

CHAPTER 4

CONCURRENCY MANAGEMENT SYSTEM

SECTION 1: 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 Chapter are designed to provide a systematic process for the 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 Regulations Act, Chapter 163, Part II, Florida Statutes, and Rule 9J-5.0055, Florida Administrative Code, and the City of Umatilla Comprehensive Plan.

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 their 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.

SECTION 2: GENERAL PROVISIONS

a) Public Facilities and Services for Which Concurrency is Required.

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

- 1) Roads/Traffic Circulation.
- 2) Sanitary Sewer.
- 3) Solid Waste.
- 4) Stormwater Drainage.
- 5) Potable Water.
- 6) Recreation Facilities.

b) Development Subject to Concurrency Review.

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

- 1) Vested Projects. Projects which have valid development orders or permits prior to the adoption of this Code shall be exempt from concurrency

assessment. This shall include all vacant single family, duplex, and single family attached dwelling lots in subdivisions which were platted and recorded prior to the adoption of this Chapter of the Code. Residential lots of record, as defined herein, shall also be considered vested for the purpose of this Chapter.

- 2) Minimum Threshold. The following development shall be exempt from the transportation and other applicable components of concurrency review:
 - A) residential projects which would result in the creation of one (1) additional single family homesite;
 - B) commercial, institutional or industrial expansion of up to ten percent (10%) of the existing gross floor area, providing such expansion is estimated to generate less than one hundred (100) vehicle trips per day; and
 - C) construction of accessory buildings and structures which do not create additional public facility demand.

In no case, however, 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.

- 3) Public Facilities. Public facilities necessary to ensure the protection of the health, safety and general welfare of the citizens of Umatilla, including public schools (pre-kindergarten through 12th grade), shall be exempt from concurrency review. This shall include all public facility construction projects included in the Capital Improvements Program required to meet any adopted level of service standard.

c) 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:

- 1) The necessary facilities and services are in place at the time a development permit is issued, or a development 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
- 2) The necessary facilities are under construction at the time a development permit is issued; or
- 3) 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

- 4) The necessary facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time the development permit is issued; or
- 5) 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 of 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 development.
- 6) In the case of recreation facilities, the facilities will be deemed concurrent if the facilities will be in place within one (1) year of the issuance of the development permit and are included in a binding executed contract pursuant to (4) above or an enforceable development agreement pursuant to (5) above. In the case of roadway facilities, the facilities will be deemed concurrent if the necessary improvements are committed in the first three (3) years of the applicable adopted Florida Department of Transportation Five Year Work Program, the Lake County Five Year Road Capital Improvement Program or the City of Umatilla Five Year Capital Improvement Program.

d) Concurrency Administration.

The City shall be responsible for the following primary tasks associated with the administration of this Chapter:

- 1) Creating and maintaining an inventory of existing public facilities capacities or deficiencies;
- 2) Determining concurrency of minor development applications;
- 3) Providing advisory concurrency assessments and recommending conditions of approval to the City Council for major development applications; and
- 4) Annually reporting the status of all public facilities capacities covered under this Chapter to the City Council and the public.

SECTION 3: 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, and as follows:

a) Roads/Traffic Circulation.

<u>Functional Classification</u>	<u>Level of Service*</u>
Minor Arterial	D
Major Collector	D
Minor Collector	D
Local	D

*Based on FDOT “Generalized Daily Level of Service Maximum Volumes for Florida’s Rural (<5,000) Areas”.

b) Sanitary Sewer: 100 gallons per day / per resident

c) Solid Waste. – Five (5.0) pounds per capita, per day.

d) Stormwater Drainage:

Retention Volume – Water quality treatment volumes required per Chapter 40C-42 and Chapter 40C-4, F.A.C. and Chapter 17-25, F.A.C.

