

CONCURRENCY MANAGEMENT SYSTEM

City of Avon Park Comprehensive Plan Adopted December 26, 1990

Overview of the Concurrency Management System

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

- (a) Roads
- (b) Potable Water
- (c) Sanitary Sewer
- (d) Solid Waste
- (e) Drainage
- (f) Parks and Recreation

The Concurrency Management System is an accounting system that maintains a record of the existing levels of service and what impacts, if any, can be expected as a result of proposed developments, facility expansions, and other factors that can affect the adopted level of service standards of a community. Although the actual system that implements the concurrency requirement might not be completed until July 1, 1991, the concurrency requirement takes effect upon adoption of the Comprehensive Plan.

Requirements for Concurrency

Upon adoption of this Comprehensive Plan, Avon Park will require that all development meet the requirements of concurrency, except for those developments that have been issued a development order or development permit by the City prior this Plan's adoption. The following shall meet the requirements for concurrency, as established in Section 9J-5.0055(2), FAC:

MINIMUM REQUIREMENTS FOR CONCURRENCY. The City's concurrency management system will ensure that public facilities and services needed to support development are available concurrent with the impacts of such development, and will address the following items.

- (a) For potable water, sewer, solid waste, and drainage, at a minimum, provisions in this comprehensive plan ensure that the following standards will be met will satisfy the concurrency requirement:
 - 1. The necessary facilities and services are in place at the time a development permit is issued; or
 - 2. A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
 - 3. The necessary facilities are under construction at the time a permit is issued; or
 - 4. The necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of Sections 9J-5.0055(2)(a)1 - (2)(a)3, FAC. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.

- (b) For parks and recreation, Avon Park may satisfy the concurrency requirement by complying with the standards in Sections 9J-5.0055(2)(a)1 - (2)(a)4, FAC, or by complying with comprehensive plan provisions that ensure that the following standards will be met:
 - 1. At the time a development permit is issued, the necessary facilities and services are the subject of a binding executed contract 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; or
 - 2. The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities or the provision of services within one year of the issuance of the applicable development permit. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes.

- (c) For roads designated in the adopted plan, Avon Park may satisfy the concurrency requirement by complying with the standards in Sections 9J-5.0055(2)(a)1 - (2)(a)4 and Sections 9J-5.0055(2)(b)1 and (2)(b)2, FAC. In addition, in areas in which Avon Park has

committed to provide the necessary public facilities and services in accordance with its five-year schedule of capital improvements, the City may satisfy the concurrency requirement for roads by the adoption and implementation of a concurrency management system based upon an adequate capital improvements program and schedule and adequate implementing regulations which, at a minimum, include the following provisions:

1. A capital improvements element and a five-year schedule of capital improvements which, in addition to meeting all of the other statutory and rule requirements, must be financially feasible. The capital improvements element and schedule of capital improvements may recognize and include transportation projects included in the first three years of the applicable, adopted Florida Department of Transportation five-year work program.
2. A five-year schedule of capital improvements which must include both necessary facilities to maintain the adopted level of service standards to serve the new development proposed to be permitted and the necessary facilities required to eliminate those portions of existing deficiencies which are a priority to be eliminated during the five-year period under the local government plan's schedule of capital improvements, pursuant to Section 9J-5.016(4)(a)1, FAC.
3. A realistic, financially feasible funding system based on currently available revenue sources which must be adequate to fund the public facilities required to serve the development authorized by the development order and development permit, and which public facilities are included in the five-year schedule of capital improvements.
4. A five-year schedule of capital improvements which must include the estimated date of commencement of actual construction and the estimated date of project completion.
5. A five-year schedule of capital improvements which must demonstrate that the actual construction of the road and the provision of services are scheduled to commence in or before the third year of the five-year schedule of capital improvements.
6. A provision that a plan amendment would be required to eliminate, defer or delay construction of any road which is needed to maintain the adopted level of service standard and which is listed in the five-year schedule of improvements.
7. A requirement that, in conjunction with the Capital Improvements Element, the City ensures that development orders and permits are issued in a manner that will assure that the necessary public facilities and services will be available to accommodate the impact of that development.
8. A provision that a monitoring system shall be adopted which enables the City to

determine whether it is adhering to the adopted level of service standards and its schedule of capital improvements and that the City has a demonstrated capability of monitoring the availability of public facilities and services.

