

**ORDINANCE NO. 04-2017**

**AN ORDINANCE OF THE CITY OF SEMINOLE, FLORIDA, AMENDING THE CITY OF SEMINOLE COMPREHENSIVE PLAN, GOALS OBJECTIVES AND POLICIES OF THE CAPITAL IMPROVEMENTS ELEMENT; REPEALING THE PUBLIC SCHOOL FACILITIES ELEMENT; REPEALING ANY CONFLICTING PROVISIONS; RENUMBERING EXISTING PROVISIONS AS NECESSARY; PROVIDING FOR NON-SUBSTANTIVE MODIFICATIONS THAT MAY ARISE AT PUBLIC HEARING OR CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, subsection 163.3164, Florida Statutes (F.S.), establishes the Community Planning Act; and,

**WHEREAS**, the City of Seminole is required to adopt a comprehensive plan pursuant to the provisions of Subsection 163.3184, F.S.; and,

**WHEREAS**, the City of Seminole has prepared amendments to the Comprehensive Plan; and,

**WHEREAS**, the City of Seminole Developmental Review Board, acting as the Local Planning Agency, after due public notice held a public hearing on January 23, 2017, to consider amending the comprehensive plan to address amendments to the Goals, Objectives and Policies of the Capital Improvements Element (CIE), and to repeal the Public School Facilities Element (PSFE); and,

**WHEREAS**, subsequent to the public hearing the Local Planning Agency recommended that amendments to the comprehensive plan be transmitted to the City Council for review and adoption; and,

**WHEREAS**, after due notice pursuant to Subsection 163.3184 (11) published on April 14, 2017, the City of Seminole City Council on April 25, 2017, adopted on first reading proposed amendments to the Goals, Objectives and Policies of the CIE and the repeal the PSFE; and,

**WHEREAS**, the City of Seminole has transmitted a copy of this Ordinance for review and comment to the Department of Economic Opportunity (DEO), and other agencies, in accordance with Chapter 163, F.S.; and,

**WHEREAS**, the City of Seminole has considered and addressed the Florida Department of Economic Opportunity (DEO) "Objections, Recommendations, and Comments Report"; and,

**WHEREAS**, after due notice published on October 13, 2017, the City of Seminole City Council acting as the Local Governing Body adopted on second and final reading the amendments; and,

**WHEREAS**, the City of Seminole affirmatively declares that said adopted amendments are consistent with the Countywide Plan and the Countywide Rules, as amended.

**NOW, THEREFORE, BE IT ORDAINED**, by the City of Seminole, Florida, as follows:

**Section 1.** This ordinance is adopted in compliance with, and pursuant to, the Community Planning Act, Chapter 163, Part II, et. seq., Florida Statutes.

**Section 2.** The City of Seminole Comprehensive Plan, Capital Improvements element is hereby amended as shown in the attached Exhibit A.

**Section 3.** The City of Seminole Comprehensive Plan, Public School Facilities element is hereby repealed in its entirety.

**Section 4.** It is the intention of the City Council of the City of Seminole that each new or modified article and section within Comprehensive Plan hereof be numbered in proper order and sequence, and that any out of order or misnumbered Goal, Objective or Policy contained in this ordinance shall not affect the validity of any other provisions of this ordinance, the City of Seminole Comprehensive Plan, or the City of Seminole Land Development Code, but shall instead be automatically renumbered and ordered accordingly.

**Section 5.** It is the intention of the City Council of the City of Seminole that each and every provision hereof be considered severable, and that the invalidity of any provision or provisions of this ordinance by a court or a determination that any provision or provisions are found not in compliance by the state land planning agency, said provision or provisions shall be administratively severed and such severance shall not affect the validity of any other provisions of this ordinance, the City of Seminole Comprehensive Plan, or the City of Seminole Land Development Code.

**Section 5.** The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the State Land Planning Agency.

APPROVED ON FIRST READING: April 25, 2017

PUBLISHED: April 14, 2017 & October 13, 2017

PASSED AND ADOPTED ON

SECOND AND FINAL READING: October 24, 2017

  
LESLIE WATERS, MAYOR

I, Patricia Beliveau, City Clerk of the City of Seminole, Florida, County of Pinellas, State of Florida, a municipal corporation do hereby certify the foregoing and hereto attached is a true and correct copy of Ordinance No. 04-2017 which is on file in the City Clerk's Office:

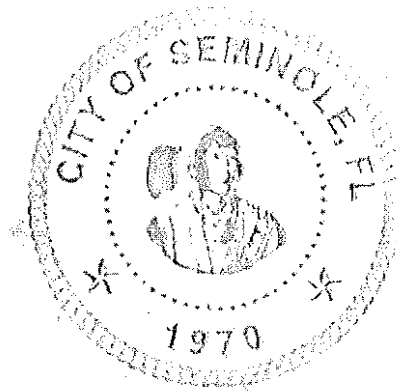
IN WITNESS WHEREOF, I hereunto set my hand and affixed the seal of the City of Seminole, Pinellas County, Florida, this 24 day of October, 2017.



