City of Altamonte Springs, dated June 1997, July 2002, and March 2009, as they relate to the computation and allocation of the capital costs of new improvements to be borne by new users of such improvements.

Sec. 25-6. Impact fee imposed.

- (a) There is hereby imposed upon all impact-generating land development activity as herein defined an impact fee due at the time of issuance of a building permit, and no building permit shall be issued until said impact fee shall have been paid except as otherwise herein provided. Impact fees are assessed at the impact fee rate in effect at the time the building permit is issued. The fee shall be determined in accordance with the following schedule. If the building permit is for less than the entire contemplated development, the fee shall be computed for the amount of development covered by the permit. The obligations for payment of impact fees shall run with the land. Impact fee collections and expenditures shall be accounted for and reported in separate accounting funds, which the finance department shall maintain.
- (b) Any person who shall initiate any new impact-generating land development activity shall, except as otherwise provided for herein, pay an impact fee as set forth in the following schedules:

2002-UPDATE
SCHEDULE 1. PARKS AND RECREATION SERVICES*

Housing Type	Impact Fee (per dwelling unit)
Single-family	\$302.09
Multifamily	259.15

*A city library fee of \$90.74 is incorporated within the total fee.

SCHEDULE 2. POLICE SERVICES ~~NEW POLICE IMPACT FEE RATE SCHEDULE~~ —
SCHEDULE 2

Land Use Classification	Fee Rates ¹	Measure ²
Industrial/manufacturing/warehousing	\$0.089	Per sq. ft.

Institutional	\$0.336	Per sq. ft.
Office	\$0.275	Per sq. ft.
Retail	\$0.493	Per sq. ft.
Eating and drinking establishment	\$2.21	Per sq. ft.
Lodging and special residential needs		
Adult living facility/nursing home	\$58.24	Per bed
Hotel/motel	\$148.51	Per guest room
Residential		
Single-family residential	\$185.54	Per unit
Multiple-family residential	\$168.20	Per unit

¹ Fee rate has been discounted by five per cent from the actual fee.

² Impact fee rate is multiplied by the total gross square feet, number of residential dwelling units, or number of beds, or number of guest rooms, as indicated by the development measure.

SCHEDULE 3. FIRE/RESCUE IMPACT FEE

Effective 1/1/2003

Residential

	Nonfire Sprinkler Protected	Fire Sprinkler Protected	
Single-family	\$172.00	\$129.00	Dwelling unit
Apartment	\$172.00	\$129.00	Dwelling unit
Condominium	\$172.00	\$129.00	Dwelling unit

Mobile home	\$172.00	\$129.00	Dwelling unit
Hotel	\$313.00	\$234.75	1,000 gross square feet
Motel	\$313.00	\$234.75	1,000 gross square feet

Commercial

	Nonfire Sprinkler Protected	Fire Sprinkler Protected	
Church	\$684.00	\$513.00	1,000 net square feet
Marina	320.00	240.00	1,000 net square feet
Raquet <u>Racquet</u> club	320.00	240.00	1,000 net square feet
Health spas	320.00	240.00	1,000 net square feet
Golf course clubhouse	320.00	240.00	1,000 net square feet
Restaurant, sit-down	320.00	240.00	1,000 net square feet
Restaurant, drive-in	320.00	240.00	1,000 net square feet
Hospital, room area	10.00	7.50	1,000 gross square feet

Hospital, treatment area	5.00	3.75	1,000 gross square feet
Nursing home, room area	10.00	7.50	1,000 gross square feet
Nursing home, treatment area	5.00	3.75	1,000 gross square feet
Day care	51.00	38.25	1,000 net square feet
Office	72.00	54.00	1,000 gross square feet
Bank/savings, walk-in	72.00	54.00	1,000 gross square feet
Bank/savings, drive-in	72.00	54.00	1,000 gross square feet
Retail/wholesale, <300,00 sq. ft.	160.00	120.00	1,000 gross square feet
Retail/wholesale, 300,000—400,000 sq. ft.	144.00	108.00	1,000 gross square feet
Retail/wholesale, >400,000 sq. ft.	130.00	97.50	1,000 gross square feet
Basic industry	13.00	9.75	1,000 gross square feet
Utility plants/substation	13.00	9.75	1,000 gross square feet.
Manufacturing	6.00	4.50	1,000 gross square feet

Warehousing/storage	6.00	4.50	1,000 gross square feet
Miniwarehouses	6.00	4.50	1,000 gross square feet
Concentrated assembly, 50+ persons	684.00	513.00	1,000 net square feet
Less concentrated assembly, 50+ persons	320.00	240.00	1,000 net square feet
Assembly, <50 persons, non-office/other	72.00	54.00	1,000 gross square feet

Note: Net usable square footage is based on netting out all nonpublic areas.

~~Schedule 4.; TRANSPORTATION SERVICES IMPACT FEE SCHEDULE
Effective October 1, 2009~~

#	LAND USE	TRIPS PER	IMPACT FEE RATE
1	Light Industrial/Manufacturing	1,000 gsf	\$725.40
2	Storage Facilities	1,000 gsf	\$260.19
3	Single-Family Residential	Dwelling Unit	\$996.00
4	Multifamily Residential (includes condominiums and townhouses)	Dwelling Unit	\$692.10
5	Adult Congregate Living Facility (includes retirement communities)	Dwelling Unit	\$362.18
6	Hotel/Motel	Room	\$928.35
7	Racquetball/Health Club	1,000 gsf	\$3,427.19

8	House of Worship	1,000 gsf	\$948.12
9	Child Care Center	1,000 gsf	\$3,299.59
10	Hospital	1,000 gsf	\$1,717.24
11	Office (nonmedical-related)		
	< 100,000	1,000 gsf	\$1,381.08
	100,000—299,999	1,000 gsf	\$1,176.05
	300,000—499,999	1,000 gsf	\$1,001.20
	500,000—800,00	1,000 gsf	\$895.05
	> 800,000	1,000 gsf	\$852.37
12	Medical Office	1,000 gsf	\$3,760.23
13	General Retail		
	< 50,000	1,000 gsf	\$4,452.02
	50,000—99,999	1,000 gsf	\$3,405.50
	100,000—299,999	1,000 gsf	\$3,744.39
	300,000—499,999	1,000 gsf	\$3,200.76
	500,000—999,999	1,000 gsf	\$2,800.47
	> 1,000,000	1,000 gsf	\$2,421.96
14	Sit-Down Restaurant (no drive-through)	1,000 gsf	\$6,881.23
15	Fast Food Restaurant (with drive-through)	1,000 gsf	\$26,849.52
16	Supermarket	1,000 gsf	\$7,980.47

17	Convenience Market/Gas Station	1,000 gsf	\$27,281.80
18	Pharmacy/Drug Store	1,000 gsf	\$4,312.37
19	Furniture Store	1,000 gsf	\$500.29
20	Bank	1,000 gsf	\$4,625.61
	gsf = gross square feet		

NOTE: Fees are assessed at the rate in effect at the time building permit [is issued]. An alternative impact fee calculation may be submitted for uses not shown on this schedule, pursuant to the provisions outlined in section 25-8 of the City's Code of Ordinances.

SCHEDULE 5 RESERVED ^[2]

- (c) Any developer who, prior to the effective date of this chapter, September 3, 1986, agreed as a condition of development approval to pay impact fees, shall be responsible for the payment of the fees under the terms of such agreement. Any portion of impact fees agreed to be paid pursuant to a prior agreement that are greater than the fees established in this chapter shall be refunded.
- (d) In the event that an applicant for building permit contends that the land use for which the building permit is proposed is not within the above categories or fits within a different category from that determined by the community growth management department, then director of community growth management or his designee shall make a determination as to the appropriate land use designation. Such determination may be appealed to the city commission.
- (e) Where new development involves the redevelopment of land such that existing impact generating development is removed or substantially altered the new development impact fees shall be computed on the additional or new impacts only. Impact fees shall be computed for the existing development and such sum shall then be subtracted from the impact fees calculated for the new development. It being the city's intent to collect impact fees for only that additional impact generated by redevelopment over and above the impact attributable to the existing redevelopment.
- (f) Where sprinkler systems are voluntarily installed in buildings where not otherwise required by this Code, and/or where sprinkler systems are installed in accordance with the provisions of section 6.1.1.5, Land Development Code of the City of Altamonte Springs, a discount of twenty-five (25) per cent to the fire portion of the fire and rescue services impact fees is granted, and is so indicated on schedule 3 of subsection 25-6(b).

Article III. MOBILITY FEES.

Sec. 25-7. - Adoption of mobility fee study.

The City Commission hereby adopts by reference the study entitled, "Mobility Fee, Technical Analysis Study", dated May 2015, as prepared by NUE Urban Concepts, LLC, hereinafter "Mobility Fee Study". The study presents the technical analysis supporting the City of Altamonte Springs Mobility Fees consistent with City Plan 2030. The study is available in the City's Growth Management Department.

Sec. 25-8 - Mobility fee imposed.

- (a) There is hereby imposed upon all impact-generating land development activity as herein defined a mobility fee due at the time of issuance of a building permit, and no building permit shall be issued until said mobility fee shall have been paid except as otherwise herein provided. Mobility fees are assessed at the mobility fee rate in effect at the time the building permit is issued. The fee shall be determined in accordance with the following schedule. If the building permit is for less than the entire contemplated development, the fee shall be computed for the amount of development covered by the permit. The obligations for payment of mobility fees shall run with the land. Mobility fee collections and expenditures shall be accounted for and reported in separate accounting funds, which the finance department shall maintain.
- (b) Any developer, who, prior to the effective date for mobility fees, paid city transportation fees or capacity reservation fees shall have those amounts applied to the balance due for the current mobility fee for a not previously issued building permit.
- (c) Any person who shall initiate any new impact-generating land development activity shall, except as otherwise provided for herein, pay a mobility fee as set forth in the following schedule:

<u>Schedule 4. MOBILITY FEE SCHEDULE</u> <u>Category/Land Use Type</u>	<u>Mobility Fee</u>	<u>Activity Center Mobility Fee</u>	<u>Transit Oriented Area Mobility Fee</u>
<i>Residential Per Dwelling Unit</i>			
Single Family Detached & Duplex	\$996	\$846	\$697
Multi-Family Apartments & Condos	\$692	\$588	\$485
Single Family Attached & Townhomes	\$617	\$524	\$432
Mobile Home	\$530	\$450	\$371
Active Adult / Continuing Care (55+ Age Restricted)	\$335	\$285	\$242
<i>Recreation per 1,000 sf</i>			
Health/Fitness Club per 1000 sf	\$706	\$600	\$494
Recreational Community Center per 1000 sf	\$617	\$524	\$432

<i>Institutional per 1,000 sf</i>			
Private School (K-12)	\$557	\$473	\$390
College , University	\$1,308	\$1,112	\$916
Place of Worship	\$650	\$553	\$455
Day Care Center	\$1,469	\$1,248	\$1,028
<i>Office per 1,000 sf</i>			
Less than 50,000 sf	\$984	\$836	\$689
50,000 sf or Greater	\$1,157	\$984	\$810
<i>Medical Buildings per 1,000 sf</i>			
Medical, Dental Offices	\$2,366	\$2,011	\$1,656
Hospitals	\$1,670	\$1,419	\$1,169
Nursing Home	\$754	\$641	\$528
<i>Industrial Buildings per 1,000 sf</i>			
Warehousing, Manufacturing, Industrial	\$455	\$387	\$319
Mini-Warehousing	\$260	\$221	182
<i>General Commercial Retail per 1,000 sf</i>			
Neighborhood Retail (10,000 sf or less)	\$1,635	\$1,390	\$1,145
Community Retail (greater than 10,000 sf to 100,000 sf)	\$2,450	\$2,083	\$1,715
Regional Retail (greater than 100,000 sf)	\$3,684	\$3,131	\$2,579
Sit Down Restaurant	\$4,005	\$3,404	\$2,893
Restaurant with Drive-Thru	\$6,387	\$5,429	\$4,471
Car Sales	\$3,205	\$2,725	\$2,244
Tire & Auto Repair	\$1,520	\$1,292	\$1,064
<i>Non-Residential per Unit of Measure</i>			
Assisted Living per Room	\$251	\$213	\$175
Hotel per Room	\$899	\$764	\$629
Movie Theater per Seat	\$212	\$180	\$149
Bank/Savings with Drive-Thru per Drive-Thru Lane	\$3,070	\$2,609	\$2,149
Convenience Market & Gas per Fuel Position	\$6,207	\$5,276	\$4,345
Quick Lube Vehicle Service per Bay	\$882	\$749	\$617
Car Wash per manual self-serve Bay	\$2,381	\$2,024	\$1,666

Note: The list of uses in schedule 4 is subject to compliance with permitted uses in the City's Land Development Code.

(d) In the event that an applicant for building permit contends that the land use for which the building permit is proposed is not within the above categories or fits within a different category from that determined by the growth management department, then the director of growth management or his designee shall make a determination as to the appropriate land use designation, using the closest land use category in the Mobility Fee Study. Such determination may be appealed to the city manager.

Sec. 25-9. - Individual calculations of mobility fees

(a) The mobility fee shall be calculated using the land use categories in the Mobility Fee Schedule.

- (b) In the event a project involves a land use not contemplated under the mobility fee land use categories adopted in Schedule 4, the growth management director or designee shall calculate the mobility fee utilizing the closest land use category in the Mobility Fee Study adopted in Sec.25-7.
- (c) In the event of a development project that involves a mixed use project, the growth management director or designee shall calculate the mobility fee based on each separate mobility fee land use category included in the proposed mixed use project.
- (d) The mobility fee will be calculated using the appropriate rate depending on the location of the development within the City. Separate rates apply for development within activity centers and transit oriented areas within the City. The location of activity centers shall be consistent with the adopted Comprehensive Plan. Transit oriented areas are those areas in and around the SunRail station also known as the Economic Development Opportunity (EDO) area or adjacent to other transit oriented areas as defined or depicted in the adopted Comprehensive Plan.
- (e) The mobility fee for outdoor seating for restaurants will be calculated at the appropriate use category of retail, sit-down restaurant, or drive-thru restaurant as identified on Schedule 4 in Sec. 25-8, at a one-third rate of the mobility fee. The method of calculation will be the entire area of the outdoor seating with or without the use of a perimeter railing or other designated enclosure for the outdoor seating area.
- (f) The mobility fee shall apply to building permits issued on or after June 1, 2016.

Sec. 25-10. - Changes of size and use

The mobility fee shall be imposed and calculated for the alteration, expansion or replacement of a building or dwelling unit that results in an increase in person miles of travel. Accessory buildings that do not result in an increase in person miles of travel will be exempt from the fee (e.g. detached garage, sheds, parking structures, covered parking). Additionally, the mobility fee will be imposed for any structure that is altered, expanded or replaced that results in an increase in person miles of travel over the existing land use.

- (a) The mobility fee is calculated on the basis of the person miles of travel generated from the land use. If the PMT increases due to a change in size or use, the fee due shall be the incremental difference resulting from the alteration, expansion or replacement as determined by Schedule 4 Mobility Fee Schedule, less the fee that would be imposed under the applicable rate prior to the alteration, expansion or replacement.
- (b) In the event that there is a change in use that results in a decrease in person miles of travel generated by the previously allowed use, the applicant shall not be entitled to a refund or credit.

Article IV. MISCELLANEOUS PROVISIONS

Sec. 25-7 11. - Alternative impact fee and special impact fee and mobility fee calculations authorized.

In the event an applicant believes that the cost to mitigate the impact of the development of improvements needed to serve his proposed development is less than the fee established in this chapter, the applicant may request consideration of and submit a special impact fee or mobility fee or alternative impact fee or mobility fee calculation request, along with a review fee as determined by the city, and support materials to substantiate the request to the growth management director [or their designee] pursuant to the provisions of this section. If the growth management director or their designee finds that the data, information, assumptions, formulae and methodology used by the applicant to calculate the alternative impact fee or mobility fee or special impact fee or mobility fee satisfy the requirements of this chapter, the alternative impact fee or mobility fee or special impact fee or mobility fee shall be deemed the impact fee or mobility fee due and owing for the proposed development.

Sec. 25-8 12. - Procedure for review of alternative impact fee or mobility fee and special impact fee or mobility fee calculations.

The growth management department is responsible for calculating impact fees and mobility fees in accordance with the provisions of this chapter. If an applicant believes project impacts are lower than justified by the findings of this chapter, or believes the proposed use is incorrectly assigned as identified in the appropriate fee schedule, or that the assumptions that derive the fee are not applicable to a specific proposed use, an adjustment to the fees may be requested with an application and review fee. The adjustment of fees will be reviewed as either an alternative impact fee or mobility fee calculation or a special impact fee or mobility fee calculation, as determined by the growth management director based upon ~~traffic~~ the City's mobility system and/or other infrastructure project impacts. The process for reviewing alternative impact fee or mobility fee requests is listed below in section ~~25-8-4~~ 25-13. The process for special impact fee or mobility fee calculations for minor projects with significantly less impacts is found in section ~~25-8-2~~ 25-14.

Sec. 25-8-4 13. - Alternative impact fee or mobility fee

- (a) The alternative impact fee or mobility fee calculations shall be based on data, information, assumptions, formulae and methodology contained in this chapter and the studies referred to in sections 25-2(f) and 25-45 herein, or independent sources, provided that:
- (1) The independent source is (an) accepted standard source of transportation engineering or planning data or information; or
 - (2) The independent source is a local study carried out by a qualified planner or engineer pursuant to an accepted methodology of planning or engineering;

- (3) Where different data, information, assumptions, formulae or methodology are employed such differences shall be specially identified and justified.
- (b) An alternative impact fee or mobility fee calculation shall be undertaken through the submission of an application for review of an alternative ~~impact-fee~~ or mobility fee calculation for the impact fee component for which an alternative impact fee or mobility fee calculation is requested. A developer shall submit such an application either within sixty (60) days after the issuance of the building permit or as otherwise agreed to in an impact fee or mobility fee agreement. The city may submit such an application for any proposed land development activity for which it concludes the nature, timing or location of the proposed development makes it likely to generate impacts costing substantially more to remedy than the amount of the fee that would be generated by the use of the fee schedules included in this chapter.
- (c) Within twenty (20) days of receipt of an application for review of an alternative ~~impact-fee~~ calculation, the growth management director or his designee, shall determine if the application is complete. If the growth management director or his designee, determines that the application is not complete, he shall send a written statement specifying the deficiencies to the person submitting the application. The application shall be deemed complete if no deficiencies are specified. The growth management director or his designee, shall take no further action on the application until it is deemed complete.
- (d) When the growth management director or his designee, determines the application is complete, he shall review it and render a written decision in thirty (30) days on whether the fee should be modified, and if so, what the amount should be.
- (e) If the growth management director or his designee, finds that the data, information, assumptions, formulae and methodology used by the applicant to compute the alternative impact fee calculation satisfies the requirements of this chapter, the fee determined in the alternative impact fee or mobility fee calculation shall be deemed the fee due and owing for the proposed land development activity. This adjustment in the fee shall be set forth in a fee agreement which shall be entered into pursuant to section 25-159.
- (f) A determination by the growth management director or his designee, that the alternative impact fee or mobility fee calculation does not satisfy the requirements of this section may be appealed to the city commission.
- (g) The applicant shall be responsible for the costs that the city may incur to review the alternative fee data and methodology which may include consultant and legal costs. Payment will be due at time of the request for the alternative calculations.
- (h) An applicant who submits a proposed alternative impact fee or mobility fee pursuant to this section and desires the issuance of a building permit prior to the resolution of the pending alternative impact fee or mobility fee shall pay the applicable fee prior to or at the time said applicant desires the building permit. Said payment shall be deemed paid "under protest" and shall not be construed as a waiver of any rights. Any difference in the amount of fee after the determination of

the pending alternative impact fee or mobility fee shall be refunded to the applicant or owner.

Sec. 25-8.2. 14. - Special impact fee or mobility fee calculation.

An applicant may request a special impact fee or mobility fee calculation for smaller, less intense projects when data and information are presented that substantiates that a project has unique characteristics other than those upon which the impact fee or mobility fee calculation was based. It is the applicant's responsibility to submit adequate justification and support data to substantiate a lower impact to the growth management department director or his designee. The city may review the request and ask for additional information. The applicant is responsible for additional costs that the city may incur to review these special requests, including consultant and legal costs. Payment will be due at the time of request for the determination.

Sec. 25-9. 15.- Presumptions, agreements and security requirements.

- (a) The proposed development shall be presumed to generate the maximum impact generated by the most intensive use permitted under the applicable land development regulations such as the comprehensive plan or zoning regulations or under applicable deed or plat restrictions.
- (b) In lieu of the payment of fees as calculated in sections 25-6, 25-8 or 25-13 of this chapter, any applicant may propose to enter into an impact fee or mobility fee a fee agreement with the city designed to establish just and equitable fees or their equivalent and standards of service appropriate to the circumstances of the specific development proposed. Such an agreement may include, but shall not be limited to, provisions which:
 - (1) Modify the presumption of maximum impact set forth in subsection (a) of this section and provide an impact fee or mobility fee which may differ from that set forth in section 25-6, 25-8 or 25-13 of this chapter by specifying the nature of the proposed development for purposes of computing actual impact, provided that the agreement shall establish legally enforceable means for ensuring that the impact will not exceed the impact generated by the agreed upon development;
 - (2) Permit the construction of specific improvements in lieu of or with a credit against the impact fees or mobility fees assessable and/or pursuant to a payback schedule, allow the developer to recover the actual cost of such improvements in excess of the amount which would have been assessed by this chapter as subsequent users of such improvements obtained building permits and pay impact fees or mobility fees.
 - (3) Permit a schedule and method for payment of the fees in a manner appropriate to the particular circumstances of the proposed development in lieu of the requirements for payment of the fees as set forth in section 25-6 or 25-9, provided that security is posted ensuring payment of the fees, in a form acceptable to the city attorney, which security may be in the form of a

cash bond, surety bond, irrevocable letter of credit, negotiable certificate of deposit or escrow account, or lien or mortgage on lands to be covered by the building permit.

- (c) Any agreement proposed by an applicant pursuant to this subsection shall be presented to and approved by the city commission prior to the issuance of a building permit. Any such agreement may provide for execution by mortgages, lienholders or contract purchasers in addition to the landowner, and may permit any party to record such agreement in the official records of Seminole County. The city commission shall approve such an agreement only if it finds that the agreement will apportion the burden of expenditure for new facilities in a just and equitable manner, consistent with the principles set forth in *Contractors & Buildings Association v. City of Dunedin*, 329 So.2d 314 (Fla. 1976), *Hollywood Inc. v. Broward County*, 431 So.2d 606 (Fla. 4th DCA 1983), cert. denied, 440 So.2d 352 (Fla. 1983), and *Home Builders and Contractors Association of Palm Beach County, Inc., v. Board of County Commissioners of Palm Beach County*, 446 So.2d 140 (Fla. 4th DCA 1984), cert. denied 451 So.2d 848 (Fla. 1984).

Sec. 25-40 16. - Credits.

(a) Credits applicable to both impact fees and mobility fees.

(a)(1) An applicant shall be entitled to a credit against any impact fee or mobility fee assessed pursuant to this chapter in an amount equal to the cost of off-site improvements or contributions of land, money or services for off-site improvements contributed or previously contributed, paid for or committed to by the applicant or his predecessor in interest as a condition of any development permit issued by Altamonte Springs for the same development or for excess capacity created by the applicant or his predecessor in interest where such excess capacity is provided at the request of the city and credit for same is agreed to by the city in advance of the creation of the excess capacity and provided for in an impact fee or mobility fee agreement. The cost of such improvements shall be based on the following criteria:

- (1) (i) The actual cost, or estimated cost of off-site improvements based on recent bid information of Altamonte Springs; and
- (2) (ii) The appraised fair market land value of the contributed parcel as of the date of building permit, agreement to contribute, or contribution, whichever is earlier, as determined by an M.A.I. appraiser selected and paid for by the applicant. In the event the growth management director or his designee disagrees with the appraised value, he may engage another appraiser and the value shall be an amount equal to the average of the two (2) appraisals. No credit should be granted pursuant to this section unless the cost of the improvements were paid for and the contributions made within the last five (5) years.
- (3) (iii) Any credit issued shall take into account as an offset to said credit an amount equal to the impact fee imposed by section 25-6 or

mobility fee imposed by section 25-8 for all building permits issued to date for the same development as if this chapter had been in effect at the time of issuance of said permits.

- (b) (2) Previous development permits or agreements wherein voluntary impact fees or mobility fees were specified and paid or obligated to be paid shall be binding as to any building permit already issued on land subject to the development permit. Improvements required by previous development permits shall not be given a credit unless they meet the requirements of subsection (a) above.
- (c) (3) Credit for contributions, payments, construction or dedications of an impact fee or mobility fee component (i.e., transportation, police, fire, etc.) shall not be transferable to another impact fee or mobility fee component. Credit shall be transferable only within a similar impact fee component (i.e., community and neighborhood parks, response time and ISO equipment) and between projects under the same or substantially the same ownership and ~~only within the existing or adjacent microzone~~ or within the same Activity Center area.
- (d) (4) The credit determination shall be made by the growth management director or his designee upon application and payment of a credit review fee as determined by the city. The applicant is responsible for additional costs that the city may incur to review these credit requests, including consultant and legal costs. The application shall include:
 - (4) (i) A drawing and legal description of the contributed or to be contributed land or improvement.
 - (2) (ii) An appraisal of the contributed or to be contributed land fixing value of the land as of the date of issuance of earliest building permit, actual contribution or agreement to contribute, whichever is earliest.
 - (3) (iii) The actual cost, with appropriate documentation, or projected cost, with appropriate documentation, of any improvement contributed or to be constructed and contributed.
- (e) (5) If the application for credit is approved by the growth management director or his designee, a credit agreement shall be prepared and signed by the applicant and the city. It shall specifically outline the contribution, payment, construction or land dedication, the time by which it shall be completed, dedicated, or paid, and any extensions thereof, and the dollar credit the applicant shall receive for the contribution, payment, construction or land.
- (f) (6) A determination by the growth management director or his designee as to an application for credit may be appealed to the city commission.
- (7) Credit for redevelopment of existing uses shall be based upon the closest applicable land use per the schedules in Sections 25-6 and 25-8. The time frame to use the redevelopment credits is five (5) years from the date of demolition to the date of the subsequent building or development permit.

(b) Mobility fee specific credits.

- (1) Mobility fee specific credits are eligible for active projects that have made a contribution or improvements to transportation facilities beyond the minimum-required mobility performance standards set forth in City Land Development Code, Article II, Concurrency and Mobility Management, Division 4. Site access improvements for turn lanes, traffic signals at project entrances or immediately adjacent improvements are not eligible for any credit. If an additional mobility fee credit remains from the prior eligible transportation contribution, the remaining mobility fee credit shall be applied to the development occurring after the effective date of the mobility fee on a dollar for dollar basis.
- (2) The amount of developer contribution credit to be applied to the mobility fee shall be determined according to the following standards of valuation:

 - (i) The value of conveyed land shall be based upon a written appraisal of fair market value by a qualified and professional appraiser and based upon comparable sales of similar property resulting from an arms-length transaction, if available;
 - (ii) The cost of anticipated construction of off-site improvements shall be based upon cost estimates certified by a professional engineer or registered planner, and such estimate shall be reviewed and approved by the City engineer. The City reserves the right to require the developer to competitively bid in accordance with the City Code, in which case the credit shall be limited to the actual cost or 100 percent of the lowest responsible bid amount, whichever is less. All bidders shall be qualified to construct the off-site improvements; and
 - (iii) Should the cost of the land conveyance and/or construction of the off-site improvements exceed the mobility fee due from the development project then the credit received by the applicant shall be limited to the mobility fee generated by the development project.
- (3) Prior to issuance of a building permit, the applicant shall submit to the Growth Management Director, or designee, a proposed plan for the construction or conveyance of off-site improvements to the multi-modal network. The proposed plan shall include:

 - (i) A designation of the development project for which the plan is being submitted;
 - (ii) A list of contemplated off-site improvements to the multi-modal network;
 - (iii) A legal description of any land proposed to be donated and a written appraisal prepared in conformity with this section;

- (iv) An estimate of proposed construction costs based on detailed unit costs that are less than one year old and sealed by a professional engineer; and
 - (v) A proposed time schedule for completion of the proposed plan.
- (4) Upon receipt of the proposed plan, the Growth Management Director, or designee, shall review the application and the proposed plan to determine if it complies with this division. The Growth Management Director, or designee, shall render a decision 30 days following receipt of the proposed plan to grant or deny the credit. Failure to render a decision within 45 days shall be deemed a denial.
- (5) If the request for credit is denied and the applicant wishes to appeal such denial, the applicant shall file a notice of appeal with the City Manager, within 30 days of the denial. The City Manager shall render a decision within 30 days of the notice of appeal. An applicant may appeal the City Manager's decision to the City Commission by filing a notice of appeal with the Growth Management Department within 30 days of the City Manager's determination. The City Commission shall hear the appeal at the next available meeting. The decision of the City Commission shall be considered final administrative action, and shall be subject to court review based only upon the record established at the hearing before the commission. An applicant shall have 30 days to appeal the City Commission determination to circuit court by writ of certiorari.
- (6) If a proposed plan of conveyance or construction is approved for credit by the Growth Management Director or, upon appeal, by the City Manager or City Commission, the applicant or owner and the City shall enter into a credit agreement which shall provide for the timing of the action to be taken by the applicant and the obligations and responsibilities of the parties, including but not limited to:
- (i) The timing of actions to be taken by the applicant and the obligations and responsibilities of the applicant, including, but not limited to, the construction standards and requirements to be complied with;
 - (ii) The obligations and responsibilities of the City, including, but not limited to, inspection of the project; and
 - (iii) The amount of credit as determined in accordance with subsection (2).
- (7) All construction cost estimates shall be based upon and all construction plans and specifications shall be in conformity with the road construction standards of the City and any other jurisdiction having responsibility for the right-of-way and shall be approved by the City engineer prior to the commencement of construction.

- (8) An applicant who submits a proposed plan pursuant to this section and desires the issuance of a building permit prior to the resolution of the pending credit shall pay the applicable mobility fee prior to or at the time said applicant desires the building permit. Said payment shall be deemed paid "under protest" and shall not be construed as a waiver of any review rights. Any difference in the amount of fee after the determination of the pending credit shall be refunded to the applicant or owner.

Sec. 25.-4417. - Vested rights.

- (a) A developer or successor in interest of land which has received a development permit may petition the city commission for a vested rights determination which would exempt the petitioner from the provisions of this chapter. Such petition shall be evaluated by the city attorney's office and a recommendation thereon submitted to the city commission based on the following criteria:
- (1) There exists a valid, unexpired governmental act authorizing the specific development for which a determination is sought; and
 - (2) Expenditures or obligations made or incurred in reliance upon the authorizing act that are reasonably equivalent to the fees required by this chapter; and
 - (3) That it would be inequitable to deny the petitioner the opportunity to complete the previously approved development under the conditions of approval by requiring the developer to comply with the requirements of this chapter. For the purposes of this paragraph, the following factors shall be considered in determining whether it would be inequitable to deny the petitioner the opportunity to complete the previously approved development:
 - (i) Whether the injury suffered by the petitioner outweighs the public cost of allowing the development to go forward without payment of the fee required by this chapter;
 - (ii) Whether the expenses or obligations were made or incurred subsequent to the imposition of impact fees by the City; and
 - (iii) Whether the operation of this chapter would create an onerous burden which would prevent the petitioner from making a reasonable return on his investment.
- (b) If a previously approved development contained conditions respecting impacts, impact fees and their designated uses, or improvements, the developer, or its successor, may request a modification of such prior approvals in order to bring the approval conditions into consistency with this chapter. Any such modification of prior approvals and amendments to development permits so accomplished shall not be deemed a substantial change under the Altamonte Springs Planned Unit Development Regulations or a substantial deviation under Chapter 380 of the Florida Statutes.

Sec. 2542- 18. - Use of funds collected and return of unused funds.

