

## CHAPTER 10

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# CONCURRENCY MANAGEMENT

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### OVERVIEW

The purpose of a concurrency management system is to provide the necessary standards and regulations for the City to follow in evaluating development orders to ensure that the level of service standards that are adopted in the Comprehensive Plan are maintained. The system will consist of three components:

1. An inventory of the existing public facilities to which concurrency is to be applied.
2. An assessment of each application for final development order or permit for concurrency.
3. A Schedule of the improvements which are necessary to correct any existing deficiencies of the public facilities. Under this system and in accordance with the Statutes of the State of Florida, no development orders may be issued which will cause a public facility to operate below its adopted level of service standard. Development orders may be granted, however, subject to the adopted level of service standards being met and public facility improvements being accomplished concurrent with the impacts of development.

Concurrency will be determined prior to the certificate of use, final site plan or final subdivision approval process in order to assure that all public facilities included within the concurrency management system are available concurrent with the impacts of the project. If there is adequate capacity in all required public facilities, a Certificate of Concurrency may be issued.

### APPLICABILITY

All applications for a site plan or subdivision plan shall be reviewed for concurrency in accordance with the provisions and requirements of the Concurrency Management System prior to the granting of a development order. The City may only issue a development order upon finding that the public facilities addressed under the Concurrency Management System will be available concurrent with the impacts of the development.

All applications for development permits shall provide all requirements that are deemed necessary by the City so that the impacts of the proposed development can be accurately assessed. Application requirements shall reflect the information that is needed for the determination of concurrency. The City shall develop application forms for Certificate of Concurrency applications.

### CITY OF FORT PIERCE PLANNING DEPARTMENT

The City of Fort Pierce Planning Department shall be responsible for the tasks that are described below. The Planning Director may delegate all or a part of these functions to members of the Planning Department staff.

1. The Planning Department shall maintain a Capacity and Level of Service Database of all existing public facilities (transportation, sanitary sewer, potable water, solid waste, drainage, and parks and open space) shall be maintained. Data on school capacity shall also be collected when the St. Lucie School Board and the City determine school concurrency requirements.
2. A Concurrency Assessment and recommended conditions of approval shall be provided for any application for development that requires approval of the City Commission.
3. The Planning Department shall update the Capital Improvement Element and Schedule of Capital Improvements annually based upon existing and projected deficiencies.

### **CAPACITY AND LEVEL OF SERVICE INVENTORY**

The City of Fort Pierce Planning Department will collect capacity information on certain public facilities and shall make that information available to the public in a Capacity and Level of Service Database. The Inventory shall contain information on public facilities as noted Objective 10.1 and related policies. The inventory shall be updated annually.

On September 1 of each year, the City of Fort Pierce Planning Department shall report to the City Commission on the Capacity and Level of Service Database. The report shall also include the degree of any deficiencies and a summary of the impacts the deficiency(s) will have on the approval of development orders, for example, the creation of a moratorium. The Planning Department shall then recommend a schedule of improvements necessary to prevent a moratorium or a reduction in the approval of development orders.

### **GENERAL RULES FOR CONCURRENCY ASSESSMENT**

A Concurrency Assessment shall be made on all final site plan and final subdivision applications. The City may issue a Certificate of Concurrency if the Concurrency Assessment shows that impacts of the development would not cause deficiencies in adopted levels of service. A Conditional Certificate of Concurrency may be issued if the City and applicant agree to improve projected deficiencies.

### **PHASING**

Development that is proposed to be phased may also phase the improvement of facilities provided the concurrency requirements for each facility as described in Table 10-1 and statutory requirements are met.

### **TIME SPECIFIC APPROVAL**

All development approvals shall have a time period specified in the development order or permit in which development must commence. The time period may involve two or more phases but the timing of each phase shall be specified in the development order or permit. The development order may prescribe a time schedule for the initiation of the various components of the development process such as land clearing, site fill, foundation work, etc.

Any required improvements to meet concurrency shall also require a time schedule for construction and completion. Should development or facilities improvements fail to begin or be completed in accordance with the development order or permit, then all outstanding approvals of the development shall expire. Amendments or changes to time schedules shall be permitted but must be approved by the body granting the original approval.

### **ADDITIONAL INFORMATION**

The City of Fort Pierce Planning Department may require additional information from applicants or other City Departments in order for an accurate concurrency assessment to be accomplished. Such additional informational requests shall be reasonable and be provided in writing to the appropriate Department.

