# CONCURRENCY MANAGEMENT SYSTEM

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# CONCURRENCY MANAGEMENT SYSTEM
## City of Auburndale Comprehensive Plan

## Overview of the Concurrency Management System

Section 9J-5.0055, Florida Administrative Code, requires local governments to prepare and adopt a Concurrency Management System (CMS). The CMS is a mechanism to assist in the implementation of the goals, objectives, and policies of the City's Comprehensive Plan. The purpose of the CMS is to establish an ongoing mechanism which ensures facilities and services needed to support development will be available concurrent with the impacts of such development. Prior to the issuance of a development order and development permit, the CMS must ensure the adopted level of service standards required for the following facilities will be maintained:

a) Roads

b) Potable Water

c) Sanitary Sewer

d) Solid Waste

e) Stormwater Management

f) Parks and Recreation

The CMS is an accounting system that maintains a record of the existing levels of service and what impacts, if any, can be expected as a result of proposed developments, facility expansions, and other factors that can affect the adopted level of service standards of a community.

## Requirements for Concurrency

The City will require that all development meet the requirements of concurrency. The following shall meet the requirements for concurrency, as established in Section 9J-5.0055(2), FAC:

*Minimum requirements for Concurrency.* The City shall maintain a concurrency management system to ensure public facilities and services needed to support development are available concurrent with the impacts of such development, and will address the following items.

(a) For sanitary sewer, solid waste, stormwater management and potable water facilities, at a minimum, provisions in this Comprehensive Plan ensure that the following standards will be met will satisfy the concurrency requirement:

1. A development order or permit is issued subject to the condition that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the necessary facilities and services are in place and available to serve the new development; or

2. At the time the development order or permit is issued the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., to be in place and available to serve new development at the time of the issuance of a certificate of occupancy or its functional equivalent. (s. 163.3180(2)(a), F.S.)

(b) For parks and recreation, facilities, at a minimum, the City shall meet the following standards to satisfy the concurrency requirement:

1. At the time the development order or permit is issued, the necessary facilities and services are in place or under actual construction; or

2. A development order or permit is issued subject to the condition that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the acreage for the necessary facilities and services to serve the new development is dedicated or acquired by the local government, or funds in the amount of the developer's fair share are committed; and

a. A development order or permit is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent as provided in the adopted local government 5-Year Schedule of Capital Improvements; or

b. At the time the development order or permit is issued, the necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and services to serve the new development to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent; or

c. At the time the development order or permit is issued, the necessary facilities and service are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent. (s. 163.3180(2)(b), F.S.)

(c) For transportation facilities (roads and mass transit designated in the City's Comprehensive Plan), at a minimum, a local government shall meet the following standards to satisfy the concurrency requirement, except as otherwise provided in subsections (4) - (7) of this section:

1. At the time a development order or permit is issued, the necessary facilities and services are in place or under construction; or

2. A development order or permit is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than three years after issuance of the certificate of occupancy or its functional equivalent as provided in the adopted 5-Year Schedule of Capital Improvements. The schedule of capital improvements may recognize and include transportation projects included in the first three years of the applicable, adopted FDOT F-Year Work Program. The Capital Improvements Element must include the following policies:

    a. The estimated date of commencement of actual construction and the estimated date of project completion.

    b. A provision that a plan amendment is required to eliminate, defer, or delay construction of any road or mass transit facility or service which is needed to maintain the adopted level of service standard and which is listed in the 5-Year Schedule of Capital Improvements; or

3. At the time a development order or permit is issued, the necessary facilities and services are the subject of a binding executed agreement that requires the necessary facilities and services to serve the new development to be in place or under actual construction no more than three years after the issuance of a certificate of occupancy or its functional equivalent; or

4. At the time the development order or permit is issued, the necessary facilities and service are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., to be in place or under actual construction not more than three years after issuance of a certificate of occupancy or its functional equivalent. (s. 163.3180(2)(c), F.S.)

5. For the purpose of issuing a development order or permit, a proposed urban redevelopment project located within a defined and mapped Existing Urban Service Areas as established in the City's Comprehensive Plan pursuant to Section 163.3164(29), F.S., shall not be subject to the concurrency requirements of Rule 9J-5.0055(3)(c)1.- 4., for up to 110 percent of the transportation impact generated by the previously existing development. For the purposes of this provision, a previously existing development is the actual previous built use that was occupied and active within a time period established in the City's Comprehensive Plan. (Section 153.3180 (8), F.S.)