- (a) The impact fees or mobility fees collected by the city pursuant to this section shall be kept separate from other revenue of the city. The following trust fund accounts are hereby established:
- (1) Police - One (1) general account for citywide assessments and expenditures;
 - ~~(2) Solid waste - One (1) general account for citywide assessments;~~
 - (2) Mobility - One (1) general account for the city-wide mobility fee district for assessments and expenditures.
 - (3) Fire and EMS - Two (2) separate accounts for response time assessments and expenditures in the east and west sectors of the city and one (1) account for an ISO citywide assessment and expenditures;
 - (4) Parks and recreation - Four (4) separate accounts for neighborhood park facilities to be assessed and expended by city quadrant sections and one (1) account for a community park and special facilities citywide assessment and expenditure;
 - (5) Transportation - One (1) citywide account for arterial and collector roadway improvements as outlined in the CIP for citywide assessments and expenditures.
- (b) No impact fees or mobility fees shall be expended on a particular capital improvement pursuant to this chapter unless or until the city commission identifies sources of funds for right-of-way acquisition, construction of improvements or acquisition of capital facilities needed to overcome existing service deficiencies for a particular capital improvement which deficiency is not attributable to new growth and development, so as to ensure that impact fees are not utilized to correct existing deficiencies.
- (c) The funds collected by reason of the establishment of the impact fees or mobility fee in accordance with this chapter shall be used solely for the purpose of acquisition, expansion and development of the capital assets determined to be needed to serve new development to include the payment or repayment of loans the proceeds of which were used solely for the purpose of acquisition, expansion and development of the capital assets determined to be needed to serve new development.
- (d) All funds shall be used exclusively for the capital assets for which they were collected and in a manner consistent with the principles set forth in *Contractors & Builders Association v. City of Dunedin*, 329 So.2d 314 (Fla. 1976), *Hollywood, Inc. v. Broward County*, 431 So.2d 606 (Fla. 4th DCA 1983) cert. denied, 440 So.2d 352 (Fla. 1983), and *Home Builders and Contractors Association of Palm Beach County, Inc. v. Board of County Commissioners of Palm Beach County*, 446 So.2d 140 (Fla. 4th DCA 984), cert. denied, 451 So.2d 848 (Fla. 1984), and otherwise consistent with all requirements of the Constitution of the United States and the

State of Florida and all applicable laws. Said funds shall not be used to maintain or repair any existing facilities or to correct any existing deficiencies.

- (e) Funds withdrawn from these accounts must be used solely in accordance with the provisions of this section. The disbursement of such funds shall require the approval of the city commission upon recommendation of the city manager.
- (f) Any funds on deposit not immediately necessary for expenditure shall be invested in interest-bearing accounts. Funds may be pooled for investment provided all income derived from the fund's assets shall be deposited in the applicable trust account.
- (g) The fees collected pursuant to this chapter shall be returned to the then present owner of the development if the fees have not been encumbered or spent by the end of the calendar quarter immediately following ~~six (6)~~ ten (10) years from the date the fees were received, or if the development for which the fees were paid was never begun., ~~in accordance with the following procedure:~~ For purposes of this section, fees collected shall be deemed to be encumbered or expended on a "first in-first out" basis, i.e. the first money placed in a fee fund shall be deemed to be the first money expended or encumbered. The following procedure will apply for requests for eligible refunds:
 - (1) The then present owner must petition the city commission for the refund within one (1) year following the end of the calendar quarter immediately following ~~six (6)~~ ten (10) years from the date on which the fee was received.
 - (2) The petition must be submitted to the city manager and must contain:
 - (i) A notarized sworn statement that the petitioner is the current owner of the property or his authorized agent;
 - (ii) A copy of the dated receipt issued for payment of the fee or other competent evidence of payment;
 - (iii) A certificate of title or attorney's title opinion showing the petitioner to be the current owner of the property or his authorized agent;
 - (iv) A copy of the most recent ad valorem tax bill;
 - (v) A copy of the building permit or development agreement pursuant to which the impact fees were paid.
 - (3) Within sixty (60) days from the date of receipt of petition for refund, the city manager or his designee shall advise the petitioner and the city commission of the status of the fee requested for refund. For the purposes of determining whether fees have been spent or encumbered, the first money placed in a trust fund account shall be deemed to be the first money taken out of that account when withdrawals have been made in accordance with paragraph (c) above.
 - (4) When the money requested is still in the trust fund account and has not been spent or encumbered by the end of the calendar quarter immediately following ten (10) ~~six (6)~~ years from the date of the fees were paid, the

money shall be returned with interest at the rate of five (5) ~~six (6)~~ percent per annum.

- (5) When a refund is requested because construction was never begun, all development approvals shall have expired and the applicant shall execute an agreement acknowledging the expiration of development approval.
- (6) A request for a refund of impact fees or mobility fees must be made one (1) year from the issuance of the building permit or six (6) months from the expiration of the permit whichever is later only if no development activity has started. The refund amount will be less ten (10) percent of the fees that were ultimately to have been paid, regardless of the amount actually paid. If the applicant does not apply within the time limits stated above, there will be no refund.

Sec. 25-43 19. - Exemptions.

The following shall be exempted from payment of the impact fees or mobility fees to the extent there is no increase in impact associated with the property or use:

- (a) Alterations or minor expansions of an existing structure where the use is not changed.
- (b) The construction of the accessory buildings or structures.
- (c) The replacement of a building or structure with a new building or structure of similar size and use.
- (d) Alteration, expansion or replacement of an existing dwelling unit which does not increase the number of families for which such dwelling unit is arranged, designed or intended to accommodate for the purpose of providing living quarters.
- ~~(d)~~ (e) Development undertaken by the City of Altamonte Springs or Seminole County.
- ~~(e)~~ (f) Seminole County School Board projects.
- ~~(f)~~ (g) State and federal government projects.

Sec. 25-20. Effect on land development regulations.

- (a) The payment of mobility fees does not ensure compliance with the City's land development regulations, including regulations relating to transportation corridor management, access management, substandard roads, secondary access, timing and phasing, and, where applicable, development of regional impact review. However, if such regulations require transportation mitigation for the same impacts addressed through the payment of mobility fees, such regulations shall be deemed to provide for mobility fee credit against mobility fees consistent with state and federal law and this Article.

(b) The listing of a land use in the mobility fee schedule is solely for purposes of establishing the applicable mobility fee for such use, and such listing does not mean that the land use is permitted or available under applicable zoning and comprehensive plan requirements. In addition, the listing of the land use in the mobility fee schedule shall not be considered evidence that the land use is appropriate in any land use classification or zoning district.

Sec. 25-21. Annual report.

The City shall comply with all audit requirements of Florida Statute. The City shall include in its annual Capital Improvements Update an accounting of projects funded by impact fees. The annual budget shall indicate impact fee and mobility fee revenues and expenditures.

Sec. 25-14-22. - Review.

This chapter shall be reviewed by the city commission at least once every ~~two (2)~~ five (5) years unless a more frequent review is determined necessary by the city commission. The review and updates shall consider all factors utilized in the most recent computation of impact fees or mobility fees. However, in the event that a full reevaluation and updates are not complete within the required five (5) year period, the last adopted fee shall remain in effect until the reevaluation is complete. The purpose of this review is to analyze the effects of inflation on the actual costs of capital improvements, and to ensure that the fee charged new land development activity will not exceed its reasonably anticipated expansion costs for capital improvements necessitated solely by its presence.

Sec. 25-23. - Penalty.

Violations of this chapter shall constitute a misdemeanor of the second degree enforceable in accordance with section 1-14 of the City Code. Notwithstanding the criminal penalty provided for herein, the city may obtain an injunction or other legal or equitable relief in the circuit court against any person violating this chapter.

Sec. 25-24. - County West Collector District impact fees.

The Seminole County West Collector Road Impact Fees are hereby adopted and made a component part of the city impact fees imposed by section ~~24-625-6~~ supra. Administration of the West Collector District impact fees shall be conducted by Seminole County pursuant to the terms and provisions of the Seminole County Impact Fee Ordinance; provided, however, that developments having been determined to be vested and, therefore, exempt from the payment of county impact fees, shall pay said West Collector District impact fee unless said development has also been determined to be vested and exempt from the payment of city impact fees.

Seminole County has adopted Ordinance 07-34 that will allow for the sunseting of County road impact fees on December 31 2021. The City will cease collecting or directing

applicants to obtain impact fee statements from the County after this date unless the County takes an action that will cause the County Road Impact Fees to sunset at an earlier date.

Sec. 25-17 25. - Affordable housing.

- (a) *Reduction in impact fees and mobility fees.* Where affordable housing is to be constructed as an infill project in the city, then the developer shall be entitled to a reduction in impact fees or mobility fees up to a maximum reduction of two thousand five hundred dollars (\$2,500.00), upon approval by the city of the application for certification of the project. The reduction shall be applied prorata in proportion to each component of the impact fees upon presentation prior to building permit issuance by the developer to the growth management director of evidence showing that the developer has made payment of an amount up to two thousand five hundred dollars (\$2,500.00) to a qualified nonprofit agency which agency has agreed that it will apply the money only for down payment assistance for persons qualifying as affordable housing candidates, and failing that, that it will pay the money over to the city.
- (b) *Reduction in other development fees.* To the extent that the developer's payment to the qualified nonprofit agency for ~~downpayment~~down payment assistance exceeds the amount of impact fees due to the city for the project, then the developer shall be entitled to a reduction, first, of fees due to the water, sewer and drainage trust fund, and, second, if necessary, of fees due for building permit fees, so that the aggregate reduction of fees is equivalent to the amount of the developer's payment, up to a maximum of two thousand five hundred dollars (\$2,500.00). In no event, shall the developer be entitled to a cash refund from the city.
- (c) *Repayment to city.*
 - (1) In the event the developer payment is not applied for ~~downpayment~~down payment assistance to a person qualifying as an affordable housing candidate, such as where the home is sold to a nonqualified candidate, then the agency is at closing to pay the money over to the city.
 - (2) Further, in the event that, at any time during the next three (3) years following the initial closing, the home is sold to a person who is not a qualified affordable housing candidate or if the home is rented or otherwise not owner-occupied, then a sum equivalent to the city fees reduction granted is, contemporaneously with the occurrence of such event, due to be paid over to the city by the property owner. The developer at closing shall place a notice approved by the city on the title and cause same to be recorded in the Seminole County property records clearly stating this restrictive covenant in favor of the city for the full amount of fees reduction granted. The restriction shall be in effect for three (3) years from the date of closing.

(d) *Definitions.* The following terms in this section shall have the meanings specified herein:

- (1) *Affordable housing* means that the housing is being purchased by an affordable housing candidate whose annual gross household income does not exceed eighty (80) per cent of the median annual income for households within the metropolitan statistical area (MSA)(as of 1994, an annual gross income of thirty-two thousand dollars (\$32,000.00) or less), with a maximum sales price of eighty thousand dollars (\$80,000.00) two and one half (2.5) times the price of the median annual income.
- (2) *Affordable housing candidate* means a person or persons whose annual gross household income does not exceed eighty (80) per cent of the median annual income for households within the MSA and who intend(s) to make primary residence in the affordable housing project.
- (3) *Infill project* means a fee simple single-family residential development project located within the current city boundaries or county enclave surrounded by the city on at least two (2) sides where existing city services and facilities are located within three hundred (300) feet of the property boundaries and does not require off-site infrastructure improvements other than access modification or modifications to off-site drainage systems as part of the plan for development. Single-family residential properties or projects located within activity center boundaries are automatically classified as infill properties.
- (4) *Qualified nonprofit agency* means an organization qualified by the IRS as a 501(c) (3) entity or a not for profit corporation, which receives prior written approval by the city and which agrees to apply developer payments only for ~~downpayment~~ down payment assistance for persons qualifying as affordable housing candidates within the city, or otherwise to pay the money over to the city.

SECTION TWO: Codification in Code. It is the intent of the City Commission that the provisions of this Ordinance shall become and be codified as a part of the City Code of Ordinances and that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions.

SECTION THREE: Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION FOUR: Severability. If any provisions of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the 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 FIVE: Effective Date. This ordinance shall become effective June 1st, 2016.

PASSED AND ADOPTED THIS _____ DAY OF APRIL, 2016.

FIRST READING: _____

ADVERTISED: _____

SECOND READING: _____

PAT BATES, MAYOR
City of Altamonte Springs, Florida

ATTEST:

ERIN O'DONNELL, CITY CLERK

Approved as to form and legality
for use and reliance by the City
of Altamonte Springs, Florida

JAMES A. FOWLER, ESQ.
CITY ATTORNEY



Meeting Date: April 5, 2016

From: _____

Tim Wilson

Tim Wilson, Director of Mobility

Approved: _____

[Signature]

Franklin W. Marshall, City Manager

Official Use Only

Commission Action: _____

City Manager: _____

Date: _____

SUBJECT: Ordinance No. 1692-16 (1st reading) - Land Development Code Amendment to repeal concurrency for transportation and establish a Mobility Management Program.

SUMMARY EXPLANATION & BACKGROUND:

The proposed amendment modifies three articles of the City's Land Development Code by adding a Mobility Management Program in lieu of transportation concurrency. The amendment also revises the concurrency review process for potable water and sanitary sewer.

Article II, "Concurrency Management and Consistency Determination," will be amended and renamed "Concurrency, Mobility Management and Consistency Determination." Article IV "Site Plans" and Article V "Subdivision Regulations" will be amended to implement the revised concurrency process and mobility management program, as well as deleting requirements for fees within transportation concurrency exception areas, and adding a final plan approval schedule for development orders outside or inside activity centers. The effective date of the Ordinance is proposed for June 1, 2016.

At their March 9, 2016 meeting, the Planning Board recommended approval of the proposed amendment to the Land Development Code.

FISCAL INFORMATION: Not applicable

RECOMMENDED ACTION: APPROVE Ordinance No. 1692-16 on first reading, and SET second reading for April 19, 2016.

Initiated by: Tim Wilson, Growth Management

ORDINANCE NO. 1692-16

AN ORDINANCE OF THE CITY OF ALTAMONTE SPRINGS, FLORIDA, AMENDING CHAPTER 28, "LAND DEVELOPMENT CODE," OF THE CITY CODE OF ORDINANCES, BY RENAMING ARTICLE II, "CONCURRENCY MANAGEMENT AND CONSISTENCY DETERMINATION," TO "CONCURRENCY AND MOBILITY MANAGEMENT", RESTRUCTURING THE ARTICLE INTO DIVISIONS, UPDATING THE CONCURRENCY MANAGEMENT PROGRAM TO REPEAL TRANSPORTATION CONCURRENCY, UPDATE THE POTABLE WATER AND SANITARY SEWER AND STORMWATER CONCURRENCY MANAGEMENT SYSTEMS AND EVALUATION PROVISIONS AND REQUIREMENTS, AND EXEMPT SOLID WASTE, PARKS AND RECREATION FROM CONCURRENCY MANAGEMENT EVALUATION; REPEALING THE TRANSPORTATION CONCURRENCY EXCEPTION AREA ("TCEA"), PROPORTIONATE SHARE AND TRANSPORTATION IMPACT FEE PROVISIONS AND ADOPTING AND IMPLEMENTING A MOBILITY MANAGEMENT PROGRAM TO ADDRESS IMPACTS TO MULTI-MODAL SYSTEMS; BY AMENDING ARTICLE IV, "SITE PLANS," TO REFERENCE THE MOBILITY MANAGEMENT SYSTEM AND MOBILITY FEES, REPEAL REFERENCES TO THE TCEA AND TRAFFIC IMPACT ANALYSES, CORRECT SCRIVENER'S ERRORS, CONSOLIDATE THE SITE PLAN REVIEW EXCEPTIONS AS TO WHICH APPLICATIONS REQUIRE PLANNING BOARD APPROVAL, UPDATE SITE PLAN APPROVALS AS TO TIME LIMITS, AND UPDATE SUFFICIENCY REVIEW FROM REQUIRED TO OPTIONAL; BY AMENDING ARTICLE V, "SUBDIVISION REGULATIONS," TO UPDATE TO INCORPORATE MOBILITY MANAGEMENT SYSTEM SUBMITTAL REQUIREMENTS AND REPEAL THE TRAFFIC IMPACT ANALYSIS SUBMITTAL REQUIREMENTS AND UPDATE SUFFICIENCY REVIEW FROM REQUIRED TO OPTIONAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Pursuant to Article VIII, Section (2)(b) of the Florida Constitution and Chapter 166, Florida Statutes, the City of Altamonte Springs has broad home rule powers to adopt ordinances to provide for and operate transportation systems, including roadways, transit facilities, and bicycle/pedestrian facilities within the City; and

WHEREAS, the City is replacing its road impact fee system with a mobility fee system; and

WHEREAS, the road impact fee system is principally focused on vehicular mobility, whereas a mobility fee system takes a comprehensive view on the provision of mobility through walking, biking, transit and motor vehicles; and

WHEREAS, the mobility fee system focuses on person miles of travel, which includes walking, biking, transit and motor vehicular trips generated by new development and redevelopment, and the resulting impact on multimodal capacity and, as such, requires the expenditure of revenue derived under that system to be used on multimodal improvement projects that increase multimodal capacity; and

WHEREAS, in conjunction with the implementation of the mobility fee system, the City Commission has determined that it is advisable to update the City Land Development Code in regard to transportation concurrency and adopt the mobility management system; and

WHEREAS, the mobility fee system includes, but is not limited to, considerations of the impact of person miles of travel generated by new development on multimodal capacity as well as considerations of the impact of new development and redevelopment on overall mobility within the community; and

WHEREAS, Section 163.3180, Florida Statutes, encourages local governments to (1) develop tools and techniques including (a) adoption of long-term strategies to facilitate development patterns that support multi-modal solutions, including urban design, and appropriate land use mixes, including intensity and density, (b) adoption of an area wide level of service not dependent on any single road segment function, and (c) establishing multi-modal level of service standards that rely primarily on non-vehicular modes of

transportation where existing or planned community design will provide adequate level of mobility; and (2) adopt an alternative mobility funding system that uses one or more of the foregoing tools and techniques; and

WHEREAS, the City of Altamonte Springs Comprehensive Plan encourages and supports the development and maintenance of a safe, convenient, efficient transportation system which recognizes present need, reflects the Future Land Use Plan and the plans of adjacent jurisdictions, provides for an affordable balance of alternative transportation modes, and provides for safe, efficient intermodal transportation linkages; and

WHEREAS, it is the intent of the City Commission to implement the goals, objectives, and policies adopted in the City Comprehensive Plan; and

WHEREAS, it is the intent of the City Commission that non-vehicular circulation and mass transit public facilities and services be available concurrent with the impacts of development and that traffic circulation and mass transit public facilities are provided in a manner consistent with the Comprehensive Plan and the mobility management system adopted herein; and

WHEREAS, it is the intent of the City Commission that final development orders and permits be issued in a manner which does not result in a reduction of any levels of service below the adopted level of service standards in the City Comprehensive Plan; and

WHEREAS, it is the intent of the City Commission to adopt a reasonable mobility management system in furtherance of the public benefit while at the same time ensuring that all property owners have a reasonable, beneficial, and economic use of their property and that no property is taken without just compensation; and

WHEREAS, not all development or development activity impacts are significant enough to cause the deterioration of the levels of service adopted in the City Comprehensive Plan. It is therefore further found that development generating less than 20 net new trips will not cause an unacceptable degradation of levels of service and as such remains consistent with the goals, objectives and policies of the City Comprehensive Plan and preserves individual property rights; and

WHEREAS, the City Commission of the City of Altamonte Springs finds it advisable to rename Article II, "Concurrency Management and Consistency Determination," to "Concurrency and Mobility Management," and restructure Article II into Divisions to reflect the adoption of the Mobility Management System in place of transportation concurrency, and the remaining concurrency and general provisions; and

WHEREAS, City Commission of the City of Altamonte Springs finds it advisable to amend Article IV, "Site Plans," to incorporate the Mobility Management System and mobility fees requirements, remove reference to the prior system of transportation concurrency, the Transportation Concurrency Exception Area, and update the site plan and approval process accordingly; and

WHEREAS, City Commission of the City of Altamonte Springs finds it advisable to amend Article V, "Subdivision Regulations," to incorporate the Mobility Management System requirements, remove reference to the prior system of transportation concurrency, and traffic impact analysis, and update the subdivision plan and approval process accordingly; and

WHEREAS, the requirements and standards of this ordinance are necessary for the health, safety and welfare of the citizens of the City of Altamonte Springs and the protection of the environment and natural resources of the City of Altamonte Springs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ALTAMONTE SPRINGS, as follows:

SECTION ONE: City Code of Ordinances, Chapter 28, "Land Development Code," Article II., "Concurrency Management and Consistency Determination," is hereby renamed "Concurrency and Mobility Management," restructured into Divisions as set forth herein, and amended to read as follows:

**ARTICLE II. - CONCURRENCY AND MOBILITY MANAGEMENT AND
CONSISTENCY DETERMINATION**

DIVISION 1. GENERAL PROVISIONS

2.1.1 - Purpose and intent.

~~Pursuant to F.S. § 163.3177(10)(h), public facilities and services needed to support development shall be available concurrent with the impacts of such development. The Florida Administrative Rule implementing this statute, Rule 9J-5.0055, mandates the adoption of concurrency management systems by a local government to ensure that the level of service standards adopted through the comprehensive plan are maintained. Concurrency is a finding that the public facilities and services necessary to support a proposed development are available, or will be made available, concurrent with the impact of development. Pursuant to Florida Statutes, the facilities for which concurrency must be maintained are These public facilities and services include sanitary sewer, solid waste, drainage, potable water, parks and recreation, and public schools and transportation facilities. The concurrency provisions of this article are The concurrency management system in this article is designed to provide a systematic process for the review and evaluation of all proposed development for its impact on the above listed basic public facilities and services in order to meet the requirements of statutory concurrency requirements, comply with the comprehensive plan, and fulfill the city's agreements with the Seminole County School board for school concurrency. The purpose of the proportionate fair-share option is to establish a method whereby the impacts of development on transportation facilities may be mitigated by the cooperative efforts of the public and private sectors, to be known as the proportionate fair-share program, as required by and in a manner consistent with F.S. § 163.3180(16). The Transportation Concurrency Exception Area (TCEA) was created to provide an exemption from transportation concurrency for development to reduce the adverse impact transportation concurrency may have on urban infill development and redevelopment. A proposed development located within the designated TCEA shall not be subject to the requirements of Rule 9J-5.0055(3)(c)1-4., Florida Administrative Code, except as provided in this article.~~

Mobility is the provision of multiple opportunities or choices in travel within and to/from the city through a multi-modal transportation system. Mobility management provides an alternative to traditional transportation concurrency. The mobility management system in this article is designed to provide a systematic process for the review and evaluation of proposed development for its impact on multi-modal transportation systems, facilities and services. The hierarchy of modes as adopted by the city in the

comprehensive plan is walking, bicycling, transit (bus and rail), and private vehicles. The primary focus or overall mobility strategy is on the minimum provision of facilities for all modes and the connectivity based upon the mode hierarchy. Where facilities exist for all modes, the city will prioritize enhancing the quality of the facilities based upon the mode hierarchy.

2.1.2 - Definitions.

As used in this article, the following terms shall have the meanings indicated below:

Adequate access. Intersections serving development traffic operate with movements at a volume to capacity ratio (V/C) of 1.0, or better, based on methodologies described in the most recent edition of the Highway Capacity Manual (HCM) published by the Transportation Research Board. In addition, adequate storage lengths should be provided so that the queues in turning lanes do not block the through lanes.

Applicant. A person who applies to the city for a development order.

Capacity. Capacity refers to the ability or availability of a public service or facility to accommodate users, expressed in an appropriate unit of measure, for example, gallons per day per 1,000 sq.ft. or gallons per day per unit such as gallons per day or peak hour traffic volumes.

Capacity available. Capacity which can be encumbered or reserved by or committed to future users of a public facility or service. For potable water, "capacity" refers to the availability of water in the city's potable water system within the limits of the state issued permits from the St. John's River Water Management District (SJRWMD) and the Florida Department of Environmental Protection (FDEP) and within the limits of the city's ability to pump and store the water for community use. With regard to the sewer system, "capacity" refers to the availability of capacity to treat influent and dispose of effluent in the city's regional water reclamation facility to the levels and volume limits established in the city's FDEP permit.

Capacity encumbered. ~~That e~~ Capacity for a project which is "flagged", "earmarked", or "set aside" for a limited amount of time (while the project is under review).

Capacity reserved. ~~That e~~ Capacity which has dropped off the "capacity available" list and allocated to a particular project.

Certificate of capacity. The determination of sufficient potable water and sanitary sewer capacity document issued by the city indicating the quantity of public facilities that are available and reserved for the property described in the certificate, ~~including any limits~~ based on uses, densities, and intensities of the approved development of the property and containing an expiration date. Certificates of capacity are issued as part of the development order issued by the city.

Concurrency. Concurrency means adequate public facilities that meet the adopted level of service standard are or will be available no later than the impact of development.

Concurrency test. A comparison of the applicant's impact on public facilities to the capacity of public facilities that are, or will be, available no later than the impacts of development.

De minimis. ~~A de minimis impact is one that will not affect more than 0.1 percent of the maximum volume of a facility at the adopted level of service. To qualify, a development may not exceed twice the existing density or intensity of the existing land use. If the land is vacant, the development must be less than one dwelling unit per acre, or a floor area ratio of 0.1 for nonresidential uses.~~

Development. Development has the meaning as set forth in F.S. § 380.04.

Development order. Any order, permit or other official action of the city granting, denying or granting with conditions an application for development.

Development trips. Synonymous with development traffic. The number of P.M. peak hour trips generated by the proposed development based upon the latest edition of the ITE Trip Generation Manual. If the appropriate rate is not provided in the ITE Trip Generation Manual, acceptable transportation planning practices, subject to city approval, shall be used to determine the development traffic. If a proposed development has a higher A.M. peak hour trip generation, the A.M. peak hour trips shall be used. (See also definition of net new development trips.)

Final development order. Final development order means:

- (a) Development order for a development of regional impact (DRI);
- (b) All permits (Group I, and Group II and other);
- (c) Final site plan, including change of use; and
- (d) Combined preliminary/final site plan.

(e) Final plan and plat.

(f) Supplemental plan or similar plan type for utility service outside of city limits.

Final development orders authorize development to proceed.

Group permits. Group permits means:

(a) *Group I* shall mean single-family and duplex residences, new nonresidential ~~/ or~~ multifamily (greater than duplexes), all other new construction, all commercial interiors, site work/infrastructure permit, demolition/house moving, foundation, additions (commercial, multifamily and all other nonresidential), changes of use which increase impacts on public facilities, and any other permits designated by the city from time to time as Group I permits;

(b) *Group II* shall mean arbor, signs ~~/or~~ billboards, trailer signs, fences, sheds, swimming pools/spas, boat docks/ramps, accessory signs, satellite dish, attention getting devices, tent permits, Christmas tree sales, open air sales, open air food sales, mechanical, plumbing, electrical, water meter, fire, single-family residential interior alterations, right-of-way utilization, dredge and fill, underground utility (public right-of-way or in easements), special event, fire sprinkler permit, special permits issued by the city manager or city commission, and any other permits designated by the city from time to time as Group II permits;

(c) ~~"Other" shall mean right-of-way utilization, dredge and fill, underground utility (public right-of-way or in easements), special event, fire sprinkler permit, special permits issued by the city manager or city commission, and any other permits designated by the city from time to time as "other" permits.~~

Level of service standard. The number of units of capacity per unit of demand adopted by the city in the comprehensive plan.

Level of service review. A review of capacity for potable water, sanitary sewer, solid waste, stormwater drainage, and parks and recreation.

Mobility. The provision of multiple opportunities or choices in transportation modes for travel within and to/from the city through a multi-modal transportation system. The hierarchy of modes as adopted by the city in the comprehensive plan is walking, bicycling, transit (bus and rail), and private vehicles.

Mobility management program. The procedures and processes utilized by the city to assure that the necessary hierarchy of transportation multi-modal facilities to support a proposed development are available contemporaneously with the impacts of the development, and consistent with the city's comprehensive plan.

Net new development trips. Total P.M. peak hour trips for the proposed development less total P.M. peak hour trips for the existing development.

One-year payment level. The capacity reservation fee as set for a reservation time period of one year as illustrated in Table 2.

Preliminary development order. Granting of approval to move on to the next step in the process. With issuance of a preliminary development order there is no authorization to proceed with development unless other final development order approvals are obtained.

Public facilities. Public facilities means roads and streets, potable water, sanitary sewer, solid waste, drainage, public parks, public schools and mass transit. Not all public facilities are subject to a concurrency level of service review.

RBC. Regional business center.

Redevelopment credit. In a redevelopment project, the credit for the existing development trips.

Transportation concurrency exception area (TCEA). An area delineated within the city's adopted comprehensive plan where development is exempt from standard transportation concurrency requirements.

V/C ratio. Volume to Capacity (V/C) ratio is the traffic volume divided by the capacity of the roadway or intersection.

Vested. Having the right to develop or continue development notwithstanding the comprehensive plan.

2.1.3 - Preliminary and final development orders.

Development orders (D.O.) and development permits are designated preliminary or final under the development review process, as delineated below. Utility concurrency review requirements are addressed in division 3. Mobility solutions analysis requirements are addressed in division 4. Development order expiration periods are as provided in this code.

Type I. Preliminary development orders.

<u>Type of Development Order</u>	<u>Utility Concurrency Review</u>	<u>Mobility Solutions Analysis</u>	<u>D.O Expiration Period</u>
<u>Variance</u>	<u>None</u>	<u>None</u>	<u>1 year</u>
<u>Development waiver</u>	<u>None</u>	<u>None</u>	<u>1 year</u>
<u>Abandonment</u>	<u>None</u>	<u>None</u>	<u>N/A</u>

Type II. Preliminary development orders.

<u>Type of Development Order</u>	<u>Utility Concurrency Review</u>	<u>Mobility Solutions Analysis*</u>	<u>D.O Expiration Period</u>
<u>Comprehensive plan amendment</u>	<u>City internal review</u>	<u>Level 1</u>	<u>N/A</u>
<u>Rezoning</u>	<u>City internal review</u>	<u>Level 1</u>	<u>N/A</u>

Type III. Preliminary development orders.

<u>Type of Development Order</u>	<u>Utility Concurrency Review</u>	<u>Mobility Solutions Analysis*</u>	<u>D.O Expiration Period</u>
<u>Conditional use</u>	<u>City internal review</u>	<u>Level 1</u>	<u>1 year</u>
<u>Master land use plan</u>	<u>Calculation tables on plan</u>	<u>Level 1</u>	<u>1 year</u>
<u>Preliminary site plan</u>	<u>Calculation tables on plan</u>	<u>Level 2</u>	<u>1 year</u>
<u>Preliminary subdivision development plan and plat</u>	<u>Calculation tables on plan</u>	<u>Level 2</u>	<u>1 year</u>

Type IV. Final development orders.

<u>Type of Development Order</u>	<u>Utility Concurrency Review</u>	<u>Mobility Solutions Analysis*</u>	<u>D.O Expiration Period</u>
<u>Development of regional impact</u>	<u>As specified in D.O.</u>	<u>As specified in D.O.</u>	<u>As specified in D.O.</u>
<u>Final site plan – outside activity centers</u>	<u>Calculation tables on plan</u>	<u>Level 2</u>	<u>1 year</u>
<u>Final site plan – inside activity centers</u>	<u>Calculation tables on plan</u>	<u>Level 2</u>	<u>2 years</u>
<u>Final subdivision development plan and plat</u>	<u>Calculation tables on plan</u>	<u>Level 2</u>	<u>N/A</u>
<u>All permits (Group I, Group II)</u>	<u>As per final site plan</u>	<u>As per final site plan</u>	<u>6 months</u>

*Multi-modal solutions study required for projects exceeding 20 net new peak hour trips. Refer to division 4 of this article.

(1) Preliminary development orders.

a. — Applicants seeking the following preliminary development orders do not submit a concurrency test and cannot reserve capacity:

1. — Variance;
2. — Development waiver;
3. — Abandonment.

