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18-1 Summary of Level of Service

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18.00. CONCURRENCY.

18.000. PURPOSE. The purpose of the certificate of concurrency process is to ensure the existence of sufficient infrastructure to maintain the levels of service adopted in the comprehensive plan (and identified in Table 18-1: Summary of Level of Service) which are impacted by the proposed development.

18.100. CONCURRENCY MANAGEMENT AND REVIEW. A certificate of concurrency shall be required prior to the issuance of a development permit including those determined to be de minimis, except historic designation, comprehensive plan amendment, and zoning text amendments. If a development will require more than one (1) development permit, the issuance of the certificate of concurrency shall occur prior to the issuance of the initial development permit. A certificate of concurrency shall automatically expire simultaneously with the expiration of a development permit to which it applies. If a time extension is granted prior to the expiration of a development permit, then the accompanying certificate of concurrency shall be automatically renewed for the length of the time extension. The CDS Director shall be the official signatory of all certificates of concurrency that result from development approvals.

18.101. DE MINIMIS DEVELOPMENT. If a proposed development relates to land use of such a low intensity as to have a de minimis effect, if any, upon the level of service standards set forth in Table 18-1, the development shall be exempt from concurrency review as provided below.

1. Potable water, wastewater, solid waste, recreation/open space and stormwater management. Development permits for single family dwellings and additions to or the erection of structures less than 1,500 square feet, which generates less than 50 trips per day, utilized for nonresidential purposes shall be deemed *de minimis* as to all public facilities and services. A certificate of concurrency shall be issued for the *de minimis* development.
2. Transportation facilities. A *de minimis* impact is an impact that would not affect more than 1 percent (1%) of the maximum volume at the adopted level of service of the affected transportation facilities as determined by the City, utilizing the most recent table of the generated two-way peak hour volumes in the Florida Department of Transportation (FDOT) Level of Service Handbook. No impact will be *de minimis* if the sum of existing roadway volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility. No impact will be *de minimis* if it would exceed the adopted level of service standard for any affected designated hurricane evacuation routes. If a proposed project is not deemed *de minimis*, a transportation study is required.

TABLE 18-1: SUMMARY OF LEVELS OF SERVICE. The following minimum levels of service shall guide the issuance of development orders, pursuant to the Concurrency Management System.

TRANSPORTATION. A Transportation Concurrency Exception Area (TCEA) is established coterminous with the Community Redevelopment Area (CRA) in order to promote urban redevelopment, infill development, and a variety of transportation choices and opportunities. All land uses and development within the TCEA, except for Developments of Regional Impact (DRI) shall be excepted from transportation concurrency. An existing DRI may qualify for a transportation concurrency exception for redevelopment or additions to the DRI providing all requirements in Policy B.1.7.7 (of the City's Comprehensive Plan) are met. Developments outside of the TCEA that impact roadways within the TCEA shall be required to meet transportation concurrency standards.

Roadways:	Segment	(Expressed in Peak Hr/Peak Direction, Standard Maximum Volume)
1. Eglin Parkway (SR 85)	Racetrack Road to Yacht Club Dr.	2,969
2. Eglin Parkway (SR 85)	Yacht Club to US 98	1,004
3. Perry Avenue SE (SR 145)	SR 85 to US 98	1,640
4. US 98 (SR 30)	Santa Rosa Blvd to Beal Parkway	2,453
5. US 98 (SR 30)	Beal Parkway to Mary Esther Blvd	2,903

Roadways:	Segment	(Expressed in Peak Hr/Peak Direction, Standard Maximum Volume)
6. Mary Esther Cut Off (SR 393) Beal Parkway to US 98		2,522
7. Beal Parkway (SR 189)	Mary Esther Cut Off to US 98	1,444
8. Lewis Turner Blvd (SR 189)	Racetrack Rd to Mooney Rd.	1,892