6. For the purpose of issuing a development order or permit, a proposed development may be deemed to have a de minimis impact and may not be subject to the concurrency requirements of Rules 9J-5.0053(3)(c) 1.- 4., only if all of the following conditions are met:

a. The development proposal is for an increase in density or intensity of less than or equal to twice the density or intensity of the existing development, or for the development of a vacant parcel of land, at a residential density of less than four dwelling units per acre or, for nonresidential uses, at an intensity of less than 0.1 floor area ratio. Isolated vacant lots in predominantly built residential areas where construction of a single family house would be the most suitable use, may be developed for single family residential under the de minimis exception even if smaller than one quarter ace in size; and

b. The transportation impact of the proposed development alone does not exceed 0.1 percent of the maximum service volume at the adopted level of service standard for the peak hour of the affected transportation facility; and

c. The cumulative total transportation impact from the de minimis exemptions does not exceed three percent of the maximum service volume at the adopted level of service standard of the affected transportation facility if the facility does not meet the minimum level of service standard; and

d. The local government has adopted within its Comprehensive Plan policies for granting such exemptions. (Section 163.3180(6), F.S.)

## Issuance of Development Orders or Permits

The City's CMS shall ensure all development can meet the requirements for concurrency prior to the issuance of a local development order or permit. All applicants for development orders or permits shall be required to provide all information deemed necessary by the City so that the impacts of the proposed development may be accurately assessed. Once the City has determined that a proposed development meets the requirements for concurrency, and has issued a City development order or permit, the City shall not revoke that development order or permit because of a subsequent facility capacity deficiency, unless the proposed development would cause unhealthy or unsafe conditions, or unless the proposed development was issued a development order or permit under erroneous information supplied by the proposed developer, or unless the proposed developer fails to meet the conditions of approval of the development order or permit once construction has begun. In this latter situation, certificates of occupancy may also be denied.

The City shall establish expiration dates for development orders, development permits, and for the reserved capacity of public facilities allocated to specific development orders or permits as required by concurrency.

Auburndale shall annually determine the available capacity for public facilities for which the City has operational or maintenance responsibility, and for state and federal roads. Owners or operators of public facilities not operated, maintained or owned by the City shall supply the City with available capacity information annually, or as otherwise reasonable depending on development activity that requires the use of such a facility.

## Goal, Objective and Policy Statements Supporting Concurrency

The concurrency doctrine is supported by various goals, objectives and policies throughout the *City of Auburndale Comprehensive Plan*. These policy statements are adopted by the City, and will be implemented by the concurrency management system. The policy statements generally establish standards and criteria for concurrency.

## Public Facility Capacity and Level of Service Inventory

As part of its CMS, Auburndale will be responsible for the collection and maintenance of an inventory of all public facilities and services subject to the concurrency requirements of Section 9J-5.0055, FAC. The inventory shall be based on the most recently available information, and shall be used to monitor the adopted level of service standards and to determine public facility capacity. This information shall be made available to the public, and shall be updated annually by October 1 of each year.

The following inventories shall be maintained by Auburndale in order to evaluate the concurrency requirements of proposed development and expansions to an existing development and to assess existing and future capacity of public facilities and services:

## Transportation

Auburndale will maintain an inventory of the level of service on roadway links within its jurisdiction. The existing level of service will be based on the most recent traffic count data reported by the Florida Department of Transportation for each segment identified in the Transportation Element of the Comprehensive Plan or plan amendment. Traffic count data and level of service standards will be updated yearly, based on reported information from the FDOT. The inventory shall, at a minimum, include the following:

a) The adopted level of service standard.

b) Existing facility capacities and deficiencies.

c) Capacity reserved for approved but unbuilt development.

d) The projected capacities or deficiencies attributable to approved but unbuilt development.

e) Any existing or scheduled road improvement to be made on City and state maintained roadways within the City's jurisdiction; or improvements to be made by other public agencies or in conjunction with approved development.

## Potable Water

An inventory of the City's potable water system will, at a minimum, include the following:

a) The level of service standards adopted in the Comprehensive Plan for:

1. Average and maximum daily flow capacity,
2. Storage capacity, and
3. Water pressure.

b) Existing design capacities and system deficiencies.

c) Capacity reserved for approved but unbuilt development.

d) The projected capacities or deficiencies attributable to approved but unbuilt development.

e) Any improvements or expansions made to the system by the City or any approved development order, in the current fiscal year, and the impact on existing capacities or deficiencies.

## Sanitary Sewer

An inventory of the City's sanitary sewer system will, at a minimum, include the following:

a) The level of service standards adopted in the Comprehensive Plan for average and maximum daily flow capacities.

b) Existing design capacities and system deficiencies.

c) Capacity reserved for approved but unbuilt development.

d) The projected capacities or deficiencies attributable to approved but unbuilt development.

e) Any improvements or expansions made to design or permitted capacity by the City or any approved development order, in the current fiscal year, and the impact on existing capacities or deficiencies.

f) The City shall coordinate with the Florida Department of Environmental Protection (FDEP) and the Department of Health to require that all buildings served by on-site sewage disposal systems, except approved on-site grey-water systems developed under the provisions of law and administrative rules, meet at a minimum, the requirements of Chapter 64E-6 (FAC).

