

## **CHAPTER 160: CONCURRENCY MANAGEMENT SYSTEM**

### **GENERAL PROVISIONS**

#### **§ 160.01 INTRODUCTION**

(A) On February 9, 1998, the Port St. Lucie City Council adopted the city's revised and updated Comprehensive Plan. The adoption of the comprehensive plan was required by the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, as amended, a primary objective of which is to effectively manage the problems associated with Florida's rapid population growth. A key element of the Act (§ 163.3177(10)(h), Florida Statutes) is the concept of "concurrency" expressed as follows:

"It is the intent of the Legislature that public facilities and services needed to support development shall be available concurrent with the impacts of such development."

(B) The Act accordingly required that each local government adopt locally acceptable levels of service (LOS) for its various public facilities and services (roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and mass transit, if applicable) and then provide for the capital improvements necessary to maintain those adopted levels of service. In addition, the Act (§ 163.3202(2)(g), F.S.) prohibits local government from issuing:

"A development order or permit which results in a reduction in the service for the affected public facilities below the level of service provided in the Comprehensive Plan of the local government."

(C) This section of the Act is required to be implemented through the adoption of local land development regulations. The Act (§ 163.3177(3)(b), F.S.) also requires that the capital improvements element of the Comprehensive Plan "shall be reviewed on an annual basis and modified as necessary."

#### **§ 160.02 PURPOSE AND INTENT**

(A) The Concurrency Management System will provide the necessary regulatory mechanism for evaluating development orders to ensure that adequate public facilities and services are available concurrent with development impacts. The adoption of the Port St. Lucie Comprehensive Plan and its various elements established acceptable level of service standards for roads, potable water, sanitary sewer, solid waste, drainage, and parks and recreation facilities.

(B) An additional component of the Concurrency Management System is the establishment of a framework for determining public facility, and service needs and providing a basis for meeting those needs through capital improvements planning. The Capital Improvements Element in the Comprehensive Plan identifies the schedule of capital facility projects and funding mechanisms currently necessary to maintain adequate public facilities and services at or above the adopted level of service standards.

(C) The Concurrency Management System, in accordance with the requirements of § 163.3203(2)(g), F.S., and § 9J-24.003(1)(h) and § 9J-S.0055, F.A.C., is intended to implement the City's Comprehensive Plan and specifically address the requirements outlined in the following Elements of the Plan: Future Land Use, Traffic Circulation, Infrastructure, Coastal Management, Recreation and Open Space, Intergovernmental Coordination, and Capital Improvements Elements.

(D) The implementation of the Concurrency Management System will serve as the principal mechanism for ensuring that future growth is managed in a manner consistent with the provisions of the Comprehensive Plan as well as provide a key monitoring device for measuring the effectiveness of the Comprehensive Plan and the programming of future capital improvements.

### **§ 160.03 DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADOPTED LEVEL OF SERVICE.** The Level of Service (LOS) adopted in the Comprehensive Plan as referenced in the Capital Improvements Element. The adopted Levels of Service are the regulatory standards to be used in evaluating development order requests for the purposes set forth in this Concurrency Management System.

**ANNUAL RESIDUAL CAPACITY TRIPS.** Within a designated "Critical Area of Concurrency (CAOC)" up to 100% of the remaining capacity of the potentially deficient road segment's remaining capacity.

**ANNUAL INVENTORY REPORT AND DATA BASE.** (See "Yearly Information Report (YIR) and Data Base.")

**APPLICANT.** Any person or his duly authorized representative who submits plans through any city agency, department or division for the purpose of obtaining approval thereof.

**APPLICATION FOR DEVELOPMENT APPROVAL.** An application submitted to

the city requesting the approval of a Development Order.

**ARTERIAL ROAD.** A roadway providing service which is identified as an arterial, major or minor, in the City's Comprehensive Plan.

**BACKLOGGED ROADWAY FACILITIES.** Those roadways operating below the adopted level of service standard which do not have prohibitive financial or environmental constraints, but are not scheduled for major capacity improvement in the Florida Department of Transportation's Five-Year Work Program, St. Lucie County's Five-Year Schedule of Capital Improvements, or the City of Port St. Lucie's Seven-Year Schedule of Capital Improvements.

**CAPACITY (ROADS).** The maximum number of vehicles that can be accommodated by a given roadway during a specified time period under prevailing roadway, traffic, and control conditions at that roadway's adopted level of service.

**CAPACITY.** Maximum and quantifiable ability for a public facility to provide service to its users. The quantity is calculated relative to a LOS infrastructure standard compared to the measurable use of the public facility.

**CAPACITY. ANNUAL RESIDUAL.** (See "Annual Residual Capacity")

**CAPITAL FACILITIES.** The planning of, engineering for, acquisition of land for, or the construction of drainage and water management facilities, recreation buildings and park equipment, potable water facilities, sanitary sewer facilities, solid waste facilities, and any project eligible for inclusion as a transportation facility, or facilities, of the Capital Improvement Element (CIE) or Transportation Element of the Port St. Lucie Comprehensive Plan, the CIE of St. Lucie County, or the Five-Year Florida Department of Transportation Plan.

**CAPITAL IMPROVEMENT.** Physical assets constructed or purchased to provide, improve, or replace a public facility, and which are large scale and high in cost. The cost of the capital improvement is generally nonrecurring and may require multi-year financing. For the purposes of the Concurrency Management System, physical assets which have been identified as existing or projected needs in the Comprehensive Plan shall be considered capital improvements.

**CERTIFICATE OF OCCUPANCY (CO).** The official certification that a premise conforms to the provisions of this Code and may be used or occupied.

**CERTIFICATE OF CONCURRENCY (COC).** The official certification that

adequate public facilities are or will be available concurrent with the impact of the proposed development on each public facility (i.e., traffic circulation, parks and recreation, sanitary sewer, potable water, solid waste, and stormwater management facilities and services).

Issuance of a final local development order, either final residential subdivision plat approval, or final site plan approval shall be considered a certificate of concurrency.

**CITY BUILDING OFFICIAL.** Means the Port St. Lucie Building Official or duly authorized representative (See also “delegation of authority”).

**CITY ENGINEER.** Means the Port St. Lucie City Engineer or duly authorized representative (See also “delegation of authority”).

**COLLECTOR ROAD.** A roadway providing service which is identified as a collector, major or minor, in the city’s Comprehensive Plan.

**COMPREHENSIVE PLAN.** The Comprehensive Plan, meeting the requirements of §§ 163.3177 and 163.3178, Florida Statutes, adopted by the Port St. Lucie City Council and filed with the Clerk of said Council pursuant to Port St. Lucie Ordinance No. 97-50, as the same may be amended from time to time.

**CONGESTIN MANAGEMENT SYSTEM STRATEGIES.** Alternative strategies to alleviate congestion and enhance mobility as related to criteria for adequate public facilities.

**CONSTRAINED ROADWAY FACILITIES.** Those roadways that exhibit a level of service lower than the adopted level of service standard which are not able to attain the adopted standard because prohibitive costs and physical or environmental limitations prevent the construction of at least two additional through lanes.

**CONSTRUCTION PLANS/DETAIL PLANS.** Those detailed engineered drawings, specifications and calculations prepared in accordance with city and other applicable regulations, codes and standards, submitted for approval of a site and/or development plan or preliminary plat or final subdivision plat, which set forth the specific improvements to be made in conjunction with development as they affect the existing site, its boundary conditions, topography, drainage, access, and associated road and other right-of-way and easements.

**CRITICAL AREA OF CONCURRENCY (CAOC).** Based upon accepted transportation planning practices, an area of influence or significant impact established around any deficient or potentially deficient road segment, where development may be expected to place an unreasonable number of new trips on the deficient or potentially deficient road segment.

**DEFICIENT ROAD SEGMENT.** Any city, county or state road segment on the city's major road network system that is operating below the adopted level of service standard, or is located in a Critical Area of Concurrency (CAOC) and specifically allowed to operate at up to five percent above the service volumes listed in Table 1 or 5 for the adopted LOS, or situations where a proposed development's additional impact on such roads could exceed the facility's adopted LOS standard.

**DELEGATION OF AUTHORITY.** Whenever a provision appears requiring the head of a department or some other city officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or some other city officer or employee to designate, delegate and authorize professional level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

**DENSITY.** The number of residential dwelling units permitted per gross acre of land as determined by the City of Port St. Lucie Comprehensive Plan and Code of Ordinances.

**DEVELOPER.** Any person, individual, partnership, association, syndicate, firm, corporation, trust or legal entity engaged in developing or subdividing land under the terms of the Port St. Lucie Code of Ordinances, as amended. The term "developer" is intended to include the term "subdivider," even though the person involved in successive stages of a development project may vary.

**DEVELOPMENT.** A subdivision of land or a site plan for construction of a residential mobile home park or any other construction whether residential, commercial, industrial, office, professional, institutional, or recreational, including an individual single family residence on an individual lot or lots, and meeting the intent of §380.04, Florida Statutes.

**DEVELOPMENT AGREEMENT.** (See "Enforceable Development Agreement.")

**DEVELOPMENT ORDER.** Any action granting, denying, or granting with conditions, an application for a development approval or permit, including approval of preliminary or final site plan, preliminary or final subdivision plat, building permit, temporary use permit, temporary construction and development permit, sign permit, well permit, spot survey, electrical permit, plumbing permit, occupational license, boat dock permit, HVAC permit, septic tank permit, right-of-way permit, blasting permit, excavation permit, construction approval for infrastructure (including water, sewer, grading and paving), development of regional impact (DRI), zoning ordinance amendment, comprehensive plan amendment, flood variance, tree removal permits, rezoning, special exception, PUD amendment, certification, condition use, variance, or any other official action of Port St. Lucie having the effect of permitting development as defined in 380.04, Florida Statutes.