~~b. — The city will conduct an internal concurrency test for applicants seeking the following preliminary development orders:~~

- ~~1. — Comprehensive plan amendment;~~
- ~~2. — Rezoning.~~

~~Capacity will be encumbered for the duration of the approval process for comprehensive plan amendments and rezoning. Applicants will have 90 calendar days to submit a complete development plan with a concurrency test for preliminary plan approval or the capacity encumbered for plan amendments and rezonings will be released.~~

~~c. — Applicants for the following preliminary development orders must submit a complete application for a concurrency test and if the test is passed the applicant will receive capacity reservation for one year from the date of preliminary plan approval at no additional cost to the applicant.~~

- ~~1. — Preliminary site plan/plat;~~
- ~~2. — Preliminary subdivision plan/plat;~~
- ~~3. — Master land use plan.~~

~~d. — In no event will capacity reserved for preliminary development orders be transferred or applied to the capacity reservation for final development orders.~~

~~e. — Extension for preliminary development order capacity reservation. Applicants seeking an extension for a preliminary development order must request the extension in writing and submit all required applications. If capacity is available and the extension is approved by the planning board then the applicant must pay a capacity reservation fee equal to the first term payment level (see Table 2), to receive an extension good for one year from the expiration date of the original preliminary development order. In no event shall the capacity reservation fees paid for preliminary development orders be refundable or creditable toward other fees. No more than one extension will be granted for each preliminary approval.~~

~~f. — Re-approval of preliminary development orders. Applicants may submit an application for the re-approval of their preliminary plan~~

~~which will be treated as a new submittal and subject to all the requirements, policies and procedures existing at the time it is submitted (to include a concurrency test application). To qualify, the applicant must have exhausted all options as described in section 2.1.3(1)e. Such applications are not guaranteed approval.~~

~~(2) — Final development orders.~~

~~a. — Each applicant seeking one of the following final development orders, except as provided in section 2.1.8, shall be in possession of an unexpired preliminary development order, or if otherwise applicable, submit a complete concurrency test:~~

- ~~1. — DRI.~~
- ~~2. — All permits (Group I, Group II and other).~~
- ~~3. — Final site plan/plat.~~
- ~~4. — Final subdivision plan/ plat.~~

~~Applicants who receive approved final development orders shall within 90 calendar days of approval, pull all applicable building permits or pay the appropriate concurrency reservation fees in order to receive a certificate of capacity (see Table 2). If all building permits are not pulled or the capacity reservation fees are not paid within 90 calendar days of approval, then the final development order is null and void.~~

~~b. — Extensions for final development orders. Applicants seeking extensions for final development orders must request the extension in writing and submit all required applications. Requests for extensions will require that plans be revised to conform to all current building and development code requirements. If the development order has not expired and the extension is approved by the development review committee the applicant must pay the applicable capacity reservation fee to receive an additional term of capacity reservation (see Table 2)~~

~~c. — Extensions for final development orders for projects located in the RBC. Only one six-month extension can be approved by the development review committee for projects located in the RBC. Final development orders for projects that have not pulled all building permits and begun development within two years and six months inclusive of one extension, or for which building permits have expired are null and void.~~

~~Projects located in the RBC which will require more than two years to complete from the approval of the final development order must enter into a capacity reservation agreement concurrent with the approval of the preliminary development order.~~

~~d. Re-approval of final development orders. Applicants may submit an application for the re-approval of projects determined to be null and void. Projects determined to be null and void have no development rights, and to continue must get the entire plan re-approved subject to all requirements and procedures existing at the time of re-approval.~~

~~e. Expiration of capacity reservation. Should the applicant not receive all building permits or get an approved extension prior to the expiration of any capacity reservation term as described in Table 2, then the approval for the project is null and void.~~

~~Capacity reservation fees are not refundable. Capacity reservation fees paid for projects which are null and void shall be deemed to have been earned despite the fact that the applicant may not utilize the reserved capacity.~~

DIVISION 2. CONCURRENCY MANAGEMENT SYSTEM

2.1.4 2.2.1 Concurrency test requirements.

The city shall determine, prior to the issuance of development orders, whether or not there is sufficient capacity of certain public facilities to meet the standards for level of service for existing development and the impacts of proposed development concurrent with the proposed development. No final development order shall be issued by the city unless a determination that sufficient capacity exists has been made.

2.2.2 Potable water and sanitary sewer concurrency.

2.2.2.1 Concurrency test.

~~(1a) Test submittal requirement.~~ The city shall perform a concurrency test for each development application, except as provided in

section 2.1.6, 2.2.2.4, for potable water and sanitary sewer capacity for the following types of development applications:

(1) Preliminary development orders:

- a. Preliminary site plan.
- b. Preliminary development plan and plat.
- c. PUD master land use plan.

(2) Final development orders:

- a. Final site plan, including change of use.
- b. Combined preliminary/final site plan.
- c. Final development plan and plat.
- d. Supplemental plan or similar plan type for utility service outside of the city limits.
- e. Permits (Group I and Group II).

The ~~growth management~~ public works department shall be responsible for conducting all concurrency tests as required by this ~~article~~ division. Concurrency tests shall be ~~initiated upon receipt of a concurrency test form provided by the city, accompanied by the appropriate application fee performed as part of the development application review process.~~

~~(2b) Time frame for test Test application submittal. A completed concurrency test application must be submitted a minimum of five working days but not more than 60 days prior to preliminary plan submittal. Development plans will not be accepted without the submittal of a complete concurrency test. Applicants shall submit for concurrency tests by providing, on the underlying development plans, fully completed potable water and sanitary sewer capacity calculation tables for the existing uses and proposed uses, in a format as provided by the city. Development applications will not be accepted that do not include the fully completed tables.~~

~~(3c) Test application review. Each concurrency test application will be reviewed on a first-come, first-served basis as part of the underlying development plan application plan review. As each application is reviewed, capacity that is available will be encumbered (i.e., "temporarily set-aside") until the final disposition of the development application. If the application is~~

denied or expires, the temporarily set-aside capacity returns to the pool of available capacity.

- (4d) *Projects using non-city services and facilities.* For development that requires one or more public facilities providers other than the city, ~~such as public schools~~, the city shall condition the issuance of any final development order for the same parcel on the availability of such public facilities. The city may enter into an agreement with each public or private entity that provides public facilities in the city to establish a responsibility to the city and the provider of public facilities in providing data for, or conducting a concurrency test.
- (5e) *Passing the test.* If the available capacity of public facilities is equal to or greater than the project's needed capacity (e.g., the capacity required to maintain the level of service standard for the impact of the development), the concurrency test is passed and capacity is encumbered while the underlying development project application is under review.
- (6f) *Failing the test.* If the available capacity of public facilities is less than the project's needed capacity (e.g., the capacity required to maintain the level of service standard for the impact of the development), the concurrency test is failed and the applicant shall select one of the following options:
- a.(1) Accept a 15-calendar day encumbrance of available public facilities, and within the same 15-day period, amend the application to balance it with available capacity; or
 - b.(2) Accept a 30-calendar day encumbrance of available public facilities, and within the same 30-day period, arrange to provide the public facilities needed for the project that are not otherwise available; or
 - c.(3) Reapply after six months following the denial of a concurrency application; or
 - d.(4) Appeal the denial of the concurrency application, pursuant to the provisions of section ~~2.1.12~~ 2.2.2.5.

- (7g) *Test abandonment.* If no option under subsection (f)-(6) above, is exercised by the applicant, then the concurrency application shall be deemed abandoned and all rights to review a reservation shall be waived. Once a concurrency test is passed, if the underlying development application expires before the issuance of a development order the concurrency application shall also expire and any capacity reservation shall end, and no development order shall be issued.

2.2.2.2 Concurrency approval.

- (a) *Capacity reservation.* Upon city approval of the underlying development project application and issuance of the either a preliminary development order or final development order, capacity shall become reserved. The determination that such capacity is available shall apply only to specific uses, densities and intensities included in the development plan. 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 city.
- (b) *Certificate of capacity.* The final development order shall serve as the certificate of capacity. The underlying development plan will specifically identify any necessary off-site infrastructure or facility improvements that are needed to support the project, whether or not the needed facility is public or private. Each applicant seeking a development permit shall be in possession of an unexpired final development order containing a certificate of capacity, unless the permit type is exempted from concurrency by this division.
- (c) *Capacity reservation timeframe.* The determination that such capacity is available shall be valid for a period of time determined as follows:
- (1) For the same period of time as the underlying development order, including any extension of the underlying development order. The validity of the determination of capacity shall be extended with extensions to the development order, or extended from preliminary development orders to subsequent final development orders

for the project, provided that each extension or subsequent development order is obtained prior to the expiration of the preceding development order. Extensions shall be pursuant to the requirements contained in article IV, site plans.

- (2) If the underlying development order does not have an expiration date, the capacity shall be valid for a period not to exceed one year. The city and the applicant may designate a different time period for the capacity determination to be valid, provided that the period of time is explicitly set forth in a binding developer's agreement.
- (d) Expiration of capacity reservation. Should the development order expire or the applicant not receive all building permits prior to the expiration of the development order, the capacity reservation shall be null and void for the unbuilt portions of the project.
- (e) Re-approval of capacity reservation. Applicants may submit an application for the re-approval of projects determined to be null and void. Projects determined to be null and void have no development rights, and must get the entire plan re-approved, including concurrency review and approval, subject to all requirements and procedures existing at the time of re-approval.

2.2.2.3 Potable water and sanitary sewer capacity.

- (a) Capacity accounts. Capacity accounts for potable water and sanitary sewer will be established to allow capacity to be transferred to various categories in the application process.
- (b) Potable water and sanitary sewer plant capacity analysis by city. In performing the concurrency evaluation for potable water and sanitary sewer, the city shall determine whether a proposed development can be accommodated within the existing or planned capacity of the city's potable water plants and city's regional water reclamation facility. In determining available capacity, an estimate of the capacity required by the proposed project shall be established through the information provided to the city on calculation tables contained on the underlying development plan

that calculate the proposed potable water and sanitary sewer flows.

(c) Potable water and sanitary sewer calculations.

- (1) Potable water and sanitary sewer facilities serve the entire city and shall achieve and maintain the adopted level of standard on a city-wide basis. No development order shall be issued in any part of the city if the level of service standards are not achieved and maintained throughout the city.
- (2) For purposes of level of service, capacity for potable water and sanitary sewer shall be calculated by land use in accordance with the comprehensive plan level of service standards as summarized in the following table:

Table 2.1
Capacity for Water and Sewer

<u>Land Uses</u>	<u>Average Daily Flow</u>
<u>Commercial</u>	<u>175 GPD per 1,000 sq. ft.</u>
<u>Office</u>	<u>150 GPD per 1,000 sq. ft.</u>
<u>Industrial</u>	<u>25 GPD per 1,000 sq. ft.</u>
<u>Hotel/Motel</u>	<u>175 GPD per room</u>
<u>Single Family Residential</u>	<u>300 GPD per unit</u>
<u>Multifamily Residential</u>	<u>135 GPD per unit</u>
<u>Public Education Facilities</u>	<u>15 GPD per student and instructor</u>

- (3) Since restaurants require additional water capacity they are considered a specialty use and shall be calculated in accordance with the following table:

Table 2.2
Capacity for Food Service Specialty Use

<u>Specialty Use – Food Service</u>	<u>Average Daily Flow</u>
<u>Restaurant – using reusable service articles and operating 16 hours or less per day</u>	<u>40 GPD per seat</u>
<u>Restaurant – using reusable service articles and operating more than 16 hours per day</u>	<u>60 GPD per seat</u>
<u>Restaurant - using single service articles only and operating 16 hours or less per day</u>	<u>20 GPD per seat</u>
<u>Restaurant – using single service articles only and operating more than 16 hours per day</u>	<u>35 GPD per seat</u>
<u>Bar and cocktail lounge (add per pool table or video game)</u>	<u>20 GPD per seat (15 GPD per table or game)</u>
<u>Drive-in restaurant</u>	<u>50 GPD per car space</u>
<u>Carry out only, including caterers:</u> <u>1. floor space calculation</u> <u>±</u> <u>2. employee calculation</u>	<u>1.50 GPD per 100 sq. ft.</u> <u>±</u> <u>8 GPD per employee per 8 hour shift</u>

- (4) Uses not covered by land use or specialty use calculations, as indicated above, shall be evaluated on an individual basis, as needed.
- (5) For potable water, the city shall determine if the capacity from the city’s potable water plants, less the capacity which is encumbered or reserved, can be provided under the existing or planned plant capacities and pumping abilities as well as permitted limits established by state issued consumptive use permits (CUPs) for water withdrawal from the Floridan Aquifer.

(6) For sanitary sewer, the city shall determine if the capacity from the city's regional water reclamation facility, less the capacity which is encumbered or reserved, can be provided while remaining within the state issued Florida department of environmental protection (FDEP) permit limits or existing sewer capacity in the city's regional water reclamation facility.

(7) In no event shall the city determine concurrency for a greater amount of potable water or sanitary sewer capacity than is needed for the development proposed in the concurrency application.

(d) Capacity or availability restrictions.

(1) Force majeure. The factors affecting available potable water or sanitary sewer capacity or availability may, in some instances, lie outside of the city's control. The city's adoption of this division relating to the manner in which the city will make its best attempt to allocate water or sewer capacity or availability does not create a duty in the city to provide water or sewer service to the public or to any individual regardless of whether a water or sewer certificate of capacity has been issued. Certificates of capacity issued by the city shall not be a guarantee that water and/or sewer will be available to serve the proposed project. Capacity is allocated and guaranteed to a project with all of the following:

- a. A city building permit has been issued;
- b. All utility connection fees for the project have been paid; and
- c. All regulatory permits applicable to the project pertaining to potable water and sanitary sewer extensions and service have been obtained.

(2) Local system upgrades and improvements. Nothing pertaining to the level of service review or adequate capacity process shall be construed as an exemption to a project from

making local main line extensions, upgrades, or other system improvements as required to meet the needs of the project which are typically identified through the development review committee plan review process.

- (e) Transfer of reserved capacity. Reserved potable water or sanitary sewer capacity shall not be sold or transferred to property not included in the legal description provided by the applicant in the development application used for the concurrency test. The applicant may, as part of a development permit application, designate the amount of capacity to be allocated to portions of the property, such as lots, blocks, parcels or tracts included in the application. Capacity may be reassigned or allocated within the boundaries of the original reservation by application to the city. At no time may capacity be sold or transferred to another party or entity to real property not described in the original application.
- (f) Use of reserved capacity. When a valid building permit is issued for a project possessing a certificate of capacity, the certificate of capacity shall continue to reserve the capacity unless the building permit lapses or expires without the issuance of a certificate of occupancy. Once the proposed development is constructed and an occupancy permit is issued, the capacity is considered used. In the event of a phased project with multiple building permits, capacity shall be considered used as an occupancy permit is issued for each phase. Under no circumstances shall capacity remain reserved longer than the final development order and approval issued to the project.

2.2.2.4 Exemptions from concurrency test.

- (a) The following development orders and permits are exempt from a city concurrency test, and may commence development without applying for concurrency review:
- (1) Single-family and duplex residences on lots which were platted prior to October 1, 1992.
 - (2) Any addition to a residence.
 - (3) Accessory structure to a residence.

- (4) Attached or detached guest house to a residence.
- (5) Interior completion of a shell-only structure for uses with same or less intensity as identified on an approved site plan.
- (6) Interior renovations or alterations with equal or less impact on public facilities.
- (7) Change of use(s) which is determined by the city to cause less impacts on public facilities than the existing use.
- (8) Business tax receipt approvals for a change in tenant space similar to the previous business tenant in that space with equal or less impact on public facilities.
- (9) Replacement structure for the same use and capacity except for a nonconforming use in accordance with land development code provisions on nonconforming uses.
- (10) Storage addition to a nonresidential use.
- (11) Public utility and service structures.
- (12) Accessory use to an existing use or structure which is determined by the city to cause no added impacts on public facilities.
- (13) Accessory parking for passenger vehicles when intended for a permitted adjacent commercial use.
- (14) All Group II permits.
- (15) Temporary construction trailers.
- (16) Wells and septic tanks.
- (17) Driveway or resurfacing, parking lot paving and similar paving projects (i.e., loading docks).
- (18) Reroofing of structures.
- (19) Demolitions.

(20) Minor plats that do not increase density or intensity.

(2) In order to monitor the cumulative effect on public facility capacity, an internal concurrency test shall be performed by the city for development that is determined to be vested. Such projects will be able to continue in the development review process regardless of the results of their concurrency test.

2.2.2.5 Appeals.

(a) An applicant may appeal a failed concurrency test on three grounds:

(1) A technical error.

(2) The applicant provided alternative data or mitigation plan that was rejected by the city.

(3) Unwarranted delay in review that allowed capacity to be given to another applicant.

(b) The appeal of failed concurrency test shall be requested in writing within 15 calendar days of the date of failed concurrency test to the city engineer. A recommendation will be formulated by the city engineer with regard to the appeal and transmitted to the city manager within 30 calendar days of the receipt of request for appeal. A final decision will be made by the city manager within 15 calendar days upon receipt of the staff recommendation. Appeal of a failed concurrency test by the city manager shall be made by filing proceedings in the Circuit Court of Seminole County, Florida, within 30 calendar days of the denial by the city manager.

(c) If an applicant is denied a development order on concurrency grounds, they may not resubmit the same, or similar, application for a period of six months from the date the application was denied, or during the pendency of any appeal or court review of the city manager's decision as set forth above. If the applicant makes material or significant reductions to the densities and intensities of use in the application, it may be resubmitted at any time.

2.2.4 Solid waste adequate capacity.

The city's concurrency management system does not require an evaluation of solid waste at the individual project level. Commercial properties are required to contract with a city approved franchise hauler for waste and recycling collection and disposal.

2.2.5 Stormwater adequate capacity.

Except as otherwise provided by city code, Stormwater concurrency is addressed by the requirement that the project meet city requirements for pre-development versus post development stormwater runoff volumes.

2.2.6 Parks and recreation adequate capacity.

The city's concurrency management system does not require an evaluation of parks and recreation at the individual project level.

2.2.7 Level of service standards for required services and facilities.

The adopted level of service standards for those public facilities for which concurrency is required shall be as established in the capital improvement element of the city's comprehensive plan.

DIVISION 3. SCHOOL CONCURRENCY

2.1.5-2.3.1 School concurrency process.

(1a) General provisions. As of 2008 public schools became a part of concurrency as designated in F.S. § 163.3180. The city does not operate public schools and an agreement was entered into with the Seminole County School Board whereby the city shall rely upon the Seminole County School Board to determine school concurrency. School concurrency shall follow the process outlined below:

- a.(1) No site plan, final subdivision, or functional equivalent for new residential development shall be approved by the city, unless the residential development is exempt from these requirements as provided in subsection c. below, or until a school capacity availability letter determination (SCALD) has

been issued by the school board to the local government indicating that adequate school facilities exist.

- ~~b.~~(2) The city may condition the approval of the residential development to ensure that necessary school facilities are in place. This shall not limit the authority of a local government to deny a site plan, final subdivision or its functional equivalent, pursuant to its home rule regulatory powers.
- ~~e.~~(3) The following residential uses shall be considered exempt from the requirements of school concurrency:
 - ~~1~~a. All residential lots of record at the time the school concurrency implementing ordinance becomes effective.
 - ~~2~~b. Any new residential development that has a site plan approval, final subdivision or the functional equivalent for a site specific development approval prior to the commencement date of the school concurrency program.
 - ~~3~~c. Any amendment to any previously approved residential development, which does not increase the number of dwelling units or change the type of dwelling units (single-family, multifamily, etc.).
 - ~~4~~d. Any age-restricted community with no permanent residents under the age of 18. An age-restricted community shall be subject to a restrictive covenant on all residential units limiting the age of permanent residents to 18 years and older.
- ~~e.~~(4) Upon request to the school board by a developer submitting a land development application with a residential component, the school board shall issue a determination as to whether or not a development, lot or unit is exempt from the requirements of school concurrency and submit a copy of the determination to the city within ten days.

(2b) *School concurrency application review.*

a.(1) Any developer submitting a development permit application (such as site plan or final subdivision) with a residential component that is not exempt under subsection (1)(c) (a)(3) above, is subject to school concurrency and shall prepare and submit a school impact analysis (SIA) to the Seminole County School Board for review.

b.(2) The SIA shall indicate the location of the development, the number of dwelling units by unit type (single-family detached, single-family attached, multifamily, apartments), a phasing schedule (if applicable), and age restrictions for occupancy (if any). The school board concurrency test shall follow the following steps:

1a. *Test submittal.* The developer shall submit a SIA to the school board with a copy to the city. The completed SIA must be submitted a minimum of five working days but not more than 30 days prior to development application submittal to the city. The school board shall perform a sufficiency review on the SIA application. An incomplete SIA application will be returned to the owner/developer without processing. The school board will have 20 working days to determine sufficiency and complete the test review. The school board may charge the applicant a nonrefundable application fee payable to the school board to meet the cost of review in accordance with Florida Statutes.

2b. *Test review.* Each SIA application will be reviewed in the order in which it is received by the school board.

3c. *Passing the test.* If the available capacity of public schools for each type within the CSA [or contiguous CSAs as provided for below] containing the proposed project is equal to or greater than the proposed project's needed capacity, the concurrency test is passed. The school board will issue a school capacity availability letter of determination (SCALD) identifying

the school capacity available to serve the proposed project and that said capacity has been encumbered for the proposed project for a period of one year.

~~4~~d. *Failing the test.* If the available capacity of public schools for any type within the CSA (or contiguous CSAs) containing the proposed project is less than the proposed project's needed capacity, the concurrency test is failed. The school board will issue a school capacity availability letter of determination (SCALD) and inform the developer. If capacity is not available the school board will advise the developer of the following options:

~~a~~1. Accept a 30-day encumbrance of available school capacity, and within the same 30-day period, amend the development application to balance it with the available capacity; or

~~b~~2. Accept a 60-day encumbrance of available school capacity, and within the same 60-day period, negotiate with the school board and the city on a proportionate share mitigation plan; or

~~c~~3. Appeal the results of the failed test pursuant to the provisions in subsection (5) below; or

~~d~~4. Withdraw the SIA application.

~~5~~e. *Test abandonment.* If no option under subsection ~~(2)~~b~~4~~. (b)(2)d. above, is exercised by the developer within 45 days, then the application shall be deemed abandoned.

~~(3c)~~ School concurrency approval. Issuance of a SCALD by the school board identifying that adequate capacity exists indicates only that school facilities are currently available, and capacity for the proposed development has been encumbered. Capacity will not be reserved until the city issues a development approval.

~~a~~(1) A local government shall not issue a development approval for a residential development until receiving confirmation of

available school capacity in the form of a SCALD from the school board. The development approval shall include a reference to the findings of the SCALD indicating that the project meets school concurrency.

b. ~~(2)~~ (2) The city shall notify the school board within ten working days of any official change in the validity (status) of a development approval for a residential development.

c. ~~(3)~~ (3) The city shall not issue a building permit or its functional equivalent for a nonexempt residential development until receiving confirmation of available school capacity from the school board in the form of a SCALD. Once the local government has issued a final development approval, school concurrency for the residential development shall be valid for the life of the final development approval.

(4-d) *Reserved capacity.* School capacity will be reserved when there is a final disposition of the development application by the city. If the city approves the development application by means of a development approval, or its equivalent, the school board shall move the school capacity from encumbered status to reserved status for the proposed project. When the city issues a development approval for a residential project it shall notify the school board within ten working days. The duration for which capacity is reserved shall be subject to the city's Land Development Code, but shall not exceed two years from the date of approval or the issuance of a building permit, whichever comes first. If the building permit once issued expires under the development regulations of the city, the project will lose its reserved capacity. Should a development approval for a residential development expire, the city shall notify the school board.

(5e) *Appeal process.* A person substantially affected by a school board's adequate capacity determination made as a part of the school concurrency process may appeal such determination through the process provided in F.S. Ch. 120.

~~2.1.6 - Proportionate fair-share transportation mitigation program.~~

~~(1) - General requirements.~~

- a. ~~The proportionate fair-share (PFS) transportation mitigation program shall only apply to developments in Altamonte Springs that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the city concurrency management system (CMS), including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for concurrency determinations.~~
- b. ~~An applicant may choose to satisfy the transportation concurrency requirements of the city by making a proportionate fair-share contribution, pursuant to the following requirements:~~
 1. ~~A determination by the city that the proposed development is consistent with the comprehensive plan and applicable land development regulations; and~~
 2. ~~A determination by the city that the five-year schedule of capital improvements in the city capital improvement element (CIE) or county capital improvement program (CIP) or FDOT work program includes a transportation improvement(s) that, upon completion, will satisfy the requirements of the city transportation CMS. The provisions of subsection 2.1.6(1)c. may apply, at the discretion of the city, if a project or projects needed to satisfy concurrency are not presently contained within the city CIE, county CIP or FDOT work program.~~
- c. ~~The city may choose to allow an applicant to satisfy transportation concurrency through the proportionate fair-share program by contributing to an improvement that, upon completion, will satisfy the requirements of the city transportation CMS, but is not contained in the five-year schedule of capital improvements in the city CIE, county CIP or FDOT work program where one of the following applies:~~
 1. ~~The city adopts, by resolution or otherwise, a commitment to add the improvement to the five-year schedule of capital improvements in the CIE no later than the next regularly scheduled update. To qualify~~

~~for consideration under this section, the proposed improvement must be reviewed by the city engineer or his designee and be determined to be financially feasible, to be consistent with the comprehensive plan, and to be in compliance with the provisions of this Code.~~

- ~~2. The county adopts, by resolution or otherwise, a commitment to add the improvement to the five-year schedule of capital improvements in their CIP no later than the next regularly scheduled update. To qualify for consideration under this section, the proposed improvement must be reviewed by the county engineer or his designee and be determined to be financially feasible and the city must determine that the improvement is consistent with the city's comprehensive plan and in compliance with the provisions of this Code.~~
- ~~3. The FDOT accepts a proportionate fair-share payment (as demonstrated by an executed agreement between the developer, the FDOT and the city) and the city determines the improvement is consistent with the city's comprehensive plan and in compliance with the provisions of this Code.~~
- ~~4. If the funds allocated for the five-year schedule of capital improvements in the city CIE are insufficient to fully fund construction of a transportation improvement required by the CMS, the city may still enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair-share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the city, in consultation with the agency maintaining the facility, significantly benefit the impacted transportation system.~~

~~The improvement or improvements funded by the proportionate fair share payment must be adopted into the five-year capital improvements schedule of the maintaining agency receiving the payment at their next annual capital improvements update.~~

- d. ~~Any improvement project proposed to meet the developer's fair share obligation must meet design standards of the improved facility's maintaining agency.~~

~~(2) Intergovernmental coordination.~~

- a. ~~Pursuant to policies in the intergovernmental coordination element of the city comprehensive plan the city shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the city; an interlocal agreement may be established with other affected jurisdictions for this purpose.~~
- b. ~~In addition to the city and the applicant, proportionate fair-share agreements may include other maintaining agencies, including, but not limited to, Seminole County, FDOT and LYNX. Proportionate fair-share payments for non-Altamonte Springs facilities shall be made to the appropriate maintaining agency.~~

~~(3) Application process.~~

- a. ~~Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the proportionate fair-share program pursuant to the requirements of subsection 2.1.6(1).~~
- b. ~~Prior to submitting an application for a proportionate fair-share agreement, a preapplication meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is maintained by another party (e.g., Seminole County or FDOT) they will be notified and invited to participate in the pre-application meeting.~~

- c. ~~Eligible applicants shall submit an application to the city that, at a minimum, includes the following:~~
 - 1. ~~Name, address and phone number of owner(s), developer and agent;~~
 - 2. ~~Copy of completed concurrency application and traffic impact analysis (TIA) (if a TIA was required);~~
 - 3. ~~Copy of the concurrency test results form; and,~~
 - 4. ~~Description of requested proportionate fair-share mitigation method(s), including documentation of improvement cost estimates prepared, signed, and sealed by a registered professional engineer.~~

- d. ~~The concurrency administrator shall review the application and certify that the application is sufficient and complete within 14 calendar days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the proportionate fair-share transportation mitigation program as indicated in subsection 2.1.6(1), then the applicant will be notified in writing of the reasons for such deficiencies within 14 calendar days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 calendar days of receipt of the written notification, then the application will be deemed abandoned. The growth management director, or their designee, in their discretion, may grant an extension of time not to exceed 60 calendar days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.~~

- e. ~~Proposed proportionate fair-share mitigation for development impacts to facilities on the FDOT strategic intermodal system (SIS) (as determined by a city-approved traffic impact analysis) requires the concurrence of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.~~

- f. ~~When a proportionate fair-share application is deemed sufficient, complete, and eligible, the applicant shall be~~

~~advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the city or the applicant with direction from the city and delivered to the appropriate maintaining parties (e.g., the county, FDOT or LYNX) for review, no later than 60 calendar days from the date at which the applicant received the notification of a sufficient application and no fewer than 14 calendar days prior to the commission meeting when the agreement will be considered.~~

- ~~g. The city shall notify the applicant regarding the date of the commission meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the commission.~~

~~(4) Determining proportionate fair-share obligation:~~

- ~~a. Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.~~
- ~~b. A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.~~
- ~~c. The methodology used to calculate an applicant's proportionate fair-share obligation shall be as follows:
"The cumulative number of p.m. peak hour peak direction trips from the proposed development expected to reach roadways during p.m. peak hour from the complete build out of a stage or phase being approved, divided by the change in the peak hour peak direction maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS".~~

Proportionate Fair-Share	= $\left[\frac{\text{Development Trips}_{sub}}{\text{SV Increase}_{sub}} \right] \times \text{Cost}_{sub}$
Where:	
Development Trips _{sub}	= Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the CMS
SV Increase _{sub}	= Service volume increase provided by the eligible improvement to roadway segment "i" per section 2.1.6(1)
Cost _{sub}	= Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred

- d. — For the purposes of determining proportionate fair-share obligations, the city shall determine improvement costs based upon the actual cost of the improvement as obtained from the city CIE, the county's CIP or the FDOT work program. Where such information is not available, improvement cost shall be determined using a generally accepted engineering method approved by the city engineer or their designee with concurrence from the maintaining agency.
- e. — If the city has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one of the methods provided in this section.

~~f. — If the city has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the nonsite-related right-of-way shall be based on the fair market value established by an independent appraisal approved by the city and at no expense to the city. The applicant shall supply a drawing and legal description of the land and title insurance for the land to the city at no expense to the city. If the estimated value of the right-of-way dedication proposed by the applicant is less than the city estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share, public or private partners should contact the FDOT for essential information about compliance with federal law and regulations.~~

~~(5) — *Impact fee credit for proportionate fair-share mitigation.*~~

- ~~a. — Proportionate fair-share contributions to the city shall be applied as a credit against city impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by the city's impact fee ordinance.~~
- ~~b. — City impact fee credits for the proportionate fair-share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. City impact fees owed by the applicant will be reduced per the proportionate fair-share agreement. If the applicant's proportionate fair-share obligation is less than the development's anticipated city road impact fee for the specific stage or phase of development under review, then the applicant or its successor must pay the remaining city impact fee amount to the city pursuant to the requirements of the city impact fee ordinance.~~
- ~~c. — Major projects not included within the city's impact fee ordinance or created under subsections 2.1.6(1)c.1.—4., which can demonstrate a significant benefit to the impacted~~

transportation system may be eligible at the city's discretion for impact fee credits.