Design Storm – 25 year, 24 hour duration storm event or the 100 year, 2 hour duration storm runoff if greater than runoff occurring at the 25 year, 24 hour storm.

e) Potable Water:

<u>Year</u>	<u>Gallons per Resident Per Day</u>
2005	120
2015	150
2025	150

gpcpd – gallons per capita per day.

f) Recreation Facilities. – Five (5.0) acres per 1,000 residents

SECTION 4: FACILITY SPECIFIC REQUIREMENTS

a) Roads/Traffic Circulation.

1) Traffic Analysis Required.

All new development which is anticipated to generate two hundred fifty (250) or more trips during the peak hour of the use shall be required to submit a traffic analysis which identifies the development's impact on the City's transportation system. The City may also require the submission of a traffic analysis for developments whose site location, anticipated total trip generation, circulation patterns or other such factors warrant a more extensive review of traffic impacts. 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) Design capacity of the accessed road(s).
- D) Analysis of traffic distribution on the road network including all links impacted by more than ten percent (10%) of project traffic or two hundred fifty (250) trips per day, whichever is greater.**
- E) Projected percentage of truck and automobile traffic.
- F) Necessary operational improvements to the City's transportation system in order to maintain the appropriate level of service for the roadway.
- G) Other related information as required by the City.

*The Institute of Traffic Engineers (ITE) Trip Generation Manual shall be used to calculate these estimates. Adjustments to these estimates may be made, based on special trip generation information supplied by the applicant.

** The analysis of traffic distribution shall use the variable radii approach for traffic analysis, as outlined in this section. Where appropriate, the study area radii may be expanded to include a nearby intersection, or otherwise modified to provide for a more accurate assessment of specific projects, including Development of Regional Impact (DRI's).

2) Variable Radii Approach for Traffic Analysis.

Traffic Impact Study Area Radii (Miles).

<u>Land Use</u>	<u>Review Distance*</u>
<u>Residential</u>	
Single Family	
0 - 250 du's	0.5
251 - 499 du's	1.0
500 - 1,000 du's	1.5
1,001+ du's	2.0
Multi-Family	
0 - 250 du's	0.25
251 - 499 du's	0.5
500 - 1,000 du's	0.75
1,001+ du's	1.0
Mobile Home	
0 - 250 du's	0.5
251 - 499 du's	1.0
500 - 1,000 du's	1.5
1,001+ du's	2.0
<u>Retail</u>	
0 - 49,000 sf	0.5
49,001 - 100,000 sf	0.75
100,001 - 200,000 sf	1.25
200,001+ sf	2.00
<u>Office</u>	
0 - 25,000 sf	0.5
25,001 - 49,000 sf	1.0
49,001 - 100,000 sf	1.5
100,001+ sf	2.0
<u>Medical Office</u>	
0 - 49,000 sf	0.5
49,001 - 100,000 sf	1.0
100,001+ sf	1.5
<u>Hotels/Motels</u>	
0 - 250 rooms	0.5
251 - 500 rooms	1.0
501+ rooms	1.5

<u>Restaurants</u>	
Fast food/Drive-through	0.25
Family restaurant	0.5
Quality restaurant	0.75
<u>Industrial/Manufacturing</u>	
0 – 250 employees	1.0
251 – 500 employees	1.75
501+ employees	2.5
<u>Convenience Store with Gas Pumps</u>	0.25
<u>Drive-In Banks</u>	0.25
<u>Day Care Centers</u>	0.25

*Distance is measured in miles along the road network, not as a radius from the project.

- (1) The study area shall consist of those primary road sections which are located within the designated distance from the project’s access points and are functionally classified in the Comprehensive Plan as Principal Arterials, Minor Arterials, Major Collectors, and Minor Collectors.
- (2) Where a specific land use is not listed, the most similar land use as determined by the City Clerk shall apply.

b) Recreation Facilities.

- 1) Residential Developments. Recreational impacts of proposed residential developments shall be based on the anticipated total number of persons residing in the development, calculated by using the population figures per dwelling units as follows:

2.48 persons per household (dwelling unit)

- 2) Commercial, Institutional, and Industrial Developments. Commercial, institutional, and industrial developments shall not be assessed as having an impact on recreational facilities. The City may, however, require the provision of recreational facilities as part of planned unit developments.

c) School Concurrency

- 1). It is the intent of this ordinance to implement the goals, objectives, policies and standards of the City of Umatilla Comprehensive Plan, as amended, and particularly, the Public School Facilities Element and to implement the Interlocal Agreement between Lake County, the Lake County School Board and Municipalities for School Facilities Planning and Siting (hereafter referred to the "*Agreement*").