Should the Planning Department require a special study, the applicant shall provide such information. (Examples of such special studies are additional traffic analyses on a road that may not meet concurrency or analyzing sufficient park facilities.) Review and approval of proposed developments may be postponed until these studies are completed. Proposed development may be denied approval for failure of the applicant to provide adequate information on the projected impacts created by the development.

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## CONCURRENCY MANAGEMENT ELEMENT GOALS, OBJECTIVES, AND POLICIES

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### GOAL 10

**To protect the public safety, health, and welfare by providing sufficient public facilities concurrent with development.**

*10.1 Objective:*

*The Planning Department shall maintain a Capacity and Level of Service Database of public facilities in order to assess concurrency of new development.*

*Transportation*

10.1.1 Policy:

The City shall monitor the following transportation data in a Transportation Concurrency Management System Database:

- 1) Design capacity of different roadway types.
- 2) The existing level of service measured by the average annual number of trips per day on a roadway link and the peak hour trips.
- 3) The adopted level of service standards for all roadway types.
- 4) The existing capacities or deficiencies of the roadway network.
- 5) The capacities reserved for approved but unbuilt development.
- 6) The projected capacities or deficiencies due to approved but unbuilt development.
- 7) The improvements to be made to the roadway network in the current fiscal year by any approved development pursuant to previous development orders and the impact of such improvements on the existing capacities or deficiencies.
- 8) The improvements to be made to the roadway network in the current fiscal year by the City, St. Lucie County, the State of Florida Department of Transportation, or other public agency and the impact of such improvements on the existing capacities or deficiencies.
- 9) Ensure that the 110% criteria for road capacity is not exceeded.

*Sanitary Sewer*

10.1.2 Policy:

The City shall monitor the following data in regard to wastewater:

- 1) The design capacity of the wastewater treatment facilities of the Fort Pierce Utility Authority.

- 2) The existing level of service standards measured by the average number of gallons per day per unit based on the average flows that are experienced at the Fort Pierce Utility Authority wastewater treatment facilities and the total number of equivalent residential units within the service area.
- 3) The adopted level of service standards for the average daily flows per equivalent residential unit.
- 4) The existing deficiencies of the system.
- 5) The capacities that are reserved for approved but unbuilt development.
- 6) The projected capacities or deficiencies due to approved but unbuilt development.
- 7) The improvements to be made to the facilities in the current fiscal year by any approved developments pursuant to previous development orders and the impact of such improvements on the existing capacities or deficiencies.

*Potable Water*

10.1.3 Policy:

The City shall monitor the following data in regard to potable water:

- 1) The design capacities of the potable water treatment facilities of the Fort Pierce Utility Authority.
- 2) The existing level of service measured by the average number of gallons per day per unit based on the average flows experienced and the total number of residential units within the service area of the Fort Pierce Utility Authority.
- 3) The existing potable water storage capabilities of the Fort Pierce Utility Authority.
- 4) The existing minimum water pressure in the Fort Pierce Utility Authority water distribution system.
- 5) The adopted level of service standards for the potable water facility components.
- 6) The existing capacities or deficiencies of the system.
- 7) The capacities reserved for approved but unbuilt developments.
- 8) The improvements to be made to the facility in the current fiscal year by any approved developments pursuant to previous development orders and the impact of such improvements on the existing capacities or deficiencies.
- 9) The improvements to be made to the facility in the current fiscal year by the Fort Pierce Utility Authority and the impact of such improvements on the existing capacities or deficiencies.

*Solid Waste Disposal*

10.1.4 Policy:

The City shall monitor the following data in regard to potable water:

- 1) The design capacity of solid waste disposal facilities.
- 2) The existing level of service measured by the number of units approved per route.
- 3) The adopted level of service standard for solid waste.
- 4) The capacities reserved for approved but unbuilt development.
- 5) The projected capacities or deficiencies due to approved but unbuilt development.
- 6) The improvements to be made to the system in the current fiscal year by any approved developments pursuant to previous development orders and the impact of such improvements on the existing capacities or deficiencies.
- 7) The improvements to be made to the system in the current fiscal year by the City or the contracted agency and the impact of such improvements on the existing capacities or deficiencies.