**DEVELOPMENT PERMIT.** Any building permit, zoning permit, preliminary subdivision plan, subdivision or other plat approval, site and development plan approval, rezoning, certification, special exception, variance, environmental permit or any other official action of the City of Port St. Lucie or any other state or local government commission, board, agency, department, division or official having the effect of permitting development of land located with the geographic area subject to the provisions of the Port St. Lucie Land Development Code. Development shall include all activities set forth in § 380.04, Florida Statutes.

**DIRECTOR OF PLANNING AND ZONING.** Means the Port St. Lucie Director of Planning and Zoning or duly authorized representative (See “delegation of authority”).

**ENFORCEABLE DEVELOPMENT AGREEMENT.** Any agreement entered into by a local government with any person having a legal or equitable interest in real property located within its jurisdiction as provided for by §163.3220 - 163.3243, Florida Statutes.

**FINAL DEVELOPMENT ORDER.** A “final local development order” or a “final Development of Regional Impact (DRI) development order.”

**FINAL DRI DEVELOPMENT ORDER.** A development order, as amended from time to time, adopted by the City Council and approved by the State pursuant to § 380.06, Florida Statutes, notice of which is recorded pursuant to § 380.06(15)(f), Florida Statutes.

**FINAL LOCAL DEVELOPMENT ORDER.** Any valid, unexpired approval by the city of a final subdivision plan (including construction plans and plat), final site plan (including construction plans) or building permit.

**FINAL SITE PLAN.** See “Plan, Final Site.”

**FINAL SUBDIVISION PLAN.** See “Plan, Final Subdivision.”

**IMPACT.** Significant and quantifiable effect of use of a public facility. the quantity of use calculated or measured relative to user volume in the facility, compared to calculated capacities of the public facility.

**INTENSITY.** The square footage of nonresidential floor area permitted per gross acre of land as determined by the Port St. Lucie Comprehensive Plan and Code of Ordinances.

**LAND DEVELOPMENT CODE OR LAND DEVELOPMENT REGULATIONS.** The ordinances enacted by City of Port St. Lucie pursuant to §163.3161 et. seq., Florida Statutes for the regulation of the development of land within the incorporated

area of the city.

**LAND USE.** Activity on an area of land that will generate demands for the services offered by public facilities.

**LEVEL OF SERVICE (LOS).** An indicator of the extent or degree of service provided by, or proposed to be provided by, a public facility based on and related to the operational characteristics of the facility. LOS indicates the capacity per unit of demand of each public facility.

**LOT.** Includes a tract or parcel and means the least fractional part of subdivided land having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified.

**MAJOR ROAD NETWORK SYSTEM.** All city, county and state arterial and collector roads within the total incorporated area depicted in the Traffic Circulation Element of the Comprehensive Plan.

**PERSON.** An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a point or common interest, or any other entity, and its designated agents, successors or assigns.

**PLAN, FINAL SUBDIVISION.** Includes the plat to be recorded; final engineering and construction drawings, specifications and calculations; certification of improvements, as-built drawings, or performance guarantee; and other required certifications, bonds, agreements, approvals, and materials for a development phase or the entirety of a parcel of land, meeting the requirements of the Code of Ordinances.

**PLAN, PRELIMINARY SUBDIVISION.** Includes the site plan and preliminary plat; tree location map or aerial photographic overlay; preliminary engineering drawings, specifications and calculations; and other necessary materials for a development phase or the entirety, meeting the requirements of the Code of Ordinances.

**PLAN, SITE AND/OR DEVELOPMENT.** Includes the site plan, statements of use and unified control, preliminary and/or final engineering drawings, specifications and calculations; and other required certifications, as-built drawings, performance guarantees, bonds, agreements, approvals and materials for a development phase or the entirety meeting the requirements of this code.

**PLATTED LOT OF RECORD.** A lot which is part of a subdivision which has been recorded in the office of the Clerk of the Circuit Court of St. Lucie County prior to the effective date of these regulations.

POTENTIALLY DEFICIENT ROAD SEGMENT. A city, county or state road segment on the Major Road Network System that is presently operating at [80-90%] of its adopted LOS standard.

PRELIMINARY SUBDIVISION PLAN. See “Plan, Preliminary Subdivision.”

PUBLIC FACILITIES. Major capital improvements including but not limited to transportation, sanitary sewer, solid waste, drainage, potable water, parks and recreational facilities and services.

SERVICE VOLUME (ROADS). See “Capacity (roads).”

SITE AND/OR DEVELOPMENT PLAN. See “Plan, Site and/or Development.”

SUBDIVISION. The division or resubdivision of a parcel of land (whether improved or unimproved) as provided for in this code.

SUBSTANTIAL CONSTRUCTION WORK. The commencement and continuous prosecution of construction of required improvements toward completion.

YEARLY INFORMATION REPORT (YIR) AND DATA BASE. An annual report prepared by the Director of Planning and Zoning which determines the existing condition of public facilities, determines and summarizes the available capacity of the public facilities based on their Level of Service (LOS), and forecasts the capacity of existing and planned public facilities identified in the Five-Year Capital Improvement Schedule.

ZONING REGULATIONS. City of Port St. Lucie Code, as may be amended, which controls and regulates zoning for the incorporated portion of the city.

## **DEVELOPMENT REVIEW SYSTEM**

### **§ 160.20 ESTABLISHMENT OF PROCEDURES**

The order to ensure that adequate public facilities area available concurrent with when the impact of development occur on each public facility, the city shall establish the following development review procedures to ensure that no development orders are issued unless adequate public facilities area available to serve the proposed development, or that the development order is conditioned on the availability of public facilities to serve the development concurrent with the impacts of development.

**§ 160.21 CERTIFICATE OF CONCURRENCY (COC)**

Approval to develop land and structures must include assurances for the adequate provision of public facilities and services to serve the development. The city will verify the adequacy of public facilities and services in the Concurrency management System with a “Certification of Level of Service Concurrency” otherwise known as “Certificate of Concurrency” (COC). Issuance of a final local development order shall serve as certification of concurrency.

**§ 160.22 GENERAL**

After the effective date of these regulations, a valid, unexpired Certificate of Concurrency (COC) shall be required prior to, or in conjunction with, approval of a final development order (a DRI or the earliest or next to occur of a final subdivision plat, final site development plan, or building permit), provided, however, any development orders except a final local development order may be approved or issued provided they are expressly conditioned on the issuance of a COC prior to building permit approval, and provided the owner and applicant proceed at their own risk and expressly waive and release the city in writing from any and all future claims of vested rights and equitable estoppel resulting from such approval.

**§ 160.23 PUBLIC FACILITIES REQUIRING LOS CONCURRENCY ANALYSIS**

The following public facilities shall require Level of Service “concurrency” analysis for the units and standards indicated:

(A) Traffic Circulation. Average annual daily traffic count capacity on major roadways functionally classified as arterials and collectors by the Comprehensive Plan and site development performance design standards.

(B) Parks and Recreation Facilities. Proportional city capacity per 1,000 residents.

(C) Sanitary Sewer Facilities. Proportional city serving wastewater treatment capacity for each treatment plant, and site development performance standards. [re: septic tanks/wells].

(D) Potable Water Facilities. Proportional city-serving water treatment capacity for each treatment plant, and site development performance standards [re: septic tanks/wells].

(E) Stormwater Management Facilities. Site development performance standards.

(F) Solid Waste Facility. Proportional, city-serving volume capacity of the landfill.

**§ 160.24 DEVELOPMENT ORDERS REQUIRING A CERTIFICATE OF CONCURRENCY (COC)**

For the purpose of meeting the provisions of the Concurrency Management System, a development order - if not an exception to compliance or ineligible for certification - shall be considered to be any action required by the City of Port St. Lucie Comprehensive Plan, Zoning and land Development Regulations, and other applicable ordinances for approval of the following:

(A) Developments of Regional Impact (DRI) or Florida Quality Development (FQD);

(B) Final subdivision plat, final development plan or final site plan (including construction plans);

(C) Major earthmoving permit;

(D) Request for public water or wastewater service; and,

(E) Building permit for following:

(1) More than 500 square feet of non-residential floor area as either a whole building or an addition.

(2) Dwelling unit as a whole unit but not as an addition to a unit.

(3) Any other use that after construction would increase trip generation, stormwater runoff, potable water use, waste water generation, or solid waste generation beyond that of a typical dwelling unit or 500 square foot office.

**§ 160.25 OTHER ELIGIBLE DEVELOPMENT ORDERS FOR COC**

At the applicant's request, the city shall review and approve, approve with conditions, or deny an Application for Development Approval for any eligible COC development order needed for a proposed development prior to receipt of a final local

development order approval. eligible development orders include the following:

- (A) Preliminary subdivision plat, preliminary development plan or preliminary site plan;
- (B) Rezoning request conditioned by a site plan; or
- (C) Special Exception Use request conditioned by a site plan.

#### **§ 160.26 TIMING**

An application for COC for eligible development orders may be submitted at any time. The various times for application all carry different risks. Applying for a COC with a preliminary plan provides security throughout subsequent stages of development approval and preparation. However, these stages must move rapidly enough to obtain a building permit before the COC expires (3 years for most cases). On the other hand, applying for a COC with the final plan, phased application or building permit gambles on adequacy later in the development approval process.

