

CONCURRENCY MANAGEMENT SYSTEM

PURPOSE AND INTENT

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 impacts of the development. The provisions of this section are designed to provide a systematic process for review and evaluation of all proposed development for its impact on basic public facilities and services, as required by the Local Government Comprehensive Planning and Land Development Regulation Act, chapter 163, part II, Florida Statutes, and rule 9J-5.0055, Florida Administrative Code.

NO FINAL DEVELOPMENT ORDER SHALL BE GRANTED FOR A PROPOSED DEVELOPMENT UNTIL THERE IS A FINDING THAT ALL PUBLIC FACILITIES AND SERVICES INCLUDED IN THIS CHAPTER HAVE SUFFICIENT CAPACITY AT OR ABOVE THEIR ADOPTED LEVEL OF SERVICE (LOS) TO ACCOMMODATE THE IMPACTS OF THE DEVELOPMENT, OR THAT IMPROVEMENTS NECESSARY TO BRING FACILITIES UP TO THEIR ADOPTED LOS WILL BE IN PLACE CONCURRENT WITH THE IMPACTS OF THE DEVELOPMENT, AS DEFINED HEREIN.

GENERAL PROVISIONS

Sec. 1. Public facilities and services for which concurrency is required.

The provisions and requirements of these sections shall apply only to those public facilities and services listed below:

- ~~(A) Traffic circulation.~~ Transportation
- ~~(B) Sanitary sewer.~~ Sewer
- ~~(C) Potable water.~~ Water
- ~~(D) Drainage.~~
- ~~(E) Solid waste.~~ Waste
- ~~(F) Recreation and open space.~~ Open space. Space
- ~~(G) Public School Facilities~~

Sec. 2. Development subject to concurrency review.

Unless specifically exempted below, all applications for site plan or subdivision plat approval, where the individual lots within the subdivision do not require site plan approval, shall be subject to concurrency review.

(A) *Vested Projects:* Projects, which have valid development orders or permits prior to January 1, 1993, shall be exempt from concurrency assessment. This shall include all vacant single-family lots in subdivisions, which were platted and recorded prior to January 1, 1993. Residential lots of records, as defined by this Code, shall also be considered vested for the purposes of this chapter.

(B) *Minimum Threshold:* The following developments shall be exempt from all applicable components of concurrency review; however, in no case shall a development order be issued for a minimum threshold project which would impact a public facility for which a moratorium or deferral on development has been placed:

------(1) Residential projects which would result in the creation of one (1) additional single family housing unit.

------(2) Commercial, institutional or industrial expansions of up to ten (10) percent of the existing gross floor area, providing such expansion is estimated to generate less than one hundred (100) vehicle trips per day and create one (1) equivalent residential unit of utility demand or less.

------(3) Construction of accessory buildings and structures which do not create additional public facility demand.

(C) *Public Facilities:* Public facilities necessary to ensure the protection of the health, safety and general welfare of the citizens of Belle Isle, including but not limited to, City ~~hall~~ Hall, police stations, fire stations, park/recreation buildings, water plants, sanitary sewer plants and public schools (pre- kindergarten through 12th grade), shall be exempt from concurrency review. This shall include but not be limited to all public facility construction projects included in the Capital Improvements Program required to meet any adopted level of service standard.

Sec. 3. Minimum requirements for concurrency.

To ensure that public facilities and services necessary to support development are available concurrent with the impacts of said development, the following standards must be met:

------(A) The necessary facilities and services are in place at the time a permit is issued, or a permit is issued subject to the condition that the necessary facilities and services will be in place by a specified date when the impacts of the development are anticipated to occur; or

------(B) The necessary facilities are under construction at the time a permit is

issued; or

- (C) The necessary facilities and services are the subject of a binding executed contract for the construction of said facilities or the provision of services at the time the permit is issued; or
- (D) The necessary facilities and services have been included in the Capital Improvements Program and are programmed for construction prior to or concurrent with the impacts of the proposed development; or
- (E) In the case of road facilities, the necessary improvements are in place or under actual construction within three years after a permit is issued; or
- (F) The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to chapter 380, Florida Statutes, or any other development agreement entered into between the City and a developer. The agreement must guarantee that the necessary facilities and services will be in place prior to, or concurrent with, the impacts of the development.

