

ARTICLE III

CONCURRENCY
MANAGEMENT

ARTICLE III

CONCURRENCY MANAGEMENT

Sec. 3-1. PURPOSE

It is the intent of the Town Council that public facilities and services needed to support development shall be available concurrent with the impacts of such development. The purpose of this Article is to provide guidelines and procedures necessary to fulfill this intent and to meet the concurrency requirements of state law.

Sec. 3-2. APPLICABILITY

Development orders shall not be issued unless public facilities and services which meet or exceed the adopted level of service standards are available concurrent with the impacts of the development. Unless public facilities and services which meet or exceed such standards are available at the time the development order is issued, development orders shall be specifically conditioned upon availability of the public facilities and services necessary to serve the proposed development. Public facility and service availability shall be deemed sufficient if the public facilities and services for a development are phased, or the development is phased, so that the public facilities and those related services which are deemed necessary by the City to operate the facilities necessitated by that development are available and meet the adopted level of service standards concurrent with the impacts of the development. Phased facilities and services to be provided by the City shall be included in and consistent with the Capital Improvements Element of the Comprehensive Plan. Public facilities and services to be provided by the developer shall be guaranteed in an enforceable development agreement, including development agreements pursuant to subsection 2-5.6 of this Code.

3-2.1 Minimum Requirements for Concurrency

For the purpose of determining if concurrency requirements are being met the City shall use the minimum requirements set forth in Section ___ of the Comprehensive Plan, as a general guideline.

Sec. 3-3. LEVEL OF SERVICE STANDARDS

3-3.1 Public Purpose

Level of service standards shall be established and maintained for ensuring that adequate facility capacity will be provided for future development and for purposes of issuing development orders, pursuant to Section 163.3202(2)(g), Florida Statutes. The City

shall establish and maintain a level of service standard for each public facility located within the area for which the City has authority to issue development orders. Such level of service standards shall be set for each individual facility or facility type and not on a systemwide basis.

3-3.2 Public Facilities and Services

Public facilities and services are those associated with: 1) transportation systems or facilities; 2) sewer systems or facilities; 3) solid waste systems or facilities; 4) drainage systems or facilities; 5) potable water systems or facilities; and, 6) parks and recreation systems or facilities.

3-3.3 Level of Service Standards

The following level of service standards shall be used to evaluate available facility capacity and as a basis for issuance of development orders.

1. Transportation systems or facilities. Levels of service for transportation systems or facilities shall be based upon the functional classifications of roadways, and volume/capacity standards used by the Florida Department of Transportation.

<u>Functional Classification</u>	<u>Peak Hour Level of Service</u>
<u>URBAN</u>	
Urban Principal Arterial	C
Urban Minor Arterial	D
Urban Collector	D
Local Street	E

2. Sewer systems or facilities.
 - a. The City shall use sewage flows specified in Table II, "Estimated Domestic Sewage Flows" found in s. 10D-6.048, FAC for purposes of estimating sewage generated by development activities. These estimates shall be used to make certain that available facility capacity exists to serve the proposed development concurrent with the impacts of such development, and to maintain a cumulative allocation of facility capacity dedicated for approved developments.
 - b. The City shall use ___ million gallons per day, based on sustained average monthly flows, as the threshold for denying development permits for compliance with concurrency requirements.
 - c. For areas which are not served by central sewer, the level of service shall be presumed adequate when the developer receives an on-site sewage treatment permit pursuant to Ch. 10D-6, FAC.
3. Solid waste systems or facilities.

The City shall use 5.06 pounds of solid waste per person per day to evaluate potential impacts of proposed development and as a basis for issuing development permits.

4. Drainage systems or facilities.

The City shall use the following standards for purposes of evaluating impacts from proposed development and for issuing development permits.

The level of service standards for water quantity and water quality for the 25 year, 243 hour storm event are as follows:

a. WATER QUANTITY

Post-development runoff from the site shall not exceed peak pre-development runoff rates.

b. WATER QUALITY

Stormwater treatment shall be provided for a volume equivalent to 1/2 of depth over the entire site or the runoff from the first 1 inch of rainfall on the entire site in accordance with Chapter 17-25, F.A.C. in order to meet receiving water quality standards in Chapter 17-302, section 17-302.500, F.A.C.