*Stormwater Drainage*

10.1.5 Policy:

The City shall monitor the following data in regard to stormwater:

- 1) The existing level of service measured by storm event as determined by the City Engineer.
- 2) The adopted level of service standard for storm drainage.

*Recreation and Open Space*

10.1.6 Policy:

The City shall monitor the following data in regard to parks and open space.

- 1) The existing acreage of parkland and the existing number of recreation facilities as outlined the Recreation and Open Space Element of this plan.
- 2) The existing level of service measured by the number of acres of parkland available per 1,000 residents of the City based on an inventory of park lands in the City and the population of the City.
- 3) The existing level of service for recreation facilities measured by the adopted standard based on an inventory of the facilities in the City and the population of the City.
- 4) The adopted level of service standards for parkland acreage and individual recreation facilities as outlined in the Recreation and Open Space Element of this plan.

- 5) The existing capacities or deficiencies of the recreation facility system.
- 6) The capacities reserved for approved but unbuilt development.
- 7) The projected capacities or deficiencies due to approved but unbuilt development.
- 8) The improvements to be made to the recreation facilities in the current fiscal year by any approved developments pursuant to previous development orders and the impact of such improvements on the existing capacities or deficiencies.
- 9) The improvements to be made to the recreation facilities in the current fiscal year by the City and the impact of such improvements on the existing capacities or deficiencies.

*10.2 Objective:*

*Certificates of Concurrency and development orders shall be issued based upon the availability of infrastructure facilities and essential services which meet the adopted Level-of-Service (LOS) standards.*

**10.2.1 Policy:**

As indicated in the applicable Elements of this Plan, the City of Fort Pierce has adopted the minimum LOS standards shown in Table 10-1.

**Table 10-1: Recommended Level of Service (LOS) Standards for the City of Fort Pierce  
Public Facility Level of Service Standard**

Public Facility	Fiscal Year	Level of Service
<b>Transportation</b>	<b>Facility Type</b>	<b>Peak Hour Level of Service</b>
		STATE, COUNTY & CITY
	<b>NON FIHS, SIS, TRIP Funded Facilities</b>	
	Local Road	D
	Collector Roadway	D
	Minor Arterial	D
	Major Arterial	D
<b>FIHS, SIS, TRIP Funded Facilities for Urban Areas with Population below 500,000</b>		
Highways (Freeway)	C	
Controlled Access	C	
Other Multilane	D	
Two-Lane	D	
<b>Sanitary Sewer</b>		240 gallons per day per equivalent residential connection
<b>Potable Water</b>		300 gallons per day per equivalent residential unit
<b>Solid Waste</b>		330 tons per day of Class I trash
		300 tons per day of Construction and Debris
<b>Stormwater</b>		25-year 3-day storm Pre vs. Post Runoff
		Storm sewers to convey 5 year – 1 day storm event
		Canals to convey 3 year – 1 day storm event
<b>Recreation and Open Space</b>		
Neighborhood Park:	2005	1.36 acre/1,000 population
	2010	1.36 acre/1,000 population
	2015	1.5 acre/1,000 population
	2020	1.75 acre/1,000 population
	2025	2.0 acres/1,000 population
	2030	2.0 acres/1,000 population
Community Park:	2005	2.50 acre/1,000 population
	2010	2.50 acre/1,000 population
	2015	2.75 acre/1,000 population
	2020	2.75 acre/1,000 population
	2025	3.0 acres/1,000 population
	2030	3.0 acres/1,000 population
Baseball/Softball	Ongoing	1 field/2,500 population
Basketball	Ongoing	1 court/5,000 population
Boat ramp	Ongoing	1 ramp/4,500 population

<b>Public Facility</b>	<b>Fiscal Year</b>	<b>Level of Service</b>
Fishing Pier	Ongoing	1,600 linear feet/25,000 population
Multi-Purpose/Soccer Field	Ongoing	1 field/3,000 population
Picnic Area	Ongoing	1 acre/2,500 population
Recreation Trail	Ongoing	1.22 mile/10,000 population
Swimming pool	Ongoing	1 pool/50,000 population
Tennis	Ongoing	1 court/2,000 population

*10.3 Objective:*

*The City of Fort Pierce Planning Department will be responsible for determining the concurrency for all applications of development orders for certificate of use, final site plans and/or final subdivision plans.*

10.3.1 Policy:

When reviewing applications for plans for such development orders, the Planning Department shall perform a Concurrency Assessment to ensure that public facilities are available concurrent with the impacts of the proposed development.