Sec. 4. Concurrency administration.

The City shall be responsible for the following four (4) primary tasks associated with administration of this chapter:

- (A) Creating and maintaining an inventory of existing public facilities' capacities and deficiencies.
- (B) Determining concurrency of minor development applications.
- (C) Providing advisory concurrency assessments and recommending conditions of approval to the City ~~council~~ Council for major development applications.
- (D) Reporting the status of all public facilities' capacities covered under this section to the ~~council~~ City Council, City Manager and the public as requested by the mayor Mayor or the ~~council~~ City Council.

ADOPTED LEVEL OF SERVICE STANDARDS

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 as follows.

Sec. 1. ~~Traffic circulation~~ Transportation.

The City's adopted peak hour minimum level of service standard (LOS) is "C" on all City roads.

The City's adopted peak hour level of service standard for county roads in Belle Isle is consistent with Orange County's adopted level of service standards. The LOS for county roads in and adjacent to Belle Isle are as follows:

Roadway	Classification	LOS
Gondola Drive, Matchett Road	Local street	C <u>E</u>
Daetwyler/Judge/Conway Roads	Urban collector	E
Hoffner Road <u>Avenue</u>	Minor arterial	E
Nela Avenue/Seminole Drive	Urban collector	E

The City's adopted peak hour level of service standard is consistent with the Florida Department of Transportation's level of service standards for state roadways. The LOS for state roads in and adjacent to Belle Isle are as follows:

Roadway	Classification	LOS
Conway Road (North of Hoffner <u>Avenue</u>)	Minor arterial	D
Orange/Hansel Avenues	Principal arterial	D
Sand Lake/McCoy Road	Minor arterial	D

Sec. 2. Sanitary sewer Sewer.

The City's adopted level of service standards determine whether there is sufficient wastewater service available to serve proposed developments. The LOS standards for wastewater are:

User	Level of Service Standard
Residential:	
Single-family	300 gallons/unit/day
Multi-family	225 gallons/unit/day
Commercial:	

Professional-office	0.1 gallon/sq.ft./day
General commercial	0.25 gallon/sq.ft./day
Hotel/motel	265 gallons/room/day
Industrial	0.15 gallon/sq.ft./day

Sec. 3. Potable water Water.

The City's adopted level of service standards for potable water are:

User	Level of Service Standard
Residential	350/gallons/unit/day
Nonresidential	2,000 gallons/acre/day

Sec. 4. Drainage.

The City's adopted level of service standards for water quality on all new drainage systems are as follow: All retention/detention facilities shall retain either the first 1 inch of runoff from the entire site or the runoff from 2.5 inches of rainfall from the impervious areas, whichever is greater, and comply with the rules from SJRWMD.

The water quantity level of service standards attempt to address the amount of rainfall and runoff generated from that rainfall. The LOS standard for drainage systems in all new development or redevelopment shall be as follows:

Facility — Design Storm

- ~~----- Bridges . . . 50-year~~
- ~~----- Canals, ditches or culverts for drainage external to development . . . 25-year~~
- ~~----- Crossdrains and storm sewers . . . 10-year~~
- ~~----- Roadside swales, drainage internal to development or individual house . . . 10-year~~
- ~~----- Detention basins/retention basins with positive outfall . . . 25-year~~
- ~~----- Retention basins without positive outfall . . . 100-year~~
- ~~----- Note: All design storms are 24 hours in length.~~

