

## **ARTICLE 6**

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## **ARTICLE 6**

### **CONCURRENCY MANAGEMENT**

#### **6.00.00 GENERAL**

##### **6.00.01 Purpose**

This Article is designed to implement the concurrency provisions of the Comprehensive Plan as required by Chapter 163, Part II, F.S. and Rule 9J-5, F.A.C. In order to assure capacity of public facilities for new growth, all new development will be reviewed to determine the effect of such development on the public facilities of the City. No new development or redevelopment will be permitted which would have the effect of degrading the level of service of any public facility system below that level established in the comprehensive plan.

#### **6.01.00 CONCURRENCY REQUIREMENTS**

- A. A Concurrency Certificate shall be required to be granted by the City prior to the issuance of any development permit or approval except as exempted in the Article. The following are determined to be development permits requiring a concurrency certificate:
  - 1. Building Permit
  - 2. Preliminary Development Order
  - 3. Final Development Order
  - 4. Final Plat
- B. A Concurrency Certificate shall be required prior to commencement of construction of any new public facilities by any other government, school board or quasi-governmental agency.
- C. A Concurrency Certificate shall not be required when development orders or building permits for single family homes or duplexes within existing platted subdivisions of record recorded prior to the effective date of this Article or where all public facilities required within the subdivision to support the property has been provided and accepted by the City.
- D. If the proposed change of use shall have an impact on public facilities and/or services which is equal to or less than the previous use, then the proposed change, redevelopment or modification of use may proceed without the encumbrance of additional capacity in accordance with the provisions of this Article.

For purposes of this section, the term “previous use” shall mean either: the use existing on the site when a concurrency evaluation is sought; or if no active use exists on the site at the time when a concurrency evaluation is sought, then the most recent use on the site within the 10 year period immediately prior to the date of application.

## **6.02.00 APPLICATION AND REVIEW PROCEDURES**

- A. Development projects shall be reviewed to determine the effect of the project on the capacity of the following public facilities:
  - 1. Transportation Systems
  - 2. Potable Water Systems
  - 3. Park and Recreation Facilities
  - 4. Stormwater Management Systems
  - 5. Solid Waste Collection and Disposal Capacity
- B. Review shall be initiated by the owner, developer or authorized agent by submitting a completed Concurrency Application. This may be done in conjunction with other development review procedures. The application shall include a site plan drawn from or based on a survey of the site, legal description of the property and all other information requested so that a determination of the size, scale and nature of the infrastructure impacts can be determined. Incomplete applications will be returned to the applicant.
- C. The applicant shall provide all of the pertinent information required for the City to assess the impacts of the development and make a concurrency determination.

## **6.03.00 CONCURRENCY DETERMINATION**

- A. Upon completion of a review by the PLDRC, a written Concurrency Determination shall be issued stating whether infrastructure capacity is available to accommodate the proposed project. The determination shall specify the capacity needed for the project.
- B. If the necessary capacity is available, the determination shall constitute a temporary reservation of that capacity for the project for a period of 30 days. During this temporary reservation period, a Concurrency Certificate shall be issued upon payment of fees as established by the City.
- C. If the necessary capacity is available, but action by the City Commission is required for approval of the development, the temporary reservation period shall extend for 30 days following Commission action.

- D. If the necessary capacity is not available, the Concurrency Determination shall identify each infrastructure system where capacity is not available and the extent of the deficiency.

**6.04.00 EXPIRATION OF CONCURRENCY CERTIFICATES**

- A. The Concurrency Certificate shall expire upon the expiration of the building permit or development order for which the certificate was issued including any extensions, renewals, or subsequent development orders for the same project.
- B. Where not otherwise provided a Concurrency Certificate shall expire after one year.

**6.05.00 REVIEW STANDARDS**

The standards used in the review of projects for available capacity shall be the level of service standards established in the City's Comprehensive Plan.

**6.06.00 CONCURRENCY EVALUATIONS**

- A. The City shall conduct a concurrency evaluation prior to the issuance or denial of a Concurrency Certificate. The City shall utilize evaluation methodologies as identified below and may also consider other appropriate methodologies, evaluations, studies, documents, or other information submitted by the applicant that are deemed to provide accurate information in the quantification of infrastructure capacity impacts.
- B. Concurrency evaluations shall be conducted prior to the issuance of all development permits specified in this Article as requiring a Concurrency Certificate. In addition, a Concurrency Evaluation shall be prepared for review in conjunction with all preliminary plats in excess of four lots.
- C. Concurrency evaluations shall also be prepared for review in conjunction with applications for Comprehensive Plan map amendments.
- D. In order to measure the demands for infrastructure capacity from development, the following methods shall be used:

<u>Infrastructure System</u>	<u>Method</u>
<b>Potable Water</b>	<b>Capacity:</b> Established by the Dept. of Environmental Regulation <b>Demand:</b> Rule 100 - 6, FOHRS
<b>Solid Waste</b>	<b>Capacity:</b> As determined by Volusia County <b>Demand:</b> Average customer

	demand based on records of past usage.
<b>Parks and Recreation</b>	<b>Capacity:</b> Total existing park land acreage <b>Demand:</b> Number of permanent residential housing units x 2.51 persons
<b>Traffic Circulation</b>	<b>Capacity:</b> Florida Highway Capacity Manual <b>Demand:</b> ITE Manual, latest edition
<b>Drainage</b>	Established in Section 5.04.03 of the Stormwater regulations

- E. In performing capacity evaluations for potable water, the evaluation is limited to an assessment of the infrastructure capacity available at the applicable water production plant. The evaluation does not address the adequacy of capacity in water distribution pipes necessary to serve the proposed development. It is the responsibility of applicants to ascertain whether the water distribution system is adequately sized and in place to serve the development.
- F. In performing concurrency evaluations for stormwater, the evaluation is limited to an assessment of conformance to the stormwater regulations.
- G. In performing concurrency evaluations for traffic circulation or roadway capacity, the evaluation shall conform to the following parameters:
  - 1. The level of service shall be based on the peak hour directional traffic flow.
  - 2. Trip generation rates shall be based upon the latest edition of ITE's Trip Generation Manual or other specific local site surveys deemed by the City to be representative of the proposed use. All generated trips shall be assumed to be external, unless documented. Any internal capture passerby, or transit that is assumed, must be documented and is subject to acceptance by the City.
  - 3. For commercial project which are greater than five (5) acres, the applicant shall provide a traffic study which is certified by a Florida Registered professional engineer.
  - 4. In determining the impact of a project, the review shall encompass the impact within one half mile of the development site. However, the City may require a larger traffic impact area to be studied based on the scale of the project and its traffic generation.

**6.07.00 INFRASTRUCTURE CAPACITY REPORTING AND MONITORING**

By January 31st of each year the PLDRC shall complete and submit to the City

Commission an Annual Capacity Availability Report. This report shall evaluate development permitting activity for the previous year and determine existing conditions with regard to available capacity for the infrastructure facilities subject to concurrency. The report shall specify the capacity used during the previous year and shall evaluate and project the capacity available and time remaining until available infrastructure capacity is exhausted. The report shall include any vested capacity as well as that for which development permits have been issued.