- 2). Unless otherwise provided herein, this ordinance shall apply to all development orders with any residential component and any amendment to an existing development order to the extent that the student generation is increased above what was previously approved, or any other official action of the City of Umatilla having the effect of permitting residential development of land. The following residential uses shall be considered exempt from the requirements of school concurrency (unless the development approval for such use required it to meet School Concurrency).
 - A) Single family lots having received final plat approval prior to the effective date of the City's School Concurrency Ordinance or other lots which the City has determined are vested based on statutory or common law vesting.

 - B) Multi-family residential development having received final site plan approval prior to the effective date of the City's School Concurrency Ordinance or other multi-family residential development which the City has determined is vested based on statutory or common law vesting.

 - C) Amendments to residential development approvals issued prior to the effective date of the City's School Concurrency Ordinance, which do not increase the number of residential units or change the type of residential units proposed.

 - D) Age restricted communities (as defined in the School Concurrency Ordinance) that are subject to deed restrictions prohibiting the permanent occupancy of residents under the age of eighteen (18). Such deed restrictions must be recorded and must be irrevocable for a period of at least fifty (50) years.

 - E) Plats or residential site plans which include four (4) or less units. For purposes of this section, a property owner may not divide his property in to several developments in order to claim exemption as allowed by this section. In making a determination as to whether a property is exempt under this section, the City shall consider in addition to the ownership at the time of the application the ownership as of the date of the adoption of this agreement.

- 3). To ensure the capacity of schools is sufficient to support student growth at the adopted Level of Service for each year of the five-year planning period and through the long term planning period, after June 1, 2008, the following Level of Service standard shall be established for all schools of each type within each CSA and each individual school:
- A) Elementary: 100% of permanent FISH capacity. If core dining capacity is available in excess of FISH capacity, the school capacity shall be increased up to 125% of FISH capacity by adding seats located in temporary student stations so long as the total capacity does not exceed core dining capacity.
 - B) Middle: 100% of permanent FISH capacity. If core dining capacity is available in excess of FISH capacity, the school capacity shall be increased up to 125% of FISH capacity by adding seats located in temporary student stations so long as the total capacity does not exceed core dining capacity.
 - C) High: 100% of permanent FISH capacity. If core dining capacity is available in excess of FISH capacity, the school capacity shall be increased up to 125% of FISH capacity by adding seats located in temporary student stations so long as the total capacity does not exceed core dining capacity.
- 1. For purposes of (1), (2), and (3) above, non-conversion charter schools shall be counted as FISH capacity if an agreement has been entered between the charter school and the School Board which requires the school facility to be constructed in accordance with Florida Department of Education standards for public schools; which provides that the school facility will be provided to the School Board for its use if the charter school fails to operate satisfactorily; and, which provides that if there are financing arrangements for the school, the School Board will be able to operate the school without having to be responsible for such financing costs or that the School Board is willing and able to accept responsibility for such costs.
 - 2. For purposes of (1), (2) and (3) above, a developer financed public school shall be counted as FISH capacity if an agreement has been entered between the developer and the School Board which requires the school facility to be constructed in accordance with Florida Department of Education standards for public schools; which requires that the Developer transfer the school facility to the School

Board upon its completion; and, which provides that if there are financing arrangements for the school, the School Board will be able to operate the school without having to be responsible for such financing costs or that the School Board is willing and able to accept responsibility for such costs.