#### **§ 160.27 EXEMPTIONS TO CERTIFICATE OF CONCURRENCY**

Certain development orders and developments qualifying for an exemption from the requirement for a COC if one of the following development orders or if the development meets any of the following conditions:

- (A) Development rights “vested” by a judicial determination, but only to the extent stated in the court order and verified by the City Attorney;
- (B) Development rights “vested” by a Vested Rights Determination of the City Council, but only to the extent stated in the determination and verified by the City Attorney;
- (C) All valid, unexpired final DRI development orders which were issued prior to adoption of these regulations, except where:
  - (1) Development conditions or stipulations applicable to concurrency, or the provision of adequate Public Facilities concurrent with the impacts of development, exist in the DRI development order;
  - (2) Substantial deviations are sought for a DRI development order, and then, these regulations shall apply only to those portions of the development for which the deviation is sought;

(3) An overriding concern for public health, safety, or welfare exists;

(4) The city can demonstrate pursuant to § 380.06, F.S., that substantial changes in the conditions underlying the approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the developer or that the application of these regulations to the development order is clearly established to be essential to the public health, safety and welfare; or,

(5) The new requirements would not so change or alter a DRI development order that they would materially or substantially affect the developer's ability to complete the development authorized by the DRI Development order;

(D) All valid, unexpired final local development orders issued prior to adoption of these regulations;

(E) Construction of Public Facilities that are consistent with the City of Port St. Lucie Comprehensive Plan;

(F) Any development orders determined by the Director of Planning and Zoning not to impact Public Facilities;

(G) Original temporary construction and development permits and any subsequent renewals not to exceed a cumulative period of one year;

(H) Development orders permitting replacement, reconstruction or repair of existing development consistent with all elements of the Comprehensive Plan; and,

(I) All temporary use permits.

## **§ 160.28 INELIGIBLE FOR CERTIFICATE OF CONCURRENCY**

Certain development orders do not directly authorize development to commence or do not demand a final assessment of public facilities. Some have no expiration. Eventual development arising from them would require subsequent development orders subject to a COC. Therefore, the following development orders authorizations, approvals or instruments, which do not directly authorize development, shall not receive a COC:

(1) Administrative appeal;

(2) Comprehensive Plan and/or Future Land Use Plan Map amendments;

(3) Zoning amendment and/or Special Exception Use request not conditioned on a site plan;

(4) Conceptual subdivision plat, conceptual development plan, or conceptual site plan;

(5) Flood hazard variance;

(6) Tree removal permit;

(7) Variance or adjustment;

(8) Temporary use permit;

(9) Sign permit;

10) Septic tank or well permit.

#### **§ 160.29 OFFICIAL STAFF REVIEW**

The designation of a single head of department or division for coordinating each level of the development review process is necessary to ensure that every development permit application is reviewed in accordance with the Concurrency Management System prior to the issuance of a development order.

(A) The coordinating officials and their respective responsibilities under this process area as follows:

(1) The Director of Planning and Zoning and the Planning and Zoning Department shall be responsible for coordinating the review of:

(a) Developments of Regional Impact or Florida Quality Developments;

(b) Comprehensive Plan Amendments;

(c) Wellfield protection;

(d) Preliminary or “tentative plats” and Final subdivision plats.

(e) Site Plans, including conceptual, preliminary or final site and/or development plans;

(f) Zoning Amendments and Special Exception Use applications:

(g) Variances;

(h) Nonconforming uses; and,

(i) Also reviews applications for building permits, occupational licenses, and land use permits.

(2) The Building Official and Building Department shall be responsible for coordinating the review of:

(a) Development subject to Floodplain Regulations;

(b) Variance to Floodplain Regulations;

(c) Building Regulations and building permit applications, and,

(d) Certificates of Occupancy (CO's).

(3) The City Engineer and Engineering Department shall be responsible for coordinating the review of:

(a) Construction or Engineering Plans and Specifications; and,

(b) Surface drainage plans.

(B) The following agencies, departments or divisions, or providers shall be responsible for evaluating the adequacy of existing and planned facilities in conformance with the Concurrency Management System with regard to proposed development orders:

(1) The Planning And Zoning Department in conjunction with the St. Lucie County Solid Waste Department shall evaluate solid waste levels of service;

(2) The Transportation Division of the Engineering Department shall evaluate roadway levels of service. For large scale projects, the Planning and Zoning Department may refer applications to the Metropolitan

Planning Organization (MPO) for technical review and comment.

(3) The Stormwater Management Division of the Engineering Department shall evaluate drainage levels of service.

(4) The Planning and Zoning Department in conjunction with the appropriate fire district (re: fire flow pressure) and St. Lucie West Utilities, Inc. or City Utilities Department shall evaluate potable water levels of service;

(5) The Planning and Zoning Department, in conjunction with St. Lucie West Utilities, Inc. or City Utilities Department, shall evaluate sanitary sewer levels of service (the St. Lucie County health Department is responsible for septic tank permits and approval of potable water wells); and,

(6) The Planning and Zoning Department in conjunction with the Parks and Recreation Department shall evaluate parks and recreation levels of service; and,

(C) (1) The evaluating agencies, departments or divisions, or providers shall provide the coordinating departments or divisions a letter or other instrument for each proposed development order which indicates the existing level of service of facilities and services which will be impacted by the proposed development, the extent of the impact generated by the proposed development, and whether those facilities and services have sufficient capacity to serve the development at, or above, adopted levels of service.

(2) By the March 1 of each year each evaluating agency, department or division, or provider, as appropriate, shall provide to the Director of Planning and Zoning a Yearly Information Report which describes the previous year's level of service, capacity at beginning of previous year, capacity reserved through the issuance of COC's, any capacity freed through the expiration of COC's, available capacity for the next year, and any specifics relative to planned or completed expansion of facilities and facility capacity. The Director of Planning and Zoning shall provide the appropriate information to the coordinating departments or divisions, including reporting committed trips on roadways to the MPO for inclusion in traffic count data and analysis.

(D) The coordinating departments or divisions will be responsible for compiling the level of service reviews from each evaluating agency, department or division into a concurrency report for each development order. Each concurrency report shall document the following:

- (1) The conditions related to land uses and public facility availability upon which the reviews were based;
- (2) The specific facilities impacted by the proposed development;
- (3) The extent of the impact generated on those facilities by the proposed development, and,
- (4) Conditions or stipulations regarding the timing and phasing of the development or provision of facility improvements necessary to ensure that adequate facilities will be available concurrent with the impact of development.

(E) For each development order reviewed for concurrency, the coordinating department or division shall be responsible for monitoring and enforcing the conditions and stipulations contained in all concurrency reports that were completed during earlier steps of the development review process which area related to that development order, in order to ensure consistency and avoid unnecessary duplication.

### **§ 160.30 SUBSEQUENT DEVELOPMENT ORDERS**

A final local development order shall receive final approval only to the extent to which the proposed development receives a COC. If a development order requires subsequent development orders (e.g., a preliminary plat followed by a final plat followed by a building permit), then the original COC will serve all such subsequent development orders subject to the following:

(A) So long as subsequent development orders would not grant additional capacity reservations; and,

(B) Project is continuing toward completion with no more than six-months passing between an approval stage and submittal of an application for the next required approval, unless an approved extension has been granted.

### **§ 160.31 ASSIGNABILITY AND TRANSFERABILITY**

A COC shall run with the land, shall be assignable within a proposed

development, and shall not be assignable or transferable to other development.

**§ 160.32      MODIFICATION OF CERTIFICATE OF CONCURRENCY**

Applicants may request modifications which would not grant additional capacity reservations ahead of denied but still pending applications waiting for future capacities.

**§ 160.33      EXPIRATION OF CERTIFICATE OF CONCURRENCY**

Development of the project (or phase) may proceed only if it has a valid and unexpired building permit before the COC expires.

(A) The COC will expire no earlier than the earliest of the following:

(1) Three years from the date of issuance, except to the extent that building permits have been issued for the proposed development for which the COC was approved, and the proposed development is then completed pursuant to the terms of the Port St. Lucie Building Code; or,

(2) Five years from the date of issuance for development comprised of more than 500 dwelling units, or for a phased increment of development comprised of more than 150 dwelling units, or for a commercial or industrial development of more than 100,000 sq. ft. GLA, except to the extent that building permits have been issued for the proposed development for which the COC was approved, and the proposed development is then completed pursuant to the terms of the Port St. Lucie Building Code, provided the COC holder:

(a) Obtains approval of its final subdivision plat or final site development plan within 12 months from the date of issuance of the COC;

(b) Commences construction of the infrastructure for the final subdivision plat or final site development plan within 24 months from the date of issuance of the COC; and,

(c) Completes the construction of the infrastructure for the final subdivision plat (and records final plat) or final site development plan within 36 months from the date of issuance of the COC; or,

[For purposes of determining the expiration of a COC for a mixed use development, the size of the mixed use development shall be

determined by aggregating the percentage of the threshold for each land use component that is proposed for the mixed use development.]

(3) Expiration of the development order plus permitted extensions and renewals.

(B) (1) The COC's expiration date may exceed the otherwise normal three years from the date of its issuance and occur at a negotiated date for any of the following:

(a) Development of Regional Impact (DRI) or a Florida Quality Development (FQD), or phase thereof; or,

(b) Local government land development agreement (F.S. 163.3220) secured project, or phase thereof.

(2) Upon approval by the City Council, any applicant may enter into a development agreement with the city in conjunction with the approval of a development order and/or Certificate of Concurrence. The effect of the development agreement shall be to bind the parties pursuant to the terms and conditions of the development agreement and the COC in order to ensure that adequate public facilities are available to serve the proposed development concurrent with the impacts of development.

(3) Development agreements may address conditional development order approvals and conditions for renewal of the COC beyond five years, however, the duration of any COC shall not exceed five years. Development agreements may also provide for private provision of public facilities or for a joint endeavor between the private sector and the city to provide public facilities. Other methodologies for concurrency exceptions per 9J-5.005, F.A.C. may be utilized as a part of development agreements. Any public facility in the five-year schedule of capital improvements in the CIE or CIP on which such a COC is made in conjunction with the approval of a development order and a development shall not be delayed, deferred, or removed from the five-year schedule of improvements in the CIE or CIP.