These water quality and quantity standards shall apply to all new development and redevelopment, regardless of project size.

5. Potable water systems or facilities. The City shall use 175 gallons per person per day delivered at a pressure of forty (40) pounds per square inch to evaluate potential impacts of proposed development and for issuing development permits.

6. Parks and recreation systems or facilities. The City shall use the following standards for evaluating potential impacts from proposed development and for issuing development permits.

a. Recreation Site Standards

Neighborhood Parks -	2 acres per 1,000 population
Community Park -	2 acres per 1,000 population

b. Facilities Standards

Golf	9-hole golf course	25,000
Golf	18-hole golf course	50,000
Tennis	Tennis court	2,000
Baseball/ softball	Baseball/softball	3,000

Football/ soccer	Baseball/soccer field	4,000
Handball/ racquetball	Handball/racquetball court	10,000
Basketball	Basketball court	5,000
Swimming (pool)	Swimming pool	8,700

3-3.4 Levels of Service to be Maintained

1. All applications for development approval shall demonstrate that the proposed development does not degrade adopted level of service standards.
2. Development orders may be issued for proposed development which exceeds adopted levels of service only when the terms and conditions of such exceedances are consistent with Section 5 of the Comprehensive Plan.
3. Notwithstanding the foregoing, levels of service may be temporarily degraded during actual construction of new facilities, if upon completion of construction the prescribed levels of service will be met.
4. The Town Council may temporarily waive the foregoing requirements as they relate to levels of service for parks and recreation systems or facilities if the sites and facilities needed to maintain levels of service are included in the capital improvements element of the Comprehensive Plan, and conform to the provisions of paragraph 2. of this subsection.

3-3.5 Revisions or Adjustments

The levels of service specified in the Comprehensive Plan and in subsection 3-3.2 may be revised or adjusted to accommodate changing conditions and circumstances. Revisions or adjustments to levels of service shall be based upon accurate and reliable data or information, and shall be considered a plan amendment subject to the amendment procedures specified in the Comprehensive Plan.

Sec. 3-4. ADEQUATE CAPACITY OF PUBLIC FACILITIES

For purposes of issuing development orders the available capacity of public facilities and services shall be determined as prescribed in this Section.

3-4.1 Presumption of Adequate Capacity

Adequate capacity shall be presumed to be available for the approval of development orders until such time as conditions and circumstances indicate otherwise. Determination of such conditions and circumstances shall be triggered by certain thresholds which demonstrate that public facilities and services are nearing available capacity. Development orders shall not be denied on the basis of concurrency until such time as capacity thresholds are reached and maintained. Presumption of adequate capacity as a basis of meeting concurrency requirements shall not relieve the responsibility of the developer from compliance with other provisions of this Code, or the responsibility of the City for maintaining records which indicate the cumulative impacts of development orders.

3-4.2 Capacity Thresholds

The City shall establish, and revise as necessary, capacity threshold standards to be used for presumptions of adequate capacity. Thresholds shall be indicated for transportation systems or facilities, sewer systems or facilities, solid waste systems or facilities, drainage systems or facilities, potable water systems or facilities, and parks and recreation systems or facilities. The list of capacity threshold standards shall be as specified in subsection 3-4.3 of this Code.

3-4.3 Capacity Threshold Standards

Adequate capacity shall be presumed to be available until such time as the following standards are met or exceeded.

1. Roadways
Annual "Average Daily Traffic" (AADT) counts published by the Florida Department of Transportation, or established by other means, reach ninety percent (90%) of the maximum level of service volume as established by the City.
2. Sewer
Monthly sewage flows, based on a six (6) month average, reach 90% of capacity as specified in subsection 3-3.2, paragraph 2.
3. Solid Waste
Average daily tons of solid waste collected in the City reach _____ percent (___%) of the disposal capacity of Jackson County solid waste disposal facilities.
4. Drainage
Proposed development is in compliance with subsection 4-5.1,4 of this Code.
5. Potable Water
Average daily consumption (million gallons per day) of potable water in the City reaches ninety percent (90%) of available capacity, or delivery pressure (pounds per

square inch, psi) falls below thirty (30) psi on a city-wide basis.