RECREATION AND OPEN SPACE

FACILITY TYPE	LOS STANDARD (MEASUREMENT)
Community Parks	2.0 acres/ 1,000 persons
Neighborhood Parks	2.0 acres/ 1,000 persons
Mini Parks	0.32 acres/ 1,000 persons
Activity Centers	1- facility/ 6,500 persons
Adult Softball	1- field/ 5,000 persons
Basketball Courts	1- court/ 5,000 persons
Boat Ramps	1- boat ramp/ 4,000 persons
Exercise Trails	1- trail per 10,000 persons
Golf Course	1-18-hole course/20,000 persons
Multipurpose Fields/Soccer	1- field/ 4,000 persons
Racquetball Courts	1- court/ 10,000 persons
Shuffleboard Courts	1- court/ 6,000 persons
Tennis Courts	1- court/ 2,000 persons
Youth Softball/Baseball	1- field/ 3,000 persons

18.102. FINAL LOCAL DEVELOPMENT PERMIT. A development for which a final local development permit has been issued shall not require a certificate of concurrency.

18.103. MINIMUM REQUIREMENTS FOR CONCURRENCY. In order to obtain a certificate of concurrency, one of the following conditions applicable to the particular public facility and service must be satisfied:

- A. The necessary public facilities and services are in place at the time of development permit is issued;
- B. The development permit is issued subject to the condition that the necessary public facilities and services shall be in place when the impacts of the development occur;
- C. The necessary public facilities and services are under construction at the time the development permit is issued;
- D. The necessary public facilities and services are guaranteed in an enforceable development agreement, pursuant to F.S. §§ 163.3220 through 163.3243 or an agreement or development order issued pursuant to F.S. ch. 300; or

- E. The necessary public facilities and services are the subject of a binding executed contract between the city and a contractor which provides for the commencement of the actual construction of the required facilities or the provision of services within one year of the issuance of the development permit. This provision only relates to parks and recreation facilities and roads.

18.104. CONCURRENCY EVALUATION.

- A. Potable water, wastewater, stormwater management, solid waste & recreation/open space. The concurrency evaluation shall compare the available capacity to the demand of the proposed development. The available capacity shall be determined by adding together: the total of the existing excess capacity, if any, and the total future capacity of any proposed construction or expansion that meets the requirements of section 18.105.
- B. Transportation. The evaluation for a certificate of concurrency shall compare the existing level of service standards established by the comprehensive plan for the impacted roads. The level of service shall be based upon existing roads, including any proposed improvements to those roads, meeting the minimum requirements for concurrency set forth in section 18.103.
- C. Application. An applicant for a development permit shall provide the city with all information required by the city so as to enable the concurrency evaluation to be made, to include all of the information required in section 18.103.
- D. Determination. When the city determines that a certificate of concurrency will not be issued, that determination shall be reduced to writing, signed by the official making the determination, and sent by U.S. mail to the applicant.

18.105. METHODOLOGY, CALCULATIONS FOR PROJECT DEMAND. The purpose of this section is to set forth the methodology for calculating the projected demand of a proposed project described in an application for a development permit on public facilities and services, in order to determine whether a certificate of concurrency should be issued so as to implement this division. The following calculations shall be used to determine the projected demand of the proposed project described in an application for a development permit on the public facilities and services. The calculations are listed by public facility and service type. The information necessary to enable the city to perform the facility/service demand calculations in this subsection shall be provided by the applicant to the city.

18.105.1. Potable water.

Adopted Level of Service (LOS) = 150 gal/day/capita (nonresidential uses are included in the adopted LOS).

$$1/1/00 - 12/31/07: 150 \text{ gal} \times 2.37^* \text{ persons/household} \times \text{_____ units} = \text{demand}$$

18.105.2. Wastewater.

Adopted LOS = 115 gal/day/capita (nonresidential uses are included in the adopted LOS).

$$1/1/00 - 12/31/07: 115 \text{ gal} \times 2.37^* \text{ persons/household} \times \text{_____ units} = \text{demand}$$

18.105.3. Stormwater management.

Adopted LOS = 25-year, 24-hour storm event. Drainage calculations shall meet the standards adopted by the public works department and the comprehensive plan.