(4) The development order must be based on a detailed analysis of the public facility impacts of the project to determine any fair-share mitigation (e.g., a developer's front-end capital contribution or payment of impact fees). such contribution may effectively reserve the capacity of that contribution for the developer's future use.

(C) In addition to the above, subdivision plats have special provisions as follows:

(1) An improved and platted subdivision will remain certified for home building until its certificate expires; then, the developer may apply for another COC for the entire subdivision or any phase or home site separately. Long-term negotiated agreements and certification would depend on the developer investing in front-end capital contribution to reserve capacities beyond the normal three-year certification.

#### **§ 160.34 EFFECT**

(A) Issuance of a COC shall demonstrate proof of adequate public facilities to serve the development approved in the development order, subject to the conditions in the development order. A subsequent application for development approval for which a COC has been previously approved shall be determined to have adequate public facilities as long as the COC is valid and unexpired.

(B) Developers should not rely on any development order or other assurances if development does not commence and continue to completion. The city cannot allow unpredictable delays which would effectively reserve capacities indefinitely, especially when other development proposals could move ahead. Capacities remain reserved only for developments with assured and timely readiness for occupancy.

(C) the Certificate of Concurrency (COC), if not used for development within its effective period (3 years for most cases), then it expires completely. The procedure for the COC offers no opportunity for extension or renewal. A subsequent application for the same project will place the proposed development at the end of the lines of other developments waiting for approval. The nonrenewable feature prevents hoarding, protects the competitive development market, and assures opportunities to satisfy projected growth.

(D) Anything to the contrary notwithstanding, all COC's approved or issued from the date that the Director of Planning and Zoning releases the YIR to the public through the date that the approved boundaries and the annual residual capacity trip allotments for each CAOC becomes effective shall be expressly conditioned upon any and all restrictions, limitations, provisions, boundaries and allotments adopted by the City Council.

#### **§ 160.35 REMEDIES FOR DENIED OR PENDING CERTIFICATES OF CONCURRENCY**

(A) Administrative or legal remedies through appeal.

(B) Pending applications may have development orders and permits which include conditions on the availability of facilities necessary to serve the proposed developments (e.g., development agreements, planning and phasing; facility phasing; capital improvements programming; and DRI's)

(1) Agreements with the local government allows developers to correct deficiencies by building facilities themselves or contributing to the funding of capital improvements.

(2) Phasing a project allows construction in stages which follow the progressive improvement of facilities over time.

(3) Careful planning of a project with knowledge of public construction schedules will assist the development community.

(4) Petitions to amend the Comprehensive Plan's Capital Improvement Element may request enlargements of public facilities to accommodate the impact of proposed developments, change in facility phasing schedule, lower level of service standards, or increased funding sources (assessments, impact fees, and the like).

(C) More importantly, however, city staff must have foresight in preparing for urban growth in order to assure adequate public facilities concurrent with the impacts of development without excessive cost or undue delay.

## **APPLICATION PROCEDURE AND REVIEW**

### **§ 160.50 DOCUMENTS TO ACCOMPANY APPLICATIONS**

All applications for a development order shall be accompanied by one of the following documents, as appropriate.

(A) Application for a Certificate of Concurrency (COC); or,

(B) Claim of Exemption to Certificate of Concurrency;

(C) Affidavit when ineligible for a Certificate of Concurrency (COC).

(D) A valid and unexpired Certificate of Concurrency from an earlier development order for the same site.

(E) Application for final residential subdivision plat or final site plan shall serve as application for Certification of Concurrency.

**§ 160.51 SUBMISSION OF COC APPLICATION AND FEE**

(A) If submitted prior to review of final local development order, an application for a Certificate of Concurrency (COC) shall be submitted concurrent with an eligible development order to the appropriate department or division which receives the application for the development order. An application fee in an amount to be determined by the City council shall accompany and be part of the application.

(B) Application Contents

(1) All applications for development orders shall provide sufficient information to review the application and to determine the impact of such development consistent with these concurrency evaluation procedures, including, but not limited to:

(a) A map locating the boundaries of the site and the public facilities and services affected;

(b) Legal description of property. Reference to Official Records (i.e., O.R. Book and Page) cannot stand alone - they must identify metes and bounds boundaries, sections, townships, ranges and/or platted lots;

(c) Total number and type of dwelling units for residential developments;

(d) Identification of type and intensity of non-residential use, where appropriate, at a level of detail consistent with the type of development application; and,

(e) Identification of project phasing, where applicable.

(2) For other than a single-family dwelling on an existing platted lot, a letter from each facility provider or evaluating agency, department, or division, confirming that the facility possesses sufficient capacity to supply the proposed project;

(3) Any other data or information established to be necessary by the appropriate department or division.

**§ 160.52 DETERMINATION OF COMPLETENESS AND REVIEW**

After receipt of an application for Certificate of Concurrence (COC), the department or division shall determine whether it is complete within ten days. If it is determined that the application is not complete, written notice shall be served on the applicant specifying the deficiencies. The department or division shall take no further action on the application unless the deficiencies are remedied. Once the application is determined to be complete, the Director of Planning and Zoning, City Engineer, or Building Official, as appropriate, shall review and grant, grant with conditions, or deny each public facility component of the application.

**§ 160.53 APPEAL OF CITY OFFICIAL’S COC DETERMINATION TO BOARD OF ZONING APPEALS**

(A) Within 30 days after issuance of the determination of the City Official of the application for a COC, the applicant may appeal the determination to the Board of Zoning Appeals. An application fee is the amount to be determined by the City Council shall accompany and be part of the appeal application.

(B) The Board of zoning Appeals shall hold a hearing on the appeal and shall consider the determination of the city Official and public testimony in light of all the criteria set forth. The Board of Zoning appeals shall adopt the City Official’s determination on the application for a COC with or without modifications or conditions, or reject the City Official’s determination. The Board of Zoning Appeals shall not be authorized to modify or reject the City Official’s determination unless the Board of Zoning Appeals finds that the determination is not supported by substantial competent evidence or that the City Official’s determination is contrary to the criteria established. The decision of the Board of Zoning Appeals shall include finding of fact for each of the criteria.

**DETERMINATION OF CONCURRENCY, GENERALLY**

**§ 160.65 REVIEW PROCESS**

(A) Consistent with the City of Port St. Lucie’s Comprehensive Plan and Code of Ordinances, the approval of final local development orders, not including vested development, ineligible orders or exceptions, shall be contingent upon a finding that adequate public facilities have been determined to be available, consistent with their adopted levels of service and concurrent with the impact of the proposed development.

(B) After the effective date of these regulations, a valid, unexpired Certificate of Concurrency (COC) shall be obtained in conjunction with the review of the earliest or next to occur of:

- (1) Final subdivision plat;
- (2) Final site [development plan]; or,
- (3) Building permit;

(C) Provided, however, that an owner or developer may apply for approval of any development order or Certificate of Concurrency under the following conditions:

- (1) An application for a Certificate of Concurrency may be submitted at any time concurrent with an application for approval of an eligible development order;
- (2) Any development order, except a final local development order, may be approved or issued provided issuance of a COC occurs prior to, or in conjunction with, final local development order approval.

(D) Such a determination of Concurrency shall be made during the review of a development order as part of an application for a Certificate of Concurrency (COC). The Certificate of Concurrency is normally valid for a period of three years following its date of issuance, and a finding of concurrency made for one development order will serve all such subsequent development orders provided that:

- (1) The previously approved development order remains in effect, as determined by that time limit imposed upon the development by the applicable section of the City of Port St. Lucie Zoning Regulations or these regulations;
- (2) The impact of the proposed development under consideration was fully taken into account during the COC review and in the finding of “concurrency” associated with the previously approved development order;
- (3) The conditions related to the land uses and facility availability upon which the previous finding of “concurrency” was based have not changed; and,
- (4) All conditions or stipulations regarding the timing of phasing of the development or the provisions of facility improvement by either the developer or the city imposed on the previously approved development

order have been satisfied.

**§ 160.66 DETERMINATION OF CAPACITY**

For the purpose of evaluating development orders, the available capacity of a facility shall be determined by:

(A) Adding together:

(1) Total capacity of existing facilities;

(2) The total capacity of new facilities, if any, that will become available concurrent with the impacts of the development. The capacity of new facilities may be counted if on or more of the following provisions will be met:

(a) For potable water, sewer, solid waster, and drainage:

1. The new facilities and services will be in place at the time the applicable development permit is issued; or,

2. Construction of the new facilities will be underway at the time the applicable development permit is issued; or,

3. The new facilities and services are the subject of a binding executed contract or developer's agreement for construction of the facilities or the provision of services to be in place when the impacts of the applicable development occur; or,

4. The new facilities and services are guaranteed to be in place or under construction at the time the applicable development permit is issued or in place when the impacts of the applicable development occur through an enforceable development agreement for the development under consideration; or,

(b) For parks and recreation, in addition to (a) 1-4 above:

1. The new facilities and services are the subject of a binding executed contract which provides for the commencement of construction of the facilities or the provision of services within one year of the issuance of the applicable development permit; or,

2. The new facilities and services are guaranteed in an enforceable development agreement which requires the commencement of construction of the facilities or the provision of services within one year of the issuance of the applicable development permit.

(c) For transportation facilities including roads, in addition to (a) 1-4 and (b) 1-2 above:

1. The new facilities and services have been included in the adopted City of Port St. Lucie Five-Year Capital Improvement Element and Programs, or County CIE (Capital Improvement Element) or FDOT (Florida Department of Transportation) work program plans if applicable, in accordance with Rule 9J-5.0055(2) (c) and Rule 9J-5.016, and that construction of the facilities is scheduled to commence in or before the third year of the Five-year schedule of capital improvements.