- d. ~~The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any city road impact fee credit based upon proportionate fair-share contributions for a proposed development cannot be transferred to any other location.~~

~~(6) Proportionate fair-share agreements.~~

- a. ~~Upon city commission approval of a proportionate fair-share agreement (PFS agreement) the applicant shall receive a city certificate of concurrency approval. Should the applicant fail to receive final site plan approval within 12 months of the execution of the PFS agreement, then the PFS agreement shall be considered null and void, and the applicant shall be required to reapply if they elect to pursue their development.~~
- b. ~~Payment of the proportionate fair-share contribution is due in full within 90 calendar days of approval of the site plan or upon issuance of the building permit, whichever occurs first, and shall be nonrefundable. If the payment is submitted more than six months from the date of execution of the PFS agreement, then the proportionate fair-share cost may, at the city's discretion, be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to subsection 2.1.6(4) and adjusted accordingly.~~
- c. ~~All developer off-site improvements authorized under this section must be completed prior to issuance of a building permit, or as otherwise established in a binding agreement that is accompanied by a security instrument acceptable to the city attorney that is sufficient to ensure the completion of all required improvements within three years from the issuance of a building permit.~~
- d. ~~Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share~~

~~agreement must be completed prior to issuance of the final site plan approval or the final plat.~~

- ~~e. Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair share contributions to the extent the change would generate additional traffic that would require mitigation.~~
- ~~f. Applicants may submit a written request to withdraw from the proportionate fair share agreement at any time prior to the execution of the agreement.~~
- ~~g. The city may enter into proportionate fair share agreements for selected improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.~~
- ~~h. Projects not pursued during the pendency of a valid site plan and/or building permit shall be entitled to a credit of 85 percent of funds paid where the city has not constructed or entered into an agreement with a third party to construct the identified improvement which credit shall be applied to the proportionate share requirement of subsequent project(s); where the identified improvement has been constructed or committed to be constructed no credit shall be given except to the extent a new project would require the same improvements and then not to exceed 85 percent previous payment.~~

~~(7) Appropriation of fair share revenues.~~

- ~~a. Proportionate fair share revenues received by the city shall be placed in the appropriate project account for funding of scheduled improvements in the city CIE, or as otherwise established in the terms of the proportionate fair share agreement. At the discretion of the city, proportionate fair share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair share revenues were derived.~~
- ~~b. In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction~~

~~may be applied toward the construction of another improvement within that same corridor or sector that would, in the opinion of the city, mitigate the impacts of development.~~

- ~~c. — Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan, the city may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT transportation regional incentive program (TRIP). Such coordination shall be ratified by the city through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.~~
- ~~d. — Where an applicant constructs a transportation facility that exceeds the applicant's proportionate fair-share obligation calculated under subsection 2.1.6(4), the city shall reimburse the applicant for the excess contribution using one or more of the following methods:
 - ~~1. — An impact fee credit account may be established for the applicant in the amount of the excess contribution, a portion or all of which may be assigned and reassigned under the terms and conditions acceptable to the city.~~
 - ~~2. — The excess capacity may be reserved through the city's CMS and an account may be established for the applicant for the purpose of reimbursing the applicant for the excess contribution with proportionate fair-share payments from future applicants on the facility.~~
 - ~~3. — The city may compensate the applicant for the excess contribution through payment or some combination of means acceptable to the city and the applicant.~~
 - ~~4. — Impact fee credits must be utilized within five years from the date of acceptance by the city and reserved express capacity must be utilized consistent with the~~~~

~~time limits for capacity reservations as set forth and identified in section 2.1.10~~

~~(8) — *Cross jurisdictional impacts.* In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development and concurrency, the city may enter into a cross jurisdictional impact agreement with one or more adjacent local governments, or the Florida Department of Transportation, to address cross jurisdictional impacts of development on regional transportation facilities. The agreement shall identify the methodology for addressing cross jurisdictional transportation impacts. The city shall notify the applicant if the applicant's transportation concurrency determination is subject to assessing cross jurisdictional impacts and the applicant shall be subject to the requirements of the applicable cross jurisdictional impact agreement.~~

DIVISION 4. MOBILITY MANAGEMENT

~~2.1.7~~ **2.4.1** ~~Transportation concurrency exception area~~ **Mobility management program.**

The city hereby establishes a mobility management program for purposes of assessing and establishing multi-modal solutions to impacts on the pedestrian, bicycle, transit and vehicular systems caused by development.

2.4.1.1(1) *General requirements.* In order to address the impacts on the multi-modal systems caused by development, the mobility management program shall apply to all developments within the city of Altamonte Springs to achieve the city's mobility performance standards and determine the need for multi-modal improvements that would support the development proposal.

- a. ~~*General requirements.* The transportation concurrency exception area (TCEA) mitigation program shall only apply to developments in Altamonte Springs that are within the designated TCEA as adopted in the city's comprehensive plan. Proposed development on property located within the TCEA is exempt from normal transportation concurrency and shall follow the criteria below. Note this exemption is for transportation only and the~~

~~development must still meet concurrency for the remaining services.~~

2.4.1.2(2) Mobility requirements Development performance standards. The mobility requirements listed in table 2.3 are hereby established as the minimum number of mobility performance standards to be provided by a proposed development project.

~~a. Within the boundaries of the TCEA, development or redevelopment projects are required to meet the following development performance criteria based on the development's total net new daily trip generation and proportionate impact on adjacent roadways:~~

Table 2.3
Mobility Requirements
Criteria Level Designation

Criteria Level	Net New P.M. Peak Hour Development Trips Average Daily Trip Generation	Mobility Requirements Required Number of Standards
Level 1	21 to 39 Less than 50	At least one <u>mobility performance</u> standard. If a standard from the enhancement group is selected, at least two standards are required.
Level 2	40 to 199 50 to 400	At least two <u>mobility performance</u> standards. No more than one standard can be selected from the enhancement group or from the innovation group.
Level 3	200 to 499 400 to 1,999	At least three <u>mobility performance</u> standards. No more than one <u>two</u> standards can be selected from the enhancement group or from the innovation group.

Level 4	500 to 999 Greater than 2,000 but less than 5,000	At least four <u>mobility performance standards</u> . No more than two standards can be selected from the enhancement group, and no more than one standard can be selected from the innovation group.
Level 5	1,000 or greater Greater than 5,000—9,999	At least five <u>mobility performance standards</u> , and meet a. or b. below: —a. Be on an existing transit route. —b. Provide funding for a new transit route. No more than two standards can be selected from the enhancement group.
Level 6	Greater than 10,000 or 50 or more employees	At least six standards. Transportation Demand Management (TDM) plan is required. No more than two standards can be selected from the Enhancement Group.

b. ~~The choice of standards shall be subject to the final approval of the city during the site plan review process. The standards chosen shall relate to the specific site and transportation conditions where the development is located. The developer may choose to provide one or more standards off-site with the city's approval. In recognition of the varying costs associated with the standards, the city shall have the discretion to count some individual standards, based on cost estimates provided by the developer and verified by the city, as meeting multiple standards. In certain situations The selected standards may need to be incorporated into a developer's agreement.~~

2.4.1.3 Mobility performance standards. The mobility performance standards listed in table 2.4 are hereby established for the operational group and enhancement group.

Table 2.4
Mobility Performance Standards by Group

Operational Group *	
Number	Performance Standard
1	<u>Installation of a new traffic signal.</u> Business operations are not conducted in the peak hour and/or will not generate traffic during the peak hour.
2	<u>Intersection improvements, which may include pavement, curbing, sidewalks, crossings, and similar types of improvements.</u> Construction of bus turn-out facilities.
3	<u>Modifications to existing full intersections or signals to improve roadway operation and safety, which may include pedestrian countdown signals, crosswalks, ADA improvements, and similar types of modifications.</u> Use of joint driveways and/or cross-access to reduce curb cuts.
4	<u>Improvements to portions of intersections, which may include provide countdown pedestrian signals, no turn on red notifications, and similar types of improvements.</u> Intersection and/or signalization modifications to improve roadway operation and safety.
5	<u>Joint-use driveways.</u> Intersection and/or signalization modifications to improve transit operations and safety.
6	<u>Transit operation contributions for City transit pilot projects or City approved transit services.</u> Addition of dedicated turn lanes onto and out of the development.
7	<u>Other multimodal operational improvements comparable to the above operational standards that mitigate the impacts of the project and enhance the city's mobility management program.</u>
Capacity Group	
Number	Performance Standard

1	Payments to the city which will either increase existing transit service frequency or add additional transit service. (Lynx or local transit circulator such as the proposed Flex Bus.)
2	Construction of new public sidewalks along all street frontages where they do not currently exist (minimum of 5 feet wide). Construction of new road facilities that provide alternate routes to reduce congestion.
3	Addition of lanes on existing road facilities, where acceptable to the city and/or FDOT, as relevant.
4	Provision of transit pass programs provided to residents and/or employees of the development. The transit passes must be negotiated as part of an agreement (state roadway) with Lynx or the city.
5	Other acceptable roadway, pedestrian, or bicycle improvements as mutually agreed to by the city and owner/developer.

Enhancement Group

Number	Performance Standard
1	<u>Payment for transit shelters (on-site or off-site) if immediately adjacent to a planned or future transit route.</u> Construction of new public sidewalks along all street frontages where they do not currently exist.
2	<u>Payment for transit shelters (on-site or off-site) if immediately adjacent to a transit stop on an existing transit route.</u> Payment for bus passenger shelters built by city shelter vendor.
3	Widening of existing public sidewalks to increase pedestrian mobility and safety.
4	Funding of streetscaping /landscaping (including pedestrian-scale lighting, where relevant,) on public right-of-ways or medians, as <u>acceptable to</u> coordinated with the city.

5	Provision of shading <u>and protection from the weather through architectural elements such as arcades over a majority of the pedestrian system.</u> awnings or canopies over public sidewalk areas to promote pedestrian traffic and provide protection from the weather so that walking is encouraged. The awning or canopy shall provide pedestrian shading for a significant length of the public sidewalk in front of the proposed or existing building. (subject to LDC provisions)
6	<u>Provision of lockers and shower facilities for employees.</u> Clustering and design of the development for maximum density, or use of maximum FAR, at the site which preserves open space and reduces the need for development of vacant lands, enhances multi-modal opportunities, and provides transit-oriented densities or intensities.
7	Design and installation of wayfinding signage <u>for pedestrians, bicyclists, or transit riders</u> where acceptable and approved by the city.
8	Provision of additional bicycle parking facilities located in the TCEA area.
9	Deeding of land for the addition and construction of bicycle lanes.

Innovation Group

Number	Performance Standard
1	An innovative transportation-related modification or standard submitted by the developer where acceptable to and approved by the city.
2	Provision of ride sharing or van pooling programs.
3	Participation in a transportation demand management (TDM) program that provides funding or incentives for transportation modes other than the single occupant vehicle. Such demand management programs shall provide annual reports of operations to the city indicating successes in reducing single occupant vehicle trips.

*In the event operational improvements are not appropriate, as determined by the city, enhancement group improvements can be substituted for operational group standards.

(a) The choice of mobility performance standards for each mode of transportation shall be subject to the final approval by the city during the site plan review process. The standards chosen shall relate to the specific site and transportation conditions where the development is located. The developer may choose to provide one or more standards off-site with the city's approval. The city may authorize provision of one or more standards to satisfy the requirements for transportation facilities that are not directly impacted by the proposed development but are deemed priorities of the city's multi-modal transportation system and contribute to the city's overall mobility strategy. In recognition of the varying costs associated with the standards, the city shall have the discretion to count some individual standards, based on cost estimates provided by the developer and verified by the city, as meeting multiple standards. The selected standards shall be indicated on the site plan and incorporated into a developer's agreement. The mobility performance standards used for a project shall not also be considered toward development bonuses for the same project.

~~e. A transportation impact analysis is required for any project that generates more than 50 net new p.m. peak hour trips.~~

~~d. Projects that generate more than 9,000 net new average daily trips (ADT) will be required to perform a traffic analysis of the roadways and shall determine any impact to I-4 and the interchange with SR 436. The specific methodology will be established by the city in consultation with FDOT. Once the traffic impact analysis is prepared, a copy will be provided to the city and FDOT for review and comment for final determination of any needed roadway improvements, proportionate share contribution, or other mitigation options. The owner/developer may recommend improvements to FDOT roadways within the TCEA or within one mile of the boundaries of the TCEA to be eligible for mitigation. In addition, the project will receive a determined discount from any~~

~~off-site trips for participation in the regional or local transit, TDM, and other nonsingle automobile occupancy performance standards listed above. Any discounts and subsequent performance standards will be evaluated in an effort to ensure all impacts are fully mitigated.~~

e (b) For any redevelopment project, only the net new development trips are subject to the appropriate performance criteria. Example: Redevelopment of existing site generating 100 P.M. peak hour trips to a new project generating 125 P.M. peak hour trips would be responsible for 25 new development trips. ~~Redevelopment of 100,000 square feet retail (at 40 trips 1,000 square feet = 4,000 ADT redevelopment credit). New project is 5,000 ADT. The project will be meeting level 3 performance standards (401—1,999 daily trip generation).~~

f (c) Though the importance of each mobility performance standard ~~cannot be disputed is clear~~, the level of financial investment does vary by group. ~~Consequently, the number of standards which must be met by small developments (less than 50 daily trips) is increased by one if the enhancement group is selected. In this case, an additional performance standard is added to ensure some level of equity when selecting performance standards. Also, Therefore,~~ limitations are placed on the number of mobility performance standard selections from the enhancement group ~~and the innovation group~~ to promote operational, capacity related and innovative improvements.

g. ~~Additionally, any development consisting of, or occupying a facility with provisions for 50 or more employees is required to participate in a transportation demand management (TDM) program. The TDM program must be outlined in writing to the City of Altamonte Springs not longer than 30 calendar days from certificate of occupancy.~~

2.4.1.4 Mobility solutions report requirements.

The city hereby establishes two levels of mobility solutions analyses (level 1 and level 2) for all new construction in the city unless

exempted as stated within this division. The city shall require a mobility solutions report to identify needed improvements.

(a) General requirements:

- (1) A completed application shall be provided to the city using the mobility management application form along with payment of the administrative application fee.
- (2) A level 1 or level 2 mobility solutions study is required for all applications that exceed 20 net new P.M. peak hour trips. (Refer to subsection 2.4.1.3(b) for redevelopment net new trip calculation). This standard is based on a typical signalized intersection cycle length of 180 seconds, which means a project generating 20 new trips per hour will add approximately one vehicle to the roadway network per cycle length.
- (3) A level 1 mobility solutions study providing a multi-modal transportation evaluation shall be conducted for applications for conditional uses, rezonings, master land use plans and comprehensive plan amendments.
- (4) A level 2 mobility solutions study shall be conducted for site plans and development plans and plat.

(b) Common methodology for level 1 and level 2 mobility analysis:

- (1) The mobility solutions study shall be conducted by a registered professional engineer licensed in the state of Florida with a specialty in traffic engineering and transportation.
- (2) The study area of review shall be calculated based on the net new AM or PM peak hour trips, whichever is higher, times 10 feet. (In addition, the study area shall include the closest major intersection serving the development, even if it is beyond the calculated study area.) For example, the study area for a development generating 200 net new peak hour trips will be 2,000 feet, or 0.38 miles. The distance shall be measured from the project boundary along roadways.

- (3) A project generating 40 or less net new P.M peak hour trips will not be required to analyze State Road 436 or State Road 434.
- (4) The mobility solutions study shall include an analysis of the four (4) modes of transportation in the city (i.e., walking, biking, transit, and roads) within the designated study area. Projects or applications must meet the requirements consistent with the mobility requirements set forth in table 2.3. The list of performance standards is set forth in table 2.4.
- (5) The project's transportation engineer shall schedule and attend a methodology meeting with the city prior to conducting the mobility solutions study. The purpose of the methodology meeting is to discuss the overall methodology for the study, confirm the study area, identify assumptions, and discuss additional topics and issues that may need to be addressed in the study. The methodology meeting shall be scheduled at least 30 days prior to the first plan submittal to the city. Refer to the city's developer's guide for forms and procedures relating to the mobility solutions study process.
- (6) The mobility solutions study shall identify existing sidewalks, existing transit stops and routes immediately adjacent or within the study area; and location of exiting bike lanes, bikeways and bike trails within the study area. Maps of existing sidewalks, sidewalk gaps needing new sidewalks, existing bicycle facilities, needed bicycle facilities, existing transit stops and routes, and major intersections are available from the city and should be used as the basis for the study.
- (7) The details of the mobility performance standards shall be set forth in the mobility solutions report and replicated in the notes and the design incorporated in the development plan or site plan (if applicable). Design details for bus shelter, bike racks, pedestrian system design elements and other site amenities will be incorporated in the subsequent development plan or site plan application.

(8) When assessing adequate access, if an existing intersection operates with a V/C greater than 1.0 for one or more movements without the development traffic, intersection improvements will be required to reduce the V/C with development traffic to a V/C that is equal, or lower than, conditions without the development traffic. Similarly, the queues in turning lanes should operate no worse than conditions without the development traffic. In addition, turning lanes of adequate length are provided at development access points as determined necessary by the city, and appropriate traffic control is provided.

(c) Level 1 mobility analysis:

(1) The level 1 mobility solutions report shall document when there is a deficiency in the four (4) transportation modes within the study area. Deficiencies for walking, biking and transit shall be based on existing gaps and/or lack of transit service, stops or stations. Roadway deficiencies shall be based on the latest available peak hour directional volumes and the generalized peak hour directional volumes (i.e., service volumes by level of service) published in the latest FDOT Quality/Level of Service Handbook as described in the city developer's guide.

(2) Level 1 mobility solutions reports shall describe and document the evaluation of the multi-modal transportation needs and potential improvements within the study area. Actual improvements are not required until actual development and the completion of a level 2 mobility solutions study. Level 1 mobility solutions reports shall include maps and graphics that describe existing, planned and recommended improvements for the four (4) modes of transportation. Specific description and location of each possible improvement shall be provided in the report.

(3) The recommendations and conclusions in the Level 1 mobility solutions report shall list and describe the need for any transportation improvements and description of the improvement. The information will be used as a baseline for

multi-modal transportation improvements that can occur with a subsequent development plan or site plan application.

(d) Level 2 mobility analysis:

1. The Level 2 mobility solutions report shall document any deficiencies in the four (4) transportation modes within the study area. Deficiencies for walking, biking and transit shall be based on existing gaps and/or lack of transit service, stops or stations. Roadway and intersection deficiencies shall be based on peak hour traffic counts and highway capacity manual analysis methodologies as described in the city developer's guide.
2. The level 2 mobility solutions report shall provide a specific detailed evaluation of the multi-modal transportation improvements within the study area and include maps and graphics as necessary that describe both existing and planned improvements of the four (4) modes of transportation. Maps of existing sidewalks, sidewalk gaps needing new sidewalks, existing bicycle facilities, needed bicycle facilities, existing and proposed transit stops and routes, and major intersections shall be included. Specific description and location of each mobility performance standard improvement shall be provided in the report. The information and specifics will be incorporated into the development plans or site plans for the subject property, improvements on adjacent property owned by the same owner, or improvements immediately adjacent to the subject property.
3. On-site improvements that provide enhanced mobility performance are eligible to meet mobility performance standards requirements. The details of the mobility performance standards shall be set forth in the report and replicated in the notes and the design incorporated in the development plan or site plan. Design details for bus shelter, bike racks, pedestrian crossing design elements and other site amenities will be also be incorporated in the development or site plan package. The use of city-approved

details will be provided unless a city design detail does not exist.

4. The recommendations in the report shall set forth the timing of the mobility performance standards by transportation service mode. The information will be used to identify multi-modal transportation improvements that can occur within the timeframe proposed for the development application.

2.4.1.5 Developer contribution credits.

- (a) Upon mutual agreement between an applicant and the city, off-site improvements to the multimodal transportation system that are consistent with the city's comprehensive plan or other adopted planning studies or documents may be constructed. Where such off-site improvements are undertaken as part of a development project, a credit may be granted against the mobility fee imposed pursuant to chapter 25, "Impact and Mobility Fees," of the city code of ordinances, under the standards and conditions set forth in chapter 25 for mobility fee credit.
- (b) In addition to off-site improvements, on-site improvements or improvements immediately adjacent to the subject property that provide operational or enhancement upgrades beyond the minimum-required performance standards set forth in table 2.4 may also be eligible for mobility fee credit.
- (c) Mobility fee credits will be considered for the actual installation of an improvement with the construction of a development project. Commitments for future improvements will not be eligible for credit from the payment of mobility fees.
- (d) Commitments for future improvements not eligible for credit against mobility fees will be addressed through a developer's agreement. The developer's agreement shall detail and itemize the future improvement, cost contribution, shall set forth that payment of the contribution shall be required at the time the improvement can occur, and shall set forth any sunset provisions of the future improvement commitment.

2.4.1.6 Exemptions from mobility solution reports.

- (a) Any building permit that is authorized through a valid final development order, such as an active final site plan approval.
- (b) Single-family and duplex residences.
- (c) Townhome, villa, duplex or other residential structure not to exceed two units on an existing platted lot.
- (d) Any accessory structure with a residential or commercial property. This includes, sheds, storage buildings, covered or structured parking, equipment buildings or other structure that do generate any transportation impact.
- (e) Change of use(s) which is determined by the city to cause less impacts on public facilities than the existing use.
- (f) Business tax receipt approvals for a change in tenant space similar to the previous business tenant in that space with equal or less impact on public facilities.
- (g) Public utility and service structures.
- (h) All Group II permits.

(3) Determining TCEA mitigation obligation.

- a. ~~TCEA mitigation for development impacts may also include, without limitation, separately or collectively, private funds, contributions of land and construction and contribution of facilities.~~
- b. ~~A development shall not be required to pay more than its proportionate share.~~
- c. ~~The methodology used to calculate an applicant's TCEA mitigation obligation shall be required to meet the following development performance criteria based on the development's (including all phases) trip generation and proportionate impact on adjacent roadways. The developer may sign a development~~

~~agreement or contract with the City of Altamonte Springs for the provision of the required standards. The choice of standards shall be subject to final approval by the growth management director during the site plan approval process. The standards chosen shall relate to the particular site and transportation conditions where the development is located. The developer may choose to provide one or more standards off-site with the growth management director's approval. In recognition of the varying costs associated with the standards, the city shall have the discretion to count some individual standards, based on cost estimates provided by the developer and verified by the city, as meeting multiple standards.~~

~~d. — For the purposes of determining TCEA obligations, the city shall determine costs based upon the best available information. Where such information is not available, costs shall be determined using a generally accepted method approved by the growth management director or their designee with concurrence from the other affected agencies.~~

~~e. — If the city has accepted a mitigation standard proposed by the applicant, then the value of the standard shall be determined using one of the methods provided in this section.~~

~~f. — If the city has accepted right-of-way dedication for the TCEA mitigation payment, credit for the dedication shall be based upon subsection 2.1.6(4)f.~~

~~(4) — Reserved.~~

~~(5) — Impact fee credit for TCEA mitigation.~~

~~a. — TCEA roadway mitigation contributions to the city shall be applied as a credit against city impact fees to the extent that all or a portion of the TCEA mitigation is used to address the same capital infrastructure improvements contemplated by the city's impact fee ordinance.~~

- b. ~~City impact fee credits for the TCEA roadway contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. City impact fees owed by the applicant will be reduced per the mitigation agreement. If the applicant's TCEA roadway mitigation obligation is less than the development's anticipated city road impact fee for the specific stage or phase of development under review, then the applicant or its successor must pay the remaining city impact fee amount to the city pursuant to the requirements of the city impact fee ordinance.~~
- c. ~~Major roadway projects not included within the city's impact fee ordinance or created under subsections 2.1.6(1)c.1-4 which can demonstrate a significant benefit to the impacted transportation system may be eligible at the city's discretion for impact fee credits.~~
- d. ~~The TCEA obligation is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any city road impact fee credit based upon TCEA roadway mitigation contributions for a proposed development cannot be transferred to any other location.~~

~~(6) TCEA mitigation agreements.~~

- a. ~~Upon city commission approval of a TCEA agreement (TCEA agreement) the applicant shall receive a city certificate of concurrency exception approval. Should the applicant fail to receive final site plan approval within 12 months of the execution of the TCEA agreement, then the TCEA agreement shall be considered null and void, and the applicant shall be required to reapply if they elect to pursue their development.~~
- b. ~~Payment of the TCEA contribution is due in full within 90 calendar days of approval of the site plan or upon issuance of the building permit, whichever occurs first, and shall be nonrefundable.~~

- ~~c. — Projects not pursued during the pendency of a valid site plan and/or building permit shall be entitled to a credit of 85 percent of funds paid where the city has not implemented or entered into an agreement with a third party to implement the identified mitigation project which credit shall be applied to the TCEA requirement of subsequent project(s); where the identified improvement has been implemented or committed to be implemented no credit shall be given except to the extent a new project would require the same improvements and then not to exceed 85 percent previous payment.~~
- ~~d. — All developer off-site improvements authorized under this section must be completed prior to issuance of a certificate of occupancy, or as otherwise established in a binding agreement that is accompanied by a security instrument acceptable to the city attorney that is sufficient to ensure the completion of all required improvements within three years from the issuance of a building permit.~~
- ~~e. — Dedication of necessary right-of-way for facility improvements pursuant to a TCEA agreement must be completed prior to issuance of the final site plan approval or the final plat.~~
- ~~f. — Any requested change to a development project subsequent to a development order may be subject to additional TCEA contributions to the extent the change would generate additional traffic that would require mitigation.~~
- ~~g. — Applicants may submit a written request to withdraw from the TCEA agreement at any time prior to the execution of the agreement.~~
- ~~h. — The city may enter into TCEA agreements for selected projects to facilitate collaboration among multiple applicants on improvements to a shared transportation facility, program or service.~~

~~(7) Appropriation of fair-share revenues.~~

- ~~a. TCEA mitigation revenues received by the city shall be placed in the appropriate project account for funding of projects, programs or strategies in the city's transportation element or CIE, or as otherwise established in the terms of the TCEA agreement. At the discretion of the city.~~
- ~~b. In the event a scheduled project or program is removed from the transportation element or CIE, then the revenues collected for its implementation may be applied toward another project or program that would, in the opinion of the city, mitigate the impacts of development.~~
- ~~c. Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan, the city may coordinate with other impacted jurisdictions and agencies to apply TCEA contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT transportation regional incentive program (TRIP). Such coordination shall be ratified by the city through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.~~

~~(8) Cross jurisdictional impacts. In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development, the city may enter into a cross jurisdictional impact agreement with one or more adjacent local governments, or the Florida Department of Transportation, to address cross jurisdictional impacts of development on regional transportation facilities. The agreement shall identify the methodology for addressing cross jurisdictional transportation impacts. The city shall notify the applicant if the applicant's TCEA mitigation is subject to assessing cross jurisdictional impacts and the applicant shall be subject to~~

~~the requirements of the applicable cross-jurisdictional impact agreement.~~

2.4.1.7 Fees.

- (a) The city shall establish review fees for the review of transportation mobility solution reports for traffic and multi-modal impacts associated with a specific project application.
- (b) The applicant shall be responsible for any consultant or legal expenses that the city incurs for methodology meetings, consultation, review and processing of the materials provided by the applicant.

DIVISION 5. STATUS OF CAPACITY RESERVATIONS, CERTIFICATES, AND AGREEMENTS

Prior to the adoption of Ordinance No. 1692-16, final development order approval timeframes were intertwined with a capacity reservation process that included certificates of capacity, capacity reservation payments, and capacity reservation agreements. This division addresses the status of such prior reservations under the current mobility management regulations.

- (a) Capacity reservation payments.
 - (1) Under the city's previous transportation and utility concurrency management system, applicants who received approved final development orders were, within 90 calendar days of approval, to have obtained all applicable building permits or pay a capacity reservation fee in order to receive a certificate of capacity and vest the final development order approval. The capacity reservation payment vested the approval for a one-year term outside of activity centers, and a two-year term inside of activity centers. Capacity reservation payments were credited toward the project's city transportation impact fees at the time permits were obtained. Potable water and sanitary sewer capacity was also reserved, but no additional reservation payment was required.

- (2) Under the city's revised concurrency management and mobility management systems, no mobility capacity reservation is necessary and potable water and sanitary sewer capacity is reserved when the underlying development project application is approved. No capacity reservation payments are required. The development order will vest the project approval for the duration of the development order. The mobility fees, utility connection fees, and impact fees are due with the issuance of the building permit(s) for the project.
- (3) Prior payments of capacity reservation fees will continue to vest development approvals for the duration of the associated capacity reservation term. Capacity reservation fees previously paid are eligible to be credited toward the mobility fees for projects with active site plan or final development plan approvals. Capacity reservation fees paid for projects which are null and void shall be deemed to have been earned despite the fact that the applicant may not utilize the reserved capacity.

(b) Certificates of capacity.

- (1) Under the city's previous transportation and utility concurrency management system, the city issued a certificate of capacity upon an owner/developer's payment of a capacity reservation fee. An owner/developer was to have been in the possession of a valid unexpired certificate of capacity in order to vest the final development order approval and be eligible for building permits. The development order did not result in a right to develop without a current and valid certificate of capacity.
- (2) Under the city's revised concurrency management and mobility management systems, a certificate of capacity is required for potable water and sanitary sewer capacity. The certificate of capacity is incorporated within the development order prepared by the City for the underlying development project application. The owner/developer is in

possession of a certificate of capacity by virtue of issuance of the development order.

(c) Capacity reservation agreements.

- (1) Under the city's previous transportation and utility concurrency management system, capacity reservation agreements were used for projects that had multiple phases that extended beyond the standard capacity reservation time limits, which affected the vesting of the development order.
- (2) Under the city's revised concurrency management and mobility management systems, existing capacity reservation agreements shall continue to be recognized and enable development approvals to extend beyond the standard approval timeframes pursuant to the terms of the agreement, provided all of the obligations and requirements of the agreement continue to be satisfied.
- (3) Should a capacity reservation agreement expire, be terminated, or if its terms and conditions are otherwise in breach, the development approvals associated with said capacity reservation shall expire, the capacity reserved shall be released, and the capacity reservation fee forfeited.

2.1.8 Exemptions for concurrency test.

~~(1) The following development orders and permits are exempt from this article, and may commence development without applying for concurrency review:~~

- ~~a. Any addition to a residence;~~
- ~~b. Interior completion of a shell-only structure for uses with same or less intensity as identified on an approved site plan;~~
- ~~c. Interior renovations with equal or less impact on public facilities;~~
- ~~d. Accessory structure to a residence;~~
- ~~e. Storage addition to a nonresidential use;~~

- ~~f. — Replacement structure except for a nonconforming use in accordance with land development code provisions on nonconforming uses;~~
 - ~~g. — Temporary construction trailers;~~
 - ~~h. — Wells and septic tanks;~~
 - ~~i. — Driveway or resurfacing, parking lot paving and similar paving projects (i.e., loading docks);~~
 - ~~j. — Reroofing of structures;~~
 - ~~k. — Demolitions;~~
 - ~~l. — Occupational license for a change in tenant space similar to the previous business tenant in that space with equal or less impact on public facilities;~~
 - ~~m. — Single family and duplex residences on lots which were platted prior to October 1, 1992, provided that:
 - ~~(1) — All such exemptions expire on October 1, 1997; and~~
 - ~~(2) — Must be accounted for during the once per year cumulative draw-down;~~~~
 - ~~n. — The following conditional use category items:
 - ~~(1) — Public utility and service structures;~~
 - ~~(2) — Attached or detached guest house to a residence;~~
 - ~~(3) — Accessory parking for passenger vehicles when intended for a permitted adjacent commercial use;~~
 - ~~(4) — All Group II permits;~~~~
 - ~~o. — Change of use(s) which is determined by the city to cause less impacts on public facilities than the existing use;~~
 - ~~p. — Accessory use to an existing use/structure which is determined by the city to cause no added impacts on public facilities;~~
 - ~~q. — Minor plats that do not increase density or intensity;~~
 - ~~r. — Development that creates "de minimis" impact on public facilities.~~
- ~~(2) — In order to monitor the cumulative effect on public facility capacity, an internal concurrency test shall be performed by the city for the~~

~~following development orders that will be able to continue in the development review process, regardless of the results of their concurrency test:~~

~~a. Single-family and duplex residences on lots which were platted prior to October 1, 1992, which receive exemptions from the requirements of this article pursuant to subsection (1)m. above. Such exemptions expire on October 1, 1997.~~

~~b. Development that is determined to be vested.~~

~~(3) Development within the designated transportation concurrency exception area may be exempt from transportation concurrency but still must submit concurrency management application for the remaining facilities. Exemption from concurrency does not necessarily exempt any development from conducting a traffic impact analysis.~~

~~2.1.9 Level of service standards for required services and facilities.~~

The adopted level of service standards for those public facilities for which concurrency is required shall be as established in the city's comprehensive plan under the following cited policies:

~~2.1.7.1 Potable water:~~

~~Policy 10-1.1.4~~

~~2.1.7.2 Sanitary sewer:~~

~~Policy 10-1.1.5~~

~~2.1.7.3. Solid waste collection:~~

~~Policy 10-1.1.3~~

~~2.1.7.4. Parks and recreation:~~

~~Policy 10-1.1.7~~

~~2.1.7.5. Drainage:~~

Policy 10-1.1.6

~~2.1.7.6. Roads:~~

Policy 10-1.1.2

~~2.1.7.7. Public schools:~~

Policy 10-1.1.8

2.1.10 Capacity reservation procedures.

- (1) ~~Final development orders that pass the concurrency test shall obtain "reserved status" upon payment of a capacity reservation fee at the appropriate payment level (see Table 2).~~
- (2) ~~The city has specific time limits for most types of development orders, and the capacity certificate will be valid for the same period of time as the underlying development order. Time limits on capacity development reservations are as follows:~~

TIME LIMITS ON CAPACITY RESERVATIONS FOR CONCURRENCY

Type of Development Order (D.O.)	D.O. Reservation Period
Preliminary D.O.	
1. Variance	NA
2. Development Waivers	NA
3. Abandonment	NA
4. Plan Amendment	NA
5. Rezoning	NA
6. Preliminary Site Plan	1 year
7. Preliminary Master Plan	1 year
8. Preliminary Plan and Plat	1 year
Final D.O.	
1. DRI	as specified in D.O.
2. All Permits (Group I, Group II and Other)	6 months

3. Final Site Plan Without infrastructure (see Table 2)	1 to 2 years
4. East Town, West Town and Gateway Activity Center projects without Infrastructure (see Table 2)	2 years
5. Regional Business Center (see Table 2)	2 years
6. Final Plan and Plat	same as Final Site Plan
7. Single-Family (excluding minor plats)	1 or 2 years
8. Final site plans not in the RBC with installed infrastructure can receive up to an additional 4 years.	