Patricia Beliveau, City Clerk

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## ***CAPITAL IMPROVEMENTS ELEMENT***

### **GOAL:**

**THE CITY SHALL UNDERTAKE FISCAL ACTIONS NECESSARY TO PROVIDE AND MAINTAIN PUBLIC FACILITIES FOR ALL RESIDENTS AND DEVELOPMENT AT THE ADOPTED LEVELS OF SERVICE.**

### **Objective 1.1: Schedule of Capital Improvements**

**Capital improvements, contained in the adopted five-year Schedule of Capital Improvements, will be provided to correct existing deficiencies, to accommodate desired future growth, and to replace worn out or obsolete facilities.**

**Policy 1.1.1:** Continue to evaluate projects proposed for inclusion in the five-year Schedule of Capital Improvements.

**Policy 1.1.2:** Continue to adopt and update annually a multi-year Capital Improvements Program (CIP), the first year of which shall be the Capital Budget.

**Policy 1.1.3:** Proposed capital improvement projects shall be evaluated according to the following criteria:

- Elimination of a proven or obvious hazard to public health, safety, or welfare;
- Fulfillment of a City legal commitment;
- Preservation, maintenance, refurbishment, achievement of full use, or replacement of existing facilities;
- Enhancement of an existing facility to meet an adopted level of service;
- Increase the efficiency or use of existing facilities; prevention or reduction of future improvement costs; or provision of equitable service citywide;
- Facility enhancement to meet the demands of development and redevelopment;
- Furtherance of goals, objectives, or policies adopted in the *Seminole Comprehensive Plan*;
- Increase of community economic base or quality of life;
- Budget impact and financial feasibility, including operating costs; and
- Consistency with plans of other agencies having responsibility for public facilities within the City.

**Policy 1.1.4:** Establish the capital improvements cost threshold of \$25,000 for projects to be included in the CIE of this comprehensive plan.

**Policy 1.1.5:** Existing and anticipated capacity deficiencies identified in other element of this plan shall be corrected according to the financially feasible Schedule of Capital Improvements adopted through this *Capital Improvements Element* policy.

**Table 1**  
**Schedule of Capital Improvements (All numbers are in thousands: \$25,000 = 25)**

Type of Project & Name	Total	Fiscal Year Costs / Funding Source FY 17-FY 21				
		FY 17	FY 18	FY 19	FY 20	FY 21
<i>Drainage Improvements</i>						
Miscellaneous Improvements	700 GF	100 GF	150 GF	150 GF	150 GF	150 GF
<i>Transportation</i>						
Street Resurfacing	750 GF	155 GF	145 GF	150 GF	150 GF	150 GF
Liberty Lane Rebuild	150 GF	0	150 GF	0	0	0
Johnson Blvd. Rebuild	388 GF & 412 MIF	0	50 MIF	388 GF & 362 MIF	0	0
<i>Recreation/Open Space</i>						
Waterfront Park	1,100 GF & & 400 GR	800 GF & 100 GR	200 GF & 200 GR	100 GF & 100 GR	0	0
Blossom Lake Park	200 GF	0	200 GF	0	0	0
City Park Restroom Rehab	60 GF	60GF	0	0	0	0
City Park Playground	165 GF	165 GF				
<i>Fire &amp; Facilities</i>						
Station 32 Construction	1,500 GF	1,500 GF	0	0	0	0
City Hall Exterior	165 GF				165 GF	
<b>Fund Summary</b>						
Borrowing	0	0	0	0	0	0
General Fund	5,228	2,780	895	788	465	300
Grants	400	100	200	100		
Mobility Impact Fee	412		50	362		
<b>Totals</b>	<b>6,040</b>	<b>2,880</b>	<b>1,145</b>	<b>1,250</b>	<b>465</b>	<b>300</b>

**Legend:**    Fund Abbreviation    Fund Name

                  B                    Borrowing

                  GF                    General Fund

                  GR                    Grants

                  MIF                    Mobility Impact Fee

**Objective 1.2: Debt Management**

**The City Council, through the budget process, shall continue to manage its debt in a manner to retain the integrity of its fiscal resources.**

**Policy 1.2.1:** The City shall not incur any form of indebtedness in order to provide needed capital improvements at adopted levels of service (LOS) that would result in a bond rating deemed commercially unacceptable by the City Council.