(d) For potable water, sewer, solid waste, drainage, parks and recreation, and roads, in addition to (a) or (b) or (c) above:

1. Any new facilities and services which are guaranteed in an enforceable development agreement for a development different than the one under consideration, provided that the new facilities are the subject of a binding executed contract for the construction of the facilities with a construction start date during the fiscal year in effect at the time the development order is being evaluated.

(B) Subtracting from the total capacity the sum of:

(1) The demand for the facilities and services created by existing development; and,

(2) The estimated demand for the facilities and services created by "vested" development which are determined to be exempt from the COC requirement; and,

(3) The demand for the facilities and services created by the anticipated completion of other approved developments for which development orders and COC's have been approved; and,

(4) The demand for the facilities and services anticipated to be created by the completion of the proposed development under consideration for

approval of a Certificate of Concurrency.

**§ 160.67      MANAGEMENT AND MONITORING PROGRAM**

(A) Concurrency Data Base Requirements.

(1) The Director of Planning and Zoning shall be responsible for developing and maintaining any inventory of vested developments, based upon development order approvals, in order to support appropriate city agencies, departments or divisions engaged in development order, certificate of concurrency, and permit review; monitoring the impact of development; order approvals on the availability of public facilities; and in the planning and/or provision of public facilities. This information shall be provided to the Metropolitan Planning Organization (MPO) for monitoring road impact data.

(2) This data will be updated annually and will be designed to provide incremental data pertaining to existing, vested, approved and planned development, as follows:

~~(a) "One Year"– The public facility impact of development existing or vested at the time of formation or update of the data base, plus the total impact of approved and/or projected or phased future development orders;~~

~~(b) "Five Year"– The "one year" data plus the impact of development projected to occur, consistent with the Comprehensive Plan including, but not limited to, phased development orders which have been approved; and,~~

~~(c) "Ten Year"– The impacts of development projected to occur within the ten year period, consistent with the Comprehensive Plan.~~

(2) Yearly Information Report (YIR).

(a) By May 1 of each year, the Director of Planning and zoning shall complete an inventory report on public facilities (YIR) based on the annual reports of evaluating agencies, departments or divisions, or providers. The YIR shall determine the existing conditions of all capital potable water, sanitary sewer, solid waste, drainage, park and road public facilities, determine and summarize the available capacity of these capital facilities based on their LOS, and forecast the capacity of existing and planned public facilities

identified in the CIP and CIE ~~Seven~~ Five-Year Capital Improvement Schedule ~~for each of the five succeeding years and ten succeeding years.~~ The forecasts shall be based on the most recently adopted schedule of capital improvement for each public facility. The YIR shall be based on the most recent city population projects, public facility inventories, unit costs, and analysis of traffic count data.

(b) The findings of the YIR shall form the basis, in part, of the annual update to the CIP and CIE, any proposed projects to be included in the city's tentative annual budget, the determination of a Critical Area of Concurrence (CAOC), and the review of, and issuance of, development orders during the next year.

(3) Annual Determination of Adequate Public Facilities. Based on the findings of the YIR by May 1 of each year, the Director of Planning and Zoning will report to the ~~Planning and Zoning Board, Finance Committee, and the City Council~~ City Manager and City Departments concerning deficiencies or potential deficiencies in concurrent public facilities, ~~and recommend remedial action options~~ Reviewing agencies and departments shall take remedial action, as needed, based on the findings of the report, including, but not limited to, the following:

(a) Establishment of Critical Areas of Concurrence (CAOC);

(b) Public facility project additions to the CIE and CIP;

(c) Deferral of development order issuance in affected areas pending:

1. Lowering of LOS via Comprehensive Plan Amendment;

2. Inclusion of necessary public facility projects in the CIP and CIE;

3. Approval of new or increased revenue sources for needed public facility projects; or,

4. Commitment of private funds to remedy the facility needs.

(4) Recommendations on the Annual CIE/CIP Update and Tentative Annual Budget. Based upon analysis of the YIR, ~~and review and recommendation of the Planning and Zoning Board and the Finance Committee, the Director of Planning of Zoning shall recommend to the City Council, by July 15 of each year,~~ changes will be considered to the

annual update to the CIP and CIE in conjunction with the release of the city's tentative annual budget, which will include the public facilities needed to maintain adopted level of service standards. The annual budget, which is to be adopted by October 1 of each year, will include projects and funding approval by the City Council in the adopted annual CIE/CIP update.

(5) Identification of Potentially Deficient Public Facilities. Each public facility shall be reviewed relative to identifying and establishing the approximate percentage of capacity level when specific inclusion of improvements in the CIE and CIP would be required in order to maintain adopted LOS standards concurrent with projected development.

(6) Critical Areas of Concurrency (CAOC) of Roads. If the findings of the YIR identify additional needed road improvements, they will be included in the road component of the proposed annual CIE/CIP update. Any deficient or potentially deficient road segment shall ~~have a~~ be potentially considered a Critical Area of Concurrency, ~~designated around it.~~

(a) ~~The Director of Planning and Zoning will determine if there is either a deficient (including backlogged or constrained) or potentially deficient road segment based upon available traffic count data as provided by the MPO (Metropolitan Planning Organization) as compared to adopted level of service standards. The Director of Planning and Zoning shall propose and identify a Critical Area of Concurrency around such deficient or potentially deficient road segment, (except where such potentially deficient road segment is projected not to exceed its adopted LOS within the Seven Year Capital Improvement Schedule in the City's CIE or County's CIE of the FDOT's Five Year Work Program, and the annual residual capacity trips that would be allocated to those applicants requesting Certificates of Concurrency within the proposed CAOC covering deficient and potentially deficient road segments during the year).~~

(b) ~~The boundaries of a CAOC shall be proposed by the Director of Planning and Zoning and forwarded to the Planning and Zoning Board and to the City Council along with the annual residual capacity trips covering deficient and potentially deficient roadway segments for each CAOC by May 1 of each year. The proposed CAOC and residual capacity trips shall become effective on June 1 of each year if the additional needed road improvement identified in the YIR are not added to the CIE/CIP by June 1 of year.~~

~~(7) Standards in Establishing Critical Areas of Concurrency (CAOC) and Determining Annual Residual Capacity Trips.~~

~~(a) The boundaries for the CAOC shall be based upon accepted transportation planning practices, and shall include those areas surrounding a deficient or potentially deficient road segment where development may be expected to place an unreasonable number of new trips on the deficient or potentially deficient road segment.~~

~~(b) The Director of Planning and Zoning Engineering Department (in conjunction with the MPO) shall complete a detailed analysis of the deficient or potentially deficient road segment within and determine the best solution to mitigate each proposed CAOC boundary prior to proposing the boundaries of the CAOC. The analysis shall take into consideration characteristics of the road segment (such as traffic control, signal spacing, timing and phasing) using procedures documented in the current edition of the Highway Capacity Manual and the Highway System Plan Level of Service Standards and Guidelines Manual, 1989. In mitigation proposals, the county's congestion management system technical analysis shall be considered as a possible alternative mitigation solution.~~

~~(c) The annual residual capacity trips for the proposed CAOC covering the potentially deficient road segment shall be based upon up to 100% of the potentially deficient road segment's remaining capacity, measured in peak hour trips average annual daily trips, plus a maximum of 10% above the level of service volume listed in Tables 1 or 2; or for County backlogged road segments remaining capacity of LOS "E" and maintained or improved through Transportation system Management (TSM) and Transportation Demand Management (TDM) measures; or for FDOT backlogged road segments remaining capacity plus up to 5% in peak season, peak hour traffic volume through the end of the fiscal year indicated for improvement. Fifty percent of the potentially deficient road segment's remaining capacity shall be reserved for only those land uses which generate one peak hour trip per day or less, based on the most recent ITE Trip Generation Rate Manual.~~

~~(8)(7) Criteria for City Council approval of Deficient Road Segments and Critical Areas of Concurrency. When any city arterial or collector road or segment of such a road is determined or allowed to be operating one~~

level of service below its adopted standard, the city shall exercise one of the following options:

(a) Enter into a contract that will result in addition of capacity to the facility within six months of the determination that the facility is operating below its level of service standard, and delay issuance of development orders affecting such roadway until the contract has been executed;

(b) Enter into an enforceable development agreement that specified that new development will provide for the upgraded facility;

(c) Amend the Comprehensive Plan to lower the level of service at the next opportunity; or,

(d) Not issue any development permits in the impacted area.

years (e) Commit to schedule and fund the improvement within three and designate as such in the next years Capital Improvements Program.

~~(9) Review and Approval of CAOC by City Council.~~

~~(a) After receipt of the proposed boundaries of a potential CAOC and the proposed residual capacity trips of the CAOC from the Director of Planning and Zoning after review and recommendation of the Planning and Zoning Board, the City Council, by June 1 of each year, shall hold a public hearing, and after consideration of the proposal and public comment, approve the boundaries (including a map of the boundaries), and the substantial evidence has been placed on the record to show that the road segment is not potentially deficient and determine that the establishment of a CAOC is not necessary to ensure that development orders are served by adequate road public facilities.~~

~~(b) The approved boundaries and annual residual capacity trip allotments for each CAOC will become effective on June 1 of each year if additional road improvements are not added to the CIP or CIE at that time.~~

~~(10) Map of Critical Areas of Concurrence (CAOC). A map showing the boundaries of each CAOC established by the City Council shall be kept in the office of the Director of Planning and Zoning and the Office of the City~~

~~Clerk for review and inspection by the public during normal business hours.~~

~~(11)~~(8) Duration of Residual Capacity Trips. Once the road facility residual capacity trips are approved by the City Council determined, they are valid for one year.