1. No septic tank or other domestic on-site sewage treatment and disposal system shall be installed until all Department of Health approvals have been obtained.

2. The sizing and location of sanitary sewer disposal systems (including septic tanks) shall be in accordance with Polk County Department of Health standards for Onsite Sewage Treatment and Disposal Systems. Polk County Department of Health standards for Onsite Sewage Treatment and Disposal provides minimum design flows based on estimated daily sewage which will be used for level of service standards.
3. Treatment and disposal of the sewage flow from a building or establishment shall be in compliance with Florida Department of Environmental Protection (FDEP) standards.
4. Site evaluation for the location of septic tanks shall meet the site evaluation criteria specified in Polk County Department of Health standards for Onsite Sewage Treatment and Disposal Systems.
5. Discharge water quality of wastewater treatment plants shall meet the criteria specified by the Florida Department of Environmental Protection.
6. Mandatory connections to municipally owned or investor-owned public sewage systems shall be required as provided in Chapter 381, Florida Statutes, and any related provisions of the Florida Administrative Code.
7. The City will not issue construction permits unless the design and location of the sewage treatment system has been approved by the Polk County Department of Health and/or FDEP.

## Solid Waste Disposal

An inventory of the City's solid waste disposal system will, at a minimum, include the following:

a) The level of service standards adopted in the Comprehensive Plan.

b) Existing and projected design capacities of all applicable solid waste disposal facilities.

c) The projected life of all applicable solid waste disposal facilities.

d) Capacity reserved for approved but unbuilt development.

e) The projected capacities or deficiencies attributable to approved but unbuilt development.

f) Any improvements or expansions made to the design capacity, and the impact on existing capacities or deficiencies.

## Stormwater Management

An inventory of the City's stormwater management facilities will, at a minimum, include the following:

a) The level of service standards adopted in the Comprehensive Plan.

b) The existing level of service measured by storm event; to be determined by the City's consulting engineer.

c) Any existing and proposed stormwater management facilities improvement that will impact the capacity of the City's stormwater management facilities.

## Recreation and Open Space

An inventory of the City's recreational sites and facilities will, at a minimum, include the following:

a) The existing acres of recreational sites and the number of recreational facilities as outlined in the Recreation and Open Space Element.

b) The adopted level of service standard as outlined in the Recreation and Open Space Element.

c) The existing capacities or deficiencies of the City's recreation facility system.

d) Capacity reserved for approved but unbuilt development.

e) The projected capacities or deficiencies attributable to approved but unbuilt development.

f) Any improvements or expansions made to the system by the City or any approved development order, in the current fiscal year, and the impact on existing capacities or deficiencies.

## Schools

The Polk County School District is responsible to provide for public school facilities County-wide. The coordination of Polk County public school facility planning and comprehensive land use planning is in the best interests of the citizens of the City of Auburndale. Land use and public school facility planning should be coordinated and based on consistent population, enrollment, Capital Outlay Full Time Equivalent (COFTE), Polk County School District's 5-Year Work Program, independent forecasts and development trend data. New schools and the provision of additional school capacity should be coordinated with land development, so additional school capacity is in place prior to, or concurrent with, additional student enrollment.

The analysis of needs for school facilities are determined using a 100% capacity for all schools level of service standard required by the Florida Department of Education. This includes an analysis of current student enrollments at each school and a review of total facility classroom space district-wide divided by the number of students that attend schools within the district.

Capital projects shown in the Polk County School District's 5-Year Work Program provides the school facility capacity to meet current student enrollment projections for the 5 year window.

The City shall coordinate the provision of public facilities with the Polk County School Board.

A. Public School Facilities LOS standards:

Consistent with Policies of the Public School Facilities Element and the Interlocal Agreement for Public School Facilities Planning, the uniform district-wide level-of service standards are established as a percent of permanent Florida Inventory of School Houses (FISH) capacity. Permanent capacity cannot be increased by adding relocatables. The LOS standards are set as follows:

**TIERED LEVEL OF SERVICE – SCHOOL YEAR 2008-2013***

| Facility Type | Year 2008-09 | Year 2009-10 | Year 2010-11 | Year 2011-12 | Year 2012-13 |
|---|---|---|---|---|---|
| Elementary | 122% | 122% | 115% | 100% | 100% |
| Middle | 113% | 113% | 110% | 100% | 100% |
| High School | 110% | 110% | 105% | 100% | 100% |

*Not to Exceed Core Dining Capacity

1. Magnet and School of Choice: One hundred percent (100%) of enrollment quota as established by the school board annually.
2. Other: K-8, 6th grade centers, 9th grade centers, 6-12th grade schools are at one hundred percent (100%) of permanent DOE FISH capacity
3. Special: Including alternative education or special programmatic facilities are designed to serve a specific segment of the student population on a countywide basis or for a temporary need and are not zoned to any specific area. Therefore, they are not available or used for concurrency determinations.
4. Conversion Charter Schools: The capacity is set during contract negotiations and the School Board has limited control over how many students the schools enroll.