9. A clear designation within the Avon Park Comprehensive Plan of those areas within which facilities and services will be provided by the City with public funds in accordance with the five-year capital improvements schedule.
- (d) In determining the availability of public facilities or services, a developer may propose, and Avon Park may approve, developments in stages or phases so that public facilities and services needed for each phase will be available in accordance with the standards required by Sections 9J-5.0055(2)(a), (2)(b) and (2)(c), FAC.
 - (e) For the requirements of Sections 9J-5.0055(2)(a), (2)(b) and (2)(c), FAC, Avon Park must develop guidelines for interpreting and applying level of service standards to applications for development orders and permits and determining when the test for concurrency must be met. The latest point in the application process for the determination of concurrency is prior to the approval of an application for a development order or permit which contains a specific plan for development, including the densities and intensities of the development.

Issuance of Development Orders or Permits

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

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

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

Applicable Goal, Objective and Policy Statements Supporting Concurrency

The following are the policy statements of the Avon Park Comprehensive Plan that establish the basis for the City's Concurrency Management System. These policy statements address the requirements for concurrency and the establishment of levels of service. Other policy statements address mechanisms by which capital improvements necessary to maintain concurrency may be funded.

Future Land Use Element:

Objective 2:

Beginning July 1, 1991, the development of residential, commercial and industrial land uses shall be timed and staged in conjunction with available capacity of public facilities and services, appropriate soil conditions and topography. [9J-5.006(3)(b)1]

Policy 2.1: Development orders or permits shall be issued only when public facilities and services are available concurrent with the impacts of development at or above the established level of service. [9J-5.006(3)(c)3]

Objective 8:

Avon Park will ensure that suitable land is available for utility facilities to support proposed development. [9J-5.006(3)(b)8]

Policy 8.1: Upon adoption of this Comprehensive Plan, public utilities needed to provide essential services to existing and future land uses shall be permitted in all future land use classifications provided the performance standards in the Power Plant Siting Act, Transmission Line Siting Act, Avon Park Comprehensive Plan, Avon Park Zoning Regulations, and any other applicable land development regulations are met. [9J-5.006(3)(c)3]

Policy 8.2: Avon Park shall establish procedures in cooperation with utility companies to inform utilities of development occurring in the City.

Traffic Circulation Element:

Objective 1:

To provide a safe, convenient and efficient transportation system, Avon Park shall establish a level of service standard for peak hour traffic for all roadways within its jurisdiction, and shall, in the City's land development regulations, set forth criteria to manage direct arterial access.

[9J-5.007(3)(b)1]

Policy 1.1: Avon Park establishes the following peak hour level of service standards for roadways within its jurisdiction: [9J-5.007(3)(c)1]

1. Principal Arterials- C
2. Minor Arterials- D
3. Urban Collectors- D
4. Other Local Streets- D

Policy 1.2: By July 1, 1992, Avon Park shall coordinate with Highlands County and the Florida Department of Transportation to establish a traffic counting program for collector roadways. [9J-5.007(3)(c)1]

Policy 1.3: Upon completion of the traffic counting program, Avon Park shall use the 1985 Highway Capacity Manual to determine operating levels of service on collector roadways. [9J-5.007(3)(c)1]

Policy 1.4: Beginning July 1, 1991, Avon Park shall review all new development proposals to ensure that the impacts of proposed development do not exceed the established level of service standards for Avon Park's roadways. [9J-5.007(3)(c)1]

Policy 4.2: Development approvals shall ensure the availability of roadway capacities and the maintenance of established levels of service.