6. Recreation
Population demand for recreation sites and facilities, based on annual population estimates, reaches 95% of availability for such sites and facilities.

7. Population
All capacity thresholds will be immediately re-evaluated in the event population growth exceeds ten percent (10%) during any one year. Determination of population growth shall be based upon annual estimates of population published by the Bureau of Economics and Business Research (BEBR), University of Florida.

3-4.4 Termination of Presumption of Adequate Capacity

Presumption of adequate capacity for purposes of issuing development orders shall be terminated when it has been determined by the City that the capacity thresholds have been met or exceeded. At that time, the City Clerk shall issue a statement to the, the Planning Board, and the Town Council which indicates that all applications for development approval will be subject to the concurrency requirements of this Article and the Comprehensive Plan.

Sec. 3-5. CONCURRENCY MANAGEMENT SYSTEM

Notwithstanding the provisions of Section 3-4., the City shall evaluate impacts upon public facilities and services caused by proposed development for each application for development approval. Impacts caused by proposed development for which adequate capacity is presumed subject to subsection 3-4.1 shall be recorded by the City and added to a cumulative total of allotted capacity for purposes of determining when capacity thresholds have been met.

The system for determination of potential impacts on public facilities caused by proposed development for purposes of recording a cumulative total of allocated capacity, and for meeting concurrency requirements when capacity thresholds have been met, shall be as described in subsection 3-5.1.

3-5.1 Determination of Available Capacity

Available capacity shall be determined for public facilities and services as follows.

1. Roadways

- a. The City Clerk shall obtain the latest available "Average Daily Traffic" (AADT) counts from the Florida Department of Transportation each year, or obtained by other means, as revised AADT counts become available.
- b. Each year, AADT counts will be used to: 1) determine if capacity thresholds have been reached or exceeded; and, 2) establish the basis from which traffic caused by proposed development can be expected to impact upon level of service standards.
- c. Using the annual AADT counts as a basis, potential traffic to be generated by a proposed development shall be estimated through use of criteria specified in Trip Generation, 4th Edition, Institute of Transportation Engineers, 1987. Estimates of trips to be generated shall be added to the annual AADT count basis to determine if capacity thresholds or level of service standards will be met or exceeded.

The City Clerk shall maintain a cumulative total of estimated trips added to the AADT count basis until such time as revised AADT counts become available.

2. Sewer

- a. The City shall maintain an estimate of average daily sewage flow which shall be updated each month. Sewage flow estimates will be derived from an average of monthly sewage flows for the six (6) month period immediately preceding the month for which the estimate is being made. Average sewage flows shall be determined from "Domestic Wastewater Treatment Plant Monthly Operating Reports" as specified in Section 17-1.205(7), FAC; or equivalent.
- b. Estimated average daily flows derived from the average monthly sewage flows shall be used as the basis to determine if capacity thresholds or level of service standards will be met or exceeded. Average daily sewage flow will be estimated for all proposed development using the level of service specified in Subsection 3-3.2, Paragraph 2.

Additional sewage flow caused by proposed development shall be added to the estimated monthly sewage flow to determine if adequate capacity is available.