<u>Facility</u>	<u>Design Storm</u>
<u>Bridges</u>	<u>50-year</u>
<u>Canals, ditches or culverts for drainage external to development</u>	<u>25-year</u>
<u>Cross drains and storm sewers</u>	<u>10-year</u>

<u>Roadside swales, drainage internal to development or individual house</u>	<u>10-year</u>
<u>Detention basins/retention basins with positive outfall**</u>	<u>25-year</u>
<u>Retention basins without positive outfall***</u>	<u>100-year</u>
<i>Note: All design storms are 24 hours in length.</i>	

Current conditions have been adopted as the acceptable level of service standard for the existing drainage facilities.

Sec. 5. Solid waste ~~Waste~~.

The City's adopted level of service for solid waste is four (4.0) pounds per person per day for residential uses, and two (2.0) pounds per person per day for commercial uses. Based on Census data, the City shall use two and six tenths (2.6) persons per housing unit to determine population of a proposed development.

Sec. 6. Recreation and ~~open space~~ Open Space.

The City's adopted level of service for recreation and open space is one (1) acre of parkland for every one thousand (1,000) people.

Sec. 7 Public School Facilities

Level of Services Standards for all Public School Facilities are subject to the interlocal agreement between OCPS and the City:

- A. Elementary: 110% of Adjusted FISH using modified Middle School Attendance Zones as CSAs.
- B. K through 8: 110% of Adjusted FISH Capacity using K through 8 School Attendance Zones as CSAs.
- C. Middle: 100% of Adjusted FISH Capacity using Middle School Attendance Zones as CSAs.
- D. High, including ninth grade centers: 100% of Adjusted FISH Capacity using High School Attendance Zones as CSAs (Note: Adjusted FISH for high schools does not include in-slots).

FACILITY SPECIFIC REQUIREMENTS

The following specific requirements for each facility are the criteria to be used in calculating the amount of the facility or service needed to serve a development. Developers of developments subject to concurrency are responsible for meeting the following requirements.

Sec. 1. ~~Traffic circulation~~ Transportation.

The seventh edition of the Institute of Transportation Engineers' *Trip Generation* manual will be used to determine the number of vehicles during the peak hour generated by each proposed development. Proposed developments with more than one hundred (100) vehicles during the peak hour or developments located on Hoffner Avenue, McCoy Road or Daetwyler Drive are required to submit a traffic analysis, which identifies the development's impact on the traffic circulation system. Such an analysis shall include the following:

- (A) Total projected average daily trip ends for the proposed development.
- (B) Average projected peak-hour trip ends generated by the development.
- (C) Analysis of traffic distribution on the roadways.
- (D) Projected percentage of truck and bus traffic.
- (E) Design capacity of the accessed road(s).
- (F) Necessary operational improvements to the transportation system in order to maintain the appropriate level of service for the roadway.
- (G) Other related information as required by the City.

Sec. 2. Sanitary sewer Sewer.

The sanitary sewer generated by a proposed development shall be estimated based upon the following standards:

Residential:	
Single-Family	300.00 gallons/unit/day
Multifamily	225.00 gallons/unit/day
Commercial:	
Professional-Office	000.10 gallons/sq.ft./day
General Commercial	000.25 gallons/sq.ft.day
Hotel/Motel	265.00 gallons/room/day
Industrial	000.15 gallons/sq.ft./day

Sec. 3. Potable water Water.

The demand for potable water for the proposed developments will be based upon the following standards:

Residential	350 gallons/unit/day
Nonresidential	2,000 gallons/acre/day

Sec. 4. Drainage.

A stormwater drainage plan based upon the drainage level of service standards and [this] land development code shall be prepared for all proposed developments. Such plans shall be approved as meeting said standards.

Sec. 5. Solid waste Waste.

The following standards shall be used to estimate the volume of solid waste anticipated to be generated by a proposed development. The generation standard for residential is four (4.0) pounds per person per day, and two (2.0) pounds per person per day for commercial uses.