~~(12)~~(9) Dissolution of Critical Areas of Concurrency (CAOC). If the additional needed road improvements identified in the YIR are added to the CIP or CIE, or funds are available for, and committed for, construction of the needed road improvements to eliminate the classification of a road as a deficient or potentially deficient road segment, then the CAOC established for that deficient or potentially deficient road segment shall be dissolved in the same manner in which it was established.

**DETERMINATION OF CONCURRENCY, SPECIFICALLY**

**§ 160.80 TRANSPORTATION CIRCULATION**

(A) Adopted Level of Service Standards. The availability of public facilities and services shall be determined and measured using the following Level of Service standards for the required public facility classification:

<u>Roadway Facility Type</u>	<u>LOS Standards*</u>
<del>Local road</del>	<del>D</del>
Collector road	D
Minor urban arterial	E**
<del>Minor rural arterial</del>	<del>D</del>
Major urban arterial	E**
Major rural arterial	D
<del>Major State urban arterial</del>	<del>D</del>
Limited access urban facility	D
<del>Limited access non-urban facility</del>	<del>C</del>
Constrained facility	maintain**
Backlogged facility	maintain & improve**

\*Average ~~peak season peak hour traffic~~ annual daily trip counts.

\*\*TDM and TSM measures to be implemented.

(B) Yearly Information Report (YIR) and Data Base. As a component of the preparation of its Yearly Information Report (YIR), by March 1 of the current budget

year, update the city's inventory of all pertinent collector and arterial roads (including limited access roads), including at a minimum the following data for each road:

(a) Existing service volume based on adopted level of service, the existing level of service designation, and existing service volume reserve based on most current available data of MPO as compared to committed trip data;

(b) Additional service volume to be added through the construction/implementation of roadway improvements for which a funding commitment has been included in the ~~Seven~~ Five-Year Capital Improvement Element and Program, and which is scheduled to commence construction in or by the third year;

(c) Additional service volume to be added by transportation projects included in the first three years of the applicable adopted FDOT five-year work program;

(d) Additional service volume to be added through the construction of roadway improvements guaranteed in an enforceable development agreement or a binding executed contract, which provides for the commencement of construction within one year;

~~(e) Existing daily and peak hour (design hour) traffic volume and existing average travel speed;~~

~~(f) Traffic volume estimated to be added by approved "vested" development;~~

(g) e Traffic volume projected to be added by approved development having a development order or enforceable development agreement or COC, which consigns a portion of the available service volume reserve for said development less expired COC's, as reflected by the Director of Planning and Zoning records; and,

(h) f ~~The available service volume reserve equal to the sum of (1), (2), (3) and (4), less the sum of (5), (6), and (7).~~

~~(2) In addition, the Director of Planning and Zoning shall coordinate the preparation and updating, when necessary, of a trip distribution table which will be used to identify those roadway segments which can be expected to receive a significant portion of development generated traffic for any given development, where a significant portion of traffic is defined~~

~~as 5% of the level of Service “C” capacity of a roadway, and the percentage of total generated trips each roadway segment can be expected to receive.~~

~~(3) (9) The Director of Planning and Zoning shall then prepare a map showing all appropriate arterial or collector roads in the city, and with the map a listing of each roadway showing the reserve capacity available for the year, based on adopted level of service standards. ~~along with the appropriate trip rate for a single family residential unit.~~ Where the director calculates a CAOC road exists, it shall be shown on the map ~~subject to action by the City Council.~~~~

(C) Determination of Concurrency and Issuance of COC’s.

(1) Individual Single-family Dwelling Units at Building Permit State Only.

(a) Upon submission of an application to the Building Department for a ~~COC~~ building permit for an individual single-family unit on an existing platted single-family lot at the building permit stage, the Building Official shall verify that the platted lot is within an approved and vested final subdivision plat which qualified as a local final development order and certified for concurrency. :

~~1. The application is complete, the unit is not exempt, ineligible for a COC, has an existing COC or fronts on a local road;~~

~~2. The Director of Planning and Zoning has confirmed that the roadway possesses sufficient capacity to serve the single family unit; and,~~

~~3. That the cumulative COC’s issued by the city for the roadway since the Director of Planning and Zoning yearly letter of commitment have not exceeded the city’s capacity to serve.~~

~~(b) Subject to all other necessary components of the COC meeting the city’s LOS requirements, the Building Department shall then issue the COC and notice the Director of Planning and Zoning to reduce by the appropriate trip rate for a single family residential unit the reserve capacity of the roadway confirmed by the Director’s yearly letter.~~

(2) All Other Applicants.

(a) For all COC's, other than a single-family COC on an existing platted lot issued at time of the building permit application, it will be necessary to submit an application which verifies that the transportation capacity exists to adequately service the project based on adopted level of service and city land development code requirements. Such impact documentation for final subdivision plat, or final site plan, will be required as a part of Site Plan Review Committee process, and documentation as part of staff's concurrency review report and identify, if applicable: shall, at a minimum, contain the following information:

1. The specific location of the project;
2. The total number of residential units, proposed by type, non-residential use by type and square footage, and all project phasing information; and,
3. The expected trip generation by trip type (primary, diverted and captured) estimates for the proposed land use(s) by project phase. Trip generation shall be determined in accordance with the latest available Institute of Transportation Engineers (ITE) Trip Generation Manual, or with locally derived trip generation rates based on studies performed, or approved and verified, by the Transportation Division of the Engineering Department.

(b) Proposed development seeking the issuance of a COC shall be evaluated in terms of potential development generated traffic impacts on those roadways serving the development. A determination shall be made as to whether or not sufficient service volume is available to support the development at or above the adopted level of service for those roadways.

(c) Upon submission of an application to the appropriate department for a COC (if separate from final local development order review), the department shall:

1. Verify that the application is complete and is not exempt or ineligible, or has not been granted a COC at a prior time.
2. Notify the Transportation Division of the Engineering Department which shall be the agency, department or division responsible for determining whether adequate

service volume is available to support expected development generated traffic from a proposed development or will be available concurrent with the impacts of such development.

a. Utilizing the information inventoried, expected development generated traffic shall be assigned to those roadway segments identified as receiving a significant portion of development generated traffic using the trip distribution table.

b. A finding of concurrence shall be made for a proposed development only in the event that expected development generated traffic is less than, or equal to, the available service volume reserve reduced by the number of COC's issued during the year since the Director of Planning and Zoning letter on each significantly impacted roadway segment, or does not result in a further degradation of the adopted level of service for that roadway.

c. In the case of roadways operating at a Level of Service "F" that are not scheduled for major capacity improvement in the FDOT's Five-Year Work Program, or the County's or city's ~~Five or Seven~~ -Year Schedule of Capital Improvements, the adopted level of service shall be defined as the average annual daily trip count ~~peak hour travel speed~~ existing at the time the development order/COC application is made.

d. If the Director of Planning and Zoning's data is not available in their entirety at the time of the COC is being considered, the required data may be provided by the developer subject to verification by the Transportation Division of the Engineering Department.

e. Based upon evaluation and analysis, the Transportation Division of the Engineering Department shall issue a report to the appropriate department which indicates the level of service of facilities which will be impacted by the proposed development, the extent of the impact generated by the proposed development, and whether those

facilities have sufficient capacity to serve the development at, or above adopted levels of service, or will have sufficient capacity available to serve the development concurrent with the impacts of such development.

f. In the event that development generated traffic assigned to one or more of the significantly impacted roadway segments exceeds the available service volume reserve, the report issued by the Transportation Division of the Engineering Department to the appropriate department shall identify and discuss the specific circumstances surrounding each occurrence.

(d) In the event of a positive concurrency determination, subject to all other necessary components of the COC meeting the city's LOS requirements, the Director of Planning and Zoning shall then issue and record the COC.

**§ 160.81 POTABLE WATER**

(A) Adopted Level of Service Standard. The availability of public facilities and services shall be determined and measured using the following Level of Service Standards for the required public facility classification:

<u>Service Area</u>	<u>LOS Standard</u>
G.D.U. (Certified Area)	100 gpcd
St. Lucie West (PA #8)	120 gpcd

- (1) Single and multi-family development in all planning areas = 100 gpcd.
- (2) Commercial development = 125 gallons per day per 1,000 square feet
- (3) Hotel/motel = 112.5 gallons per day per room
- (4) Industrial = 150 gallons per day per 1,000 square feet
- (5) Office/school = 120 gallons per day per 1,000 square feet.

(6) Outside of utility service areas = verification and approval of water well by County Health Department.

(B) Yearly Information Report (YIR) and Data Base.

(1) As a component of the preparation of its Yearly Information Report (YIR), by March 1 of the current budget year, the Director of Planning and Zoning shall each year update the city's map delineating the service area of each potable water utility provider, and supply each utility provider with:

(a) The map;

(b) A summary of the prior year's COC's, as recorded by the Director of Planning and Zoning and issued by the city in the provider's service area;

(c) An estimate of total city residential and non-residential uses expected to locate within the provider's service area during the coming year; and,

(d) A statement of the city's adopted LOS for potable water facilities within the provider's service area.

(2) The Director of Planning and Zoning will then request a letter from each provider confirming or denying the ability of the provider to supply the volume of potable water necessary to meet the projected residential and non-residential uses within the provider's service area at the city's adopted LOS for potable water facilities during the coming year, including the estimate of gross water capacity available to the city for the year.

(C) Determination of Concurrence and Issuance of COC's.

(1) Individual Single-family Dwelling Units at Building Permit Stage Only.

(a) Upon submission of an application to the Building Department for a ~~COC~~ building permit from an individual single-family unit on an existing platted lot the building permit stage, the Building Official shall verify that: the platted lot is within an approved and vested final subdivision plat which qualified as a local final development order and certified for concurrency.