Sanitary Sewer, Potable Water, Solid Waste, Drainage, Natural Groundwater Aquifer Recharge Element:

Objective 1:

Avon Park shall provide sanitary sewer, potable water and drainage facilities that comply with the level of service and capacity standards established in this element. [9J-5.011(2)(b)2]

Policy 1.8: Beginning July 1, 1991, Avon Park shall establish and implement a concurrency management system that ensures that necessary sanitary sewer, potable water, solid waste and drainage facilities needed to support development are available concurrent with the impacts of such development. [9J-5.011(2)(c)1]

Policy 2.3: Extensions of municipal sanitary sewer and potable water facilities beyond the City limits shall be coordinated with Highlands County and shall be consistent with the Highlands County Comprehensive Plan regarding designated locations for higher density development.

Policy 2.4: Beginning July 1, 1991, all improvements, including repair, maintenance and expansion of municipal sanitary sewer and potable water facilities shall be prioritized annually. Those improvements required to be included in the Five-Year Schedule of Capital Improvements shall be incorporated into the appropriate semi-annual Comprehensive Plan amendment. Priority for the expansion of municipal facilities shall be given to: legal obligations; existing development that is in or adjacent to the City of Avon Park; new development in or adjacent to the City of Avon Park; and new development that will contribute to the tax base through higher densities or intensities of land use.

Policy 6.2: Identified deficiencies shall be corrected. Deficiencies for existing development shall be defined as inability to manage a 25-year 24-hour storm event and/or contributing to the degradation of the receiving body below minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 17-3, F.A.C. Drainage improvements shall be prioritized as follows: to fulfill legal obligations; to prevent further degradation of surface or water bodies; to provide adequate drainage for existing development in the City; to provide adequate drainage for new development in the City; the extension of municipal drainage facilities to areas outside of the City.

Recreation and Open Space Element:

Objective 3

Avon Park shall ensure that parks and recreation facilities are adequate and are efficiently provided. [9J-5.014(3)(b)(3)]

Policy 3.1: Avon Park establishes the Recreation Level of Service Standard of three acres of designated recreation land per 1,000 residents upon adoption of this Comprehensive Plan. [9J-5.014(3)(c)(4)]

Intergovernmental Coordination Element:

Objective 1:

Avon Park shall coordinate all applicable level of service standards with the entity having operational or maintenance responsibility for the facility. The review and coordination of level of service standards will begin by July 1, 1991, and will be a continuing process. [9J-5.015(3)(b)3]

Policy 1.2: Avon Park shall coordinate, where applicable, the timing, location and capacity of municipal services with Highlands County to provide services in a cost-efficient manner. [9J-5.015(3)(c)3]

Capital Improvements Element:

Objective 1:

The Capital Improvements Element shall guide the provision of public facilities for the purpose of accommodating desired future growth, replacing worn-out facilities and correcting existing deficiencies. [9J-5.005(3)(b)1]

Policy 1.1: Beginning with the 1991-92 fiscal year, and annually thereafter, the City Manager shall prepare and submit to the Council in the form provided by ordinance an annual budget, a capital improvement budget and a projected capital improvement program for a minimum five-year period. The capital improvement budget and capital improvement program shall prioritize all capital improvement expenditures, shall indicate the revenue source for all capital improvement expenditures or indicate that a capital improvement is not yet funded, shall include revenue projections for a five-year period, and shall be the basis for the annual update of and comprehensive plan amendment to the Five-Year Schedule of Capital Improvements. [9J-5.016(3)(c)7]

Objective 2:

Upon adoption of the Comprehensive Plan, Avon Park will coordinate land use decisions with the Five-Year Schedule of Capital Improvements in a manner that maintains the established level of service standards and meets existing and future facility needs. [9J-5.005(3)(b)3]

Policy 2.1: Avon Park will use the following level of service standards in reviewing the impacts of new development and redevelopment. [9J-5.005(3)(c)4]

Facility	Level of Service
Sanitary Sewer	90 gallons per capita per day
Potable Water	169 gallons per capita per day (gpcd) 1993: 150 gpcd 1997: 140 gpcd 2001: 130 gpcd
Solid Waste	6.8 pounds per person per day
Principal Arterials	C
Minor Arterials	D
Urban Collectors	D
Other Local Roads	D
Recreation and Open Space	3 acres per 1000 people
Buildings	At or above the 100-year flood elevation
Drainage	25-year 24-hour storm event for new development. Stormwater treatment and disposal facilities pursuant to Section 17-25.025, F.A.C. Stormwater discharge pursuant to Section 17-3.051, F.A.C.