Sec. 6. Recreation and ~~open space~~ Open Space.

The recreational impacts of proposed residential developments shall be based on the anticipated total number of persons residing in the development, calculated by multiplying the population figure per housing unit of two and six-tenths (2.6) persons by the number of units in the development. Nonresidential developments shall not be assessed as having an impact on recreation and open space.

Sec. 7 Public School Facilities

The City shall utilize the OCPS calculation of school capacity, which is determined annually by OCPS using the Adjusted FISH Capacity for each school and CSA within the school district. Consistent with the Interlocal Agreement, Adjusted FISH Capacity shall be defined as the number of students who can be served in a permanent public school facility as provided in FISH (Florida Inventory of School Houses) Capacity, adjusted to include the design capacity of modular or in-slot classrooms on the campuses designed as modular or in-slot schools, not to exceed the adopted Core Capacity for that school.

The number of elementary, middle and high school students generated by a residential development shall be calculated by multiplying the number of dwelling units by the student generation rates by school type as set forth in the current Orange County Public Schools School Impact Fee Study Update (Added 6/08, Ord. 08-11).

CONCURRENCY REVIEW PROCEDURES

The City shall be responsible for conducting all concurrency reviews as required by this chapter. Concurrency review shall be initiated upon receipt from developers of a completed concurrency review form provided by the City, accompanied by the appropriate fee. The City may also conduct concurrency reviews for developments in the preapplication or conceptual development plan stage, and issue a nonbinding letter of concurrency findings. Such requests for concurrency review shall require the submission of a review fee.

Sec. 1. Application.

All development applications subject to concurrency review as required by this chapter shall include a completed concurrency review form containing the following information:

- (A) Traffic impact study (when required).
- (B) Description and estimate of water use needs.
- (C) Description and estimate of wastewater needs.
- (D) Description and estimate of solid waste generation.
- (E) Stormwater drainage calculations.
- (F) Other information required by the City to conduct a complete and accurate review.

Review and approval of a proposed development may be postponed for a reasonable time period, as set by the City, to allow for required information to be assembled. However, failure of the applicant to provide adequate information on the anticipated project impacts within the time period set by the City shall constitute sufficient grounds to deny the project.

Sec. 2. Project impact assessment.

(A) *Existing Conditions:* To conduct its assessment of the anticipated impacts of a proposed development on public facilities, the City shall use its inventory of public facilities capacities as the basis for the establishment of existing conditions.

(B) *Impact Evaluation:* Using its own information and that supplied by the applicant in compliance with ~~section~~ Section 1, Concurrency Review Procedures, above, the City shall calculate the anticipated impacts of a proposed development for all applicable public facilities listed in ~~article B~~ Section 1, General Provisions, of this chapter. The impacts of the proposed development shall then be evaluated against the existing conditions established above.

Sec. 3. Project phasing/timing of improvements.

Public facility improvements associated with a phased development may likewise be phased, provided that all public facility improvements necessary to accommodate the impacts of the entire development are to be provided and a schedule is established for their construction prior to the issuance of a building permit. The schedule of facility improvements shall ensure that all facility improvements necessary to accommodate

the impacts of the phased development, or portion thereof, for which a certificate of occupancy has been applied, shall be in place prior to the issuance of the certificate. Under no circumstances shall the final certificate of occupancy be issued for a phased project unless all required facility improvements required by the development order or development agreement have been completed.

Sec. 4. Development agreements.

It is the City's policy to require the developer to ensure the necessary infrastructure is in place to meet minimum LOS standards. If the minimum requirements for concurrency as outlined in ~~article B, section 3, subsections (A) through (E)~~ Section 3, General Provisions, (A) – (E), cannot be met, concurrency may be achieved by guaranteeing necessary facility improvements in an enforceable development agreement, as permitted by ~~article B, section 3, subsection F~~ Section 3, General Provisions, (F). Said development agreement may include guarantees to construct required facility improvements or to provide funds equivalent to the cost of providing such facility improvements.