- c. The City shall maintain a cumulative total of permitted sewage flows and shall reduce the City's allocated capacity accordingly on a monthly basis.
3. Solid Waste
 - a. On an annual basis, the City shall identify available solid waste disposal capability which can be provided by Jackson County. This volume shall provide the basis to determine if capacity thresholds or level of service standards will be met or exceeded.
 - b. The City shall apply the level of service standard found in Subsection 3-3.2, Paragraph 3. to estimate volumes of solid waste generated by proposed developments.
4. Drainage
 - a. Unless waived by the City Clerk, the City shall require all developers submitting an application for development approval to provide as part of the overall development site plan a stormwater and erosion control plan as specified in subsection 4-5.1,4.
 - b. Design standards for drainage shall be as specified in subsection 4-5.1,4. In addition, no development order shall be issued by the City until the developer has obtained a stormwater permit pursuant to Chapter 17-25, Florida Administrative Code, if applicable, and the developer has a stormwater and erosion control plan approved by the City.
 - c. Drainage facilities for the proposed development of a single-family detached or duplex dwelling unit on an individual lot or parcel shall be presumed adequate when: 1) the lot coverage requirements of Section 4-1 are met and the site is adequately grassed or landscaped; 2) the proposed development is part of a larger, common plan of development which has had a drainage plan approved by the City; and, 3) site modifications do not involve the obstruction or alteration of any drainageway.
 - d. Drainage facilities for any development shall be presumed adequate if stormwater runoff from such development is discharged into a permitted stormwater management system.
5. Potable Water
 - a. On an annual basis, the City shall identify the amount of potable water and delivery rate (pounds per square inch) which can be supplied by City

facilities. This amount shall provide the basis to determine whether capacity thresholds or level of service standards will be met or exceeded.

- b. The City shall apply the level of service standard found in Subsection 3-3.2, Paragraph 5. to estimate potable water consumption for all proposed development.

6. Recreation

- a. On an annual basis, the City shall identify public and private recreation sites and facilities available for use by the general public. These sites and facilities shall provide the basis to determine whether capacity thresholds or level of service standards have been met or exceeded.

- b. The City shall apply the level of service standards found in Subsection 3-3.2, Paragraph 6. to estimate demand for recreation sites and facilities caused by proposed development.

3-5.2 Action Upon Failure to Show Available Capacity

1. The project owner or developer may provide the necessary improvements to maintain level of service standards. In such case the application for development approval shall include appropriate plans for improvements, documentation that such improvements are designed to provide the capacity necessary to achieve or maintain the level of service, and a development agreement guaranteeing the construction, consistent with calculations of capacity above.
2. The proposed project may be altered such that projected level of service is no less than the adopted level of service.

3-5.3 Burden of Showing Compliance on Developer

The burden of showing compliance with level of service requirements shall be upon the developer. All applications for development approval shall provide sufficient information showing compliance with these standards.

3-5.4 Initial Determination of Concurrency

The initial determination of concurrency occurs during the review of the application for development approval, and shall include compliance with the level of service standards adopted by the City.

3-5.5 Annual Concurrency Report

Contents

The City shall prepare an Annual Concurrency Report that includes:

1. A summary of final development orders issued, indicating:
 - a. Those that expired without subsequent building permits;
 - b. Those that were completed during the reporting period;
 - c. Those that are valid at the time of the report but do have associated building permits or construction activity; and
 - d. The phases and quantity of development represented by the outstanding final development orders.

2. An evaluation of each facility and service indicating:
 - a. The capacity available for each at the beginning of the reporting period and the end of the reporting period;
 - b. The portion of the available capacity held for valid preliminary and final development orders;
 - c. A comparison of the actual capacity to calculated capacity resulting from approved applications for development approval and final development orders;
 - d. A comparison of actual capacity and levels of service to adopted levels of service from the Comprehensive Plan.
 - e. A forecast of the capacity for each based upon the most recently updated schedule of capital improvements in the Capital Improvements Element of the Comprehensive Plan.

Use of the Annual Concurrency Report

The Annual Concurrency Report shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing development orders during the twelve (12) months following completion of the annual report.

Sec. 3-6. GUARANTEE OF ADEQUATE CAPACITY

Upon determination of adequate capacity as described in this Article the City shall guarantee to the developer availability of capacity in the types, amounts, or volumes specified in the final development order or development agreement. Such guarantees of available capacity shall be valid for a period of six (6) months from the date the final development order is issued.

Any guarantee of adequate capacity shall become null and void in the event circumstances beyond the control of the City cause adequate capacity to become unavailable. Such circumstances shall

include, but not be limited to: acts of other governmental agencies; war; act of God; or, changes in laws, rules or other legislative actions.