~~(3) The city hereby adopts a concurrency management/concurrency reservation application program in five steps as described in Table 1 and as outlined below.~~

- ~~a. In Step 1, upon payment of the concurrency test application fee, the city will conduct a concurrency test which will be good for 60 calendar days. Utilizing this step will allow an applicant up to 60 calendar days to submit plans. Capacity is determined for maximum or specified uses, densities and intensities.~~
- ~~b. Step 2 begins when a formal application for either a preliminary or, if applicable, a final site plan is submitted to the city, along with the application review fee. In Step 2, the project is placed in the "encumbered" status once a formal application for site plan is submitted and under review.~~
- ~~c. Step 3 covers preliminary plan approval, which is valid for one year.~~
- ~~d. Step 4 covers final plan approval. The applicant must pull all building permits or pay the reservation fees within 90 calendar days after final approval or the approval becomes null and void. Upon payment of the reservation fees, the final development order and certificate of capacity are issued. In Step 4, the applicant has the payment options as listed in Table 2.~~

- e. ~~In Step 5 the building permit is submitted for review and approval. Once the building permit has been pulled, the concurrency process is complete for that project.~~
- ~~(4) No final development approvals/orders may exceed three terms (See Table 2), without installing infrastructure (this does not include review of plans).~~
- ~~(5) Final development orders/projects that have installed infrastructure (not less than sewer, potable and reclaimed water, streets and drainage) can obtain additional time for development capacity by paying the additional capacity reservation fees as outlined in Table 2. Total time to reserve capacity for final development orders shall not exceed seven terms, without an agreement as outlined in subsection (6) below.~~
- ~~(6) Projects which will require more than seven terms from the final site plan approval date to be completed must enter into a capacity reservation agreement with the city during the final site plan approval process.~~
- ~~(7) Concurrency determination analysis will only have to be done once, if not more than 60 calendar days lapses between the test and the submittal of the completed plan application.~~
- ~~(8) Projects can obtain site work permits for new construction without obtaining building permits. Site work permits will not vest the project or be considered to expand or extend the capacity reservation.~~
- ~~(9) The city will specifically identify in its conditions of approval any necessary off-site infrastructure or facility improvements that are needed to support the project, whether or not the needed facility is public or private.~~

~~2.1.11 Fees.~~

- ~~(1) The city shall establish by resolution fees for concurrency testing, both formal and informal, for inquiries which require substantially the same research as a full-scale concurrency test, for time required to review alternative demand data which an applicant~~

~~may provide, as well as any traffic studies or mitigation plans which an applicant requests be reviewed as part of a concurrency test, administrative costs for extending capacity reservation time limits resulting from the approval of an extension of a development order, and for capacity reservations. The capacity reservation fee payment schedule for projects with and without installed infrastructure and/or building permits is contained in Table 2 below.~~

- ~~(2) Payment of first term capacity reservation fees is due within 90 calendar days after final development order approval. If payment is not received within 90 calendar days (or a building permit is not pulled), approval is null and void. The city is not responsible for notifying applicants of the expiration of each term.~~
- ~~(3) Capacity reservation fees are not refundable. Capacity reservation fees paid for projects which expire or become null and void are not creditable or refundable. Capacity reservation fees are considered earned at the time they are received despite the fact that the applicant may not utilize the reserved capacity.~~
- ~~(4) Vested projects and concurrency exempt projects do not pay capacity reservation fees. Vested projects in possession of a final development order will be able to obtain permits without any reservation prepayment of development fees.~~
- ~~(5) The capacity reservation fees are only for city development/transportation impact fees and are not for any other fees assessed by Seminole County for roads and schools or other state or federal fees attached to the issuance of a building permit or development payment.~~
- ~~(6) Preliminary development orders with concurrency tests receive one year of capacity reservation at no cost to the applicant.~~
- ~~(7) For final development orders in the RBC, the capacity reservation fee for a six-month extension is equal to the first-term payment level (Table 2). Fees paid for extensions in the RBC are not creditable toward any other fees.~~

~~2.1.12 Appeals.~~

- ~~(1) An applicant may appeal a failed concurrency test on three grounds:
 - a. A technical error;
 - b. The applicant provided alternative data or a traffic mitigation plan that was rejected by the city;
 - c. Unwarranted delay in review that allowed capacity to be given to another applicant.~~
- ~~(2) The appeal of failed concurrency test shall be requested in writing within 15 calendar days of the date of failed concurrency test to the growth management department. A recommendation will be formulated by the growth management department with regard to the appeal and transmitted to the city manager within 30 calendar days of the receipt of request for appeal. A final decision will be made by the city manager within 15 calendar days upon receipt of the staff recommendation. Appeal of a failed concurrency test by the city manager shall be made by filing proceedings in the Circuit Court of Seminole County, Florida, within 30 calendar days of the denial by the city manager.~~
- ~~(3) If an applicant is denied a development order on concurrency grounds, they may not resubmit the same application for a period of six months from the date the application was denied. If the applicant makes material or significant reductions to the densities and intensities of use in the application, it may be resubmitted at any time.~~

**TABLE 1
CONCURRENCY MANAGEMENT PROGRAM STEPS**

Step 1	Developer submits the Concurrency Management Application with appropriate fees. If capacity is available it is encumbered for 60 calendar days. Applicant either submits site plans or pays capacity reservation fees within 60 calendar days, otherwise test results are void.
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Step 2	Developer submits Formal Application for Preliminary and/or Final Site Plan with appropriate application fee.
Step 3	With Preliminary Plan Approval encumbered capacity is reserved for applicant at no cost for 1 Year.
Step 4	After Final Plan Approval, Capacity Reservation Fee Payment is due within 90 calendar days after final Approval. See Table 2 for payment terms. Final Development Order Issued and Certificate of Capacity Issued.
Optional Step 4	Upon final plan approval go directly to STEP 5. If all building permits are pulled within 90 calendar days after final approval, CAPACITY RESERVATION DOES NOT APPLY.
Step 5	Developer pulls Building Permit. All development fees, Impact fees, connection fees, and Seminole County fees are due.

NOTES:

1. Payment is due within 90 calendar days after final approval; if not received, approval is null and void.

**TABLE 2
CAPACITY RESERVATION FEE PAYMENT SCHEDULE**

	Nonresidential Uses Outside Activity Centers		All Residential Outside Activity Centers		East Town, West Town & Gateway Activity Center Projects		Regional Business Center Projects	
Term	Year	Fees	Year	Fees	Year	Fees	Year	Fees
First Term	1	10% ¹	1	15% ¹	2	10% ¹	2	10% ¹ , ₃
Each Additional Term ²	1	7.5% ¹	1	15% ¹	2	7.5% ¹	N/A ³	N/A ³

TERM LIMITS AND REQUIREMENTS: A maximum of three terms can be reserved without installing required project infrastructure. With installed infrastructure and approval a maximum of seven terms can be reserved.

TABLE 2 FOOTNOTES:

1. — Fees are equal to a percentage of a project's city transportation impact fees.

2. — Payment for each additional term shall be received prior to the expiration of the capacity reservation or the approval is null and void, and all previous payments are considered to be earned despite the fact that the owner/developer may not utilize the reserved capacity.

3. — Time limits in the RBC beyond two years are determined by the execution of a capacity reservation agreement. (See article IV, sections 4.2.6 through 4.2.7.)

4. — Excluding minor subdivisions.

Capacity reservation fees for active projects with final development orders shall be credited toward the current city development/impact fees, when building permits are issued.

Payment for the first term capacity reservation fee shall be received by the city within 90 calendar days after final approval; otherwise, approval is null and void.

SECTION TWO: City Code of Ordinances, Chapter 28, "Land Development Code," Article IV., "Site Plans," is hereby amended to read as follows:

ARTICLE IV. SITE PLANS

DIVISION 1. GENERAL PROVISIONS

4.1.1 Purpose and intent.

The public health, safety, comfort and welfare require the harmonious, orderly, and progressive development of the land within the corporate limits of

the City of Altamonte Springs. Once land has been developed, the correction of defects is costly and difficult. Substantial public responsibility is created by each new development, involving the maintenance of streets and drainage facilities, and the provision of additional public services. As the general welfare, health, safety and convenience of the community are thereby directly affected by the use of land, it is in the direct interest of the public that developments be conceived, designed and developed in accordance with sound rules and proper minimum standards. Consideration shall be given in the review of site plan applications to the character of an area and the availability of public facilities to ensure the compatibility and coordination of land uses and facilities within a given geographic unit and to ensure the following:

- (a) The establishment of standards for site design which will encourage the development of sound and stable areas within the corporate limits of the City of Altamonte Springs.
- (b) Installation to prescribed standards by the land developer of those required improvements which should not become a charge on the citizens and taxpayers of already existing areas.
- (c) The adequate and efficient supply of utilities, streets and services to new land developments.
- (d) The prevention of haphazard, premature or scattered land development.
- (e) The prevention of traffic hazards and congestion which result from narrow or poorly aligned streets and from excessive ingress and egress points along major traffic arteries, and the provision of safe and convenient pedestrian, bicycle, transit, and vehicular traffic circulation, ~~both vehicular and pedestrian~~, in new land development.
- (f) Safety from fire, panic and other dangers, to promote health and the general welfare.
- (g) Protection from flooding hazards and ensure proper water management.
- (h) The design of energy-efficient developments and structures.

- (i) The provision of public open spaces in new land developments through the dedication or reservation of land for recreational, educational and other public purposes.
- (j) Coordination of new nonresidential development with existing development and both existing and proposed public improvements.
- (k) The maintenance of minimum standards for visual, design and aesthetic development of properties in the city.
- (l) Coordination of land development in accordance with orderly physical patterns and general plans and policies adopted by the city commission, in particular, the city comprehensive land use plan of the City of Altamonte Springs.
- (m) Protection of the natural and scenic resources of the city, including surface waters and groundwater recharge areas.

4.1.2 Applicability.

The procedures contained in this article are applicable to all projects which involve the construction of any facility other than one single-family dwelling or major appurtenances thereto (e.g. private swimming pool, yard, fence, etc.), or two, or less duplex units in a subdivision where a certificate of subdivision completion for the subdivision has been issued by the city engineer. Specifically excluded is the construction of "subdivision improvements" as provided for in article V of ~~the regulations~~ this code. Included are projects involving land development (other than subdivisions) without structures such as parking lots. Also included are projects which involve the alteration or conversion of existing structures or the change of use of a structure where the site and/or structure does not meet the current criteria of this ~~regulation~~ code. See sections 4.2.2.4.1 and 4.2.2.4.2 of this article for specific exceptions to the standard review process. Changes in use shall be evaluated by the development review committee as to the need for a complete site plan review, and possible modifications, based on the nature of the change in use or occupancy, and the need for compliance with current regulations. The provisions of this Code, where appropriate, are to be applied to both on-site and off-site development. This document shall be the governing document for such development. Where there are conflicts and discrepancies with other city policies, ordinances or regulations, the more restrictive requirements shall govern.

DIVISION 2. GENERAL PROCEDURES FOR SECURING APPROVAL OF
PRELIMINARY AND FINAL SITE PLANS

4.2.1 Pre-application conference.

It is required that the applicant schedule a pre-application meeting with the development review committee to discuss the proposed development. It is required that the applicant meet with the development review committee no less than two weeks prior to submitting formal application for the preliminary site plan. The purpose of this conference is to review the feasibility of the proposed development and any potential development bonuses, waivers or variances. ~~Also, concurrency procedures, and~~ mobility management requirements are reviewed. The applicant must complete an application form and submit a boundary survey or concept plan illustrating surrounding properties, existing improvements and a written description of the proposal. The applicant must also provide documentation of any prior approvals and indicate the need for any variances, development waivers or development bonuses.

Note: A methodology meeting must be scheduled between the traffic engineer and the city planning staff prior to beginning any required mobility solutions study traffic impact analysis (TIA) report including TIAs for projects within the transportation concurrency exception area (TCEA).

4.2.2 Application procedure.

4.2.2.1 *General.* A preliminary site plan approved by the planning board, ~~or development review committee as appropriate under the terms of this article,~~ is required prior to the review and approval of the final site plan. However, for applications ~~with~~ eligible for a combined preliminary/final plan, the preliminary plan will be approved concurrently with the final plan by the development review committee. It shall be unlawful for any person to construct, erect, or alter a building or structure or to develop, change, or improve land for which a preliminary site plan is required except in accordance with an approved final site plan.

To facilitate the development and design of the preliminary site plan and final site plan, refer to the Altamonte Springs Developer's Guide in addition to the requirements set forth in the land development code.

4.2.2.2 *Development review procedures.* All preliminary site plans shall be reviewed by the development review committee to determine that the preliminary site plan application is complete and shall make recommendations to the planning board who shall either approve, approve with conditions or deny the application based on the intent and criteria set forth in the land development code and developer's guide. The preliminary site plan review encompasses the review of development bonuses, and multi-phased projects with or without bonuses. Additionally, a consistency determination shall be completed for conformance to technical requirements, comprehensive plan policies, and activity center design guidelines or standards. ~~the Central Business District Urban Design Plan, the West Town Center Design Guidelines, the Gateway Center Design Guidelines and Standards, and the TCEA performance criteria.~~ In a multi-phased project, all phases must be addressed on a preliminary site plan. The preliminary site plan shall also include all land under single, corporation, firm, partnership or association ownership that has an interest in the proposed development.

4.2.2.3 *Planning board procedures.* Based upon their review of the information presented by the applicant, the recommendations of the development review committee, and in consideration of the express purpose and intent and criteria set forth in the comprehensive plan and land development regulations of the city, the planning board will either approve, approve subject to stated conditions, or deny the preliminary site plan. Where planning board either denies or approves with conditions they shall enter specific findings of fact delineating their reasons, therefore.

4.2.2.4.1 *Site plan review exceptions.* The following site plans shall be exempt from planning board review and reviewed only by the development review committee provided that they fully conform to all existing city regulations:

- (a) Inside the Regional Business Center, projects which generate up to 2,000 average daily trips (ADT's), but do not exceed 100,000 square feet gross, do not require planning board approval.
- (b) Outside the Regional Business Center, projects which generate up to 1,000 average daily trips (ADT's), but do not exceed 60,000 square feet gross, do not require planning board approval.
- (c) For purposes of this section, square footage shall be based upon gross square feet. Average daily trips shall be based upon the latest edition of

the Institute of Transportation Engineers' Trip Generation Manual, and shall be verified through the applicant's traffic impact analysis. All thresholds are cumulative, and shall include all phases or previously approved or constructed portions of a project. Multiple-family project thresholds shall be measured by ADT's.

(d) The following site plans shall always require planning board approval regardless of the threshold level:

(1) Fast-food restaurants with drive-through window(s).

(2) Convenience stores, with or without fuel sales.

(3) Automobile service stations, with or without convenience stores.

(4) ~~Automobile service stations with convenience stores.~~

(5) ~~Convenience stores with automobile service stations.~~

(6) Adult entertainment.

(7) ~~5) Any project proposing waivers, variances, or development bonuses greater than 15 percent.~~

(8) ~~Any project proposing a waiver or variance greater than 15 percent.~~

(e) All residential subdivisions shall be required to have a site plan and plat approved by the planning board and the development review committee.

(f) The growth management director shall have the authority to direct any preliminary site plan to planning board for review and approval, regardless of the threshold exceptions stated herein. The director's decision shall be based upon his/her assessment of the project's potential for negative impacts upon nearby properties or public facilities, the need for protection of the public interest by formal planning board review of the project, and/or the existence of particular circumstances associated with a project or an application.

(g) The city manager shall have the authority to review and modify the threshold levels by an amount not to exceed the permitted floor area

ratio for the site's zoning district as such levels are applied to a particular project should the city determine that such higher or lower threshold as to planning board review is appropriate.

- (h) The planning board shall hear and decide appeals of administrative determinations regarding the project. Such administrative determinations include, but are not limited to, administrative denial of an application, conditions associated with administrative approval of an application, or administrative interpretation associated with the processing of the application.
- (i) Nonresidential subdivision plats associated with site plans exempt from planning board review under the guidelines established in section 4.2.2.4.1 shall also be exempt from planning board review and reviewed only by the development review committee provided that the plat fully conforms to all existing city regulations. All subdivision plats must be approved by the city commission pursuant to section 5.2.5

4.2.2.4.2 *Building addition exceptions.* The following projects shall be exempt from planning board review, and reviewed only by the development review committee provided that they fully conform to all existing city regulations:

- (a) Building additions and/or modifications and/or revisions to approved site plans while under construction which do not increase the gross square footage or number of dwelling units of a building.
- (b) Additions to existing nonresidential and multifamily residential projects that cumulatively, do not exceed the thresholds listed below:
 - (1) Inside the Regional Business Center, projects which generate up to 2,000 average daily trips (ADT's), but do not exceed 100,000 square feet gross.
 - (2) Outside the Regional Business Center projects which generate up to 1,000 average daily trips (ADT's), but do not exceed 60,000 square feet gross.
 - (3) Multiple-family project thresholds shall be measured by ADT's.

- (4) Building additions that would cause the cumulative development intensity to exceed the above thresholds, and that are larger than 1,000 square feet gross, shall be required to have preliminary site plan approved by the planning board and the final site plan approved by the development review committee.
- (c) The following land uses shall always require planning board approval for proposed additions greater than 1,000 square feet, regardless of the threshold level:
- (1) Fast-food restaurants with drive-through window(s).
 - (2) Convenience stores, with or without fuel sales.
 - (3) Automobile service stations, with or without convenience stores.
 - (4) ~~Automobile service stations with convenience stores.~~
 - (5) ~~Convenience stores with automobile service stations.~~
 - (6) ~~Adult entertainment.~~
 - (7) Any project proposing waivers, variances, or development bonuses greater than 15 percent.
 - (8) ~~Any project proposing a waiver or variance greater than 15 percent.~~
- (d) All residential projects shall be required to have a site plan and plat approved by the planning board and the development review committee.

4.2.2.5 *Building permit process.* No building permit shall be issued by the city until a final site plan has been approved by the development review committee, or the planning board or city commission if on appeal. No work of any nature shall commence on the property until a building permit has been issued, ~~except with the express approval of the development review committee or planning board as appropriate, or the city commission, if on appeal.~~ Projects can obtain site improvement permits for new construction without obtaining building permits. Site work permits will not vest the project or be considered to expand or extend the capacity reservation.

4.2.2.6 *Development requirement.* Upon site plan approval and issuance of a building permit, the development shall be built and used in strict accordance with the approved site plan and these regulations.

4.2.3 Fees.

Application fees for site plan review, as adopted from time to time by resolution of the city commission, must be paid to the city at the time the submittal ~~are~~ is made to the growth management department.

Impact fees, mobility fees, and utility connection fees will be assessed and shall be paid prior to the issuance of a building permit. Impact fees ~~will be assessed and mobility fees are pursuant to chapter 25 of the city code of ordinances.~~ Utility connection fees are pursuant to chapter 26 of the city code of ordinances. ~~for the following services and facilities: Transportation (including roadways within the TCEA), police and parks and recreation. Amounts are based upon the adopted schedule, presented in Ordinance No. 1469-02.~~

4.2.4 Preliminary or final site plan revisions.

4.2.4.1 *Revisions of the preliminary site plan.* Any major or substantial change from the planning board approved preliminary plan which affects the intent and character of the development, or changes in approved development bonuses shall be reviewed and approved by the planning board upon receipt of the recommendation of the development review committee. Minor changes which do not affect the intent or character of the development may be approved by the development review committee.

4.2.4.2 *Revisions of the final site plan.* Changes to the approved final site plan shall be accomplished according to the approval procedures contained in this article. Any major or substantial change to the final site plan ~~that is approved by the development review committee~~ which affects the intent and character of the development as was approved by the planning board, may be cause for reapproval of the entire site plan by the planning board. Minor changes which do not affect the intent or character of the development may be approved by the development review committee through a site plan revision application.

4.2.5 Time limit on approval.

4.2.5.1 *Preliminary site plan.* The approval of the preliminary site plan (~~inside and outside activity centers~~) approved by the planning board shall be determined as a condition of approval, but shall not exceed one year.

(a) *Extension of the preliminary site plan.* The preliminary site plan may be extended upon application to the planning board for an additional period not to exceed one year ~~and consistent with concurrency procedures and capacity reservation fee schedules contained in article H.~~ Additionally, a A consistency determination shall be completed for conformance to technical requirements and comprehensive plan policies.

4.2.5.2 *Final site plan.* The developer must submit the final site plan application as per the land development code and developer's guide prior to the expiration date of the preliminary site plan, but in no case will that exceed two years inclusive of one extension. Additionally, the developer must obtain approval of the final site plan within two years of the date of approval of the preliminary site plan, or within three years if a one-year extension for the preliminary plan was granted, or the preliminary plan approval and the final plan application shall both expire. The final site plan shall be approved by the development review committee (DRC) and shall be valid for one term ~~(one or two years), consistent with concurrency procedures.~~ Where substantial construction has not begun within the first term, or where substantial progress has not been made during any six-month period following commencement of construction, the site plan shall be re-evaluated by the appropriate bodies to determine whether the site plan should be extended or expired.

(a) Final site plan approval term. The maximum length of time a final development order shall be valid is three terms, which includes the original term of approval and two extension terms, provided the extension applications are approved by the city. One term of final site plan approval shall be equal to the following durations:

<u>Location</u>	<u>Length of a Term</u>	<u>First Term</u>	<u>Second Term</u>	<u>Third Term</u>
<u>Outside activity centers</u>	<u>1 Year</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
<u>Inside activity centers</u>	<u>2 Years</u>	<u>Years 1-2</u>	<u>Years 3-4</u>	<u>Years 5-6</u>

- (a) ~~b~~ Extension of the final site plan. ~~A written request~~ An application must be submitted to extend the final site plan along with required ~~applications, fees and plans.~~ applications, fees and plans. ~~If the final site plan extension is approved by the development review committee, the applicant must pay the applicable capacity reservation. For the specific fee schedule, refer to article II.~~ The DRC shall complete a consistency determination for conformance to technical requirements and comprehensive plan policies. No more than two extensions to a final site plan approval may be approved.
- (b) ~~For projects in the RBC the development review committee may grant only one, six-month extension of the final site plan with appropriate documentation of the causes of the construction delay. Lot clearing and grading, road construction, drainage improvements and landscaping shall not constitute development activity for purposes of this section. For more information on the six-month extension see article II.~~
- (c) ~~Development orders for projects in the RBC for which building permits have not been pulled and development activity begun within two years (two years and six months with approved extension) of final site plan approval are null and void, have no development rights, and to continue must have the entire plan reapproved subject to all requirements and procedures existing at the time of reapproval.~~
- (d)(c) ~~Projects located in the RBC activity centers which are multi-phased and not designed to be completed at one time, and which will require more than three terms two years to complete from the approval of the final development order may must enter into a capacity reservation an agreement with the city specifying the terms and conditions under which development order is maintained in an extended active state for the project. Such an agreement and its terms shall be discretionary to the city and shall be required concurrent with the approval of the preliminary final development order. If the agreement is not executed within 90 days of the date of approval of the final development order, all approvals shall expire.~~

- (1) ~~Note:~~ Lot clearing and grading, road construction, drainage improvements and landscaping shall not constitute development activity for purposes of this section.
- (2) The agreement shall specify, at a minimum:

~~4.2.6 Securing approval of site plan within the Regional Business Center (RBC).~~

~~The following are additional requirements when the project is within the Regional Business Center (RBC) and multi-phased:~~

~~4.2.6.1 Where the project is multi-phased, i.e., not designed to be completed at one time, then at the time of preliminary plan approval the developer shall enter into a capacity phasing agreement specifying the terms and conditions under which development capacity is reserved or committed to the project. The agreement shall be executed within 90 days of preliminary plan approval and shall specify:~~

- {a.} The time period for the terms of the overall project and each phase ~~capacity reservation~~, not to exceed a total of ~~15~~ 10 years and a maximum of five years per phase.
- {b.} The required activity that must take place within each phase so as to maintain ~~continue~~ the ~~capacity reservation~~ development order for subsequent phases. Required activity can include, but is not limited to, the amount of development required, the provision of mobility performance standards, and the satisfaction of conditions of approval.
- {c.} Provisions for adjustments of phase lengths and required activity to address the comprehensive plan requirements and other factors beyond the control of the developer.
- {d.} An extended approval fee equal to 15% of the project mobility fee, per term, in order to maintain the extended duration of the project's capacity reservation, mobility solutions authorization, and site plan approval. A reservation fee equal to a percentage

~~of the transportation impact fee times the square feet and/or number of dwelling units for permitted use without bonuses, plus 25 percent of the requested bonus percentage as a requirement for capacity reservation(s) when in the Regional Business Center (RBC). The payment of the fee shall be as described in the following chart:~~

<u>Term</u>	<u>Years</u>	<u>Percentage of Mobility Fee</u>	<u>Term Authorization</u>
<u>Term 1</u>	<u>Years 1-2</u>	<u>0%</u>	<u>Original</u>
<u>Term 2</u>	<u>Years 3-4</u>	<u>0%</u>	<u>Extension</u>
<u>Term 3</u>	<u>Years 5-6</u>	<u>0%</u>	<u>Extension</u>
<u>Term 4</u>	<u>Years 7-8</u>	<u>20%</u>	<u>Agreement</u>
<u>Term 5</u>	<u>Years 9-10</u>	<u>20%</u>	<u>Agreement</u>

Extended approval fees shall be credited toward the project mobility fees at the time of permit issuance. Failure of the applicant to pay the extended approval fee for the required terms shall render the final development order void. Extended approval fees are not refundable. Fees paid for projects which are null and void shall be deemed to have been earned despite the fact that the applicant may not utilize the reserved capacity, mobility solutions authorizations, and final development order.

- (e.) Project infrastructure shall be installed within the first three terms after approval of the final development order (not less than potable water, sanitary sewer, reclaimed water, streets, sidewalks, and drainage). Preliminary plans within the Regional Business Center may be approved and are subject to the same time limits and requirements as a preliminary plan approved and allocated capacity and to guidelines as adopted from time to time by the planning board.

(3) The applicant shall be responsible for the city's legal expenses in the preparation of the agreement.

(d) Capacity reservation agreements executed prior to the adoption of the mobility management system in Ordinance No. 1692-16 shall continue to be recognized and enable development approvals to extend beyond the standard approval timeframes pursuant to the terms of the agreement, provided all of the obligations and requirements of the agreement continue to be satisfied.

~~4.2.7 Requirements for fees for projects within the transportation concurrency exception area (TCEA).~~

~~4.2.7.2 TCEA fee.~~ The cost of the TCEA fee is for the administration of the program and includes monitoring, analysis, and reporting requirements within the TCEA as required by comprehensive plan policies. The cost is calculated at \$4.44 per vehicle trip. Said fee shall be collected only within the TCEA as established by Ordinance 1579-07, as amended. A map of the TCEA boundaries is available in the offices of the growth management department. A TCEA fee shall be collected at the time of building permit issuance and which fee shall be calculated in accordance with the following schedule:

Transportation Concurrency Exception Area Fee

Land Use Classification	Trip Rate per Land Use	Measurement per	Cost per Trip Factor	Final Fee Rate (per Measure)
Multifamily	6.128	Unit	\$4.44	\$27.21
Hotel	8.92	Room	\$4.44	\$39.60
Office	7.45	1,000 square feet	\$4.44	\$33.08
Retail	31.59	1,000 square feet	\$4.44	\$140.26

4.2.8 6 Development review.

4.2.86.1 *Sufficiency review.* Prior to a formal application being submitted for a preliminary site plan ~~or final site plan~~, the applicant ~~must~~ may elect to submit a plan and support documents for a sufficiency review one week prior to the first formal application submittal. The application for preliminary or final site plan will not be accepted until the sufficiency review is passed. The plan

~~applicant's materials will be reviewed by city staff for compliance with preliminary site plan submittal requirements as set forth in the land development code and developer's guide to help the applicant identify deficient or missing items before the formal application submittal. If the plan does not meet these requirements or is so incorrectly presented and fails to meet basic criteria of the Code herein, that plan will be rejected on that basis and plan resubmittal will not be accepted until the first Monday of the following month.~~

4.2.86.2 Development review for the preliminary site plan.

(a) Upon acceptance of the formal application, the plan will be reviewed by the development review committee. Upon completion of the first review, the applicant is required to meet with the DRC to review the project and receive a nonbinding determination of plan approval or denial.

(1) If the application passes its development review committee review, the DRC shall inform the applicant in writing of the review comments to be addressed prior to final submission of preliminary site plans for transmittal to the planning board. Final submissions of preliminary site plans will require 11 sets of plans (or the number as determined to be adequate by the DRC chairperson).

(2) If the application does not pass its development review committee review, the DRC shall inform the applicant in writing of the review comments to be addressed prior to resubmittal of the preliminary site plan for DRC re-review. Plan resubmittal shall be made on the first Monday of the following month at which time a resubmittal fee will be required.

(3) If the development review committee determines that the plan or support materials do not meet the minimum land development code requirements, are so incorrectly or incompletely presented that they fail to demonstrate that they meet basic criteria of the Code herein, or the applicant is determined to be nonresponsive to the DRC review comments, the application will be rejected on that basis and plan resubmittal will not be accepted until the first Monday of the following month at which time a new processing fee and application will be required.

- (b) Any preliminary site plan application not resubmitted within 60 calendar days of review shall be considered expired.
- (c) Fees. Application fees for preliminary site plan and resubmittals for re-review, as adopted from time to time by resolution of the city commission, must be paid to the city, at the time the submittal ~~are~~ is made to the growth management department.

4.2.86.3 *Development review for the final site plan.*

- (a) Upon acceptance of the formal application, the plan will be reviewed by the development review committee. Upon completion of the first review, the applicant is required to meet with the DRC to review the project and receive a determination of plan approval or denial.
- (b) The development review committee shall inform the applicant in writing of the review comments to be addressed prior to resubmittal of the final site plans.
- (c) Upon resubmittal of the final site plan the DRC will approve or deny the application. If approved, the DRC will prepare a ~~report for approval~~ final development order.
- (d) If the final site plan application is denied by the DRC, the applicant must resubmit the final site plan for DRC review.
- (e) Any ~~combined preliminary/final~~ site plan application not resubmitted within 60 calendar days of review shall be considered expired.
- (f) During the review process, if the development review committee determines that the plan or support materials do not meet the minimum land development code requirements, are so incorrectly or incompletely presented that they fail to demonstrate that they meet basic criteria of the Code herein, or the applicant is determined to be nonresponsive to the DRC review comments, the application will be rejected on that basis and plan resubmittal will not be accepted until the next application submittal deadline at which time a new processing fee ~~and application~~ will be required.