18.105.4. Solid waste.

Adopted LOS = 6.8 lbs/day/capita (nonresidential uses are included in the adopted LOS).

$$1/1/00 - 12/31/07: 6.8 \text{ lbs} \times 2.37^* \text{ persons/household} \times \text{_____ units} = \text{demand}$$

18.105.5. Recreation/open space.

Adopted LOS = 15 acres per 10,000 population.

$$1/1/00 - 12/31/07: \text{Project population} = \text{_____ units} \times 2.37^* \text{ persons/household}$$

* **SOURCE:** 2000 Census: Fort Walton Beach Persons Per Household.

18.105.6. Transportation.

Refer to table 18-1 for the adopted level of service standards.

- A. Determine number of trips generated by the proposed project during the p.m. peak hour using the trip characteristics table provided in this section with no adjustment for internal capture of passerby trips.
- B. If the total number of trips is equal to or greater than 50 trips, a transportation study shall be done. The report shall be signed and/or sealed by either a registered professional engineer or a member of the American Institute of Certified Planners.
- C. If no study is required, the applicant is required to provide only the existing directional p.m. peak hour traffic volumes and level of service for the roadway link to which project driveways connect. This information shall include project traffic. The date shall be in conformance with the following provisions.

18.106. TRANSPORTATION STUDY.

18.106.1. Performance of Transportation Study. If a transportation study is required, it shall be obtained and submitted by the applicant for a development permit, at the applicant's sole expense, until such time as the city has selected consultants to employ for this purpose. The applicant shall reimburse the city for the total fee charged by the consultant to perform the transportation study, to include city administrative costs. The transportation study shall be performed in accordance with the requirements set forth in the following provisions.

18.106.2. Requirements of Transportation Study.

A. Pre-Application Meeting. A pre-application meeting between the CDS Director or a designee and the applicant is required. The purpose of this meeting will be to review the methodology and procedure and to determine the study period. This will usually be a p.m. peak hour analysis; however, other time periods may require analysis.

B. Trip Characteristics. The study area shall be based upon average trip length generated utilizing the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Report.

C. Existing Conditions. The following existing conditions shall be provided:

1. Existing directional p.m. peak hour traffic volumes and level of service on all collectors and arterials within the study area.
2. Existing turning movement volumes at the impacted intersections and intersection level of service.
3. The required data in this subsection shall be older than the previous calendar year.
4. Volumes shall be adjusted to reflect annual conditions using current FDOT seasonal adjustment factors approved by the city council by resolution.
5. The required level(s) of service for roadways in this subsection shall be determined in accordance with current FDOT generalized service volume procedures.
6. The required intersection capacities in this subsection shall be determined using computer software based on the most recent edition of the Highway Capacity Manual, Special Report 209, Transportation Research Board, National Research Council.

D. Projection of Background Traffic. Volume shall be projected for the year of project completion. Volumes can be determined using one of the following procedures:

1. Multiply existing volumes by an annual growth factor provided by the city. Traffic generated by any major project approved since the traffic counts were conducted shall be included as background traffic.
2. Multiply existing volumes by an annual growth factor developed by the applicant and approved by the city manager or his designee. This growth factor must be based on data collected on three roadways in the vicinity of the project over the last three years. Traffic generated by any major project approved since the traffic counts were conducted shall be included as background traffic.

3. Develop a computer model.

E. Project Traffic Generation. The following procedures and information shall be provided:

1. To determine project traffic generation, the current edition of the ITE Trip Generation Report shall be used.
2. Identify all land use codes, amount of development and trip rates.
3. Trip rates may be obtained from studies of comparable sites in the city or using data from previous traffic generation studies. The CDS Director or their designee must approve the trip rates.
4. Any proposed reduction factors for capture of trips between land uses of mixed use project or for passerby trips shall be provided by the applicant at the preapplicant/ methodology meeting and approved by the CDS Director or a designee.