Sec. 5. Concurrency findings.

Upon the conclusion of the concurrency review, the City shall prepare a written set of findings concerning the proposed development. These findings shall include, but are not limited to:

- (A) The anticipated public facility impacts of the proposed development.
- (B) The ability of existing facilities to accommodate the proposed development at the adopted level of service standard.
- (C) Any existing facility deficiencies that will need to be corrected prior to the completion of the proposed development.
- (D) The facility(s) improvements or additions necessary to accommodate the impact of the proposed development at the adopted level(s) of service standard(s), and the entity(s) responsible for the design and installation of all required facility improvements or additions.
- (E) The date such facility(s) improvements or additions will need to be completed to be concurrent with the impacts on such facility(s) created by the proposed development.

CONCURRENCY RESERVATION

Sec. 1. Capacity reservation.

If the concurrency findings in article E, section 5 reveal that the capacity of City-

owned public facilities is equal to or greater than that required to maintain the adopted level of service for said facilities, upon request from the developer the City shall reserve, or recommend to the City council the reservation of, City-owned public facility capacity necessary for the proposed development.

Capacity reservations shall be made on a first-come, first-served basis, based on the date of project approval by the City. Concurrency shall be reserved in conjunction with a development order and shall be valid only for the specific land uses, densities, intensities, and construction and improvement schedules contained in the development order as well as any applicable development agreements for the property. A finding of concurrency shall reserve City-owned public facility capacity for the project for one (1) year from the date of the approval of the development order. For planned developments City-owned public facility capacity may be reserved for the first phase of the project for up to one (1) year from the date of approval of the conceptual plan and master development agreement. Capacity reservations for concurrency shall expire if the underlying development order or development agreement expires or is revoked.

Sec. 2. Project deferrals/development moratoriums.

If at any time the City's inventory of public facilities capacities indicates that a public facility has dropped below its adopted level of service, then the City shall cease to issue development orders for projects which would impact the deficient facility(s) or area of facility operations, as defined within this Code. Such a suspension or moratorium on the issuance of development orders shall continue until such time as the adopted LOS standard is reestablished or the Comprehensive Plan is amended to reflect a lower standard acceptable to the council for the facility(s) in question.

Sec. 3. Concurrency denials.

In the event that the City's concurrency review reveals that the proposed development would generate public facility impacts beyond that which can be absorbed by available capacity, the City shall ensure that there is a financial or other legally binding commitment to ensure that public facilities necessary to correct the anticipated deficiency will be in place concurrent with the impacts of the proposed development. Should the City and/or a developer be unable to provide such assurances, the project shall be denied. Projects denied due to failure to meet requirements, but for which all other land development requirements have been met, shall be placed on a prioritized list of development orders, which will be approved once facility improvement have been made.

Sec. 4. Capacity reservation for public purpose.

The City may reserve capacity for a particular land area or specific land use, providing such reservation is in accordance with a specific development or redevelopment strategy identified in the Comprehensive Plan, which serves an overriding public

purpose. This would include such community development objectives as providing affordable housing or diversification of the tax base. Any such capacity reservation shall be noted in the report on public facilities and capacities made available by the council for the public as required by article G below.

STATUS REPORT/REQUIRED CAPITAL FACILITIES IMPROVEMENTS

The City shall monitor the cumulative effect on the capacity of public facilities of all approved development orders and development permits. The City shall prepare and present to the council and the public a report on the *Public Facilities Capacities and Level-of-Service Inventory for Concurrency Management* when requested by the council or the City Manager. This report shall include the degree of any facility deficiencies and a summary of the impacts the deficiency(s) will have on the approval of future development orders. The City shall then recommend a schedule of improvements necessary in an effort to avoid a deferral or moratorium on the issuance of development orders.