- (g) Fees. Application fees for final site plan, as adopted from time to time by resolution of the city commission, must be paid to the city, at the time the submittal are made to the growth management department.

4.2.86.4 *Combining the preliminary and final plan for development review.*

- (a) Submission of a combined preliminary site plan and final site plans is an ~~option available to applicants~~ the submittal process when the site plan is exempt from planning board approval by this article. The submission shall meet all the plan content and information requirements specified for both the preliminary site plan and final site plan submission.
- (b) Upon acceptance of the formal application, the plan will be reviewed by the development review committee. Upon completion of the first review, the applicant is required to meet with the DRC to review the project and receive a determination of plan approval or denial.
- (c) Upon resubmittal of the site plan the DRC will approve or deny the application. If approved, the DRC will prepare a ~~report for approval~~ final development order.
- (d) If the combined preliminary/final site plan application is denied by the DRC, the applicant must resubmit the combined preliminary/final site plan for DRC review.
- (e) Any combined preliminary/final site plan application not resubmitted within 60 calendar days of review shall be considered expired.
- (f) During the review process, if the development review committee determines that the plan or support materials do not meet the minimum land development code requirements, are so incorrectly or incompletely presented that they fail to demonstrate that they meet basic criteria of the Code herein, or the applicant is determined to be nonresponsive to the DRC review comments, the application will be rejected on that basis and plan resubmittal will not be accepted until the next application submittal deadline at which time a new processing fee ~~and application~~ will be required.
- (g) Fees. Application fees for submittal of a combined preliminary and final site plan, as adopted from time to time by resolution of the city

commission, must be paid to the city, at the time the submittals are made to the growth management department.

Note: Refer to the developer's guide for additional information on preliminary and final site plan review.

DIVISION 3. REQUIRED SUBMITTALS

4.3.1 Qualification of engineer.

Preliminary site plans and final site plans or any portion thereof involving engineering shall be certified and prepared by and/or under the direct supervision of a professional engineer, qualified by training and experience in the specific technical field involved and registered or licensed to practice that profession in the State of Florida.

4.3.2 Required submittals for the preliminary site plan.

- (a) A preliminary site plan submitted to the growth management department shall contain the following exhibits (refer also to the preliminary and final plan review checklist in the developer's guide for specifications regarding submittal items and required plan sheet content):
- (1) The evidence of unified control of the proposed site.
 - (2) A vicinity map showing the location of the proposed site, relationship to surrounding streets and thoroughfares, existing zoning on the site and surrounding areas, existing land use on the site and surrounding areas within 500 feet.
 - (3) A boundary survey ~~and legal description~~ of the property shall be required. An ALTA/ACSM land title survey, which shall be required for final site plan submittal, is preferred and may be submitted with the preliminary plan submittal or may be deferred until final plan submittal.
 - (4) A topographic survey including flood-prone delineations. The most recent USGS topographical survey and USGS flood-prone mapping may be utilized.

- (5) A soils survey, which may be based on the most recent Seminole County Soils Survey, drawn to the same scale as the preliminary site plan, clearly identifying all soil types especially those which are apparently not suitable for buildings or major structures due to soils limitations.
- (6) A plan with topography which clearly identifies proposed land uses, open space, and the proposed location of streets and thoroughfares, parking, recreation areas and other major facilities. Proposed access points and design transportation improvements including transit stop locations, pedestrian and bike paths.
- (7) A table showing acreage and square feet for each category of land use including roads, open space and recreation, and a table of proposed maximum and average, gross and net residential densities for residential land uses and floor area ratios (FAR) as required.
- (8) A proposed utility service concept plan, including sanitary sewers, storm drainage, potable water supply and water supplies for fire protection, including a definitive statement regarding the disposal of sewage effluent and stormwater drainage.
- (9) A statement indicating that legal instruments will be created providing for the management of common areas and facilities.
- (10) An analysis of the impact of the proposed site on ~~roads~~, schools, utilities and other public facilities and services.
- (11) ~~Traffic impact analysis (TIA):~~ Mobility solutions report:
 - a. The developer shall have a qualified traffic engineer prepare and provide the city with a ~~traffic impact analysis mobility solutions report, including projects within the TCEA, for review and approval, in accordance with the requirements outlined in article II, division 4.~~ A traffic impact analysis mobility solutions report may not be required if determined by the growth management director mobility director and/or the city engineer that the proposed development will not have a traffic an impact which justifies such analysis.

- b. Applicants shall follow the mobility solutions standards and guidelines provided in the city's developer's guide. The growth management department keeps TIA guidelines on file for projects located inside and outside of the TCEA. The analysis of traffic mobility impacts will provide an evaluation of on-site and off-site impacts and recommended improvements made necessary by the development, shall be based upon the city's mobility level of service standards and mobility performance standards. the following findings and appropriate methodologies utilized in determining the findings for projects located outside of the TCEA:
- ~~1. Total projected average weekday trip ends for the site in question;~~
 - ~~2. Design capacity of the access road(s);~~
 - ~~3. Average projected peak-hour (including time of day) trip projections for the site in question;~~
 - ~~4. Analysis of projected on- and off-site traffic patterns, i.e., turning movements;~~
 - ~~5. Projected percentage of truck traffic;~~
 - ~~6. Recommended improvements made necessary by the development;~~
 - ~~7. Other related information as required by the city engineer.~~
- c. The mobility performance standards required to mitigate impacts to the multi-modal system as documented in the mobility solutions report and accepted by the city shall be incorporated into the site plan in tabular form and include a description of the required construction improvements. For projects located within the TCEA, the analysis of traffic impacts will be based on the city's TCEA traffic impact guidelines and shall also be required to meet the following performance criteria as described in subsection 2.1.7(2).

- (12) A preliminary site plan description in sufficient detail to determine the general intent with respect to the following:
 - a. The general purpose and character of the proposed development including parking breakdown if applicable.
 - b. Land use by acreage, square feet and densities.
 - c. Structural concepts, including height and anticipated building type.
 - d. Major landscaping concepts with sufficient detail to demonstrate the minimum code requirements for landscaping will be met.
 - e. Recreation and open spaces.
 - f. Facilities commitments.
 - g. Housing types, price ranges and staging.
 - h. Phasing plan for multi-phased projects.
 - i. For projects with proposed development bonuses, list bonus request and categories offered with a brief description. A description of development bonuses can be found in division 46
- (13) All projects shall include architectural elevation drawings, with colors and materials noted, with the site plan.
- (14) All sites within any activity center shall submit an overall sign plan for the development.
- (15) A statement, on the plan, requesting any development waivers or variances together with the required application forms and fees.
- (16) Applicants shall submit for concurrency tests by providing, on the site plan, fully completed potable water and sanitary sewer capacity calculation tables for the existing uses and proposed uses, in a format as provided by the city. Site plan applications will not be accepted that do not include the fully completed tables.

4.3.3 Required submittals for final site plan.

4.3.3.1 *Requirements for approval of the final site plan.* Review of the submittal shall not begin, nor will the application be placed on the development review committee agenda, until the application has been determined to be complete. ~~A sufficiency review of the final site plan must be completed prior to formal application submittal.~~ An approved preliminary site plan is required for projects within the city limits prior to submittal of the final site plan (see division 2 and section 4.3.2 of this article for preliminary site plan requirements). The following shall be submitted unless waived by the DRC chairperson or development review committee (refer also to the preliminary and final plan review checklist in the developer's guide for specifications regarding submittal items and required plan sheet content):

4.3.3.1.1 Current ALTA/ACSM land title survey. A current ALTA/ACSM land title survey shall be included with the final site plan submittal as a supplement to the required engineering/architectural plans.

4.3.3.1.2 General development and proposed improvements: A final site plan submitted to the growth management department shall contain the following information (refer also to the preliminary and final plan review checklist in the developer's guide for specifications regarding submittal items and required plan sheet content): ~~On a set of engineering/architectural plans (24 inches by 36 inches maximum size) which are to be submitted, in duplicate copies as specified elsewhere in this document, to the growth management department the following information will be stated:~~

(a) *General information:*

- (1) Name of project;
- (2) Statement of intended use of site;
- (3) Legal description of the property and size of parcel in acres and square feet;
- (4) Name, address and telephone number of the owner or owners of record;

- (5) Name, address and telephone number of the applicant and firm which he represents;
- (6) Name, address, signature and registration of the professionals preparing the plan;
- (7) Date, north arrow and scale, number of sheets; the scale (not smaller than one inch to 50 feet) shall be designated and, where appropriate, the same scale should be used in drawing the site plan rather than varying the scale;
- (8) Vicinity map, showing relationship of proposed development to the surrounding streets and thoroughfares, shall be at a scale of not less than one inch equals 2,000 feet;
- (9) Linear dimensions of the site and proposed building;
- (10) Existing topography with a minimum of one-foot contour intervals for the proposed site. All elevations shall be referenced to United States Geological Survey Datum;
- (11) Finished grading elevation;
- (12) All existing and proposed building restriction lines (i.e., highway setback lines, easements, covenants, rights-of-way and building setback lines, even if more restrictive than those specified by the zoning regulations);
- (13) Any formal commitments, including, but not limited to contributions to offset public facilities impacts;
- (14) Density calculations for building, paving and landscaping areas;
- (15) Parking calculations;
- (16) Project address;
- (17) Legal description of site;
- (18) Adjacent municipal jurisdiction, zoning and business;

- (19) All existing proposed uses;
- (20) An overall sign plan including the location, size and height dimensions and arrangement, shall be required for all projects within an activity center ~~(Central Business District, East and West Town Centers, and the Gateway Center);~~
- (21) A land use cover analysis which includes, at a minimum, a determination of whether the site contains wetlands as defined in article 14.

(b) *Building and structures:*

- (1) Intended use;
- (2) Number of stories;
- (3) Height of building;
- (4) Number of dwelling units and density for multifamily site plans;
- (5) Projected number of employees and number of company vehicles kept at site;
- (6) For restaurants, entertainment or similar establishments, show number of seats and occupancy load;
- (7) Square footage for proposed development gross square footage, nonstorage area, square footage of each story, gross square frontage of sales area, etc.;
- (8) Photograph or sketch of proposed sign(s);
- (9) Type of construction;

(c) *Streets, sidewalks, driveways, parking areas and loading spaces:*

- (1) Engineering plans and specifications for streets, sidewalks, parking areas and driveways;
- (2) All parking spaces designated;

- (3) Number of parking spaces;
- (4) Number and location of handicapped spaces;
- (5) Number and designation of loading spaces;
- (6) Number of square feet of paved parking and driveway area;
- (7) Surface materials of driveways;
- (8) Cross section of proposed street improvements;
- (9) Fire lanes;
- (10) Location of proposed driveway(s) and median cut(s);
- (11) Internal traffic circulation plan, including directional arrows and signs to direct traffic flow;
- (12) Location of traffic-control signs and signalization devices;
- (13) Location of sidewalks (including connections to adjacent properties and sidewalk network);
- (14) Coordination of walkways, bikeways, driveways, etc., with facilities in adjacent developments;
- (15) All proposed streets and alleys;
- (16) Extension or construction of service roads and on-site access must be shown where applicable;
- (17) Mass transportation. A note on the plan shall acknowledge that the city has adopted policies in the comprehensive plan that requires mass transportation designs and improvements. All private developments will include provisions for participating in a mass transit or shuttle-bus system as part of the development review process consistent with the multi-modal transportation element. The city will require all private developments to participate through the execution of a developer's agreement regarding all costs associated with the appropriate mass transit system.

- (d) *Drainage.* Engineering plans and specifications for collection and treatment of storm drainage, including a description of the preservation of any natural features, such as, lakes and streams or other natural features.
- (e) *Dredge and fill.* If any dredging or filling operation is intended in development of the area, the developer's engineer shall consult with the city engineer to ensure conformity with dredge and fill requirements.
- (f) *Soils.*
 - (1) A soil classification map as an overlay for comparison with proposed development activities shall be provided and indicate soil classifications of the site plan as identified by the United States Department of Agriculture Soil Conservation Service in the Seminole County Soil Survey and Soil Survey Supplement. An applicant may challenge this designation by securing competent expert evaluation, at the applicant's own expense, demonstrating that the identified soils are not classified correctly. If said determination is concurred in by the city engineer, the soils shall be correctly identified for the purpose of this Code.
 - (2) Soil analysis by a qualified soil engineer shall be furnished upon request of the city engineer.
- (g) *Erosion control.* Provisions for the adequate control of erosion and sediment, indicating the location and description of the methods to be utilized during and after all phases of clearing, grading and construction.
- (h) *Limits of floodplain.* Indicate flood elevation for 100-year flood on the site plan as established by the Federal Flood Insurance Administration and as supplemented by the United States Geological Survey Map of Flood Prone Areas. The actual acreage above and below the 100-year flood elevation, plus that area below the antecedent water level shall be listed numerically.

- (i) *Proposed water, reclaimed water and sewer facilities.* Plans of proposed water, reclaimed water and sewer facilities shall be prepared in accordance with the requirements listed in article VII, Utilities.
- (j) *Solid waste.* Location(s) and access provisions for refuse service, including pad, screening, fencing and landscaping.
- (k) *Landscaping, arbor, recreation and open space:*
 - (1) Landscaping plan, irrigation system plan and provision for maintenance, including size, type and location of all landscaping, screens, walls, fences and buffers;
 - (2) Tree removal and replacement table, if applicable;
 - (3) Recreation and open space areas, if applicable;
 - (4) Existing tree survey;
 - (5) Arbor requirements.
- (l) *Irrigation systems.* All irrigation systems will be installed in such a manner to facilitate conversion to the reclaimed water system and will be reconnected from the potable water system to the reclaimed water system within 90 days after the reclaimed water system is made available to the property. In instances where the owner has installed an irrigation pump and well within three years of the reclaimed water system being made available, the owner may obtain from the city commission approval to delay the connection to the reclaimed water system, so as to provide a certain time over which to depreciate the cost thereof.
- (m) *Mobility performance standards.* The mobility performance standards required to mitigate impacts to the multi-modal system as documented in the mobility solutions report and accepted by the city shall be incorporated into the site plan in tabular form. The plan set shall also incorporate construction improvements of the mobility performance standards that are on-site or immediately adjacent to the project. When a development tract consists of three or more aggregated parcels, a replat of the tract shall be required.

- (n) City control traverse. When a site plan requires a survey of five or more acres, the survey shall be tied to the city control traverse and meet the standards set out in subsection 5.3.2.2(gf).
- (o) Easement dedications. All easement dedications shall include sketches.
- (p) Potable water and sanitary sewer concurrency. Applicants shall submit for concurrency tests by providing, on the site plan, fully completed potable water and sanitary sewer capacity calculation tables for the existing uses and proposed uses, in a format as provided by the city. Site plan applications will not be accepted that do not include the fully completed tables.

~~4.3.3.2 Requirements for approval of a combined preliminary site plan and final site plan. An application for approval of a combined preliminary and final site plan shall meet the content requirements for both preliminary site plans and final site plans as specified in this article.~~

~~4.3.3.1.3~~ 4.3.4 Existing improvements (on-site, adjacent to site and within any adjacent public rights-of-way).

- (a) Driveways and median cuts within 150 feet of the site in both directions on both sides of street to include pavement markings and signage;
- (b) Sidewalks, streets, alleys and easements (note widths and type);
- (c) Drainage systems to include natural and structural (size and materials, invert elevation);
- (d) Size and location of nearest water mains, valves and fire hydrants (if valves off plan, dimension to location);
- (e) Size and location of valves and fire hydrants for reclaimed water mains;
- (f) Sanitary sewer systems (size, invert elevation, etc., to be included)[if access, structures (manholes) are off plan, dimension to location];
- (g) Gas, power and telephone lines, where applicable.

4.3.3.1.4 ~~4.3.5~~ *Other materials.* Any additional data, maps, plans or statements, as may be required, which are commensurate with the intent and purpose of this code.

4.3.4 Required submittals combined preliminary/final site plan.

An application for approval of a combined preliminary and final site plan shall meet the content requirements for both preliminary site plans and final site plans as specified in this article.

4.3.5 Plat requirement.

When a development tract consists of three or more aggregated parcels, a plat or replat of the tract shall be required.

4.3.6 Developer's agreement.

If determined necessary by the city to secure the future performance of any conditions imposed by the city or representations made by the developer, an executed developer's agreement in a form acceptable to the city may be required. In such an event, the developer shall be required to pay all costs involved in the preparation and recording of such agreement. All developer's agreements required by the city as a consequence of development approval shall be executed by the owner/developer and provided to the city, in a form acceptable to the city attorney, within 90 calendar days of the date of final site plan approval, and prior to building permit issuance. Failure by the owner/developer to execute such agreements and provide the agreement support materials and payments, including all costs involved in the preparation of the agreement, to include without limitation the city's attorney and consultant fees, within 90 days of plan approval will render all approvals and capacity reservation fee agreements null and void.

4.3.7 Plat and/or site plan requirements.

If a parcel is to be subdivided, a preliminary plat must accompany the preliminary site plan for planning board approval or development review committee approval, as applicable by the requirements of this article. The preliminary plat must be in accordance with the procedure outlined in article V, Subdivision regulations. Upon approval of the preliminary site plan and preliminary plat, an application for final site plan and plat must be submitted for approval by the development review committee. The final site plan and plat

must comply with all regulations of the land development code and the developer's guide for all areas including single-family residential multifamily residential, commercial, industrial, recreational, or any other area where structures or roads are to be constructed, or major terrain alternations are to be made. After review and final approval by the designated officials of the final subdivision plan (single-family only) or site plan, the owner/developer may request building permits for the approved section.

Note: Single-family residential subdivision plans must adhere to additional requirements set forth in article V of the land development code.

4.3.8 Additional required submittal only where facilities are dedicated to the public.

Where facilities are to be dedicated to the city, the approval of the site plan shall, be made contingent upon certificate of adequacy of the required submittal by the city engineer and/or city attorney, as appropriate. For appropriate forms for facilities to be dedicated to the public, refer to article XVI.

4.3.9 Deposits and fees for city costs.

In situations where an application, project, or legal agreement is expected to generate additional costs for the city to process or review, such as but not necessarily limited to attorney fees, consultant fees, reproduction fees or delivery fees, the city shall have the right to require the owner/developer to provide a deposit for such city expenses. The need for and amount of such a deposit shall be at the reasonable determination of the growth management director, and which deposit shall be replenished as necessary to ensure full payment to the city. In cases of late payment, nonpayment or insufficient deposit amount, the city shall have the right to suspend processing application reviews, issue stop work orders, or otherwise suspend project processing activity. During such suspension, all normal resubmittal and application expiration deadlines shall continue to apply.

DIVISION 4. ENFORCEMENT PROVISIONS

4.4.1 General.

Within the jurisdiction of these regulations, no site plan development shall be approved, nor shall any building permit or certificate of occupancy be issued,

unless such development meets all the requirements of these regulations and has been approved in accordance with the requirements as herein provided.

4.4.2 Required improvements.

The city commission shall enforce the improvement bond by resort to legal and equitable remedies if required improvements have not been satisfactorily installed within one calendar year after the site plan is approved, unless extended by the board for cause and provided the surety consents to the extension.

4.4.3 Applicability.

The owners and successors of property developed under an approved site plan shall not remove, destroy, modify, subvert or render inoperable, through act or omission, any of the improvements, designs, standards or conditions required either directly or indirectly by these regulations.

4.4.4 Site maintenance obligation.

The owner and successors shall not remove, destroy, modify, subvert or render inoperable through act or omission any of the improvements, designs, standards or conditions required either directly or indirectly by these regulations.

4.4.5 Violation.

It shall be a violation of this article for any person to construct, open, modify or dedicate any street, driveway, sanitary sewer, water main or drainage structure without first having obtained site plan approval and otherwise having complied with the provisions of these regulations.

4.4.6 Developer's agreement obligation.

Upon completion of construction, it shall be a violation of this article for any person to have failed to construct or maintain any improvement required by an approved site plan, or to have failed to install or maintain any improvement required by a developer's agreement or other city legal agreement. It shall also be a violation of this article to, or otherwise fail to comply with the requirements and obligations contained within a developer's agreement or other city legal agreement unless otherwise agreed to by the city.

4.4.7 Penalties for violations.

- (a) Any person, whether as owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Code, or permits any such violation to continue, or otherwise fails to comply with the requirements of this Code or of any plan or statement submitted and approved under the provisions of this Code, shall be guilty of an ordinance violation and subject to prosecution. Upon conviction such person shall be fined not more than \$500.00 or imprisoned for not more than 60 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. At the option of the city, any violation may be processed through the city's code enforcement board as an alternative to prosecution under this section.
- (b) Nothing herein contained shall prevent the city from taking such lawful action, including, but not limited to, resorting to equitable action, as is necessary to prevent or remedy any violation.

SECTION THREE: City Code of Ordinances, Chapter 28, "Land Development Code," Article V., "Subdivision Regulations," is hereby amended as follows:

ARTICLE V. SUBDIVISION REGULATIONS

* * *

DIVISION 2. PROCEDURES FOR SECURING APPROVAL OF SUBDIVISION PLANS

* * *

5.2.2.6 Time limit on approval. A final subdivision plan and plat, including all areas included in the preliminary subdivision plan and plat, shall be submitted within one year after the preliminary subdivision plan and plat approval or the approval of the preliminary subdivision plan and plat shall lapse. The final subdivision plan and plat shall be approved by the development review committee and shall be valid for one term (one or two years), consistent with concurrency procedures. A single extension, not to exceed one year, and consistent with concurrency procedures and capacity reservation fee schedules contained in article II, may be considered by the planning board upon written

request by the applicant prior to the expiration date of the preliminary plan and plat, showing cause for such an extension. When a subdivision is being developed in phases, final subdivision plans and plats are to be submitted within time frames established at the time of approval of the preliminary subdivision plan and plat, unless further extensions are granted by the planning board following written application. Extension approvals do not exempt the developer from plan and plat revisions that may be deemed necessary by the city to conform to all current building, development and platting code requirements. When plan and plat revisions are deemed necessary, revision fees may be waived by the development manager.

* * *

5.2.8 Time limit on approval.

A final subdivision plan and plat, including all areas included in the preliminary development subdivision plan and plat, shall be submitted within one year after the preliminary development site or subdivision plan approval or the approval of the preliminary development subdivision plan and plat shall lapse. When a subdivision is being developed in phases, final development subdivision plans and plats are to be submitted within time frames established at the time of approval of the preliminary subdivision plan and plat, unless further extensions are granted by the planning board following written application. Final subdivision plan and plat approval by the development review committee (DRC) shall be in accordance with article II, concurrency and mobility management ~~Concurrency management and consistency determination~~. The following criteria apply to extensions.

- (a) Extensions are not necessary for subdivisions with a recorded plat or an active site work permit.
- (b) Extension requests must be submitted 60 days prior to the expiration date, and show just cause for such an extension.
- (c) Not more than one, one-year extension may be considered by the development review committee, upon written request by the applicant.
- (d) Any major or substantial change to the final plan and plat from the planning board approved preliminary plan and plat which affects the intent and character of the development, may require re-approval of the entire plan and plat by the planning board.

- (e) Extension approvals do not exempt the developer from plan and plat revisions that may be deemed necessary by the city to conform to all current building, development and platting code requirements. When plan and plat revisions are deemed necessary, revision fees may be waived by the development manager.

* * *

DIVISION 3. REQUIRED SUBMITTALS

* * *

5.3.2 Required submittals for preliminary subdivision plan and plat.

* * *

5.3.2.3 *Additional required submittals.*

5.3.2.3.1 Mobility solutions report~~Traffic impact analysis~~:

- (a) The developer shall prepare, or have prepared, and provide the city with the mobility solutions report in accordance with the requirements outlined in article II, division 4. A mobility solutions report may not be required if determined by the mobility director and a traffic impact analysis unless determined to be unnecessary by the city engineer that the proposed development will not have an a traffic impact which justifies such analysis.
- (b) The ~~traffic impact analysis~~ mobility solutions report shall be based on the submittals required for final plat review.
- (c) Applicants shall follow the mobility solutions standards and guidelines provided in the city's developer's guide. The analysis of mobility impacts will provide an evaluation of on-site and off-site impacts and recommended improvements made necessary by the development, shall be based upon the city's mobility level of service standards and mobility performance standards. The analysis of traffic impacts will provide the following findings and appropriate methodologies utilized in determining the findings:

- ~~(1) Total average projected average daily trips for the site in question;~~
- ~~(2) Design capacity of the accessed road(s);~~
- ~~(3) Average projected peak-hour (including time of day) trip projections for the site in question;~~
- ~~(4) Analysis of projected on- and off-site traffic patterns, i.e., turning movements;~~
- ~~(5) Projected percentage of truck traffic;~~
- ~~(6) Recommended improvements made necessary by the development;~~
- ~~(7) Other related information as required by the city engineer.~~

(d) The mobility performance standards required to mitigate impacts to the multi-modal system as documented in the mobility solutions report and accepted by the city shall be incorporated into the plan in tabular form and include a description of the required construction improvements. The traffic impact analysis shall be prepared by a qualified traffic engineer approved by the city.

* * *

5.3.2.3.10 Potable water and sanitary sewer concurrency. Applicants shall submit for concurrency tests by providing, on the plan, fully completed potable water and sanitary sewer capacity calculation tables for the existing uses and proposed uses, in a format as provided by the city. Applications will not be accepted that do not include the fully completed tables.

* * *

5.3.3 Required submittals for final subdivision plan and plat.

* * *

5.3.3.3.1 Performance bond. Whether facilities are to be conveyed or dedicated to the city or are to remain private, the approval of the plat shall be subject to the subdivider guaranteeing the installation and maintenance of storm drainage facilities, bulkheads, street improvements, water mains, sewer lines and/or other required improvements.

Prior to the city's issuance of a construction or site permit, a performance bond shall be posted by the subdivider. The bond must be executed by a corporate surety company authorized to do business in the State of Florida, that is satisfactory to the city, and shall be payable to the City of Altamonte Springs. The bond shall be in the amount of 110 percent of the construction costs, including landfill. Costs for construction shall be estimated by the applicant's engineer, or a copy of the contracts shall be provided. The amount of the performance bond must be approved as adequate by the city engineer. Bonding requirements may be met by the following, but not limited to:

- (a) Bond executed by approved surety company;
- (b) Escrow agreement and performance bond with escrow deposit in the form of a cashier's check or certified check;
- (c) Other, as approved by the city commission, which may include developer-lender-city agreement for providing public improvements, assignments of interest-bearing certificate of deposit or irrevocable letters of credit.

Refer to the city developer's guide for article XVII, Standard forms.

Unless a performance bond has been previously posted, the plat cannot be recorded until the certificate of completion and maintenance bond are approved and accepted by the city. In lieu of performance bonding, improvements may be installed following final plat approval and preceding final plat recording subject to the approval of the city engineer.

* * *

5.3.3.3.6 Mobility solutions report ~~Reserved.~~

- (a) A mobility solutions report in accordance with the requirements outlined in article II, division 4. A mobility solutions report may not be required if determined by the mobility director and the city engineer that the proposed development will not have an impact which justifies such analysis.
- (b) The mobility solutions report shall be based on the submittals required for final plat review.
- (c) Applicants shall follow the mobility solutions standards and guidelines provided in the city's developer's guide. The analysis of mobility impacts will provide an evaluation of on-site and off-site impacts and recommended improvements made necessary by the development, shall be based upon the city's mobility level of service standards and mobility performance standards.
- (d) The mobility performance standards required to mitigate impacts to the multi-modal system as documented in the mobility solutions report and accepted by the city shall be incorporated into the plan in tabular form and include a description of the required construction improvements.

* * *

5.3.3.3.9 Potable water and sanitary sewer concurrency. Applicants shall submit for concurrency tests by providing, on the plan, fully completed potable water and sanitary sewer capacity calculation tables for the existing uses and proposed uses, in a format as provided by the city. Applications will not be accepted that do not include the fully completed tables.

SECTION FOUR: Conflicts. Any and all Ordinances or parts of

Ordinances in conflict herewith be and the same are hereby repealed.

SECTION FIVE. Severability. If any provisions of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the 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 SIX. Effective Date. This ordinance shall become effective on June 1, 2016.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2016.

FIRST READING: _____

ADVERTISED: _____

SECOND READING: _____

PAT BATES, MAYOR
Of the City of Altamonte Springs, Florida

ATTEST:

ERIN O'DONNELL, CITY CLERK

Approved as to form and legality
for use and reliance by the City
of Altamonte Springs, Florida

Ord. No. 1692-16
Page 107

JAMES A. FOWLER, ESQ.
CITY ATTORNEY



Meeting Date: April 5, 2016

From:


Ed Torres, Director of Public Works

Approved:


Franklin Martz, City Manager

Official Use Only

Commission Action: _____

City Manager: _____

Date: _____

SUBJECT: Cost-Share Agreement between the St. Johns River Water Management District and the City of Altamonte Springs

SUMMARY EXPLANATION & BACKGROUND:

The St. Johns River Water Management District (SJRWMD) has agreed to reimburse fifty percent (50%), not to exceed \$500,000, of the total cost of construction of the City's Potable Reuse Pilot project.

The Cost-Share Agreement sets forth the terms and understandings between the St. Johns River Water Management District and the City of Altamonte Springs.

FISCAL INFORMATION: The SJRWMD will reimburse the City fifty percent (50%), not to exceed \$500,000, of the total cost of construction of the City's Potable Reuse Pilot project.

RECOMMENDED ACTION: Approve the Cost-Share Agreement between the St. Johns River Water Management District and the City of Altamonte Springs.

Initiated by: Ed Torres, Public Works

C: L.J. Schulenberg



Meeting Date: April 5, 2016

From: Mark B. DeBord, Finance

Approved: Franklin W. Martz, Jr., City Manager

Official Use Only

Commission Action: _____

City Manager: _____

Date: _____

SUBJECT: Request for Approval - Waive Formal Solicitation and Approve Single Source—Sanitary Force Main Assessments

SUMMARY EXPLANATION & BACKGROUND: The Public Works Department submitted a request to secure the services of a contractor, Pure Technologies U.S., Inc., to assess the condition of the City's sanitary force mains. The initial project (Lift Station 51) assessment estimated cost could be upwards of \$325,000. Additional assessment for future similar work for the next four fiscal years under the City's force main assessment program is not expected to exceed \$200,000 each fiscal year.

The assessment is necessary for the City to determine a cost effective repair/renewal approach to make needed upgrades to aging infrastructure. This inspection must be capable of identifying the existence and location of gas pockets, leaks and pipe wall irregularities. It is preferred that the solution use existing piping appurtenances for tool insertion and retrieval and the associated in-pipe equipment must be able to maneuver around in-line valves. Minimal to no excavation must be required to perform evaluation.

Public Works review of the current solutions available and technologies utilized by other utilities within the region identified only one solution that met the requirements of this project. Pure Technologies as the sole developer, owner and supplier of the SmartBall® Pipe Wall Assessment and Leak and Gas Detection Systems is the recommended solution to perform this work as well as future ferrous wastewater force main inspections. Further, Pure Technologies is the sole developer, owner and supplier of the PipeDiver® technology. This platform will be equipped with Magnetic Flux Leakage (MFL) technology for metal pipe and may be used to assess the condition of ductile iron pipelines. Public Works will conduct similar research each fiscal year to determine that this solution continues to be the best solution and Pure Technologies continue to be the only provider.

The cost of the sanitary force main assessments exceed the formal solicitation threshold (\$25,000 and over). Therefore, procurement procedures require Commission approval to waive the formal solicitation process and approve single and sole source purchases.

FISCAL INFORMATION: Fund: Water Sewer Repair & Rep'l

Acct/Project No.: 40208100-563700-14011

RECOMMENDED ACTION: Waive the formal solicitation process and approve Pure Technologies U.S., Inc. as the single source provider to assess the condition of Lift Station 51 sanitary force mains in an estimated amount of \$325,000, and, approve additional assessments up to \$200,000 each fiscal year for the next four fiscal years for additional assessments of other City facilities.