**Policy 1.2.2:** Confine long-term borrowing to capital improvements too large to be financed from current revenues.

**Policy 1.2.3:** Ensure that any bonds issued will be structured to be paid back within a period not to exceed the expected useful life of the capital project.

**Policy 1.2.4:** Where appropriate, special assessment revenue, or revenue bonds will be used instead of general obligation bonds.

**Policy 1.2.5:** Total debt service for general obligation debt shall be guided by the requirements of the City charter.

**Policy 1.2.6:** Efforts shall continue to secure grants or private funds to finance capital improvements.

**Objective 1.3: Level-of-Service Standards**

**The City shall utilize its fiscal resources to eliminate any identified existing deficiencies and ensure the provision of needed capital improvements for future development and redevelopment at adopted levels of service.**

**Policy 1.3.1:** Continue to work with other governmental jurisdictions to implement a strategy to ensure that the entire cost of providing necessary capital facilities, at adopted levels of service, for any future development or redevelopment within the jurisdiction shall not be borne by existing residents.

**Policy 1.3.2:** Continue to coordinate with Pinellas County, state agencies, the water management district, and other municipalities that provide public facilities within the City's jurisdiction to ensure that projects are funded in a fiscally equitable manner apportioning the costs of growth among those who are responsible for and benefit from it.

**Policy 1.3.3:** Continue to enforce existing and future intergovernmental impact fees, and will consider the adoption of local fees as may be required to maintain adopted levels of service.

**Policy 1.3.4:** The adopted levels of service for public facilities within the jurisdiction of the City of Seminole shall be those adopted in the other elements of this comprehensive plan and Policy 1.5.4 of the *Capital Improvements Element*.

**Objective 1.4: Coastal High Hazard Area**

**Public expenditures that support development in the Coastal High Hazard Area shall be limited to those improvements included in this comprehensive plan or determined by the City Council to be an overriding public benefit.**

**Policy 1.4.1:** Funds shall not be expended in Coastal High Hazard Area, except as may be deemed appropriate to renew, replace, or improve public facility levels of service established in this plan.

**Policy 1.4.2:** Development orders shall require applicants to fully fund public improvements in new developments and redevelopments located in the Coastal High Hazard Area.

**Objective 1.5: Concurrency Management System**

**The City of Seminole shall provide, or require provision of, needed infrastructure for development and redevelopment concurrently with their impacts through the adoption and implementation of a concurrency management system, monitoring of the comprehensive plan, and enforcement of land development regulations.**

**Policy 1.5.1:** Continue to ensure that all development and redevelopment taking place within its municipal boundaries does not result in a reduction of the level-of-service requirements established and adopted in the financially feasible *Capital Improvements Element* of this comprehensive plan.

**Policy 1.5.2:** The land development regulations shall contain provisions whereby development orders, permits or certificates of occupancy shall be issued only if public facilities necessary to meet the level-of-service standards adopted pursuant to this Comprehensive Plan are available concurrent with the impacts of the development or is timed and phased in conjunction with provision of supporting community facilities or such impacts are mitigated.

**Policy 1.5.3:** Use the levels of service standards as defined in the Comprehensive Plan to determine the impacts of development and redevelopment.

**Policy 1.5.4:** The review of the *Capital Improvements Element*, shall be updated the year prior to preparation of the required Evaluation and Appraisal Report.

**Policy 1.5.5:** The Land Development Code shall contain provisions that define criteria for issuance of development permits relative to meeting concurrency requirements for water, sewer, roadways, solid waste, drainage and recreation/open space.

**Policy 1.5.6:** The Schedule of Capital Improvements may include projects listed in the first three years of the Florida Department of Transportation five-year work program.

**Policy 1.5.7:** The Schedule of Capital Improvements shall contain the estimated commencement and completion dates of road and mass transit projects.

**Policy 1.5.8** The elimination, deferral, or delay of construction of any road or service needed to maintain adopted levels-of-service standards and which is listed in the Schedule of Capital Improvements shall require amendment of the comprehensive plan.

**Policy 1.5.9:** Utilize the following criteria in prioritizing sidewalk and bicycle improvements needed to fill gaps: (1) proximity to public schools; (2) proximity to City parks or recreational facilities; (3) proximity to high density residential and commercial areas, or any area exhibiting (or potentially exhibiting) a high volume of pedestrian activity; and (4) proximity to identified redevelopment areas.