- D) The following procedures will be utilized to obtain a School Concurrency Determination from the Lake County School Board and to allow for mitigation if a development proposal is determined not to be in compliance.
- E) A completed application provided by and delivered to the Lake County School Board must be submitted concurrent with a final development order by an applicant proposing residential development. The application at a minimum shall include the following information:
 - 1. Proposed Development Name
 - 2. Application Type
 - 3. Intake Date
 - 4. Signature of Agent
 - 5. Number of Residential Units broken down by unit type
 - 6. Property Deed
 - 7. Consent Form
 - 8. Phasing Plan (If Applicable)
 - 9. Site Plan
 - 10. Survey
 - 11. Justification Statement
 - 12. Location Map
- F) Within three days of submitting to the School Board, the applicant must present a copy of the application to the City. The City shall provide a Determination of Authenticity to the School Board within three days of receiving the application.
- G) The School Board shall review the application in accordance with the provisions of Section 5.5.2 of the *Agreement* and base the concurrency determination on standards outlined in Section 5.5.3 of the *Agreement*.
- H) No development order shall be approved unless a Letter of Determination of Concurrency has been issued by the School Board finding the development in compliance.

- I) Once the School Board has reviewed the application it shall issue a Letter of Determination of Concurrency within 30 days if the impact of the proposed developments student growth does not cause the adopted Level of Service to be exceeded.
- J) If the development is not in compliance, the Letter of Determination of Concurrency shall detail why the development is not in compliance and shall offer the applicant the opportunity to enter into a 90 day negotiation period in accordance with the provisions of Section 5.6 of the *Agreement*.
- K) During the 90 day negotiation period the applicant shall meet with the School Board in an effort to mitigate the impact from the development.
 - 1. Mitigation shall be limited to those options which the School Board recognizes and assumes the responsibility to operate and which will maintain the adopted Level of Service standards for the first five years from receipt of the School Boards Letter of Determination of Concurrency.
 - 2. The City of Umatilla shall have the opportunity to review the mitigation options.
 - 3. The City Council shall approve all Proportionate Share Agreements.
- L) If mitigation is not agreed to, the Letter of Determination of Concurrency shall detail why mitigation proposals were rejected and detail why the development is not in compliance. In this case, no development order shall be issued.
- M) If the School Board and the applicant agree to mitigation, the Letter of Determination of Concurrency shall be issued based on the agreed mitigation measures and an agreement between the School Board, the City and the applicant.
- N) A Letter of Determination for School Concurrency, finding the development in compliance, issued by the School Board shall be valid for one year from the date of issuance unless extended by the School Board. Once the development order is issued, the concurrency determination shall run with the development order.
- O) If the Letter of Determination of Concurrency requires conditions or mitigation to be placed on the development, the development

2) Levels of Review

The applicant for development approval may request a concurrency review at various stages of the development review process. These levels include conceptual, preliminary and final approval. The information required in the section above is required for each level of concurrency review.

- A) Conceptual Concurrency Review – a conceptual concurrency review can be requested at the time of application for a land use amendment or rezoning. If it is found that public facility capacities are available at adopted levels of service at the time of the application, a letter of concurrency will be issued. Letters of concurrency are intended to be used for an early assessment of available public facility capacities and are not intended to be an assurance that such capacities will be available at the time of the project's final development order application. The letter of concurrency will be valid only for the date of the letter.
- B) Preliminary Concurrency Review – a preliminary concurrency review can be requested at the time of application for a site plan approval, subdivision or preliminary plat approval. If it is found that facility capacities are available at adopted levels of service at the time of the application, a letter of concurrency will be issued which is valid only for the date of the letter.
- C) Final Concurrency Review – a final concurrency review is required at the time of application of final development order approval. A final development order may include, building permit, land development plan approval, Developments of Regional Impact (D.R.I.'s) and Florida Quality Developments (F.Q.D.'s). If public facilities capacities are found to be available at adopted levels of service at the time of final development approval a certificate of concurrency will be issued. No final development order will be issued until a certificate of concurrency is issued by the Town.
- D) Capacity Reservation – the reservation of capacities may be done only after the development order is issued.

Capacity reservation requests are the option of the developer on a first-come, first-served basis, based on the date of project approval by the City Clerk or City Council.