Meeting Date: April 5, 2016

From:


Mark B. DeRord, Finance

Approved:


Franklin J. Martz II, City Manager

Official Use Only

Commission Action: _____

City Manager: _____

Date: _____

SUBJECT: Request for Approval - Waive Formal Solicitation and Approve Sole Source – Xylem Flygt AC Series Pumps, Parts, and Service

SUMMARY EXPLANATION & BACKGROUND: The Public Works Department submitted a request to purchase replacement Flygt non-clog dry pit wastewater vertical pumps for two of the City's existing Flygt pumps at Lift Stations 7 & 33. The existing Flygt pumps are nearing the end of their usefulness and in desperate need of replacement. The initial cost to replace the two pumps is \$43,240, but possible future purchases of pumps and parts this fiscal year could increase our expenditures to \$60,000.00.

The Flygt AC Series Pumps is a Xylem, Inc. brand. Hudson Pump and Equipment Company (Lakeland, FL) is the exclusive municipal representative for Flygt AC Series Pumps (formally Allis Chalmers and ITT A-C Pump).

The cost of Xylem Flygt AC Series Pumps will exceed the formal solicitation threshold (\$25,000 and over). Therefore, procurement procedures require Commission approval to waive the formal solicitation process (Procurement Procedure No.003 & 004 and Resolution No. 988) and approve single and sole source purchases.

FISCAL INFORMATION: Fund: Water Sewer Capital Projects

Acct/Project No.: 40208100-563700

RECOMMENDED ACTION: Waive the formal solicitation process and approve Hudson Pump and Equipment Company as the sole source provider of Xylem Flygt AC Series non-clog dry pit wastewater vertical pumps, parts, and service for various lift stations in an amount up to \$60,000.00 for fiscal year 2016.



Meeting Date: April 5, 2016

From:

Mark B. DeBord, Finance Director

Approved:

Frank W. Mark, City Manager

Official Use Only

Commission Action: _____

City Manager: _____

Date: _____

SUBJECT: Orianta Avenue Improvements – Right of Way Purchase (Parcels 101 & 102)

SUMMARY EXPLANATION & BACKGROUND:

As part of the Orianta Avenue Improvements project additional right of way is needed from several private property locations within the corridor. We have been meeting with the affected property owners to obtain the necessary right of way. We have reached agreement with the owner of parcels 101 and 102 (The Altamonte Forum), which consists of two strips of land on the commercial retail development.

The partial taking of Parcel 101 totals 466 square feet and has been appraised at \$9,017. The partial taking of Parcel 102 totals 85 square feet and has been appraised at \$1,420. A copy of the summary sheet from the appraisal report is attached. The entire appraisal report is available upon request. In addition to the appraised value we agreed to pay \$4,063 in owner's review and legal fees. The total purchase price is \$14,500.

The purchase agreement signed by the seller is attached. We believe this purchase agreement to be a fair representation of value and associated expenses and, therefore, recommend Commission approval.

FISCAL INFORMATION: Funds for this project are budgeted in the Transportation Impact Fee Fund.

RECOMMENDED ACTION: Move to approve purchase agreements.

DERANGO, BEST & ASSOCIATES

PROFESSIONAL REAL ESTATE APPRAISERS, ADVISORS & CONSULTANTS
1601 EAST AMELIA STREET, ORLANDO, FLORIDA 32803

June 8, 2015

Mr. Mark B. Debord
Finance Director
City of Altamonte Springs
225 Newburyport Avenue
Altamonte Springs, Florida 32701

RE: Appraisal of the Orienta Avenue Right of Way Parcels 101 & 102, 745 Orienta Avenue in Altamonte Springs, owned by Forum Partners LTD.

Dear Mr. Debord:

We have personally inspected and appraised the above referenced property and proposed acquisition by the City of Altamonte Springs for the Orienta Avenue Improvements. The purpose of our appraisal is to estimate the market value of the property to be acquired along with any associated cost to cure or damages which may accrue to the remainder property. The intended use of the appraisals are for assistance and guidance in the acquisition of the parcels by the City of Altamonte Springs possibly through eminent domain actions.

Our value estimates, which are documented in the attached report, are summarized as follows:

Value of Taking	101	102	Total
Use	ROW	ROW	
Land Value	\$5,592	\$1,020	\$6,612
Improvements	\$3,425	\$400	\$3,825
Damages to Remainder	\$0	\$0	\$0
Cost to Cure (Net)	\$0	\$0	\$0
Total Value of Acquisition	\$9,017	\$1,420	\$10,437

Effective date of valuation **May 15, 2015.**

The values cited above are subject to the assumptions, limiting conditions, certification statements and definitions presented within the attached summary report.

Sincerely,

DERANGO, BEST & ASSOCIATES



Daniel R. DeRango, MAI, CCIM
Cert Gen RZ1054

15-073 Parcel 101 & 102

PURCHASE AGREEMENT

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

THIS PURCHASE AGREEMENT (the "**Agreement**") is made and entered into this _____ day of _____, 2016, by and between **FORUM PARTNERS, LTD., a Florida limited partnership**, hereinafter referred to as the "**Seller**" and **THE CITY OF ALTAMONTE SPRINGS, FLORIDA**, a Florida municipal corporation, hereinafter referred to as "**Purchaser**". Seller and Purchaser may sometimes be referred to in this Agreement individually as a "**Party**" or collectively "**Parties**."

WITNESSETH:

WHEREAS, the Purchaser requires the hereinafter described Property for right of way improvements, including, without limitation, street re-paving, sidewalk installation and upgrade, drainage and stormwater utility improvements as well as installation, repair and replacement of other utilities ("**the Improvements**"); and

WHEREAS, the Seller is willing to sell the Property necessary for completion of the Improvements to the Purchaser subject to the terms and conditions set forth herein.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions herein contained, the Seller hereby agrees to sell and the Purchaser hereby agrees to buy the following Property upon the following terms and conditions:

I. PROPERTY.

The Property to be conveyed from Seller to Purchaser is set forth on the Sketch of Description, with Legal Description, attached hereto as **Exhibit "A"**, and incorporated herein by this reference (the "**Property**"). All of the Property shall be conveyed, assigned and transferred to Purchaser at Closing (hereinafter defined) free and clear of all liens, claims, and encumbrances.

Comprising a portion of Parcel I. D. Number: 12-21-29-5BE-0000-4280

II. PURCHASE PRICE.

(a) The Seller agrees to sell and convey the above described Property by Warranty Deed, free of liens and encumbrances, unto the Purchaser for the sum of **\$14,500.00** (the "**Purchase Price**") based on the appraisal dated June 8, 2015, by DeRango, Best and Associates, and as negotiated between the Parties. Purchaser shall escrow the Purchase Price with Empire Title Company of Florida, Inc. upon execution of this Agreement.

(b) The Purchaser shall be responsible for the recording fees for the Warranty Deed. The Purchaser shall be responsible for acquiring its own title insurance at the Purchaser's expense.

(c) Closing costs and pro-rata real estate taxes shall be withheld by Empire Title Company of Florida, Inc. from the proceeds of this sale and paid to the proper authority on behalf of Seller and Purchaser, as appropriate.

(d) The Seller covenants that there are no real estate commissions due any licensed real estate broker and further agrees to defend against and pay any valid claims made in regard to this purchase relating to covenants made herein by the Purchaser.

(e) Purchaser shall pay to Seller the balance of the Purchase Price, net of any liens or encumbrances, in cash, on the date of closing of the Property.

III. CONDITIONS.

(a) The Purchaser shall pay to the Seller the sum as described in Item II., above, upon the proper execution and delivery of all the instruments required to complete the above purchase and sale to the designated closing agent. The Seller agrees to close within thirty (30) days of notice by the Purchaser or the Purchaser's closing agent that a closing is ready to occur.

(b) This Agreement is contingent upon the approval of the sale of the Property by the Altamonte Springs City Commission.

(c) The coordination of the construction activities on this parcel and the portions of the private property covered by the Right of Entry Agreement (Exhibit B), shall be performed. The dates of the work to be performed under Right of Entry Agreement shall be agreed to between the parties and as established by the executed agreement.

(d) The Seller agrees to surrender possession of the Property upon the date of delivery of the instruments and closing of this Agreement.

(e) Seller warrants that there are no facts known to Seller materially affecting the value of the Property which are not readily observable by the Purchaser or which have not been disclosed to the Purchaser.

(f) The instrument(s) of conveyance to be utilized at closing shall, in addition to containing all other common law covenants through the use of a Warranty Deed, also include the covenant of further assurances.

(g) The Parties shall fully comply with Section 286.23, Florida Statutes, to the extent that said statute is applicable.

(h) To the extent permitted by Florida law, the Purchaser shall be solely responsible for all of due diligence activities conducted on the Property. The Seller shall

not be considered an agent or employee of the Purchaser for any reason whatsoever on account of the Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed in their respective names on the day and year first above written.

Seller:

Forum Partners Ltd, a Limited Partnership
authorized to conduct business in the State of Florida

By: ~~Mr.~~ M. A. Cohn

Name: Marshall S Cohn

Title: President Cohn Prop. Inc.
General Partner

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 28 day of March, 2016, by Marshall S. Cohn, as the President/General Partner of **FORUM PARTNERS, LTD., a Florida limited partnership** authorized to conduct business in the State of Florida, and (s)he acknowledged before me that (s)he had the authority to and did execute same on behalf of the corporation.

Ely Flores
Signature of Notary Public

Ely Flores
(Print Notary Name)

AFFIX NOTARY STAMP



Personally known, or
 Produced Identification
Type of Identification Produced:

[Additional Signature Page Follows]

Purchaser:

THE CITY OF ALTAMONTE SPRINGS

By: _____
Pat Bates, Mayor

Date:

ATTEST: _____
Erin O'Donnell, City Clerk

Approved as to form and legality
for use and reliance by the City
of Altamonte Springs

James A. ("Skip") Fowler, City Attorney

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Pat Bates and Erin O'Donnell, Mayor and City Clerk respectively, of the CITY OF ALTAMONTE SPRINGS, FLORIDA, who are personally known to me and they acknowledged executing the same freely and voluntarily under authority vested in them and that the seal affixed thereto is the true and corporate seal of the City of Altamonte Springs, Florida.

Signature

(Notary Seal)

Print or type name

Notary Public-State of Florida
Commission No: _____
My Commission Expires: _____

Attachments:

Exhibit "A" – the Sketch of Description of Property

Exhibit "B" – Right of Entry Agreement for Construction

LEGAL DESCRIPTION
EXHIBIT "A"
PARCEL: 102
ESTATE: FEE SIMPLE
PURPOSE: ROAD RIGHT OF WAY

A part of that certain parcel of land as described and recorded in Official Record Book 3777, Pages 867-868, Public Records of Seminole County, Florida, being a portion of Lot 449 of the Altamonte Land, Hotel and Navigation Co. according to the plat thereof as recorded in Plat Book 1, Page 12 of said Public Records, lying within Section 13, Township 21 South, Range 29 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the Southwest 1/4 of Section 18, Township 21 South, Range 30 East, Seminole County, Florida being a 5" x 5" concrete monument with brass disc (JWG #1585 #1819); thence run North 00 degrees 58 minutes 45 seconds West a distance of 38.51 feet to a 4" x 4" concrete monument with no identification; thence continue North 00 degrees 58 minutes 45 seconds West a distance of 5.00 feet to a point on the North Right-of-way line of Orienta Avenue as described in Official Record Book 1413, Pages 324-326 and Official Record Book 1341, Pages 962-963 of said Public Records; thence run South 88 degrees 51 minutes 19 seconds West along said North Right-of-way line a distance of 404.01 feet to a point on the East line of said Lot 449 for the Point of Beginning; thence continue South 88 degrees 51 minutes 19 seconds West along said North Right-of-way line a distance of 47.51 feet; thence departing said North Right-of-way line run North 01 degrees 11 minutes 37 seconds West a distance of 1.75 feet; thence North 88 degrees 46 minutes 56 seconds East a distance of 47.52 feet; thence South 01 degrees 08 minutes 41 seconds East a distance of 1.81 feet to the Point of Beginning.

Containing 85 square feet, more or less.



BUCHHEIT ASSOCIATES, INC.
SURVEYORS & MAPPERS
427 CenterPointe Circle Suite 1811
Altamonte Springs, Florida 32701
(407) 331-0505 Fax: (407) 331-3266

PROJECT NUMBER: 2120003-0001
DRAWING No: PARCEL 102
DATE: 6/26/2014
REVISED: _____

SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. THE BEARINGS SHOWN HEREON ARE ASSUMED, BASED ON A BEARING OF N88°5'20"E ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 21 SOUTH, RANGE 30 EAST.
3. SUBJECT TO EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.
4. SEE SHEET 2 FOR SKETCH OF DESCRIPTION.

BUCHHEIT ASSOCIATES, INC.
SURVEYORS AND MAPPERS
LICENSED BUSINESS # 6167

BY: _____
KIMBERLY A. BUCHHEIT
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA, NO. 4838

LEGAL DESCRIPTION

EXHIBIT "A"
PARCEL: 702

ESTATE: TEMPORARY EASEMENT
PURPOSE: TEMPORARY CONSTRUCTION

A part of that certain parcel of land as described and recorded in Official Record Book 3777, Pages 867-868, Public Records of Seminole County, Florida, being a portion of Lot 449 of the Altamonte Land, Hotel and Navigation Co. according to the plat thereof as recorded in Plat Book 1, Page 12 of said Public Records, lying within Section 13, Township 21 South, Range 29 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the Southwest 1/4 of Section 18, Township 21 South, Range 30 East, Seminole County, Florida being a 5" x 5" concrete monument with brass disc (JWG #1585 #1819); thence run North 00 degrees 58 minutes 45 seconds West a distance of 38.51 feet to a 4" x 4" concrete monument with no identification; thence continue North 00 degrees 58 minutes 45 seconds West a distance of 5.00 feet to a point on the North Right-of-way line of Orienta Avenue as described in Official Record Book 1413, Pages 324-326 and Official Record Book 1341, Pages 962-963 of said Public Records; thence run South 88 degrees 51 minutes 19 seconds West along said North Right-of-way line a distance of 404.01 feet to a point on the East line of said Lot 449; thence departing said North Right-of-way line run N 01 degrees 08 minutes 41 seconds West a distance of 1.81 feet for the Point of Beginning; thence run South 88 degrees 46 minutes 56 seconds West a distance of 47.52 feet; thence North 08 degrees 46 minutes 46 seconds East a distance of 28.83 feet; thence S 90 degrees 00 minutes 00 seconds East a distance of 40.00 feet; thence South 06 degrees 26 minutes 44 seconds East a distance of 27.66 feet to the Point of Beginning.

Containing 1224 square feet, more or less.



BUCHHEIT ASSOCIATES, INC.
SURVEYORS & MAPPERS
427 CenterPointe Circle Suite 1811
Altamonte Springs, Florida 32701
(407) 331-0505 Fax: (407) 331-3266

PROJECT NUMBER: 2120003-0001
DRAWING No: TCE 702
DATE: 6/26/2014
REVISED: _____

SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. THE BEARINGS SHOWN HEREON ARE ASSUMED, BASED ON A BEARING OF N88°57'20"E ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 21 SOUTH, RANGE 30 EAST.
3. SUBJECT TO EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.
4. SEE SHEET 2 FOR SKETCH OF DESCRIPTION.

BUCHHEIT ASSOCIATES, INC.
SURVEYORS AND MAPPERS
LICENSED BUSINESS # 6167

BY: _____
KIMBERLY A. BUCHHEIT
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA, NO. 4838

SHEET 1 OF 2

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL: 101

ESTATE: FEE SIMPLE

PURPOSE: ROAD RIGHT OFWAY

A part of that certain parcel of land as described and recorded in Official Record Book 3777, Pages 867-868, Public Records of Seminole County, Florida, being a portion of Lot 464 and Lot 446 of the Altamonte Land, Hotel and Navigation Co. according to the plat thereof as recorded in Plat Book 1, Page 12 of said Public Records, lying within Section 13, Township 21 South, Range 29 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the Southwest 1/4 of Section 18, Township 21 South, Range 30 East, Seminole County, Florida being a 5" x 5" concrete monument with brass disc (JWG #1585 #1819); thence run North 00 degrees 58 minutes 19 seconds West a distance of 38.51 feet to a 4" x 4" concrete monument with no identification; thence continue North 00 degrees 58 minutes 19 seconds West a distance of 5.00 feet to a point on the North Right-of-way line of Orienta Avenue as described in Official Record Book 1413, Pages 324-326 and Official Record Book 1341, Pages 962-963 of said Public Records; thence run South 88 degrees 51 minutes 19 seconds West along said North Right-of-way line a distance of 921.28 feet to the Point of Beginning; thence continue South 88 degrees 51 minutes 19 seconds West along said North Right-of-way line a distance of 49.16 feet; thence departing said North Right-of-way line run North 01 degrees 11 minutes 52 seconds West a distance of 12.71 feet; thence North 88 degrees 51 minutes 19 seconds East a distance of 24.16 feet; thence South 64 degrees 12 minutes 37 seconds East a distance of 28.06 feet to the Point of Beginning.

Containing 466 square feet, more or less.



BUCHHEIT ASSOCIATES, INC.

SURVEYORS & MAPPERS

427 CenterPointe Circle Suite 1811
Altamonte Springs, Florida 32701
(407) 331-0505 Fax: (407) 331-3266

SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. THE BEARINGS SHOWN HEREON ARE ASSUMED, BASED ON A BEARING OF N88°57'20"E ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 21 SOUTH, RANGE 30 EAST.
3. SUBJECT TO EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.
4. SEE SHEET 2 FOR SKETCH OF DESCRIPTION.

PROJECT NUMBER: 2120003-0001

DRAWING No: PARCEL 101

DATE: 6/18/2014

REVISED: _____

BUCHHEIT ASSOCIATES, INC.
SURVEYORS AND MAPPERS
LICENSED BUSINESS # 6167

BY: _____
KIMBERLY A. BUCHHEIT
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA, NO. 4838

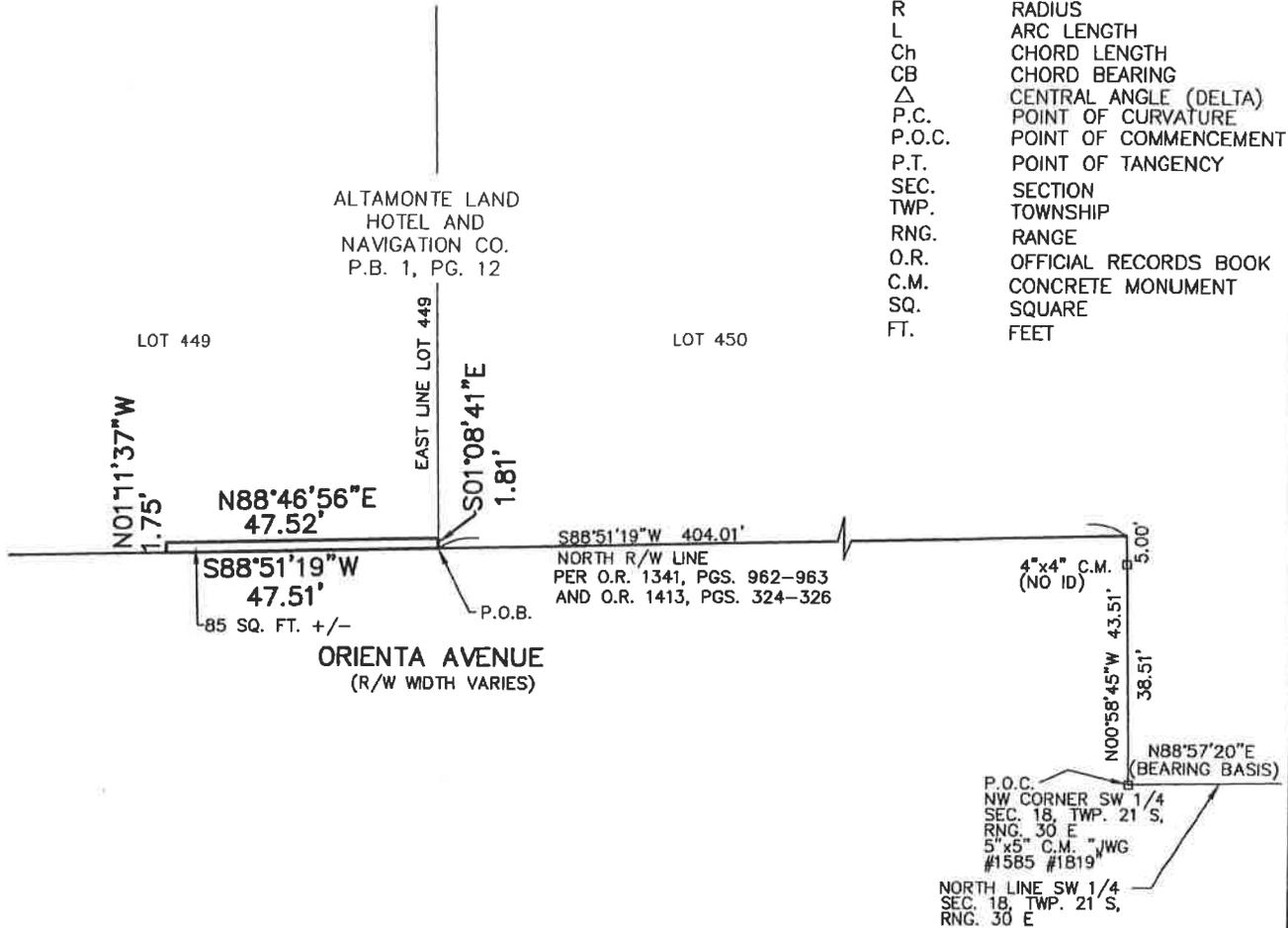
SKETCH OF DESCRIPTION
PARCEL: 102



1" = 30'

LEGEND:

P.O.B.	POINT OF BEGINNING
P.B.	PLAT BOOK
PG.	PAGE
R/W	RIGHT OF WAY
R	RADIUS
L	ARC LENGTH
Ch	CHORD LENGTH
CB	CHORD BEARING
Δ	CENTRAL ANGLE (DELTA)
P.C.	POINT OF CURVATURE
P.O.C.	POINT OF COMMENCEMENT
P.T.	POINT OF TANGENCY
SEC.	SECTION
TWP.	TOWNSHIP
RNG.	RANGE
O.R.	OFFICIAL RECORDS BOOK
C.M.	CONCRETE MONUMENT
SQ.	SQUARE
FT.	FEET



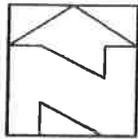
BUCHHEIT ASSOCIATES, INC.
SURVEYORS & MAPPERS
 427 CenterPointe Circle Suite 1811
 Altamonte Springs, Florida 32701
 (407) 331-0505 Fax: (407) 331-3266

SHEET 2 OF 2

SEE SHEET 1 FOR LEGAL DESCRIPTION, NOTES AND CERTIFICATION

PROJECT NUMBER: 2120003-0001
 DRAWING No: PARCEL 102
 DATE: 6/26/2014
 REVISED: _____

SKETCH OF DESCRIPTION
PARCEL: 702

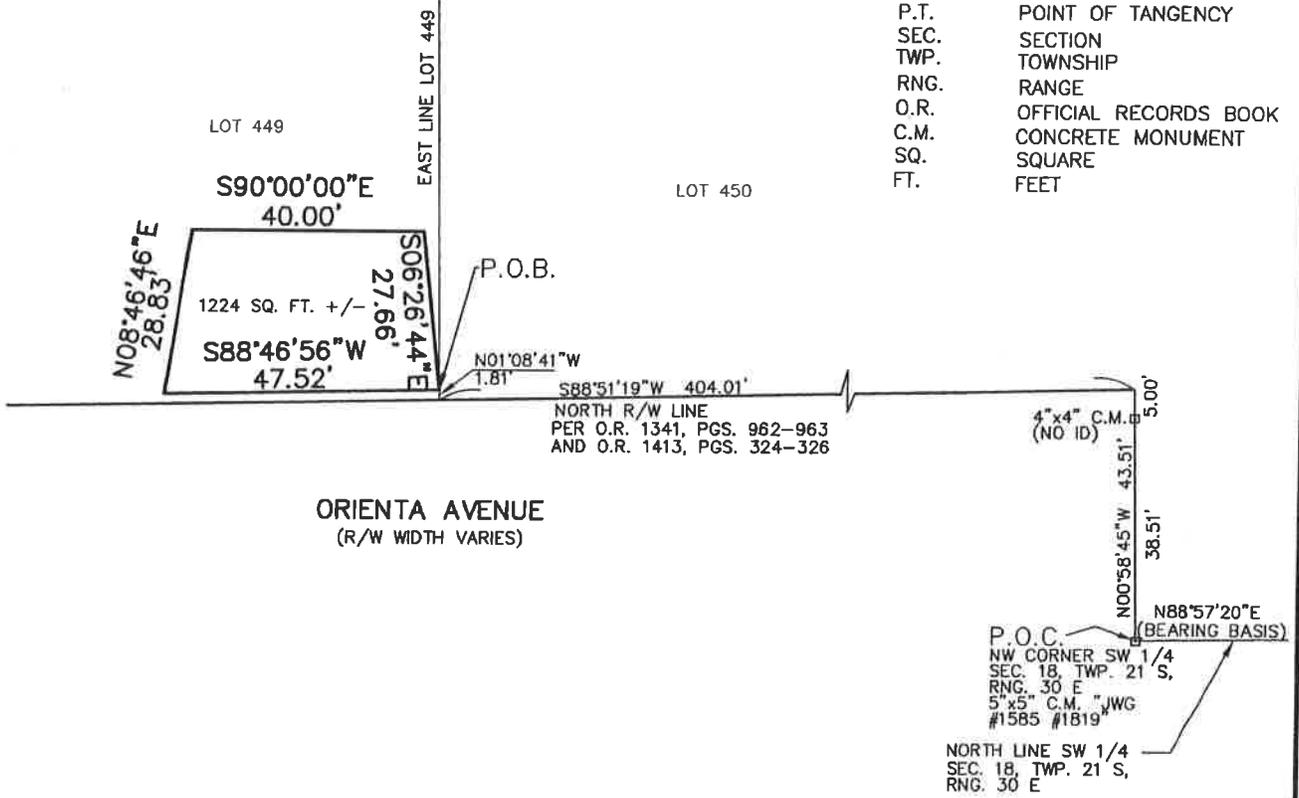


1" = 30'

ALTAMONTE LAND HOTEL
AND NAVIGATION CO.
P.B. 1, PG. 12

LEGEND:

- P.O.B. POINT OF BEGINNING
- P.B. PLAT BOOK
- PG. PAGE
- R/W RIGHT OF WAY
- R RADIUS
- L ARC LENGTH
- Ch CHORD LENGTH
- CB CHORD BEARING
- Δ CENTRAL ANGLE (DELTA)
- P.C. POINT OF CURVATURE
- P.O.C. POINT OF COMMENCEMENT
- P.T. POINT OF TANGENCY
- SEC. SECTION
- TWP. TOWNSHIP
- RNG. RANGE
- O.R. OFFICIAL RECORDS BOOK
- C.M. CONCRETE MONUMENT
- SQ. SQUARE
- FT. FEET



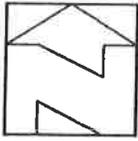
BUCHHEIT ASSOCIATES, INC.
SURVEYORS & MAPPERS
427 CenterPointe Circle Suite 1811
Altamonte Springs, Florida 32701
(407) 331-0505 Fax: (407) 331-3266

SHEET 2 OF 2

SEE SHEET 1 FOR LEGAL DESCRIPTION, NOTES AND CERTIFICATION

PROJECT NUMBER: 2120003-0001
DRAWING No: TCE 702
DATE: 6/26/2014
REVISED: _____

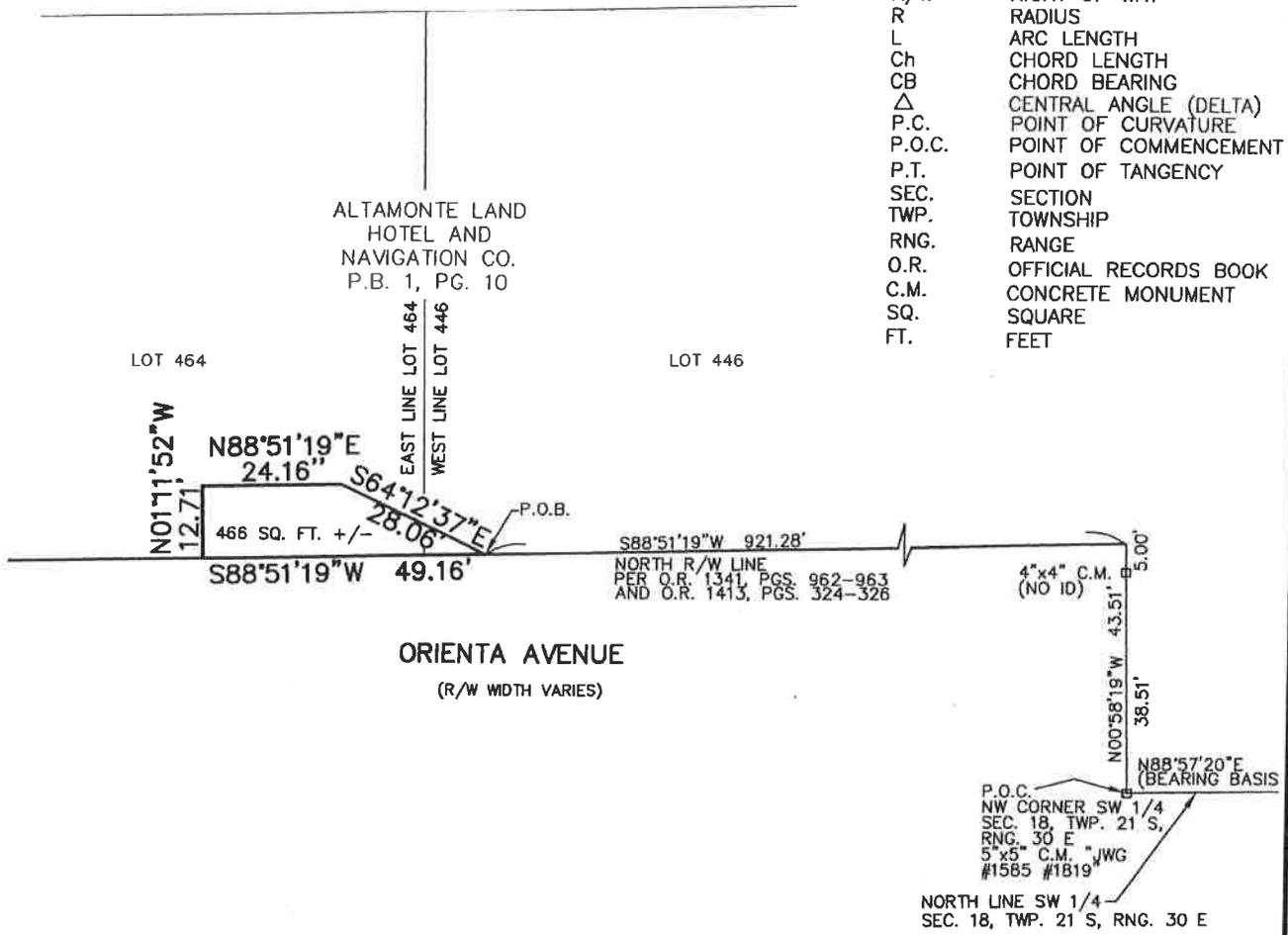
SKETCH OF DESCRIPTION
PARCEL: 101



1" = 30'

LEGEND:

- P.O.B. POINT OF BEGINNING
- P.B. PLAT BOOK
- PG. PAGE
- R/W RIGHT OF WAY
- R RADIUS
- L ARC LENGTH
- Ch CHORD LENGTH
- CB CHORD BEARING
- Δ CENTRAL ANGLE (DELTA)
- P.C. POINT OF CURVATURE
- P.O.C. POINT OF COMMENCEMENT
- P.T. POINT OF TANGENCY
- SEC. SECTION
- TWP. TOWNSHIP
- RNG. RANGE
- O.R. OFFICIAL RECORDS BOOK
- C.M. CONCRETE MONUMENT
- SQ. SQUARE
- FT. FEET



BUCHHEIT ASSOCIATES, INC.
SURVEYORS & MAPPERS
427 CenterPointe Circle Suite 1811
Altamonte Springs, Florida 32701
(407) 331-0505 Fax: (407) 331-3266

SHEET 2 OF 2

SEE SHEET 1 FOR LEGAL DESCRIPTION, NOTES AND CERTIFICATION

PROJECT NUMBER: 2120003-0001
DRAWING No: PARCEL 101
DATE: 6/18/2014
REVISED: _____



RIGHT OF ENTRY AGREEMENT FOR CONSTRUCTION - EXHIBIT 'B'

PROJECT: Orienta Avenue Improvements
 PROJECT NO: PW2012-029
 PARCEL NO.: 101 & 102
 STREET ADDRESS: 745 Orienta Avenue, Altamonte Springs, FL 32701
 STATE OF FLORIDA COUNTY OF SEMINOLE

This AGREEMENT, made and entered into on the ____ day of _____, 2016, by and between the Property Owner _____ and/or Property Owner's Agent _____, herein after called the OWNER, and the City of Altamonte Springs, herein after called the CITY.