Policy 2.2: Development orders and permits will be granted only when the facilities are operating at the established level of service, or will be available concurrent with the impacts of the development. [9J-5.005(3)(b)6]

Objective 4:

Avon Park will manage fiscal resources to ensure that the needed capital improvements are provided for previously issued development orders and future development and redevelopment. [9J-5.005(3)(b)5]

Policy 4.1: Levels of service standards shall be applicable to all existing, permitted and future development or redevelopment. [9J-5.005(3)(c)5]

Public Facility Capacity and Level of Service Inventory

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

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

Traffic Circulation

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

- (a) The adopted level of service standard.
- (b) Existing facility capacities and deficiencies.
- (c) Capacity reserved for approved but unbuilt development.
- (d) The projected capacities or deficiencies attributable to approved but unbuilt development.
- (e) Any existing or scheduled road improvement to be made on City and state maintained roadways within the City's jurisdiction; or improvements to be made by other public agencies or in conjunction with approved development.

Potable Water

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

- (a) The level of service standards adopted in the comprehensive plan for:
 - 1. Average and maximum daily flow capacity,
 - 2. Storage capacity, and
 - 3. Water pressure.
- (b) Existing design capacities and system deficiencies.
- (c) Capacity reserved for approved but unbuilt development.
- (d) The projected capacities or deficiencies attributable to approved but unbuilt development.
- (e) Any improvements or expansions made to the system by the City or any approved development order, in the current fiscal year, and the impact on existing capacities or deficiencies.

Sanitary Sewer

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

- (a) The level of service standards adopted in the comprehensive plan for average and maximum daily flow capacities.
- (b) Existing design capacities and system deficiencies.
- (c) Department of Environmental Regulation permitted capacity.
- (d) Capacity reserved for approved but unbuilt development.
- (e) The projected capacities or deficiencies attributable to approved but unbuilt development.
- (f) Any improvements or expansions made to design or permitted capacity by the City or any approved development order, in the current fiscal year, and the impact on existing capacities or deficiencies.

Solid Waste Disposal

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

- (a) The level of service standards adopted in the comprehensive plan.
- (b) Existing and projected design capacities of all applicable solid waste disposal facilities.
- (c) The projected life of all applicable solid waste disposal facilities.
- (d) Capacity reserved for approved but unbuilt development.
- (e) The projected capacities or deficiencies attributable to approved but unbuilt development.
- (f) Any improvements or expansions made to the design capacity, and the impact on existing capacities or deficiencies.

Drainage

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

- (a) The level of service standards adopted in the comprehensive plan.
- (b) The existing level of service measured by storm event; to be determined by the City engineer.
- (c) Any existing and proposed drainage improvement that will impact the capacity of the City's drainage facilities.

Recreation and Open Space

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

- (a) The existing acres of recreational sites and the number of recreational facilities as outlined in the Recreation and Open Space Element.
- (b) The adopted level of service standard as outlined in the Recreation and Open Space Element.
- (c) The existing capacities or deficiencies of the City's recreation facility system.
- (d) Capacity reserved for approved but unbuilt development.
- (e) The projected capacities or deficiencies attributable to approved but unbuilt development.

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

Concurrency Monitoring System

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

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

Concurrency Assessment

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

- a) The ability of existing facilities to accommodate the proposed development at the adopted level of service.
- b) Existing facility deficiencies which will need to be corrected prior to the completion of the proposed development.
- c) Facility improvements or additions needed to accommodate the impacts of proposed development at the adopted level of service standard.
- d) The date facility improvements or additions need to be completed in order to

maintain the adopted level of service for the public facilities affected by the proposed development.