F. Project traffic distribution. One of the following methods shall be used:

1. If the project generates fewer than 100 peak hour trips, the distribution can be developed based upon those of similar projects.
2. For any project, annual gravity model distribution can be developed. The traveltime method described in chapter 3 of ITE Transportation and Land Development shall be used.
3. For any project, computerized distribution models, such as FSUTMS or QRSII, can be developed.

18.107. ALTERNATIVE DEMAND CALCULATION. If the applicant claims the standards provided in the demand calculations are not applicable to the proposed project, the applicant shall submit appropriate documentation supporting the proposed alternative demand calculations to the city manager or a designee. Any alternative calculation standard shall be subject to the approval of the CDS Director or designee.

18.108. ACTION UPON FAILURE TO SHOW CAPACITY. Where available capacity cannot be shown and a certificate of concurrency has been denied, the following methods may be used to maintain adopted level of service:

- A. The project owner or developer may provide the necessary improvements to maintain level of service. In such case the application shall include appropriate plans for improvements, documentation that such improvements are designed to provide the capacity necessary to achieve or maintain the level of service, and recordable instruments guaranteeing the construction, consistent with calculations of capacity in this section.
- B. The proposed project may be altered such that projected level of service is no less than the adopted level of service.
- C. The construction of any development project may be phased or staged so as to coincide with the phased or staged construction or infrastructure facilities so that the levels of service for such facilities are maintained upon completion of each phase or stage of the development project.

18.109. APPEALS. A denial of a certificate of concurrency may be appealed by the applicant to the municipal planning board and city council. A notice of appeal specifying each and every ground in support of granting the certificate of concurrency shall be submitted by the applicant to the city manager or a designee within 20 days from the date on the written denial of the certificate of concurrency. The CDS Director or a designee shall schedule the appeal to be heard at a public meeting by the municipal planning board, all papers constituting the record upon which the action appealed from was taken. The city manager or his designee shall notify the applicant in writing of the date, time and location of the municipal planning board meeting at which the appeal shall be heard. During the appeal proceeding, the applicant may appear in person or be represented by an agent or attorney. Applicants may be required to assume such reasonable costs as the City Council may determine by ordinance, in setting fees to be charged for appeals.

18.109.1. Burden of Proof During Hearing of Appeal. The applicant shall have the burden of proof to establish by the presentation of substantial competent evidence to the municipal planning board:

- A. That there was an error in the technical determination made by the city administration to deny the certificate of concurrency; or
- B. That one or more of the conditions in section 18-108 are satisfied that the necessary public facilities and services will be available concurrent with the impact of the development.

18.109.2 Findings of Board. Before recommending issuance of a certificate of concurrency, the municipal planning board shall make specific findings that the certificate of concurrency satisfies this division. The affirmative vote of the majority of the members of the municipal planning board shall be necessary to recommend issuance of a certificate of concurrency. Action taken by the municipal planning board to affirm, reverse or modify the administrative decision to deny the certificate of concurrency shall be documented in writing in the form of a resolution, signed by the chairman or vice-chairman, specifying the grounds therefore. The written decision of the municipal planning board shall be submitted by the city manager or his designee to the city council for final action. The city manager or his designee shall give written notice to the applicant of the date, time and location of the city council meeting considering the certificate of concurrency. The city council, upon reviewing the record and findings of the municipal planning board, may affirm, reverse or modify the decision of the municipal planning board. If deemed necessary

by the city council, the council may receive additional testimony and may make inquiry of the applicant and administrative staff. The decision of the city council shall be reduced to writing in the form of a resolution and shall be final upon the date of execution of the resolution by the mayor.

18.110. INTERPRETATION. This chapter shall not be applied nor the provisions hereof interpreted so as to result in a taking of private property without due process of law and the payment of just compensation.