Capacity reservation shall be valid only for the specific land uses, densities, intensities and construction and improvement schedules contained in the development order and any applicable

development agreements for the property and shall reserve public facility capacity for the project for the duration of the development order. Capacity reservations for concurrency shall expire if the underlying development order or development agreement expires or is revoked.

- 3) Review and approval of a proposed development may be postponed for a reasonable period in order for required information to be assembled. Failure of the applicant to provide adequate information on the anticipated project impacts in a timely fashion, however, shall constitute sufficient grounds to deny the project.

b) Project Impact Assessment

- 1) 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 a base for the establishment of existing conditions.
- 2) Impact Assessment Using its own information and that supplied by the applicant in compliance with Section 5 above, the City shall calculate the anticipated impacts of a proposed development for all applicable public facilities listed in Section 2 of this Chapter. The impacts of the proposed development shall then be assessed against the existing conditions established above.

c) Project Phasing/Timing of Improvements

Public facility improvements associated with a phased development may likewise be phased, provided that all public improvements necessary to accommodate the impacts of the entire development are to be provided and a schedule 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 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 project unless all facility improvements required by the development order or development agreement have been completed.

d) Development Agreements.

It is the City's policy to provide the necessary infrastructure to meet minimum LOS standards. If the minimum requirements for concurrency as outlined in Section 2 or Section 3 cannot be met, concurrency may be achieved by guaranteeing necessary facility improvements in an enforceable development agreement, as permitted by Section 2. Said development agreement may include

guarantees to construct required facility improvements, or to provide funds equivalent to the cost of providing such facility improvements.

e) 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:

- 1) The anticipated public facility impacts of a proposed development;
- 2) The ability of existing facilities to accommodate the proposed development at the adopted level of service standards;
- 3) Any existing facility deficiencies that will need to be corrected prior to the completion of the proposed development;
- 4) The facility(s) improvement or additions necessary to accommodate the impact of the proposed development at the adopted level of service standard and the entity(s) responsible for the design and installation of all required facility improvements or additions; and
- 5) The date such facility(s) improvement or additions will need to be completed to be concurrent with the impacts on such facility(s) created by the proposed development.

f) 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 Chapter. Such a suspension or moratorium on the issuance of development order shall continue until such time as the adopted LOS standard is reestablished or the Comprehensive Plan is amended to reflect a lower, acceptable community standard for the facility(s) in question.

g) 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 for approval of development orders once facility improvements have been made.

h) Capacity Reservation for Public Purpose.

The City may reserve capacity for a particular land area or specific land use, providing such reservation is in accord 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 reservations shall be noted in the annual report on public facilities and capacities made available to the City Council and the public each March, as required by Section 7 below.

SECTION 6: STATUS REPORT/REQUIRED CAPITAL FACILITIES IMPROVEMENTS

The City shall regularly monitor the cumulative effect of all approved development orders and development permits on the capacity of public facilities. Commencing March, 1992 and on each March thereafter, the City Clerk shall prepare and present to City Council and the public a report on the Public Facilities Capacities and Level of Service Inventory for Concurrency Management. 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 Clerk shall then recommend a schedule of improvements necessary to prevent a deferral or moratorium on the issuance of development orders.

SECTION 7: INTERGOVERNMENTAL COORDINATION

a) Intergovernmental Communication.

The City Clerk shall regularly transmit to adjacent municipalities and Lake County, notice of all pending development applications for which concurrency assessments are being conducted.

b) Developments of Multi-Jurisdictional Impact.

Developments which would impact a public facility in one or more adjacent municipalities shall be subject to an intergovernmental review for concurrency. This review shall be conducted by designated officials from the affected municipalities and/or Lake County.

c) For development that requires one or more public facilities which are provided by entities other than the city, the city shall condition the issuance of any final development order for the same parcel on the availability of such public facilities (See Section 4, (c)).

d) Joint Planning Area Agreements.

Provisions consistent with the purpose and intent of this Chapter shall be included, when applicable, in all interlocal agreements executed after the effective date of this Code to which the City is a party.