~~1. Application is complete and is not exempt, or ineligible or for a unit having an existing COC or to be on private well;~~

~~2. From the Director of Planning and Zoning's records, that the appropriate potable water provider has confirmed that its system possesses sufficient capacity to serve the single-family unit and that the cumulative COC's issued by the city since the provider's yearly letter of commitment have not exceeded the provider's supply; and,~~

~~3. 1. If the application is for a dwelling unit located outside of Planning Areas existing Utility Services Areas, it shall be verified that the city's distribution system is available and capable of servicing the unit or will be available and capable of servicing the unit within 12 months with sufficient capacity and flow as indicated within the city's Code of Ordinances and/or has an approved water well by County Health Department.~~

~~(b) Subject to all other necessary components of the COC meeting the city's LOS requirements, the Building Department shall then issue the COC and inform the Director of Planning and Zoning to reduce by the equivalent of one single-family dwelling unit the outstanding balance of residential capacity confirmed by the provider.~~

~~(b) Estimates for future capacity needs for water for single family homes will be based on projections of annual building permit records for single family houses.~~

(D) All Other Applicants.

(1) For all COC's, other than a single-family COC on an existing platted lot issued at time of the building permit application, documentation from the potable water utility provider confirming that the provider has the capacity to serve the proposed project, will be required. Such ~~In addition, impact~~ documentation shall be in writing and shall, at a minimum, contain the following information: for final subdivision plat or final site plan will be required as part of site plan review committee process, and documented as a part of staff's concurrency review report and identify, if applicable:

(a) The specific location of the project, including the identification of the entity expected to provide service to the project;

(b) The proposed land use and land use densities and/or intensities, provided in terms of number of dwelling units by type for residential uses and/or square footage of gross floor areas for non-residential uses, and equivalent dwelling units;

(c) Total potable water demand and peak demand expected to be generated by the proposed project; and,

(d) Project phasing information, if applicable.

(2) If the ability of a provider to serve a proposed project is contingent upon planned facility expansion, deals regarding such planned improvements shall also be submitted.

(3) Upon submission of an application to the appropriate department for a COC (if separate from final local development order review), the department shall verify that:

(a) The application is complete, and is not exempt or ineligible, or has been granted a COC at prior time or to be on private well; and,

(b) The appropriate potable water provider has confirmed that its system possesses sufficient capacity to supply the proposed project and that the cumulative COC's issued by the city since the providers yearly letter of commitment plus the requested COC will not exceed the provider's supply; and,

(c) If the application is for a project located outside of Planning Area #8 (St. Lucie West) it shall be verified that, the city's distribution system is available and capable of servicing the project with sufficient capacity and flow as required by the city's Code of Ordinances; or,

(d) In the event the city's distribution system requires expansion to service the project, an agreement between the city and the developer to expand the system has been executed so that the impacts of the proposed development will be concurrent with the expansion.

(e) Subject to all other necessary components of the COC meeting the city's LOS requirements, the Director of Planning and Zoning shall then issue and record the COC.

(f) Monthly and yearly submission of reserved capacity, any expired COC's and new COC's issued by the city against the yearly capacity provided by the water provider will be sent to the provider by the Director of Planning and Zoning.

**§ 160.82 SANITARY SEWER**

(A) Adopted Level of Service Standards. The availability of public facilities and services shall be determined and measured using the following Level of Service Standards for the required public facility classifications:

<u>Service Area</u>	<u>LOS Standards</u>
G.D.U. (Certified Area)	80 gpcd
St. Lucie West (PA #8)	100 gpcd

85% (1) The level of service standard adopted for sanitary sewer facilities is of the potable water level of service. The level of service for sewage treatment for development outside of existing utility service area shall be based on verification and acceptance of an approved septic system by the County Health Department.

(B) Yearly Information Report (YIR) and Data Base.

(1) As a component of the preparation of its Yearly Information Report (YIR), by March 1 of the current budget year, the Director of Planning and Zoning shall each year update the city’s map delineating the service area of each sanitary sewer utility provider, and supply each utility provider with:

- (a) The map;
- (b) A summary of the prior year’s COC’s as recorded by the Director of Planning and Zoning and issued by the city in the provider’s service area;
- (c) An estimate of total city residential and non-residential uses expected to locate within the provider’s service area during the coming year, and,
- (d) A statement of the city’s adopted LOS for sanitary sewer facilities within the provider’s service area.

(2) The Director of Planning and Zoning will then request a letter from each provider confirming or denying the ability of the provider to treat the volume of sewage necessary to meet the projected residential and non-residential uses within the providers service area at the city’s adopted LOS for sanitary sewer facilities during the coming year, including the estimate of gross sewage treatment capacity available to the city for the year.

(C) Determination of Concurrency and Issuance of COC's.

(1) Individual Single-family Dwelling Units at Building Permit Stage Only.

(a) Upon submission of an application to the Building Department for a ~~COC building permit~~ from an individual single-family unit on an existing platted lot at the building permit stage, the Building Official shall verify that:

~~1. The application is complete and is not exempt, or ineligible, or for a unit having an existing COC or to be on a septic tank;~~

~~2. From the Director of Planning and Zoning records, the appropriate sanitary sewer facility provider has confirmed that its system possesses sufficient capacity to service the single family unit and that the cumulative COC's issued by the city since the provider's yearly letter of commitment have not exceeded the provider's sewage treatment capacity; and,~~

1. The platted lot is within an approved and vested final subdivision plat which qualified as a local development order and certified for concurrency.

~~3 2. If the application is for a dwelling unit located outside of Planning Area No. 8 existing utility service area, the city's collection system is available and capable of servicing the unit or will be available and capable of servicing the unit within 12 months with sufficient capacity and flow as indicated within the Code of Ordinances.~~

single

(b) Estimates for future capacity needs for sewage treatment for family homes will be based on projection of annual building permit records for single family homes.

~~(2) Subject to all other necessary components of the COC meeting the City's LOS requirements, the Building Department shall then issue the COC and inform the Director of Planning and Zoning to reduce by the equivalent of one single family dwelling unit the outstanding balance of residential capacity confirmed by the provider.~~

(D) All Other Applicants.

(1) For all COC's other than a dingle-family COC on an existing platted lot issued at time of the building permit application, documentation from the sanitary sewer utility provider confirming that the provider has the capacity to serve the proposed project, will be required. Such In addition, impact documentation shall be in writing and shall, at a minimum, contain the following information for final subdivision plat or final site plan will be required as a part of Site Plan Review Committee process and documented as a part of staff's concurrency review report and identify, if applicable:

(a) The specific location of the project, including the identification of the entity expected to provide service to the project;

(b) The proposed land use and land use densities and/or intensities, provided in terms of number of dwelling units by type for residential uses and/or square footage of gross floor areas for non-residential uses, and equivalent dwelling units;

(c) Total sewage average day flow and peak day flow expected to be generated by the proposed project; and,

(d) Project phasing information, if applicable.

(2) If the ability of a provider to serve a proposed project is contingent upon planned facility expansion, details regarding such planned improvements shall be submitted.

(3) Upon submission of an application to the appropriate department for a COC (if separate from final local development order review), the department shall verify that:

(a) The application is complete, and is not exempt or ineligible, or has been granted a COC at a prior time or to b on septic tank; and,

(b) The appropriate sanitary sewer provider has confirmed that its system possesses sufficient capacity to serve the proposed project and that the cumulative COC's issued by the city since the provider's yearly letter of commitment plus the requested COC will not exceed the provider's sewage treatment capacity; and,

(c) If the application is for a project located outside of Planning Area No. 8 (St. Lucie West), the city's distribution system is

available and capable of servicing the project with sufficient capacity and flow as required by the Code of Ordinances; or,

(d) In the event the city's distribution system requires expansion to service the project, an agreement between the city and the developer to expand the system has been executed so that the impacts of the proposed development will be concurrent with the expansion.

(E) Subject to all other necessary components of the COC meeting the city's LOS requirements, the Director of Planning and Zoning Shall then issue and record the COC.

(F) Monthly and yearly submission of reserved capacity, any expired COC's and new COC's issued by the city against the yearly capacity provided by the water provider will be sent to the provider by the Director of Planning and Zoning.

**§ 160.83 SOLID WASTE**

(A) Adopted Level of Service Standards. The availability of public facilities and services shall be determined and measured using the following Level of Service standards for the required public facility classifications:

- |                             |  |
|-----------------------------|--|
| (1) Disposal: City-wide     | <del>8.77 lbs. per</del> <u>3.25 pounds per capita per day</u> |
| (2) Collection: Residential | twice weekly   |
| Commercial                  | by contract  |

(B) Yearly Information Report (YIR) and Data Base.

(1) As a component of the preparation of its Yearly Information Report (YIR), by march 1 of the current budget year, the Director of Planning and Zoning shall each year update solid waste data and supply the County with a summary of the prior year's COC's issued by the city; an estimate of total residential ~~and non-residential~~ uses expected to locate within the city during the coming year; a statement of the city's adopted LOS for solid waste facilities; and, efforts and programs being used by the city to encourage or require recycling thereby reducing the volume of solid waste.

(2) The Director of Planning and Zoning will then request a letter from the County provider confirming or denying the ability of the County to

accommodate the volume of solid waste necessary to meet the projected residential and non-residential demand uses within the city at the city's adopted LOS for solid waste facilities during the coming year, including the estimate of gross solid waste capacity available to the city for the year.

(C) Determination of Concurrency and Issuance of COC's.

(1) Individual Single-family Dwelling Units at Building Permit Stage Only.