The City shall apply the LOS standards set forth herein consistently with all local jurisdictions and the School Board on a district-wide basis within the adopted concurrency service areas for each school type in accordance with the policies of the School Facilities Element and the Interlocal Agreement for Public School Facilities Planning.

B. Public School Facilities:

1. shall be based upon the Polk County School Board's ability to maintain the minimum level of service standards.
2. the applicant for a Development Order or Permit which includes any residential component provides a determination of capacity by the Polk County School Board showing that the proposed development will meet the public school facilities level of service standards. A determination by the School District is not required for any residential development or project exempt from concurrency in accordance with the Interlocal Agreement for Public School Facility Planning.

## Concurrency Monitoring System

In addition to maintaining an inventory of public facilities and services, Auburndale will also be responsible for maintaining a record of public facility and service capacities or volumes which are committed for approved developments as a result of development orders issued by the City. If service is provided by an entity other than the City, this will require coordination between the service provider and the City in order to maintain an accounting system which accurately tracks approved developments.

Accountability shall be established by reserving capacity from the total available capacity for all approved development orders. Once capacity has been reserved for a specific development, it cannot be reassigned to another development prior to the expiration of the first development's development order or permit. Capacity reservations shall be renewed yearly in order to be accounted for in the annual budgetary process. Upon the expiration of an approved development order with concurrency standing, which has not been implemented, or which the City has determined to have been abandoned by the applicant, the capacity allocated to the proposed development shall be deleted. Deleted capacity shall then become available to other proposed developments. A priority waiting list shall be established for the purpose of allocating deleted capacity. When determining how much capacity is available for proposed developments, the City shall take into account all capacity that has been reserved for approved development orders.

## Assessing Financial Feasibility

The City shall plan for and provide needed capital facilities that are within the fiscal capability of the City through the annual adoption of a Capital Improvement Plan (CIP) as amended in the City of Auburndale Capital Improvement Element (CIE) of the Comprehensive Plan. For those needed capital facilities that are under the fiscal responsibility of another public agency, the City shall adopt by reference the applicable agency's 5-year capital improvement program or work plan.

## Concurrency Assessment

The Auburndale City Commission or its designee will be responsible for determining whether concurrency will be met when it considers applications for development orders for final site plans and/or final subdivision plans. When reviewing applications for development orders, the Commission shall perform an assessment to determine whether public facilities will be available concurrent with the impacts of the proposed development. A facility inventory, as outlined above, shall be used as a basis for establishing existing conditions. The ability of existing public facilities to service new development shall be determined based on the following criteria:

(a) The ability of existing facilities to accommodate the proposed development at the adopted level of service.

(b) Existing facility deficiencies which will need to be corrected prior to the completion of the proposed development.

(c) Facility improvements or additions needed to accommodate the impacts of proposed development at the adopted level of service standard.

(d) The date facility improvements or additions need to be completed in order to maintain the adopted level of service for the public facilities affected by the proposed development.

(e) The City shall demonstrate that the CIP is financially feasible by adopting into the CIE a 5-year schedule of capital improvements which includes publicly funded projects, and which may include privately funded projects for which the local government has no fiscal responsibility, necessary to ensure that adopted level-of-service standards are achieved

and maintained. Financial feasibility of the 5-year schedule of capital improvements shall mean that sufficient revenues are currently available, or will be available from committed funding sources, for the first three (3) years, or will be available from committed or planned funding sources for years four (4) and five (5), which are adequate to fund the projected costs of the capital improvements listed in the CIP. Committed and/or planned revenue sources for financing programmed capital improvements may include, but are not limited to, ad valorem taxes, bonds, state and federal funds, other tax revenues, impact fees, and developer contributions.

1. If the CIP relies on planned revenue sources in the 5-year schedule that require referenda or other actions to secure the planned revenue source, the CIE must, in the event the referenda are not passed or actions do not secure the planned revenue source, identify other existing revenue sources that will be used to fund the capital projects or otherwise amend the CIE to ensure financial feasibility;

2. The City will adopt and maintain a financially feasible 5-year schedule of capital improvements. Updates to the 5-year schedule of capital improvements which reflect proportionate fair-share contributions shall be deemed financially feasible, if the CIE identifies additional contributions, payments or funding sources reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.

## Proportionate Fair-Share Mitigation

The City of Auburndale shall continue to adhere to the adopted standards and policies of the Proportionate Fair-Share Ordinance to provide for Proportionate Fair-Share Mitigation.

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 as provided in 163.3180 (16) (c), F.S.