WITNESSETH:

WHEREAS, as part of the intended improvements, the CITY desires to enter the OWNER'S property and perform activities more specifically described on Attachment 'B1', made a part hereof: During the construction of the sidewalk and roadway improvements along Orienta Avenue within the CITY's right-of-way, men and equipment may need to encroach upon the private property as part of the construction operation to create a safe and functional connection to the right-of-way. See Attachment 'B1' for additional information and general encroachment; and

WHEREAS, the OWNER has no objection to the entry onto its property to perform these construction activities on OWNER's land.

NOW, THEREFORE, in consideration of the above stated premises, the OWNER hereby grants to the CITY and its agents a right to enter upon the OWNER's lands for the purpose of performing the activities described above. If the activities include drainage improvements, the OWNER further grants the CITY and its agents or assigns a right of entry to enter upon the OWNER's lands for the purpose of maintaining the drainage facilities during and after construction. It is further understood and agreed the CITY and/or its duly authorized representative will restore the remaining disturbed lands to a safe and sanitary condition after the construction of the improvements. Restoration will be performed to the pre-construction condition or as agreed by both parties.

OWNER:
 Marshall S Cohn pres
 Name, Title Cohn Prop, Inc. General Part.
 M. A. Cohn
 Signature Date 3-28-16

CITY:

 Name, Title

 Signature Date

Owner Agent: Name, Title

 Agent's Signature Date



RIGHT OF ENTRY AGREEMENT FOR CONSTRUCTION - EXHIBIT 'B'

ATTACHMENT 'B1'

TEMPORARY AGREEMENT: This Agreement shall not be considered as a permanent easement. Upon completion of the construction activities described herein, the improvements made shall become the property and sole responsibility of the Owner.

The work described and as shown below require encroachment onto the OWNER'S property. The execution of the work outside of the right-of-way is covered by this Agreement and will be performed by the CITY's contractor as part of the overall project. The work shall be completed within the term of the project, or as amended by mutual agreement not to exceed two (2) years from the date of execution.

SCOPE OF WORK: The construction of the driveway tie-in to the newly constructed roadway and sidewalk will required the demolition of existing asphalt and concrete pavement within the existing driveway at Sta. 108+85.42. The reconstruction of this driveway provides a flatter slope than the existing driveway and accommodates the adjustment to the existing stormwater manhole top to match the new slope per Drainage Structures West Segment – plan sheet 23, and as further shown herein.

All construction work to be performed on the Owner's property covered by the agreement will be coordinated with the Owner's Representative, with a minimum of a two (2) week notice to allow the Owner to notify his staff/tenants/visitors of the work location. During construction the Contractor will maintain a minimum of one access to the Owner's property from Orienta Avenue.

****INSERT ADDITIONAL SKETCHES/DESCRIPTIONS****



Meeting Date: April 5, 2016

From:


Mark DeBord, Finance Director

Approved:


Freddie W. Marshall, City Manager

Official Use Only

Commission Action: _____

City Manager: _____

Date: _____

SUBJECT: Orienta Avenue Improvements – Right of Way Purchase (Parcel 103)

SUMMARY EXPLANATION & BACKGROUND:

As part of the Orienta Avenue Improvements project, additional right of way is needed from several private property locations within the corridor. We have been meeting with the affected property owners to obtain the necessary right of way. We have reached agreement with the owner of parcel 103 (Orienta Office), which consists of a strip of land at the front of the commercial development.

The partial taking of Parcel 103 totals 350 square feet and has been appraised at \$4,300. A copy of the cover sheet from the appraisal is attached. The full appraisal is available upon request.

The property owner has agreed to accept the appraised value. The purchase agreement signed by the seller is attached. We believe this purchase agreement to be a fair representation of value and, therefore, recommend Commission approval.

FISCAL INFORMATION: Funds for this project are budgeted in the Transportation Impact Fee Fund.

RECOMMENDED ACTION: Move to approve purchase agreement.

Initiated by: Mark DeBord

DERANGO, BEST & ASSOCIATES

PROFESSIONAL REAL ESTATE APPRAISERS, ADVISORS & CONSULTANTS
1601 EAST AMELIA STREET, ORLANDO, FLORIDA 32803

June 3, 2015

Mr. Mark B. Debord
Finance Director
City of Altamonte Springs
225 Newburyport Avenue
Altamonte Springs, Florida 32701

RE: Appraisal of Orienta Avenue Right of Way Parcel 103, 801 Orienta Avenue in Altamonte Springs, owned by Orienta Office Associates.

Dear Mr. Debord:

We have personally inspected and appraised the above referenced property and proposed acquisition by the City of Altamonte Springs for the Orienta Avenue Improvements. The purpose of our appraisal is to estimate the market value of the property to be acquired along with any associated cost to cure or damages which may accrue to the remainder property. The intended use of the appraisal is to provide assistance and guidance in the acquisition of the parcels by the City of Altamonte Springs possibly through eminent domain actions.

Our value estimates, which are documented in the attached report, are summarized as follows:

Value of Taking	103
Land Value	\$4,200
Improvements	\$100
Damages to Remainder	\$0
Cost to Cure (Net)	\$0
Total Value of Acquisition	\$4,300

Effective date of valuation **May 15, 2015.**

The values cited above are subject to the assumptions, limiting conditions, certification statements and definitions presented within the attached report.

Sincerely,

DERANGO, BEST & ASSOCIATES



Daniel R. DeRango, MAI, CCIM
Cert Gen RZ1054

15-073 Parcel 103

PURCHASE AGREEMENT

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

THIS PURCHASE AGREEMENT (the "**Agreement**") is made and entered into this _____ day of _____, 2016, by and between **ORIENTA OFFICE ASSOCIATES**, a Florida fictitious name, hereinafter referred to as the "**Seller**" and **THE CITY OF ALTAMONTE SPRINGS, FLORIDA**, a Florida municipal corporation, hereinafter referred to as "**Purchaser**". Seller and Purchaser may sometimes be referred to in this Agreement individually as a "**Party**" or collectively "**Parties**."

WITNESSETH:

WHEREAS, the Purchaser requires the hereinafter described Property for right of way improvements, including, without limitation, street re-paving, sidewalk installation and upgrade, drainage and stormwater utility improvements as well as installation, repair and replacement of other utilities ("**the Improvements**"); and

WHEREAS, the Seller is willing to sell the Property necessary for completion of the Improvements to the Purchaser subject to the terms and conditions set forth herein.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions herein contained, the Seller hereby agrees to sell and the Purchaser hereby agrees to buy the following Property upon the following terms and conditions:

I. PROPERTY.

The Property to be conveyed from Seller to Purchaser is set forth on the Sketch of Description, with Legal Description, attached hereto as **Exhibit "A"**, and incorporated herein by this reference (the "**Property**"). All of the Property shall be conveyed, assigned and transferred to Purchaser at Closing (hereinafter defined) free and clear of all liens, claims, and encumbrances.

Comprising a portion of Parcel I. D. Number: 12-21-29-5BE-0000-4500

II. PURCHASE PRICE.

(a) The Seller agrees to sell and convey the above described Property by Warranty Deed, free of liens and encumbrances, unto the Purchaser for the sum of **\$4,300.00** (the "**Purchase Price**") based on the appraisal dated June 3, 2015, by DeRango, Best and Associates. Purchaser shall escrow the Purchase Price with Empire Title Company of Florida, Inc. upon execution of this Agreement.

(b) The Purchaser shall be responsible for the recording fees for the Warranty Deed. The Purchaser shall be responsible for acquiring its own title insurance at the Purchaser's expense.

(c) Closing costs and pro-rata real estate taxes shall be withheld by Empire Title Company of Florida, Inc. from the proceeds of this sale and paid to the proper authority on behalf of Seller and Purchaser, as appropriate.

(d) The Seller covenants that there are no real estate commissions due any licensed real estate broker and further agrees to defend against and pay any valid claims made in regard to this purchase relating to covenants made herein by the Purchaser.

(e) Purchaser shall pay to Seller the balance of the Purchase Price, net of any liens or encumbrances, in cash, on the date of closing of the Property.

III. CONDITIONS.

(a) The Purchaser shall pay to the Seller the sum as described in Item II., above, upon the proper execution and delivery of all the instruments required to complete the above purchase and sale to the designated closing agent. The Seller agrees to close within thirty (30) days of notice by the Purchaser or the Purchaser's closing agent that a closing is ready to occur.

(b) This Agreement is contingent upon the approval of the sale of the Property by the Altamonte Springs City Commission.

(c) Prior to closing, Seller shall provide to Purchaser any offsite easements necessary for construction of the Improvements described above.

(d) The Seller agrees to surrender possession of the Property upon the date of delivery of the instruments and closing of this Agreement.

(e) Seller warrants that there are no facts known to Seller materially affecting the value of the Property which are not readily observable by the Purchaser or which have not been disclosed to the Purchaser.

(f) The instrument(s) of conveyance to be utilized at closing shall, in addition to containing all other common law covenants through the use of a Warranty Deed, also include the covenant of further assurances.

(g) The Parties shall fully comply with Section 286.23, Florida Statutes, to the extent that said statute is applicable.

(h) To the extent permitted by Florida law, the Purchaser shall be solely responsible for all of due diligence activities conducted on the Property. The Seller shall not be considered an agent or employee of the Purchaser for any reason whatsoever on account of the Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed in their respective names on the day and year first above written.

Seller:

ORIENTA OFFICE ASSOC., a FL FICTITIOUS NAME
authorized to conduct business in the State of Florida

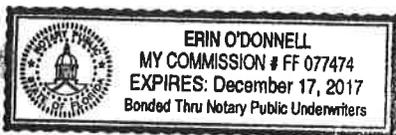
By: Mark Kruger
Name: MARK KRUGER
Title: managing partner

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 30th day of March, 2016, by MARK KRUGER, as the managing partner of **ORIENTA OFFICE ASSOCIATES**, a **Florida fictitious name**, authorized to conduct business in the State of Florida, and (s)he acknowledged before me that (s)he had the authority to and did execute same on behalf of the corporation.

Erin O'Donnell
Signature of Notary Public
ERIN O'DONNELL
(Print Notary Name)

AFFIX NOTARY STAMP



Personally known, or
 Produced Identification
Type of Identification Produced:
FL DRIVERS LIC.

[Additional Signature Page Follows]

Purchaser:

THE CITY OF ALTAMONTE SPRINGS

By: _____
Pat Bates, Mayor

Date:

ATTEST: _____
Erin O'Donnell, City Clerk

Approved as to form and legality
for use and reliance by the City
of Altamonte Springs

James A. ("Skip") Fowler, City Attorney

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Pat Bates and Erin O'Donnell, Mayor and City Clerk respectively, of the CITY OF ALTAMONTE SPRINGS, FLORIDA, who are personally known to me and they acknowledged executing the same freely and voluntarily under authority vested in them and that the seal affixed thereto is the true and corporate seal of the City of Altamonte Springs, Florida.

Signature

(Notary Seal)

Print or type name

Notary Public-State of Florida
Commission No: _____
My Commission Expires: _____

Attachments:

Exhibit "A"— the Sketch of Description of Property



Meeting Date: April 5, 2016

From:

Mark DeBord

Mark B. DeBord, Finance Director

Approved:

Franklin M. Wartz

Franklin M. Wartz, City Manager

Official Use Only

Commission Action: _____

City Manager: _____

Date: _____

SUBJECT: Orienta Avenue Improvements – Right of Way Purchase (Parcels 107 & 108)

SUMMARY EXPLANATION & BACKGROUND:

As part of the Orienta Avenue Improvements project additional right of way is needed from several private property locations within the corridor. We have been meeting with the affected property owners to obtain the necessary right of way. We have reached agreement with the owner of parcels 107 (the Palms at Altamonte Springs Apartments) and 108 (Altamonte Villa Apartments), which consists of long strips of land on the two (2) multi-family developments. Parcel 108 also includes right of way for a retention pond.

The partial taking of Parcel 107 totals 1,240 square feet and has been appraised at \$13,000. A copy of the cover sheet from the appraisal is attached. The full appraisal is available upon request. In addition, we have agreed to pay \$5,000 in owner's legal fees and \$7,000 in legal fees for the owner's lender which must approve the agreement. The total purchase price is \$25,000.

The partial taking of Parcel 108 totals 14,403 square feet, which includes land for a stormwater drainage pond. This taking has been appraised at \$171,370. A copy of the cover sheet from the appraisal is attached. The full appraisal is available upon request. In addition, we have agreed to pay \$5,000 in owner's legal fees and \$7,000 in legal fees for the owner's lender which must approve the agreement. Further, we've agreed to pay \$9,960 towards the cost of replacing a sign that will be lost in the road widening and \$11,670 for a fence between the new sidewalk and the apartment buildings. The total purchase price is \$205,000.

Purchase agreements signed by the seller are attached. We believe these purchase agreements to be a fair representation of value and associated expenses and, therefore, recommend Commission approval.

FISCAL INFORMATION: Funds for this project are budgeted in the Transportation Impact Fee Fund.

RECOMMENDED ACTION: Move to approve purchase agreements.

Initiated by: Mark DeBord

DERANGO, BEST & ASSOCIATES

PROFESSIONAL REAL ESTATE APPRAISERS, ADVISORS & CONSULTANTS
1601 EAST AMELIA STREET, ORLANDO, FLORIDA 32803

June 8, 2015

Mr. Mark B. Debord
Finance Director
City of Altamonte Springs
225 Newburyport Avenue
Altamonte Springs, Florida 32701

RE: Appraisal of Orianta Avenue Right of Way Parcel 107, 828 Orianta Avenue in Altamonte Springs, owned by New Altamonte Trace Associates (The Palms at Altamonte Springs Apartments).

Dear Mr. Debord:

We have personally inspected and appraised the above referenced property and proposed acquisition by the City of Altamonte Springs for the Orianta Avenue Improvements. The purpose of our appraisal is to estimate the market value of the property to be acquired along with any associated cost to cure or damages which may accrue to the remainder property. The intended use of the appraisal is to provide assistance and guidance in the acquisition of the parcels by the City of Altamonte Springs possibly through eminent domain actions.

Our value estimates, which are documented in the attached report, are summarized as follows:

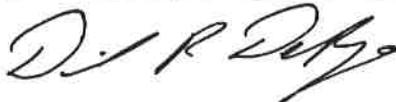
Value of Taking	107
Use	ROW
Land Value	\$12,400
Improvements	\$600
Damages to Remainder	\$0
Cost to Cure (Net)	\$0
Total Value of Acquisition	\$13,000

Effective date of valuation **May 15, 2015**.

The values cited above are subject to the assumptions, limiting conditions, certification statements and definitions presented within the attached report.

Sincerely,

DERANGO, BEST & ASSOCIATES



Daniel R. DeRango, MAI, CCIM
Cert Gen RZ1054

15-073 Parcel 107

PURCHASE AGREEMENT

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

THIS PURCHASE AGREEMENT (the "**Agreement**") is made and entered into this _____ day of _____, 2016, by and between **NEW ALTAMONTE TRACE ASSOCIATES**, a Florida limited liability corporation, hereinafter referred to as the "**Seller**" and **THE CITY OF ALTAMONTE SPRINGS, FLORIDA**, a Florida municipal corporation, hereinafter referred to as "**Purchaser**". Seller and Purchaser may sometimes be referred to in this Agreement individually as a "**Party**" or collectively "**Parties**."

WITNESSETH:

WHEREAS, the Purchaser requires the hereinafter described Property for right of way improvements, including, without limitation, street re-paving, sidewalk installation and upgrade, drainage and stormwater utility improvements as well as installation, repair and replacement of other utilities ("**the Improvements**"); and

WHEREAS, the Seller is willing to sell the Property necessary for completion of the Improvements to the Purchaser subject to the terms and conditions set forth herein.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions herein contained, the Seller hereby agrees to sell and the Purchaser hereby agrees to buy the following Property upon the following terms and conditions:

I. PROPERTY.

The Property to be conveyed from Seller to Purchaser is set forth on the Sketch of Description, with Legal Description, attached hereto as Exhibit "A", and incorporated herein by this reference (the "**Property**"). All of the Property shall be conveyed, assigned and transferred to Purchaser at Closing (hereinafter defined) free and clear of all liens, claims, and encumbrances.

Comprising a portion of Parcel I. D. Number: 12-21-29-5BE-0000-4670

II. PURCHASE PRICE.

(a) The Seller agrees to sell and convey the above described Property by Warranty Deed, free of liens and encumbrances, unto the Purchaser for the sum of **\$25,000.00** (the "**Purchase Price**") based on the appraisal dated June 8, 2015, by DeRango, Best and Associates, and as negotiated between the Parties. Purchaser shall escrow the Purchase Price with Empire Title Company of Florida, Inc. upon execution of this Agreement.

(b) The Purchaser shall be responsible for the recording fees for the Warranty Deed. The Purchaser shall be responsible for acquiring its own title insurance at the Purchaser's expense.

(c) Closing costs and pro-rata real estate taxes shall be withheld by Empire Title Company of Florida, Inc. from the proceeds of this sale and paid to the proper authority on behalf of Seller and Purchaser, as appropriate.

(d) The Seller covenants that there are no real estate commissions due any licensed real estate broker and further agrees to defend against and pay any valid claims made in regard to this purchase relating to covenants made herein by the Purchaser.

(e) Purchaser shall pay to Seller the balance of the Purchase Price, net of any liens or encumbrances, in cash, on the date of closing of the Property.

III. CONDITIONS.

(a) The Purchaser shall pay to the Seller the sum as described in Item II., above, upon the proper execution and delivery of all the instruments required to complete the above purchase and sale to the designated closing agent. The Seller agrees to close within thirty (30) days of notice by the Purchaser or the Purchaser's closing agent that a closing is ready to occur.

(b) This Agreement is contingent upon the approval of the sale of the Property by the Altamonte Springs City Commission.

(c) The Seller agrees to surrender possession of the Property upon the date of delivery of the instruments and closing of this Agreement.

(d) Seller warrants that there are no facts known to Seller materially affecting the value of the Property which are not readily observable by the Purchaser or which have not been disclosed to the Purchaser.

(e) The instrument(s) of conveyance to be utilized at closing shall, in addition to containing all other common law covenants through the use of a Special Warranty Deed, also include the covenant of further assurances.

(f) The Parties shall fully comply with Section 286.23, Florida Statutes, to the extent that said statute is applicable.

(g) To the extent permitted by Florida law, the Purchaser shall be solely responsible for all of due diligence activities conducted on the Property. The Seller shall not be considered an agent or employee of the Purchaser for any reason whatsoever on account of the Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed in their respective names on the day and year first above written.

Seller:

New Altamonte Trace Associates, a FL limited liability corp
authorized to conduct business in the State of Florida

By: _____

Name: Steven A Berger

Title: Vice President

STATE OF ~~FLORIDA~~ Pennsylvania
COUNTY OF Philadelphia

The foregoing instrument was acknowledged before me this 11th day of March, 2016, by Steven A Berger, as the Vice President of **NEW ALTAMONTE TRACE ASSOCIATES, a Florida limited liability corporation**, authorized to conduct business in the State of Florida, and (s)he acknowledged before me that (s)he had the authority to and did execute same on behalf of the corporation.

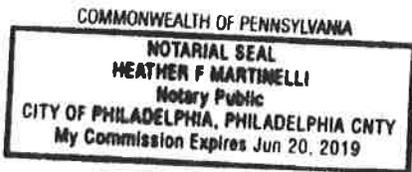
Heather F Martinelli

Signature of Notary Public

Heather F Martinelli

(Print Notary Name)

AFFIX NOTARY STAMP



Personally known, or
 Produced Identification
Type of Identification Produced:

[Additional Signature Page Follows]

Purchaser:

THE CITY OF ALTAMONTE SPRINGS

By: _____
Pat Bates, Mayor

Date:

ATTEST: _____
Erin O'Donnell, City Clerk

Approved as to form and legality
for use and reliance by the City
of Altamonte Springs

James A. ("Skip") Fowler, City Attorney

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Pat Bates and Erin O'Donnell, Mayor and City Clerk respectively, of the CITY OF ALTAMONTE SPRINGS, FLORIDA, who are personally known to me and they acknowledged executing the same freely and voluntarily under authority vested in them and that the seal affixed thereto is the true and corporate seal of the City of Altamonte Springs, Florida.

Signature

(Notary Seal)

Print or type name

Notary Public-State of Florida
Commission No: _____
My Commission Expires: _____

Attachments:

Exhibit "A"– the Sketch of Description of Property

DERANGO, BEST & ASSOCIATES

PROFESSIONAL REAL ESTATE APPRAISERS, ADVISORS & CONSULTANTS
1601 EAST AMELIA STREET, ORLANDO, FLORIDA 32803

June 9, 2015

Mr. Mark B. Debord
Finance Director
City of Altamonte Springs
225 Newburyport Avenue
Altamonte Springs, Florida 32701

RE: Appraisal of Orienta Avenue Right of Way Parcel 108, 850 Orienta Avenue in Altamonte Springs, owned by PRG Creekwood Village Associates, LLC (Altamonte Villa Apartments).

Dear Mr. Debord:

We have personally inspected and appraised the above referenced property and proposed acquisition by the City of Altamonte Springs for the Orienta Avenue Improvements. The purpose of our appraisal is to estimate the market value of the property to be acquired along with any associated cost to cure or damages which may accrue to the remainder property. The intended use of the appraisal is to provide assistance and guidance in the acquisition of the parcels by the City of Altamonte Springs possibly through eminent domain actions.

Our value estimates, which are documented in the attached report, are summarized as follows:

Value of Taking	108
Land Value	\$144,030
Improvements	\$27,340
Damages to Remainder	\$0
Cost to Cure (Net)	\$0
Total Value of Acquisition	\$171,370

Effective date of valuation **May 15, 2015**.

The values cited above are subject to the assumptions, limiting conditions, certification statements and definitions presented within the attached report.

Sincerely,

DERANGO, BEST & ASSOCIATES



Daniel R. DeRango, MAI, CCIM
Cert Gen RZ1054

15-073 Parcel 108

PURCHASE AGREEMENT

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

THIS PURCHASE AGREEMENT (the "**Agreement**") is made and entered into this _____ day of _____, 2016, by and between **PRG CREEKWOOD VILLAGE ASSOCIATES, a Florida limited liability corporation**, hereinafter referred to as the "**Seller**" and **THE CITY OF ALTAMONTE SPRINGS, FLORIDA**, a Florida municipal corporation, hereinafter referred to as "**Purchaser**". Seller and Purchaser may sometimes be referred to in this Agreement individually as a "**Party**" or collectively "**Parties**."

WITNESSETH:

WHEREAS, the Purchaser requires the hereinafter described Property for right of way improvements, including, without limitation, street re-paving, sidewalk installation and upgrade, drainage and stormwater utility improvements as well as installation, repair and replacement of other utilities ("**the Improvements**"); and

WHEREAS, the Seller is willing to sell the Property necessary for completion of the Improvements to the Purchaser subject to the terms and conditions set forth herein.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions herein contained, the Seller hereby agrees to sell and the Purchaser hereby agrees to buy the following Property upon the following terms and conditions:

I. PROPERTY.

The Property to be conveyed from Seller to Purchaser is set forth on the Sketch of Description, with Legal Description, attached hereto as **Exhibit "A"**, and incorporated herein by this reference (the "**Property**"). All of the Property shall be conveyed, assigned and transferred to Purchaser at Closing (hereinafter defined) free and clear of all liens, claims, and encumbrances.

Comprising a portion of Parcel I. D. Number: 18-21-30-300-0050-0000

II. PURCHASE PRICE.

(a) The Seller agrees to sell and convey the above described Property by Warranty Deed, free of liens and encumbrances, unto the Purchaser for the sum of **\$205,000.00** (the "**Purchase Price**") based on the appraisal dated June 9, 2015, by DeRango, Best and Associates, and as negotiated between the Parties. Purchaser shall escrow the Purchase Price with Empire Title Company of Florida, Inc. upon execution of this Agreement.

(b) The Purchaser shall be responsible for the recording fees for the Warranty Deed. The Purchaser shall be responsible for acquiring its own title insurance at the Purchaser's expense.

(c) Closing costs and pro-rata real estate taxes shall be withheld by Empire Title Company of Florida, Inc. from the proceeds of this sale and paid to the proper authority on behalf of Seller and Purchaser, as appropriate.

(d) The Seller covenants that there are no real estate commissions due any licensed real estate broker and further agrees to defend against and pay any valid claims made in regard to this purchase relating to covenants made herein by the Purchaser.

(e) Purchaser shall pay to Seller the balance of the Purchase Price, net of any liens or encumbrances, in cash, on the date of closing of the Property.

III. CONDITIONS.

(a) The Purchaser shall pay to the Seller the sum as described in Item II., above, upon the proper execution and delivery of all the instruments required to complete the above purchase and sale to the designated closing agent. The Seller agrees to close within thirty (30) days of notice by the Purchaser or the Purchaser's closing agent that a closing is ready to occur.

(b) This Agreement is contingent upon the approval of the sale of the Property by the Altamonte Springs City Commission.

(c) The Seller agrees to surrender possession of the Property upon the date of delivery of the instruments and closing of this Agreement.

(d) Seller warrants that there are no facts known to Seller materially affecting the value of the Property which are not readily observable by the Purchaser or which have not been disclosed to the Purchaser.

(e) The instrument(s) of conveyance to be utilized at closing shall, in addition to containing all other common law covenants through the use of a Special Warranty Deed, also include the covenant of further assurances.

(f) The Parties shall fully comply with Section 286.23, Florida Statutes, to the extent that said statute is applicable.

(g) To the extent permitted by Florida law, the Purchaser shall be solely responsible for all of due diligence activities conducted on the Property. The Seller shall not be considered an agent or employee of the Purchaser for any reason whatsoever on account of the Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed in their respective names on the day and year first above written.

Seller:

PRG Creekwood Village Associates, a FL limited liability corp
authorized to conduct business in the State of Florida

By: [Signature]

Name: Steve A Berger

Title: Vice President

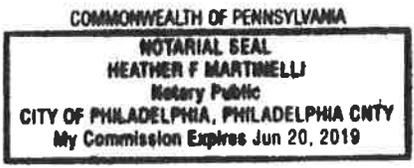
STATE OF ~~FLORIDA~~ Pennsylvania
COUNTY OF Philadelphia

The foregoing instrument was acknowledged before me this 11th day of March, 2016, by Steven A Berger, as the Vice President of **PRG CREEKWOOD VILLAGE ASSOCIATES, a Florida limited liability corporation**, authorized to conduct business in the State of Florida, and (s)he acknowledged before me that (s)he had the authority to and did execute same on behalf of the corporation.

[Signature]
Signature of Notary Public

Heather F Martinelli
(Print Notary Name)

AFFIX NOTARY STAMP



Personally known, or
 Produced Identification
Type of Identification Produced:

[Additional Signature Page Follows]

Purchaser:

THE CITY OF ALTAMONTE SPRINGS

By: _____
Pat Bates, Mayor

Date:

ATTEST: _____
Erin O'Donnell, City Clerk

Approved as to form and legality
for use and reliance by the City
of Altamonte Springs

James A. ("Skip") Fowler, City Attorney

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Pat Bates and Erin O'Donnell, Mayor and City Clerk respectively, of the CITY OF ALTAMONTE SPRINGS, FLORIDA, who are personally known to me and they acknowledged executing the same freely and voluntarily under authority vested in them and that the seal affixed thereto is the true and corporate seal of the City of Altamonte Springs, Florida.

Signature

(Notary Seal)

Print or type name

Notary Public-State of Florida
Commission No: _____
My Commission Expires: _____

Attachments:

Exhibit "A"– the Sketch of Description of Property



Meeting Date: April 5, 2016

From:

Mark B DeBord

Mark B DeBord, Finance Director

Approved:

Franklin W. Martz, II

Franklin W. Martz, II, City Manager

Official Use Only

Commission Action: _____

City Manager: _____

Date: _____

SUBJECT: AFIRST Reuse Augmentation Facility and AFIRST Stormwater Pump Station & Forcemain Improvements, Contract ITB14-021

SUMMARY EXPLANATION & BACKGROUND: On May 30, 2014, the Commission awarded Bid #14-0021 to Wharton-Smith, Inc. in the amount of \$5,846,500.00 to construct the AFIRST Reuse Augmentation Facility and AFIRST Stormwater Pump Station and Forcemain Improvements project. The contract was amended, via Change Orders No. 1 and No. 2, to reduce the contract by \$2,293,457.40 for owner direct purchases (purchasing directly from manufacturers, thus saving the City thousands in taxes).

Change order No. 3 is necessary to increase the contract amount by \$60,031.31, due to additional work and unforeseen field conditions offset by the final owner direct purchase adjustment, resulting in a net contract value of \$3,613,073.91.

FISCAL INFORMATION:

Fund: AFIRST Project

Dept/Dev: AFIRST Project

Activity/Element: City Utility System

Account Number: 40608310-563700-13019

Amount: \$60,031.31

RECOMMENDED ACTION: Approve contract change order No. 3 with Wharton-Smith, Inc. in the amount of \$60,031.31.

Change Order

No. 3

Date of Issuance: March 5, 2016

Effective Date: TBD

Project: **A-FIRST REUSE AUGMENTATION FACILITY AND A-FIRST STORMWATER PUMP STATION & FORCEMAIN IMPROVEMENTS**

Owner: **City of Altamonte Springs**

Owner's Contract No.: **ITB14021**

Contract: **ITB14021 A-FIRST Reuse Augmentation Facility and A-FIRST Stormwater Pump Station & Forcemain Improvements**

Date of Contract: **May 30, 2014**

Contractor: **Wharton Smith, Inc.**

Engineer's Project No.: **CoAS PW2013-019 and PW2013-020**

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

Revision to contract price to perform additional work associated with the construction project, owner direct purchase savings and unforeseen field conditions.

Attachments (list documents supporting change): Change Order Number 3 Summary Sheet and Wharton Smith WCPs 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 36, 37, 38, 40, and 41 .

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIMES:

Original Contract Price:

\$ 5,846,500.00

Original Contract Times: Working days Calendar days

Substantial completion (days or date): 365 days

Ready for final payment (days or date): August 1, 2015

Decrease from previously approved Change Orders No.

1 :

\$ 384,842.00

Increase from previously approved Change Orders

No. X:

Substantial completion (days): 0

Ready for final payment (days): 0

Contract Price prior to this Change Order:

\$ 3,553,042.60

Contract Times prior to this Change Order:

Substantial completion (days or date): 420 days

Ready for final payment (days or date): September 25, 2015

Increase of this Change Order:

\$ 60,031.31

[Increase] of this Change Order:

Substantial completion (days or date): 0

Ready for final payment (days or date): September 25, 2015

Contract Price incorporating this Change Order:

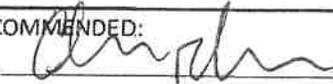
\$ 3,613,073.91

Contract Times with all approved Change Orders:

Substantial completion (days or date): 420

Ready for final payment (days or date): September 25, 2015

RECOMMENDED:

By: 

City of Altamonte Springs, FL
Engineer (Authorized Signature)

Date: 3/29/16

Approved by Funding Agency (if applicable):

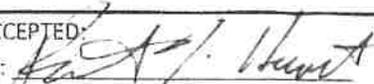
ACCEPTED:

By: _____

City of Altamonte Springs, FL
Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: 

Wharton Smith, Inc.
Contractor (Authorized Signature)

Date: 3-29-16

Date: _____