(a) Upon submission of an application to the Building Department for a ~~COC~~ building permit for an individual single-family unit on an existing platted lot at the building permit stage, the Building Official shall verify that: the platted lot is within an approved and vested final subdivision plat which qualified as a local final development order and certified for concurrency.

~~1. The application is complete and is not exempt, or ineligible or for a unit having an existing COC.~~

~~2. From the Director of Planning and Zoning's records, that the County has confirmed that the County landfill possesses sufficient capacity to serve the single family unit and that the cumulative COC's issued by the city since the County's yearly letter of commitment have not exceeded the County solid waste landfill capacity.~~

~~(b) Subject to all other necessary components of the COC meeting the city's LOS requirements, the Building Department shall then issue the COC and inform the Director of Planning and Zoning to reduce by the equivalent of one single family dwelling unit the outstanding balance of residential capacity confirmed by the County.~~

(2) All Other Applicants.

(a) For all COC's, other than a single-family COC on an existing platted lot issued at time of building permit application, documentation from the County confirming that the landfill has the capacity to serve the proposed project, will be required. Such documentation shall be in writing and shall, at a minimum, contain the following information for final subdivision plat or final site plan will be required as part of the Site Plan Review Committee process and documented as a part of staff's concurrency review report and

identify, if applicable:

1. the specific location of the project, including the identification of the collection service expected to provide service to the project;
2. The proposed land use and land use densities and/or intensities, provided in terms of number of dwelling units by type for residential uses and/or square footage of gross floor areas for non-residential uses, and equivalent dwelling units;
3. Total solid waste volume expected to be generated by the proposed project; and,
4. Project phasing information, if applicable.

(b) If the ability of the County to serve a proposed project is contingent upon planned facility expansion, details regarding such planned improvements shall also be submitted.

(c) Upon submission of an application to the appropriate department for a COC (if separate from final local development order review), the department shall verify that:

1. The application is complete, is not exempt or ineligible or has been granted a COC at a prior time; and,
2. The county has confirmed that its landfill possesses sufficient capacity to serve the proposed project and that the cumulative COC's issued by the city since the County's yearly letter of commitment plus the requested COC will not exceed the provider's solid waste landfill capacity.

(d) Subject to all other necessary components of the COC meeting the city's LOS requirements, the Director of Planning and Zoning shall then issue and record the COC

(e) Monthly and yearly submission of reserved capacity, any expired COC's and new COC's issued by the city against the yearly capacity provided by the County will be sent to the County by the Director of Planning and Zoning.

**§ 160.84      STORMWATER/DRAINAGE**

(A) Adopted Level of Service Standards. The availability of public facilities and services shall be determined and measured using the following Level of Service standards for the required public facility classifications:

~~(1) Existing surface water management systems (permitted prior to \_\_\_\_\_, 19\_\_\_\_): 10-year frequency, 5-day duration design storm.~~

~~(2) New surface water management systems (Pursuant to SFWMD criteria): 25-year frequency, 24-hour duration design storm.~~

(1) The level of services adopted for stormwater management facilities for existing platted development and surface water management systems in Planning Areas 1-7 is the 3 year frequency storm event. The level of service standard adopted for stormwater management facilities for new development in Planning Areas 1-7 (not included above) and in Planning Area 8, St. Lucie West, is the 25 year frequency storm event.

(B) Yearly Information Report (YIR) and Data Base. As a component of the preparation of its Yearly Information Report (YIR), by March 1 of the current budget year, the Director of Planning and Zoning shall each year ~~update a city map delineating the area(s) of the city where the City Engineer has identified problems with drainage and where the city has experienced difficulty in meeting its LOS standards for stormwater management.~~ provide a list of current drainage improvements activity and identify future improvement areas, and any area where drainage improvements are needed to meet adopted level of service These shall be provided by City Engineer or Public Works Director.

(C) Determination of Concurrency and Issuance of COC's

(1) Individual Single-family Units at Building Permit Stage Only.

(a) Upon submission of an application to the City Building Department for a ~~COC~~ building permit from an individual single-family unit on an existing platted lot at the building permit stage, the City Building Official shall verify that: the platted lot is within an approved and vested subdivision plat which qualified as a local final development order and certified for concurrency.

~~1. The application is complete and is not exempt, or ineligible or for a unit having an existing COC.~~

~~2. the single family dwelling unit meets the Land Development Regulations requiring swales.~~

~~b) Subject to all other necessary components of the COC meeting the city's LOS requirements, the Building Department shall then issue the COC.~~

(2) All Other Applicants.

(a) For all COC's other than a single-family COC on an existing platted lot issued at time of the building permit application, it will be necessary to submit an application which shall, at a minimum, contain the following information: specify that future development of the subject property will be designed for stormwater management as in conformance with adopted levels of service for such, and that specific plan designs will be provided as a part of the detail plans required at final local development order review by the Site Plan Review Committee, and will comply with all pertinent land development regulations.

~~1. The specific location of the project;~~

~~2. The proposed land use and land use densities and/or intensities, provided in terms of number of dwelling units by type for residential uses and/or square footage of gross floor areas for non-residential uses;~~

~~3. Total impervious surface coverage, the design storm that the project's stormwater management system is designed to accommodate; and drainage area calculations for the project;~~

~~4. A description of how the stormwater management system will meet the applicable water quality requirements; and,~~

~~5. Project phasing information, if applicable.~~

~~(b) Upon submission of an application to the appropriate department for a COC, the department shall verify that :~~

~~1. The application is complete and is not exempt or ineligible, or has been granted a COC at a prior time.~~

~~2. The applicant has received a SFWMD stormwater management permit which meets the city's LOS requirements for quantity and quality; or,~~

~~3. If the applicant is exempt from the SFWMD process, his/her design meets the city's LOS requirements for quantity and quality;~~

~~4. The proposed project's stormwater management system will not adversely impact downstream facilities in conformance with the Land Development Code; or,~~

~~5. In the event downstream facilities require expansion to accommodate the project, an agreement between the city (or other appropriate agency) and the developer to expand the system has been executed so that the impacts of the proposed development will be concurrent with the expansion.~~

~~(c) Subject to all other necessary components of the COC meeting the city's LOS requirements the Director of Planning and Zoning shall then issue and record the COC as part of detail plan approvals by Site Plan Review Committee or otherwise through independent review by applicant.~~

## **§ 160.85      PARKS AND RECREATION**

(A) Adopted Level of Service Standards. The availability of public facilities and services shall be determined and measured using the following Level of Service standards for the required public facility classifications:

City-wide:                      ~~8.4 acres/1000 population~~ 5.0 acres/1000 population

(B) Yearly Information Report (YIR) and Data Base

(1) As a component of the preparation of its Yearly Information Report (YIR), by March 1 of the current budget year, the Director of Planning and Zoning shall each year update the city's inventory of park and recreation facilities' acreage and facilities, including those park and recreation facilities of the county and school board which service city residents. In order to assure the inventory's accuracy, the Director of Planning and Zoning shall contact the county and school board to ascertain any increase/decrease in the two agencies available park/recreation acreage

and facilities since the last year's inventory.

(2) The Director of Planning and Zoning shall then confirm the inventory with the parks and Recreation Director, prepare an estimate of total city residential population expected to locate within the city during the year, add this population to the city's current population base, consider the records of active residential COC's for capacity commitment and expired COC's during the year, and calculate if the city can be expected to meet the city's adopted LOS for the year. If the Director of Planning and Zoning determines that the city will meet its LOS for the year, the Director will confirm this along with an estimate of total population capable of being served while maintaining the city's adopted LOS, and an estimate of the city's average single-family household size as reflected by the most recent census.

(C) Determination of Concurrency and Issuance of COC's.

(1) Individual Single-family Dwelling Units at Building Permit Stage Only.

(a) Upon submission of an application to the Building Department for a ~~COC~~ building permit for an individual single-family unit on an existing platted single-family lot at the building permit stage, the Building Official shall verify that; the platted lot is within an approved vested final subdivision plat which qualified as a final local development order and certified for concurrency.

~~1. The application is complete and is not exempt, or ineligible or for a unit having an existing COC;~~

~~2. The Director of Planning Zoning has confirmed that the city's part system possesses sufficient capacity to serve the single family unit;~~

~~3. That the cumulative COC's issued by the city since the Director of Planning and Zoning's yearly letter of commitment have not exceeded the city's capacity to serve.~~

~~(b) subject to all other necessary components of the COC meeting the city's loss requirements, the Building Department shall then issue the COC and inform the Director of Planning and Zoning to reduce by the single family household size the outstanding balance of population as capable of being served by the city's system.~~

(2) All Other Applicants.

(a) For all COC's, other than a single-family COC on an existing platted lot issued at time of the building permit application it will be necessary to submit an application which shall, at a minimum, contain the following information:

1. The specific location of the project;
2. The total number of residential units proposed by type;
3. The total estimated residential population consistent with the latest average household size established by the Planning Department, or available through the latest census;
4. Project phasing information, if applicable; and,
5. Details of any public park component of the proposed project.

(b) Upon submission of an application to the appropriate department for a COC, the department shall verify that :

1. The application is complete and is not exempt or ineligible, or has been granted a COC at a prior time.
2. the Director of Planning and Zoning has confirmed that the city's park system possesses sufficient capacity to serve the proposed project; and,
3. That the cumulative COC's issued by the city since the Director of Planning and Zoning's yearly letter of commitment have not exceeded the city's capacity to serve; or,
4. In the event the park system requires expansion to service the product, an agreement between the city and the developer to expand the system has been executed so that the impacts of the proposed development will be concurrent with the expansion.

(c) subject to all other necessary components of the COC meeting the city's LOS requirements, the Director of Planning and Zoning

shall then issue and record the COC.

F:\DATA\SHARED\CONCURR1  
10/5/98