10.3.2 Policy:

A Concurrency Assessment will determine if there is adequate capacity in each of the public facilities to accommodate the impact of the existing population, vested and exempt development projects, previously permitted development projects and the proposed new development project at or above the adopted Level of Service.

10.3.3 Policy:

A Certificate of Concurrency may be issued when a concurrency evaluation and test has been conducted and that the tests indicate that facility capacities for the proposed development are available at the adopted Levels of Service.

10.3.4 Policy:

If a public facility is not meeting level of service standards or if the proposed development will cause the facility to fail its level of service standards, the City may enter into an agreement for proportionate fair share mitigation.

10.3.5 Policy:

Upon execution of a proportionate fair share agreement, applicants for development shall be entitled to receive a Conditional Certificate of Concurrency. The Conditional Certificate of Concurrency and related development order will be conditioned on the satisfactory execution of the provisions of a development agreement.

10.3.6 Policy:

The Certificate of Concurrency, whether or not it's conditioned, shall have a term equivalent to the term of the related development order, unless a different term is agreed by the City and specified in the development order.

10.3.7 Policy:

A Certificate of Concurrency and the related development order may be applicable to more than (1) phase of a multi-phase development. The Certificate shall specify the amount of capacity reserved and the scheduled build-out date for each phase.

10.3.8 Policy:

The Certificate of Concurrency may include conditions of approval, which are deemed necessary for concurrency to be ensured.

10.4 *Objective:*

*Assess new development and redevelopment a proportionate fair share of the public facility costs necessary to accommodate the impacts of new development at the adopted levels-of-service through the enforcement of existing public facility funding mechanisms and impact fees. Public facilities include potable water, sanitary sewer, solid waste, drainage, parks and roadways.*

10.4.1 Policy:

A development may proceed if the City agrees to include required facilities to the Schedule of Capital Improvements.

10.4.2 Policy:

Coordinate with other agencies whose facilities are impacted by development on proportionate fair share obligations.

10.4.3 Policy:

Transportation improvements shall mitigate the overall network, be financially feasible, mutually agreed upon and be in place concurrent with the impacts of development as per policy 10.5.1.

10.4.4 Policy:

The City shall continue to enforce regulations in the City's land development code regarding proportionate fair share mitigation.

10.4.5 Policy:

All payments for proportionate fair share contributions are due in full prior to issuance of the final development order or recording of the final plat.

10.5 *Objective:*

*Monitor and ensure adherence to the adopted level of service standards and the availability of public facility within appropriate timeframes.*

*Transportation*

*10.5.1 Policy:*

Prior to the issuance of any development order for new development or redevelopment, transportation public facilities needed to support the development at adopted LOS standards must meet one of the following timing requirements:

- The necessary facilities and services are in place or under construction; or
- The development order includes the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than three years after issuance of a building permit or its functional equivalent as provided in the adopted Five-Year Schedule of Capital Improvements.
- The necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., to be in place or under actual construction no more than three years after the issuance of a building permit or its functional equivalent.
- The necessary facilities and services are guaranteed in an enforceable proportionate fair share agreement pursuant to Section 163.3180, F.S. and the City of Fort Pierce's Code of Ordinances.

*Sanitary Sewer, Solid Waste, Drainage and Potable Water*

*10.5.2 Policy:*

Prior to the issuance of any development order for new development or redevelopment, sanitary sewer, solid waste, drainage and potable water facilities needed to support the development at adopted LOS standards all must meet one of the following timing requirements:

- The necessary facilities and services are in place or under construction; or
- The development order includes a condition that at the time of the issuance of a certificate of occupancy or its functional equivalent, the necessary facilities and services are in place and available to serve the new development; or
- The necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., to be in place and available to serve new development at the time of the issuance of a certificate of occupancy.
- Prior to approval of a building permit, the City shall consult with the Fort Pierce Utility Authority to determine adequate water supplies to serve the new development will be available no later than the issuance of a certificate of occupancy.

*Recreation and Open Space*

*10.5.3 Policy:*

Acreage for recreation and open space facilities needed to support development at the adopted LOS standard must be dedicated or acquired by the City prior to the issuance of a certificate of occupancy. Alternatively, funds in the amount of the developer's fair share shall be committed no later than the issuance of a development order; or the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent.