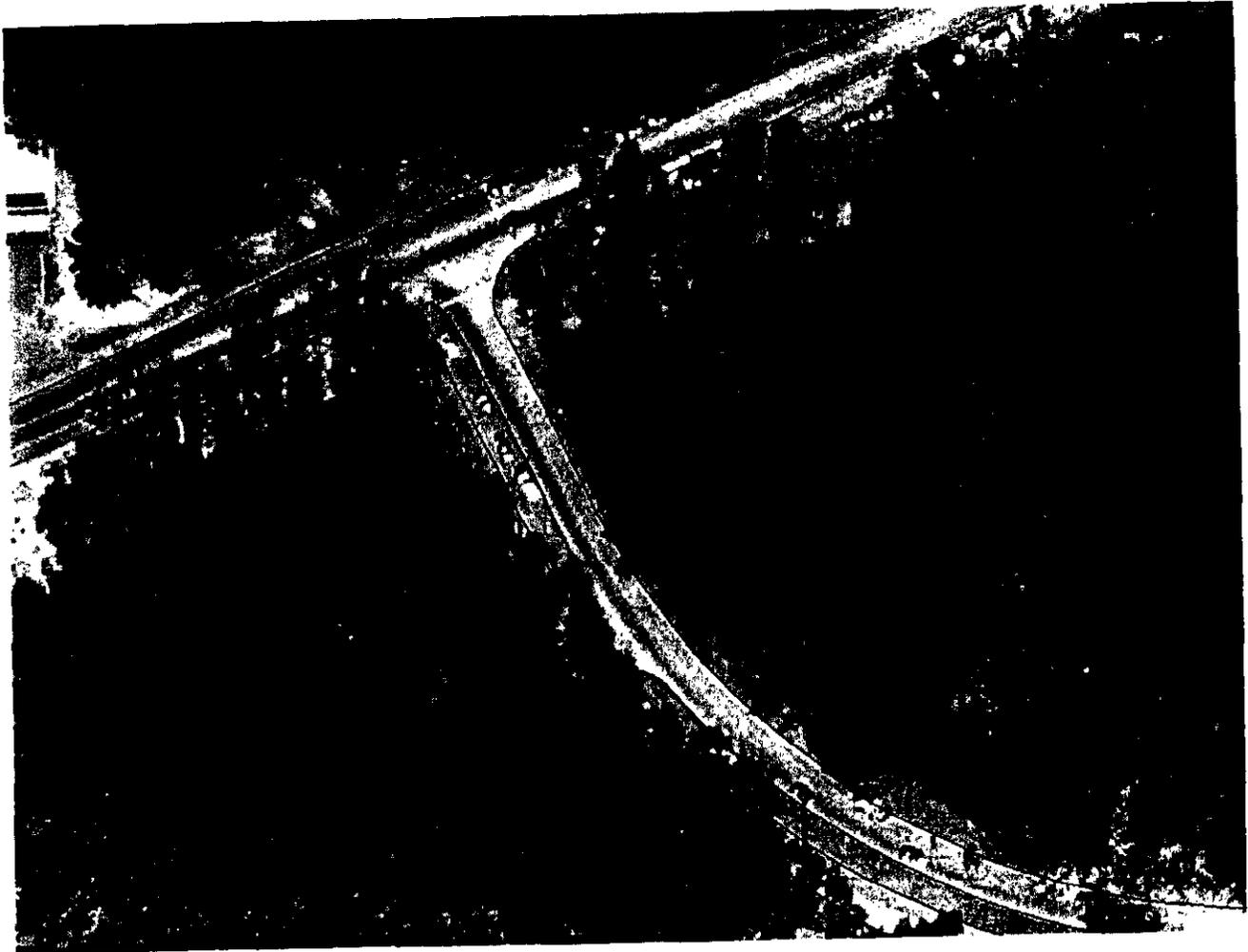


**LEON COUNTY
CONCURRENCY MANAGEMENT
POLICIES AND PROCEDURES MANUAL**



Leon County Growth and Environmental Management

Adopted By the Board of County Commissioners on November 30, 2004

Revised Draft 11/07/2006

1.0.0 General

1.1.0 Authority

The "Local Government Comprehensive Planning and Land Development Regulation Act," Florida Statutes (F.S.) 163.3161 - 163.3243, the Tallahassee-Leon County Comprehensive Plan and Article VI of Chapter 10 of the Leon County Code of Laws.

1.2.0 Purpose

To define the Concurrency Requirements of the Comprehensive Plan. To outline the requirements and procedures that must be followed by applicants for new development in order to satisfy Concurrency. To outline the procedures to be followed by staff to maintain the Concurrency Management System.

1.3.0 Organization

This document is organized in such a way that the interested reader is taken step-by-step through the process used to satisfy the Concurrency Requirement of the Comprehensive Plan. Section 1.0.0 provides general information and definitions related to Concurrency Management. Section 2.0.0 outlines Concurrency Management policies and procedures. Section 3.0.0 identifies Concurrency requirements relative to all types of Development Orders. Section 4.0.0 identifies the adopted Level of Service Standards for Concurrency facilities. Sections 5.0.0 and 6.0.0 outline the data required from an applicant to satisfy Concurrency relative to a specific development project and the review process that will be followed by staff. Section 7.0.0 references the process that must be followed to establish vested rights for a development project and Section 8.0.0 identifies miscellaneous policies and processes related to Concurrency. The appendices identify the current inventory of public facilities and outline the procedures that will be used by staff on a daily and annual basis to update and maintain the Concurrency Management System.

1.4.0 Enforcement

1. Concurrency shall be enforced by the Director of Growth and Environmental Management and the County Attorney of Leon County, Florida. Whenever the Director determines that a violation has occurred or is occurring, a written notice of violation shall be issued to the person(s) in violation, identifying the nature and location of the violation and specifying the remedial actions required to bring the violation into compliance.
2. The Director of Growth and Environmental Management shall have the authority to immediately issue a Stop Work Order when the Director has determined that any provision of the County's Concurrency Management Ordinance has been violated. The Director shall also have the authority to immediately issue a Stop Work Order whenever the Director has determined that factual circumstances indicate that incorrect information was provided to obtain a Certificate of Concurrency, or development is occurring without a Certificate of Concurrency.

1.5.0 Definitions

1.5.1 Applicant - A landowner, lessee, developer, contractor or other legal entity, including agents, employees, independent contractors or others in privity with any of the above, or any natural persons, corporation, partnership, joint venture, governmental body, agency or official involved in the construction, development or sale of real property.

1.5.2 Capacity - The potential or suitability for holding, storing or accommodating the demands of the impacts of development at a defined level of service.

1. Existing Capacity - the capacity of a concurrency facility at the present time.
2. Programmed Capacity - the capacity of a concurrency facility at some future time after improvements.
3. Reserved Capacity - a concurrency facility capacity that has been reserved for a specific development project or projects.
4. Available Capacity - the capacity of a concurrency facility available for use by the demand from new development. Available capacity is equal to the existing (or programmed) capacity minus the committed demand.

1.5.3 Capacity Constrained Roadway Segment – A roadway segment where it has been determined that:

1. An improvement that will resolve the deficiency is not feasible due to environmental constraints, regulatory constraints or prohibitively costly right-of-way demands; or
2. An improvement that will resolve the deficiency is not desirable in that it is inconsistent with clearly defined community goals or long term plans; or
3. The improvement that will resolve the deficiency is not desirable in that it clearly represents an economically inefficient measure that will address a public facility deficiency only on a temporary, limited basis.

1.5.43 Categories of Public Facilities

1. Category "A" - public facilities are arterial and collector roads, stormwater management, potable water, sanitary sewer, solid waste, parks and recreation, and mass transit facilities owned or operated by the local government.
2. Category "B" - public facilities are libraries, correctional, emergency medical service, fire service, bikeway, sidewalk, airport and other government facilities owned or operated by the local government.
3. Category "C" - public facilities are limited access, intrastate, arterial, and collector roads, schools, stormwater management, potable water, sanitary sewer, solid waste, parks and recreation, and mass transit facilities owned or operated by

Federal and State governments, independent districts, and private organizations.

1.5.54 Certificate of Concurrency - a statement, related to a specific development project, or part thereof that concurrency is satisfied and that a specified amount of facility capacity is reserved for a specified period of time based on the expiration date of the permit or Development Order approval or as indicated on the Certificate of Concurrency when issued by the County.

1.5.65 City - The City of Tallahassee, Florida.

1.5.76 Comprehensive Plan - The Tallahassee/Leon County Comprehensive Plan and any subsequent amendments.

1.5.8 Comprehensive Traffic Analysis Network (CTAN) – all functionally classified segments of the Concurrency Roadway Network that are located within or are contiguous to the applicable radius shown in the matrix in Table 1, and outside of the Immediate Transportation Impact Network (ITIN) of a proposed development project. A roadway segment within the CTAN is significantly affected if:

1. The number of trips in the peak hour, peak direction anticipated by a proposed project is above 1 % of the maximum capacity at the adopted level of service (LOS) of a roadway segment that is identified as a "critically deficient roadway" in the County's Concurrency Management System; or

2. The number of trips in the peak hour, peak hour anticipated by a proposed project on a roadway segment is above 3% of the maximum capacity at the adopted LOS of a roadway segment and the segment is not identified as a "critically deficient roadway" in the County's Concurrency Management System.

1.5.97 Concurrency - assurance that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

1.5.108 Concurrency Facility - all Category "A" and Category "C" public facilities.

1.5.119 Concurrency Management System (CMS) – the inventory, capacity and demand accounting system that reflects the current status of all concurrency facilities.

1.5.12 Concurrency Review - the process to determine if there is adequate and available capacity to accommodate the impact of new development projects at or above the adopted level of service.

1.5.13 Concurrency Roadway Network – all streets and roads classified as Limited Access, Principal Arterial, Minor Arterial, Major Collector, or Minor Collector on the "Functional Classification Maps" of the Tallahassee – Leon County Comprehensive Plan.

1.5.14 Conditional Certificate of Concurrency - a statement related to a specific development project, or part thereof and linked to a specific development agreement that concurrency will be satisfied upon the satisfactory execution of the development agreement.

1.5.15 County - Leon County, Florida.

1.5.16 Critically Deficient Roadway - any roadway segment in the County's Concurrency Roadway Network that is operating with a service volume (existing and committed trips) greater than 110% of the maximum capacity at the adopted Level of Service (LOS) for that roadway segment.

1.5.17 Deminimus Impact (roadways)- An impact that is not anticipated to exceed 1 % of the maximum capacity at the adopted Level of Service (LOS) of a roadway segment that is not identified as a "critically deficient roadway" in the County's CMS. For a roadway segment that is identified as a "critically deficient roadway", deminimus impact is the impact equivalent to the trips associated with one (1) single family home.

1.5.184 Demand - the requirements or burden placed on public facilities at the present time or projected into the future.

1. Existing Demand - the demand on a public facility that is attributed to existing development and to the current population.
2. Committed Demand - demand on a public facility that is expected to occur due to unbuilt, approved development projects and developments determined to have vested rights under the Tallahassee-Leon County Comprehensive Plan and Leon County Land Development Regulations.
3. Proposed Project Demand - the demand on a public facility that is expected to occur due to development that is under consideration.
4. Total Demand - demand on a public facility that is expected to occur due existing, committed, and proposed demand.

1.5.195 Development - any proposed change in the use or character of the land as defined in Article I of Chapter 10 of the Leon County Code of Laws.

1.5.2046 Development Agreement - a Local Government Development Agreement, as defined in Florida Statutes, Section 163.3220-163.3243 and Leon County Code Chapter 10 Article XV

1.5.2147 Development Order (DO) - shall mean any order, permission, or permit issued by a local government granting, or granting with conditions, the development of land.

1. Preliminary DO - any Development Order other than a Final Development Order.
2. Final DO - a minor subdivision plat approval, a final plat approval, a limited partition approval, exempt subdivision approval, Development of Regional Impact (DRI)

approval, Planned Unit Development (PUD) approval, site and development plan approval, environmental permit, building permit, Development Agreement entered into pursuant to F.S. 163.3220, or any other Development Order which approves the development of land for a particular use or uses at a specific intensity of use or which allows commencement of construction or physical development activity on the land for which the Development Order is issued.

1.5.2248 Director - the Director of Growth and Environmental Management.

1.5.2319 Development Project (Project) - a specific development activity on a specific site to which a specific DO or Certificate of Concurrency applies. A "development project" may be a large development with several phases, one (1) or more phases within a larger development, a project unrelated to any other development activity or a single structure.

1.5.24 Immediate Transportation Impact Network (ITIN) - all functionally classified segments of the Concurrency Roadway Network that are located within or are contiguous to the applicable radius as established by the matrix in Table 1 for a proposed development project. At a minimum the ITIN for a proposed project shall be the adjacent functionally classified roadway segments, and at a maximum the radius of a proposed project's ITIN shall be no greater than 1.5 miles around the project. Within the ITIN, a roadway segment is significantly affected if:

1. The number of trips in the peak hour, peak direction anticipated by a proposed project is one (1) or greater on a roadway segment that is identified as a "critically deficient roadway" in the County's Concurrency Management System; or
2. The number of trips in the peak hour, peak direction anticipated by a proposed project on a roadway segment is greater than 1% of the maximum capacity at the adopted LOS of a roadway segment and the segment is not identified as a "critically deficient roadway" in the County's Concurrency Management System; or
3. The trips in the peak hour, peak direction would exceed the adopted LOS on a designated hurricane evacuation route.

1.5.240 Large Projects - "Large Projects" are defined as those development projects whose total unadjusted vehicle trips generated during the peak hour are estimated, as determined by the ITE Trip Generation Handbook 7th ed. or subsequent later editions, to be more than 100 PM peak hour trips. All other projects shall be classified as small projects (Section 1.5.297).

1.5.254 LCGEM - Leon County Growth and Environmental Management Department.

1.5.262 Level of Service (LOS) - an indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on or related to the operational characteristics of the facility.

~~1.5.263 Primary Transportation Impact Network (PTIN) - all segments of the Concurrency Roadway Network that are located within, or are contiguous to the applicable radius shown in Table 1.~~

1.5.27 Proportionate Share Traffic Mitigation Agreement - an agreement between the County and a developer that allows the developer to pay a proportionate share for a proposed project's anticipated roadway impacts on significantly affected functionally classified roadway segments within the Immediate Transportation Impact Network (ITIN) and/or the Comprehensive Traffic Analysis Network (CTAN).

1.5.284 Project Status Determination - a determination issued by Development Services and Inspection staff that identifies a proposed project's vested/exempt status and zoning classification. This determination or a Certificate of Concurrency must accompany a request for any final DO.

~~1.5.295 Schedule of Capital Improvements - concurrency facility improvements included in the approved Leon County Capital Improvements Plan Capital Improvements Element of the Comprehensive Plan.~~

1.5.30 Significantly Affected Roadways (Transportation Concurrency) - is defined as follows:

- ~~1. Any roadway segment operating at or above the adopted LOS based on the most recent annual traffic count and exempt/vested demand as outlined in Subsection 7.2.0 is "significantly affected" by the development if the development project is expected to contribute vehicle trips equal to five percent (5%) or more of the service volume at the adopted LOS in the peak hour and in the peak and non-peak directions.~~
- ~~2. Any roadway segment operating below the adopted LOS based on the most recent annual traffic count is "significantly affected" by the development if the development project is expected to contribute vehicle trips equal to one percent (1%) or more of the service volume at the adopted LOS in the peak hour and in the peak and non-peak directions.~~
- ~~3. Notwithstanding the criteria of Subsection 2.4.2. (1)(a), any roadway on which the existing traffic based on the most recent annual traffic count plus approved project demand (projects that have received a Certificate of Concurrency) exceeds 120% of the service volume at the adopted LOS is "significantly affected" by the development project if the development project is expected to contribute new vehicle trips equal to one percent (1%) or more of the service volume at the adopted LOS in the peak hour and in the peak and non-peak directions on that roadway segment.~~
1. Within a proposed project's ITIN as established by the matrix in Table 1, a roadway segment is determined to be significantly affected when:
 - a. The number of trips in the peak hour, peak direction anticipated by a proposed project is one or more trips on a roadway segment that is identified as a "critically deficient roadway" in the County's CMS; or

- b. The number of trips in the peak hour, peak direction anticipated by a proposed project on a roadway segment is above 1% of the maximum capacity at the adopted LOS of a roadway segment and the segment is not identified as a "critically deficient roadway" in the County's CMS; or
 - c. The trips in the peak hour, peak direction would exceed the adopted LOS on a designated hurricane evacuation route.
2. Within a proposed project's CTAN as established by the matrix in Table 1, a roadway segment is determined to be significantly affected when:
- a. The number of trips in the peak hour, peak direction anticipated by a proposed project is above 1% of the maximum capacity at the adopted LOS of a roadway segment that is identified as a "critically deficient roadway" in the County's CMS; or
 - b. The number of trips in the peak hour, peak direction anticipated by a proposed project on a roadway segment is above 3% of the maximum capacity at the adopted LOS of a roadway segment and the segment is not identified as a "critically deficient roadway" in the County's CMS.

1.5.317 Small Projects - "Small Projects" are defined as those development projects whose total unadjusted vehicle trips generated during the P.M. peak hour are estimated to be 100 or less as determined by the ITE Trip Generation Handbook 7th ed. or subsequent later editions.

1.5.3228 TLCPD - The Tallahassee-Leon County Planning Department.

1.5.3329 Vested Rights – exemptions from concurrency and consistency for non-residential development with a valid vesting certificate and developments that are statutorily vested under the Leon County Land Development Regulations or Tallahassee – Leon County Comprehensive Plan.

2.0.0 Concurrency

2.1.0 Concurrency Policy

The Concurrency Policy (from Policy 1.3.3.1 of the Capital Improvement Element of the Comprehensive Plan) is as follows:

No Final DO shall be issued by Leon County after the effective date of the Leon County Concurrency Management Ordinance, unless there shall be sufficient capacity of Category "A" and Category "C" public facilities to meet the standards for LOS for the existing

population, previously permitted development and for the proposed development according to the following time lines:

1. For the following public facilities, the capacity must meet the standards prior to issuance of the building permit. All other DO's shall be conditioned on the requirement that building permits will not be issued for the subject property until capacity of the following public facilities meets the standards or the applicant has provided the County with financial assurances or other assurances which guarantee that the facility (ies) will be improved in order to operate at the adopted LOS of Category "A" and Category "C".
 - ◆ Potable Water
 - ◆ Sanitary Sewer
 - ◆ Solid Waste
 - ◆ Stormwater Management
2. For arterial and collector roads, the capacity necessary to meet the standards must be available or have committed funding in the adopted Leon County Capital Improvements Plan a contract letting date within one three (13) years of the issuance of the Final DO. consistent with the provisions of Rule 9J-5.0055(2)(c), Florida Administrative Code.
3. For parks and recreation, and mass transit facilities, the capacity must meet the standards within 12 months of the issuance of the Final DO.
4. On-site potable water wells and sewage treatment systems which meet all applicable standards and regulations shall be determined to be concurrent.
5. On-site package treatment facilities which meet all applicable standards and regulations shall be determined to be concurrent.

2.2.0 Concurrency Review

In order to satisfy Concurrency, all proposed new development projects must undergo a "concurrency review," resulting in a Certificate of Concurrency prior to the issuance of a Final Development Order (DO) that will permit the start of any actual building or environmental construction activity, unless the development is exempt (Section 7.0.0) or has been determined to be vested (Section 7.10.0). At the applicant's option, the "concurrency review" where applicable for City water and sewer may be deferred until a building permit is issued or a tap, whichever is first. A "concurrency review" is required prior to the issuance of a Preliminary DO. The density, intensity, and land use of the development project shall be specified. The "concurrency review" will determine if there is adequate capacity in each of the concurrency facilities to accommodate the impact of the existing population, vested and exempt development projects pursuant to Section 7.0.0 and Section 7.12.0 and the proposed new development at or above the adopted LOS.

A "concurrency review" and resulting "Certificate of Concurrency" shall apply to a specific DO that, in turn, applies to a specific development project, one (1) or more phases within a

larger project, a project unrelated to any other development activity, or a single structure. A "concurrency review" for all facilities, except City water and sewer, must occur prior to the issuance of the first of any required sequential DOs for a specific development project. At the applicant's option, the "concurrency review" for City water and sewer facilities may be deferred until a building permit is issued or a tap, whichever is first. Based on the "concurrency review," one of the following will occur:

1. If there is adequate available capacity in all concurrency facilities - a "Certificate of Concurrency" will be issued as long as all other applicable requirements are met.
2. If there is not adequate available capacity in one (1) or more of the concurrency facilities, but improvements are included in the Schedule of Capital Improvements that will provide the proposed new development project according to the time lines noted in Policy 2.1.0, a "Conditional Certificate of Concurrency" may be issued. The "Conditional Certificate of Concurrency" and related DO will be conditioned on the completion by the schedule for construction of the capital improvement(s), as noted in Policy 2.1.0.

2.2.31 If there is not adequate available capacities in one (1) or more of the concurrency facilities and no improvements are scheduled, one of the following may occur:

1. The applicant may reduce the size of the development project in order that all capacities will be adequate, or
2. The County and the applicant may reach an agreement on methods to eliminate the deficiencies prior to the development's impact. A "Conditional Certificate of Concurrency" may be issued. This will require the adoption approval of a "Development Agreement." or "Proportionate Share Traffic Mitigation Agreement". The "Conditional Certificate of Concurrency" and the related development agreement will be conditioned on the satisfactory execution of the provision of the "Development Agreement." or "Proportionate Share Traffic Mitigation Agreement". If the "Certificate of Concurrency" is conditioned on the completion of a capacity improvement by the applicant, the development project can not be occupied until the improvement is complete.
 - a. For mitigation that includes roadway projects, the applicant may contribute or pay a proportionate share consistent with the provisions of Section 6.2.3 by executing a "Proportionate Share Traffic Mitigation Agreement".
 - b. For required mitigation items that are not roadway projects, the applicant may negotiate a "Development Agreement" with the County in order to address anticipated impacts.
3. Phase the project implementation, i.e., separate the project into several smaller projects, or phases, and permit each phase as a separate project.
4. Delay the project until capacity is available.

2.2.42 If there is not adequate available capacity in one (1) or more of the concurrency facilities, there are no improvements scheduled, and the County and the applicant cannot reach an agreement on methods to eliminate the deficiencies, a "Certificate of Concurrency" will not be issued.

2.2.53 The detailed "Concurrency Review" procedure is described in Section 6.0.0

2.3.0 Certificate of Concurrency

2.3.1 A "Certificate of Concurrency," whether or not it is conditioned, or preliminary shall apply to a specific development project, with a specific use, density, and intensity. The issuance of a "Preliminary Certificate of Concurrency" for solid waste, stormwater, roads, and parks does not guarantee the issuance of a later "Certificate of Concurrency" for building construction or for City water and sewer facilities if adequate capacity in the City's water and sewer facilities is not available.

2.3.2 A Preliminary Certificate of Concurrency shall have an active period of ninety (90) days to provide the reservation of the necessary infrastructure until the issuance of a DO. A Preliminary Certificate of Concurrency may be extended up to 270 days without fees assessed, unless any delays are due to government action.

2.3.3 A "Certificate of Concurrency," whether or not it is conditioned, shall serve to reserve facility capacity adequate to accommodate the proposed new development project for the term of the "Certificate." This reservation of capacity shall run with the land. If the "Certificate of Concurrency" applies to a phase or group of phases of a multi-phased development, the capacity reservation shall be assignable to other contiguous phases within the same development but only if the facilities impacted are the same. The capacity reservation shall not be assignable to noncontiguous phases of the same multi-phased development nor to other development projects on different sites. The reservation of capacity shall occur on a first-come, first-served basis.

2.3.4 A Final Certificate of Concurrency, whether or not it is conditioned, shall have a term equivalent to the term of the related DO, unless a different term is agreed to by the County and specified in a Development Agreement. The term for a Final Certificate of Concurrency issued with a Preliminary DO shall be for two (2) years or until a subsequent Final DO is issued for the applicable DO, in which case the term shall be extended to that of the Final DO. The term may be extended for sequential six (6) months periods, upon written request, if the development project has commenced and is continuing in good faith. The reservation of impacts on infrastructure associated with Residential Subdivisions shall sunset three (3) years after the recording of a Final Plat.

2.3.5 A "Certificate of Concurrency" and the related DO may be applicable to more than one (1) phase of a multi-phased development. In this case, the "Certificate of Concurrency" shall specify the amount of capacity reserved and the scheduled build out date for each phase. The scheduled build out date for each phase may be amended if development has commenced, is continuing in good faith, and the failure to maintain the scheduled build out for each phase was primarily attributed to events or conditions outside of the control of the developer. Prior to the expiration of the scheduled buildout for each phase, the developer

may request an amendment to the buildout schedule. Within 30 days of receipt of the request, the Director will approve, approve with conditions or deny the request. The developer may, within 30 days of the Director's decision, have the decision reviewed in accordance with Section 8.2.0. The capacity reserved for the development shall not be affected during any review of the Director's decision. Any reserved capacity for any phase that is not utilized during the scheduled buildout, or any amendment to the scheduled buildout, shall be forfeited, i.e., returned to the County for use by other applicants.

2.3.6 Prior to the issuance of a Preliminary Certificate of Concurrency, the applicant shall pay all applicable application review fees, his/her share of all other infrastructure cost, or other fees that may be adopted by the County Commission.

2.3.7 Prior to the issuance of a "Conditional Certificate of Concurrency" that requires improvements to one (1) or more concurrency facilities in order to eliminate existing deficiencies created by the applicable project, a development agreement shall be executed. ~~The applicant is responsible to fund all infrastructure improvements required to satisfy concurrency within the PTIN for the proposed project.~~ The applicant shall may choose to pay his/her share of all infrastructure improvements in outside the proposed project's ITIN and CTAN PTIN to satisfy transportation concurrency for the project. (Refer to Section 6.3.3 5- Transportation Mitigation and Pro-Rata Share Option and ~~Section 8.2.0 Development Agreements~~).

2.3.8 The issuance of a "Certificate of Concurrency" does not relieve an applicant from complying with all requirements necessary to obtain a DO and does not vest an applicant with the right to obtain subsequent DOs for the same development project. A "Certificate of Concurrency" does nothing more than to certify that the development project, as specified, satisfies the concurrency provisions of the Comprehensive Plan.

2.4.0 Geographic Basis

The standards for LOS of concurrency facilities shall be applied to the issuance of DOs on the following geographic basis.

2.4.1 Public facilities which serve all of Leon County shall achieve and maintain the standards for LOS on a countywide basis. No Final DO shall be issued in any part of Leon County if the standard for LOS is not achieved and maintained throughout the County for the following public facilities:

- ◆ Solid Waste Disposal
- ◆ Countywide Parks (including Boat Ramps)

2.4.2 Public facilities which serve less than all of Leon County shall achieve and maintain the standard for LOS within their assigned service area. No Final DO shall be issued in an assigned service area if the standard for LOS is not achieved and maintained throughout the assigned service area. These public facilities and their assigned service areas are as

follows:

1. Limited Access, Arterial, and Collector Roads: All such roads ~~significantly affected by the proposed development project. (Significantly affected, as defined in Section 1.5.26.)~~ that are functionally classified in the Comprehensive Plan as limited access, principal or minor arterials, or major or minor collectors located in unincorporated Leon County.
 - a. Small Projects, as defined in Section 1.5.3127.
 - b. Large Projects, as defined in Section 1.5.249.
2. Stormwater Management Systems: Major Stormwater Basin
3. Potable Water Systems: Water System Service Area--Potable Water Wells: On-site
4. Sanitary Sewer Systems: Treatment Plant Service Area; Septic Tanks: On-site
5. Area Parks: Urban Service Area
6. Mass Transit: Urban Service Area

3.0.0 Development Orders

3.1.0 Preliminary Development Orders

Preliminary DOs may be issued without a concurrency review (optional waiver) or with a concurrency review and reservation of facility capacity. A concurrency review and a reservation of facility capacity must occur prior to the issuance of a Preliminary DO.

3.1.1 Optional Waiver

The applicant may elect to request approval of a Preliminary DO without a concurrency review provided that:

1. Final Development Orders for the subject property are subject to a concurrency determination,
2. No rights to obtain Final Development Orders, nor any other rights to develop the subject property have been granted or implied by the County's approval of the Preliminary DO without a concurrency determination of the public facilities, and
3. The Applicant signs an affidavit acknowledging 1 and 2 above.

3.1.2 Capacity Reservation

The applicant shall request a concurrency review and a reservation of facility capacity as a part of the review and approval of the Preliminary DO.

1. The determination that capacity is available shall apply only to specific uses, densities and intensities based on information provided by the applicant and specified in the Preliminary DO.
2. The determination that capacity is available shall be valid for a period not to exceed (a) two (2) years or (b) until a Final DO is issued for the development project, whichever occurs first, and
3. If concurrency is satisfied, a "Certificate of Concurrency" will be issued and the capacity will be reserved. No further "concurrency review" shall be required for subsequent DOs prior to the expiration of the "Certificate of Concurrency." Any change in the density, intensity, or land use that may require additional public facilities, however, shall be subject to additional concurrency review and approval or denial by the County. Additionally, with any increase in the density, intensity, or change of land use, application review fees will be recalculated and any additional fees required must be paid prior to issuance of a "Certificate of Concurrency".

3.2.0 Final Development Orders

3.2.1 Any specific development project may require several separate, but sequential, DOs. The applicant shall apply for a concurrency review at the time of application for a DO required for a development project. No DO can be issued without a "concurrency review" water and sewer facilities may be deferred until the building permit or tap is requested, whichever is first, but no building permit or tap will be issued unless concurrency for City water and sewer facilities is met.

3.2.2 A concurrency determination is not required for a development project with a valid "Certificate of Concurrency" unless the land use, density or intensity of the development project has changed.

3.2.3 For any development project that does not satisfy concurrency, the applicant or the County may initiate remedial action to eliminate the capacity deficiencies. Remedial actions may include, but are not limited to the following:

1. Change the project configuration or design, including a reduction in the land use density, intensity or magnitude of the project.
2. Phase the project implementation, i.e. break up the project up into several smaller projects, or phases, and permit each phase as a separate project.
3. Delay the entire project until capacity is available.
4. Execute a "Development Agreement" incorporating provisions for additional facility capacity. (Section 8.2.0)

5. The applicant may contribute or pay a proportionate share consistent with the provisions of Section 6.2.5 by executing a "Proportionate Share Traffic Mitigation Agreement" with the County.

3.2.4 The Final DO and associated concurrency determination will apply to a specific development project with a specified land use, density, and intensity of development.

3.3.0 Permits

3.3.1 Any building permit that allows the construction of new residential units or the construction of new or additions to existing non-residential structures shall require a "Certificate of Concurrency." The applicant shall apply for and receive a Certificate of Concurrency prior to the application for a building permit. A "concurrency review" is not required for exempt or vested projects. For such projects, the applicant must apply for and receive a Project Status Determination from Development Services. If the structure is subject to a valid "Certificate of Concurrency" issued with a prior Final DO, a "concurrency review" is not required unless the development as approved sufficiently differs from the development reviewed when the Certificate was issued.

3.4.0 Development Orders Conditioned on Programmed Facility Improvements

3.4.1 Under the provisions of the Concurrency Policy, and Section 2.1.0 of this document, DOs may be issued conditioned on the completion of one (1) or more programmed facility improvements required to comply with concurrency, or of the start of construction in the case of roadways or other transportation facilities. The facility improvements must be included in the adopted Capital Improvement Program (CIP) of the City, County or State or be adopted in the subsequent year's CIP. If the improvement(s) is/are not complete or a contract letting date specified, and the required capacity is not available to accommodate the impact of the development project as conditioned, no additional building permits shall be issued until the facility capacity is available or under contract, whichever is applicable. The applicant will be permitted to complete and occupy any part of the project for which a valid building permit has been issued. Should a required improvement not be completed or commenced construction the applicant shall either:

1. Discontinue the development project until such time that the required construction is commenced, thus retaining the reserved capacities, or
2. Delete the remaining portion of the development project. Such action will entitle the applicant to refund of those mitigation impact-fee charges related to the portion of the development project.

4.0.0 Level of Service Standards

4.1.0 Limited Access, Intrastate, Arterial, and Collector Roads

4.1.1 Outside the Urban Service Area

- ◆ Interstate, Limited Access Parkways: B
- ◆ Principal Arterials: C
- ◆ Minor Arterials: C
- ◆ Major and Minor Collectors: C
- ◆ Local Streets: D

4.1.2 Urban Service Area

- ◆ Interstate, Limited Access Parkways: C
- ◆ Principal Arterials: Except Capital Circle NW from I-10 to SR 20: D**
- ◆ Capital Circle NW from I-10 to SR 20: E
- ◆ Minor Arterials: D/E*
- ◆ Major and Minor Collectors: D/E*
- ◆ Local Streets: D

*For Minor Arterials, and Major and Minor Collectors located inside the Urban Service Area and south of U.S 90, the Level of Service shall be "D" for the purposes of establishing priorities for programming transportation improvements, and "E" for meeting concurrency requirements, to support the Southern Strategy. Roads north of U.S. 90 shall be LOS D for both programming improvements and concurrency purposes.

**The Level of Service for Monroe Street from Gaines Street to Tennessee Street shall be "E".

(Source: Tallahassee/Leon County Comprehensive Plan)

4.1.3 Capacity Constrained Roadway Segments

Notwithstanding any of the preceding LOS standards, an optional LOS standard of "LOS plus 50%" may be applied in calculating the concurrency capacity for an impacted roadway segment provided that the following criteria are met:

1. The roadway segment is "capacity constrained" (as defined below), and;
2. The applicant or developer of the project being reviewed provides a "commensurate mitigation contribution" (as described below) for an alternative improvement, and;
3. The impacted roadway segment is not part of the intrastate highway network.

"LOS plus 50%" is defined as 150% of the maximum service flow at the adopted LOS. For the purposes of this policy, a "capacity constrained" roadway segment is one where it is determined that:

1. The improvement that will resolve the deficiency is not feasible due to environmental constraints, regulatory constraints or prohibitively costly right-of way demands, or;
2. The improvement that will resolve the deficiency is not desirable in that it is inconsistent with clearly defined community goals or long term plans, or;
3. The improvement that will resolve the deficiency is not desirable in that it clearly represents an economically inefficient measure that will address a public facility deficiency only on a temporary, limited basis.

The "commensurate mitigation contribution" must be equivalent to the costs of the public facility improvement(s) necessary to eliminate the capacity deficiency in order that the applicable LOS standards in Section 4.1.1 and 4.1.2 (above) would be maintained on the impacted roadway segment. The transportation facility improvement on which the contribution can be expended may include public road capacity improvements, public road right-of-way acquisition, mass transit system implementation or facility improvements, or bike or pedestrian facility improvements.

4.2.0 Potable Water

4.2.1 Urban Service Area

140 gallons per capita per day (City of Tallahassee) and consistency with the Leon County-City of Tallahassee Water and Sewer Agreement or on-site potable water wells. A statement from the franchised service provider is required if other than the City of Tallahassee.

4.2.2 Outside the Urban Service Area

100 Gallons per capita per day (City of Tallahassee) or on-site potable water well. A statement from the franchised service provider is required if other than the City of Tallahassee or on-site potable well.

4.3.0 Sanitary Sewer

4.3.1 Urban Service Area

140 gallons per capita per day (City of Tallahassee) and consistency with the Leon County-City of Tallahassee Water and Sewer Agreement or on-site treatment system

4.3.2. Outside the Urban Service Area

A statement from the franchised service provider, if other than the City of Tallahassee, that capacity is available and reserved, a copy of the Florida Department of Environmental Protection's permit that indicates permitted capacity for package treatment facilities, or an

on-site treatment system.

4.4.0 Solid Waste

4.4.1 Countywide

1. 6.645 pounds per capita per day for 20001995.
2. Increase annually .054 pound per capita per every year thereafter.

4.5.0 Parks

4.5.1 Countywide

1. 4.92 acres of Countywide park land, excluding boat ramps, per 1000 population.
2. 0.18 acres of boat ramps, per 1000 population.

4.5.2 Urban Service Area

1. 2.00 acres of Areawide parks, per 1000 population.

4.6.0 Stormwater Management

4.6.1 Countywide

1. The design and water quality standards as set forth in Florida Administrative Code Chapters 17-3 and 17-25, as the same may be amended from time to time, are hereby adopted by reference as the LOS for stormwater quality.
2. Stormwater management facilities shall be adequate to provide the following LOS with regard to flood control:

100 Year Storm Event

- ◆ No flood water in new buildings or existing buildings.
- ◆ Overland flow capacity available for all flow in excess of capacity of underground and open channel conveyance systems.

25 Year or Less Storm Event

- ◆ No flood water more than six inches deep in local roads, parking lots, or other non-street vehicular use areas.
- ◆ No flood water in one driving lane, each direction, of collector streets.
- ◆ No flood water in two driving lanes each direction of arterial streets.
- ◆ Open channel conveyance capacity available for all flow in excess of capacity of underground conveyance system. Or for full twenty-five year storm flow if no underground system exists.
- ◆ The rate of off-site discharge shall not exceed the predevelopment rate of discharge.

10 Year or Less Storm Event

- ◆ No flood water on one driving lane of local roads
- ◆ No flood water in the driving lanes of any road other than a local road.
- ◆ Underground conveyance not overflowing in business and commercial districts.

5 Year or Less Storm Event

- ◆ No flood water in the driving lanes of any roadways
- ◆ Underground conveyances not overflowing in residential districts.

3. These are the adopted LOS standards and shall be used as the basis for determining the availability of facility capacity and the system demand generated by development. In instances where an off-site deficiency exists at the time of adoption of this policy, such deficiency shall not be increased as a result of any development or land use changes. No additional off-site impact is allowed in those areas where a deficiency existed at the time the Comprehensive Plan was adopted. For purposes of this document, off-site impact shall mean an increase in the rate of flow of stormwater.

4.7.0 Mass Transit

4.7.1 Urban Service Area

One percent (1%) annual increase in system miles (bus miles).

4.7.2 Outside the Urban Service Area

Not Applicable

4.8.0 On-Site Facilities - On-site treatment systems, package treatment plants, and potable water wells that satisfy all applicable Florida Department of Health, Florida Department of Environmental Protection, and Northwest Florida Water Management District rules and regulations, and Leon County Code of Laws shall be determined to be concurrent. Private franchised service providers shall provide the County with statement that the capacity is available and reserved to meet the anticipated demand of the proposed development and a copy of the Florida Department of Environmental Protection permit that indicates the permitted capacity.

5.0.0 Application Requirements - Certificate of Concurrency

5.1.0 Application Procedure

5.1.1 The applicant for any DO shall determine if a "concurrency review" is required prior to the filing of an application for the DO. A "concurrency review" shall be required prior to the issuance of the DO unless:

1. the development is exempt,
2. the development has been determined to be "vested", or
3. the development is subject to a valid "Certificate of Concurrency" issued with a prior DO.

5.1.2 Prior to the submittal of an application for a DO to Development Services, the applicant may want to secure a Preliminary Certificate of Concurrency. The applicant may schedule a conference to discuss concurrency issues.

5.1.3 Subsequent to the submittal of an application for a DO to Development Services, the applicant shall submit an application for "concurrency review" and shall receive a "Preliminary Certificate of Concurrency" for the development project from the Growth and Environmental Management Department. (See Section 6.1.1)

5.1.4 The application for "concurrency review" shall be filed with Development Services Division of Leon County Growth and Environmental Management on the specified form.

5.1.5 The application shall be reviewed for completeness and either accepted, or returned within five working days for corrections or additional information.

5.1.6 The required application review fee shall be due at the time of filing of an application.

5.1.7 All applications shall be logged as to time and date accepted.

5.1.8 Applicants for future capacity that is unavailable at the time of application, have the option of being placed on a waiting list, in first-come, first-served order for future capacity as it becomes available. Applicants who wish to remain on the waiting list shall re-affirm their intent in writing to Development Services every six months.

1. Applicants that agree to pay a pro rata share of the costs for future capacity shall get preference over one that does not, and
2. A later applicant who can otherwise utilize available capacity shall not be prevented from doing so by a prior applicant with a demand exceeding available capacity. Applicants will be granted the right of refusal in the order in which their applications were received.

5.2.0 Application Data

5.2.1 The application shall include the following information relevant to the proposed new development project:

1. Location Map
2. Site Plan, to scale
 - a. Adjacent streets, with lane geometry of the major streets at the project site and

driveway connections on adjacent parcels.

- b. Internal streets and vehicle use areas, including the lane geometry of all access points, projected transportation flow, and the appropriate signage.
 - c. Existing potable water and sanitary sewer mains serving the site (size and location) where applicable.
 - d. Proposed location of on-site potable water well(s) and on-site sewage treatment systems or proposed packaged treatment facility.
 - e. Conceptual stormwater facilities management plan
 - f. Existing and proposed structures and buildings.
 - g. Any proposed recreation and open space facilities
3. Name, address and phone number of owner, developer and agent.
 4. Tax identification number of parcel(s).
 5. Proposed development parameters.
 - a. Land use
 - b. Units (residential units, square footage, etc., dependent on land use)
 6. Proposed construction schedule with the projected completion date.
 7. Development Order requested
 8. A signed statement that all information is to the best of his/her knowledge true and correct under penalty of perjury.

5.2.2 The application shall include a traffic analysis appropriate to the magnitude of the development.

1. For "Small Projects" a traffic analysis may either be conducted by Development Services Staff (based on the project parameters as provided by the Applicant) or may be provided by the applicant. "Small Projects" are defined in Section 1.5.3127. The applicant has the option of providing the traffic analysis either in lieu of having an analysis conducted by staff or to refute the findings of a traffic analysis which has been conducted by staff. Any traffic analysis submitted by the Applicant must be conducted pursuant to the requirements of the following section.
2. For "Large Projects," including all projects not classified as small, a traffic impact analysis prepared by a qualified professional is required. Large projects are defined in Section 1.5.240. This analysis shall include the following:

- a. Total peak hour trips generated by the project, based on the most recent edition of the ITE Trip Generation Manual.
- b. Pass-by capture rate (commercial land use only).
- c. Internal capture rate (mixed use development only).
- d. Diverted trips.
- e. Inbound/outbound split during the AM and PM peak hour.
- f. New project vehicle trips on all arterial and collector or other functionally classified roadway segments within the ITIN PTIN, as specified by Table 1.
- g. New vehicle trips on all arterial and collector or other functionally classified roadway segments located outside the ITIN and within the CTAN, as specified by Table 1, PTIN on which project trips are one percent (1%) or greater of the segment capacity at the adopted LOS.
- h. All roadway segments inside the proposed project's CTAN including the ITIN anticipated to be operating at or above 110% of maximum capacity (including actual and committed trips) at the adopted LOS.
- i. Justification, including appropriate references, for the use of any trip generation rates, adjustment factors or traffic assignment methods not previously approved by the County.

5.2.4 Stormwater concurrency shall be satisfied with the issuance of a stormwater management permit approved by the Environmental Permitting and Compliance Division of LCGEM.

Development proposals required to complete the County's Environmental Management Act (EMA) Short Form or Standard Form as identified in Sections 5.2.1 and 5.2.2 of this manual are not required to complete a stormwater impact analysis as part of a Concurrency Determination Application.

5.2.5 The application shall include detailed justification, including appropriate references, for the use of any water consumption rates, fire flow rates, sanitary sewer or solid waste demand rates if different than the standard rates used by the City of Tallahassee or Leon County in their concurrency determination review process.

5.3.0 Utility Certification

If water or sanitary sewer is to be provided by an entity other than the City of Tallahassee, the applicant shall submit a statement from that entity to LCGEM that adequate capacity is available and reserved to satisfy the development's demand for water or sewer as identified in the Comprehensive Plan

6.0.0 Concurrency Review Procedure

6.1.0 Final Development Orders (Except Building Permits and Preliminary Development Orders with Capacity Reservation)

6.1.1 Preliminary Concurrency Review

Within ten (10) working days after the acceptance of a complete application, Development Services will make a preliminary concurrency determination, assuming that all submitted data and analysis are correct.

1. If the preliminary concurrency determination reveals a deficiency in one (1) or more concurrency facilities, the applicant, in consultation with Development Services, will do one (1) or more of the following:
 - a. Withdraw the application.
 - b. Revise or correct the data or analysis or revise the project scope to reduce the impact and eliminate the facility deficiencies.
 - c. Agree to negotiate a Development Agreement to address the deficiencies. If Development Services determines that a Development Agreement may be feasible and the applicant concurs, the applicant shall submit a "Notice of Intent to Negotiate a Development Agreement" on a form specified by Development Services.
 - d. The applicant may contribute or pay a proportionate share consistent with the provisions of Section 6.2 5 by executing a "Proportionate Share Traffic Mitigation Agreement" with the County. If Development Services determines that an agreement may be feasible and the applicant concurs, the applicant shall submit a "Notice of Intent to Negotiate a Proportionate Share Traffic Mitigation Agreement" on a form specified by Development Services.
2. If the concurrency determination of the original or a resubmitted application reveals that concurrency appears to be satisfied, or if the applicant files a "Notice of Intent to Negotiate a Development Agreement, Development Services will issue a Preliminary Certificate of Concurrency. The Preliminary Certificate of Concurrency shall:
 - a. Specify the project parameters and any conditions that may apply.
 - b. Be submitted to the applicant by regular mail unless the applicant specifies otherwise.
 - c. Reserve capacity in all concurrency facilities for a period not to exceed thirty (30), working days, or until a complete application for a DO is filed with the LCGEM, whichever occurs first.

Upon notification from the appropriate agency(ies) that a complete application for a

development order has been received, Development Services will conduct a sufficiency review of the application to verify that all data and analysis are correct.

1. Development Services will notify the Applicant, in writing, of any deficiencies found in the application and will allow the Applicant thirty (30) working days to correct the deficiencies.
2. If the application deficiencies are not corrected and the application is not declared sufficient within thirty (30) working days, Development Services will unencumber the tentatively reserved project demand and make the facility capacity available to other Applicants. Development Services will notify the appropriate agency(ies) of this action. This will result in the DO being held in abeyance until released by Development Services.

6.1.2 Final Concurrency Review without a Development Agreement

Upon final approval of the Final DO, if applicable, Development Services will:

1. Conduct a final concurrency review of the project, based on the project parameters approved.
2. Encumber the project demand and update the CMS to reflect a permitted project demand.
3. Issue a Final Certificate of Concurrency and submit a copy to the applicant by regular mail unless the applicant specifies otherwise.

6.1.3 Final Concurrency Review with a Development Agreement or Proportionate Share Traffic Mitigation Agreement

1. For all projects where a component of concurrency may be deficient Development Services will attempt to negotiate a Development Agreement.
2. If it becomes apparent that a Development Agreement or Proportionate Share Traffic Mitigation Agreement is not appropriate or feasible, Development Services will cease further processing of the DO application, or allow the applicant to withdraw the DO application.
3. If an agreement is negotiated pursuant to Section 6.2.5.1.c or Section 6.2.5.2 that will satisfy concurrency, and the proposed cost of mitigation is under \$500,000-250,000, Development Services the County Administrator or designee will approve the Development Agreement or Proportionate Share Traffic Mitigation Agreement. All other mitigation agreements under \$500,000 that are negotiated consistent with the provisions of this Manual may be approved by Development Services.
4. For all projects whose fair share mitigation cost is above \$500,000-250,000,

Development Services will agenda the Development agreement for consideration and approval by the Board of County Commissioners.

5. Upon approval of the Development agreement by the Board of County Commissioners, Development Services will:
 - a. encumber the project demand and update the CMS to reflect a permitted project demand,
 - b. issue a Conditional Certificate of Concurrency for the project, and
 - c. execute and record the Development mitigation agreement.
6. If a concurrency certificate is not issued, the decision may be appealed pursuant to Section 8.1.0.

6.2.0 Limited Access, Arterial, and Collector Roads

6.2.1 Small Projects (as defined in Section 1.5.3127)

1. Development Services will calculate the PM peak hour, peak directional traffic and non-peak direction trips expected to be generated by the development project and will assume a directional split, based on the most recent edition of the ITE Trip Generation Manual.
2. Development Services will assign the ~~PM peak hour directional traffic~~ project's anticipated trips (project demand) to each of the functionally classified roadway segments within the project's ITIN and CTAN PTIN.
3. Development Services will compare the project demand to the available capacity on each affected roadway segment:
 - a. If the project demand is less than the available capacity for each roadway segment within the ITIN and CTAN PTIN, concurrency is satisfied.
 - b. If the project demand is greater than the available capacity and the roadway segment is "significantly affected," (as defined in Section 1.5.3026) on at least one or more (1) roadway segments, concurrency is not satisfied.

6.2.2 Large Projects (as defined in Section 1.5.2420)

1. If the projected traffic during the PM peak hour and in the peak and non-peak directions (project demand) is less than the available capacity on all segments within the ITIN and CTAN PTIN, concurrency is satisfied.
2. If project demand is greater than the available capacity and significantly affects (as defined in Section 1.5.3027), ~~at least one (1) or more~~ roadway segments within the ITIN or CTAN PTIN, concurrency is not satisfied.

3. ~~Concurrency is not satisfied if the project significantly affects (as defined in Section 1.5.27), any roadway segment already over capacity for projected traffic during the PM peak hours and in the peak direction that is located outside of the PTIN.~~

6.2.3 Reuse or Redevelopment of Existing Land Uses

1. Projects which propose the reuse, redevelopment, or conversion of existing land uses and are anticipated to generate a net increase of less than 110 % of the total off-site traffic impact associated with the existing land use, whichever is greater, are exempted from the concurrency requirement for transportation facilities. If this proposal is a conversion from one land use to another land use, the matrix provided in Table 2 shall be used. The previous development (use) must have been active within the 24 months consistent with the abandonment provisions of the County's Land Development Code prior to filing for concurrency review for this provision to apply. Active status shall be based on the existence of a valid, unexpired occupational license for the premises, (b) continuance of utility connection, (c) active marketing of the property, (d) legal proceedings related to change of ownership (foreclosures, bankruptcies, etc), or (e) the owner has been granted an extension by the County's Board of Adjustment and Appeals.
2. A single dwelling unit proposed on a lot of record within a recorded or unrecorded subdivision existing prior to February 1, 1990 is exempted from the concurrency requirements for transportation facilities.

6.2.4 Concurrency Projects

1. Significantly impacted roadways-The percentage or numeric threshold of what constitutes a 'significantly affected roadway' is dependent upon whether or not a segment is considered to be a "critically deficient roadway." A "critically deficient roadway" segment is defined as a segment that based on projected traffic demands (current traffic plus committed demand) is in excess of 110% of the roadway capacity at the adopted LOS.
2. The percentage or numeric threshold of what constitutes a "significantly affected roadway" is dependent upon on whether the impacted segment is included in the Immediate Transportation Impact Network (ITIN) or the Comprehensive Transportation Analysis Network (CTAN) of the proposed project. The radius of the project ITIN and/or CTAN varies according to the size and nature of the proposed project (Table 1 includes the CTAN radii table with details on how they are to be applied to various projects, and explains the relationship of the ITIN to the CTAN.
3. Within the ITIN, a roadway is deemed to be significantly affected when:
 - a. The number of trips in the peak hour, peak direction anticipated by a proposed project is one (1) or greater on a roadway segment that is identified as a "critically deficient roadway" in the County's Concurrency Management System;
or

- b. The number of trips in the peak hour, peak direction anticipated by a proposed project on a roadway segment is greater than 1% of the maximum capacity at the adopted LOS of a roadway segment and the segment is not identified as a "critically deficient roadway" in the County's Concurrency Management System;
or
 - c. The trips in the peak hour, peak direction would exceed the adopted LOS on a designated hurricane evacuation route.
4. Outside the ITIN, but within the CTAN, a roadway is deemed to be significantly affected when:
- a. The number on trips in the peak hour, peak direction anticipated by a proposed project on a roadway segment is greater than 1% of the maximum capacity at the adopted LOS of a "critically deficient roadway" in the County's Concurrency Management System; or
 - b. The number of trips in the peak hour, peak direction anticipated by a proposed project on a roadway segment is greater than 3% of the maximum capacity at the adopted LOS of a non-critically deficient roadway segment in the County Concurrency Management System.
4. A roadway segment that is determined to be significantly affected by a proposed project may be determined to have adequate capacity to accommodate the project's off-site traffic impact based on a review of the County's Concurrency Management System at the time of application or further operational analysis of the roadway segment provided to the County for consideration.

~~The level of mitigation required for roadway segments on which concurrency traffic standards are not met is dependent upon on whether the impacted segment is included in the Primary Transportation Impact Network (PTIN) of the proposed project. The PTIN varies according to the size and nature of the proposed project~~

~~For a roadway segment that is included in the PTIN and on which concurrency traffic standards are not met, the de minimus standards set forth in FS 163.3180 shall take precedence, and the improvement(s) necessary to eliminate the deficiency must be provided in accordance with Sections 2.2.3 and 3.2.3 of this Document.~~

6.2.35 Transportation Mitigation and Pro-Rata Share Option

1. For a roadway segment that is not included in the PTIN and on which concurrency traffic standards are not met, the applicant has the option of electing to provide a "pro-rata share contribution" under one of the following circumstances:
 - a. The transportation facilities or facility segments identified as mitigation for traffic impacts are identified for funding in the 5-year schedule of capital improvements in the Comprehensive Plan, or

- b. The transportation facilities or facility segments identified as mitigation for traffic impacts are identified for funding in the 10-year work plan by the Florida Department of Transportation, or
 - c. The transportation facilities or facility segments identified as mitigation for traffic impacts to be included for funding in the 5-year schedule of capital improvements in the Comprehensive Plan.
2. In the event that funds in the 5 year schedule of capital improvements may be insufficient to fully fund construction of required transportation improvements, the applicant may be allowed to provide a pro-rata share contribution when the following conditions are met:
- a. The proportionate-share amount that is assessed is sufficient to pay for one or more transportation improvements which will "significantly benefit" the impacted transportation system, and
 - b. The improvement or improvements that are funded by the assessed proportionate share are to be adopted into the 5-year capital improvements schedule of the comprehensive plan at the next annual capital improvements element update.

3. Demonstration of Significant Benefit to Impacted Roadway Systems

In the event that the transportation facility improvement on which the pro-rata share contribution or mitigation is expended may include public road capacity improvements, public road right-of-way acquisition, mass transit system implementation or facility improvements, or bike or pedestrian facility improvements, and shall meet the following criteria:

- a. The transportation facility improvement to be made is to function as a reliever facility to the roadway segment on which the proportionate share contribution is based, or;
- b. The purpose of the transportation facility improvement to be made is to improve traffic flow, connectivity or mobility within the CTAN of the proposed project, or;
- c. The purpose of the transportation facility improvement to be made is to provide or improve alternative modes of transportation within the CTAN of the proposed project.

Based on the above criteria, and with consideration as to the overall community benefit that would be realized by the implementation of the transportation facility improvement, the relevant members of the County's Technical Review Staff shall recommend to the approval authority how a particular pro-rata share contribution is to be expended toward fully funding an alternative project located within the proposed project's CTAN (including the ITIN), based on the above criteria. The applicant is required to render payment of the entire pro-rata

share contribution prior to the issuance of the final concurrency certificate.

~~In certain limited circumstances, an alternative mitigation strategy may be warranted for roadway segments located within a proposed project's PTIN, provided that the proposed project demonstrates compliance with the following criteria:~~

- ~~1) The proposed project consists of a minimum of 50 residential units, or 5,000 square feet of commercial, or 10,000 square feet of office/warehouse space, or is of a community services and facilities/institutional uses;~~
- ~~2) Is located along a roadway which has a functional classification of arterial or collector roadway;~~
- ~~3) Is located inside of the Urban Services Area;~~
- ~~4) Is not a Development of Regional Impact pursuant to Chapter 380.06 Florida Statutes;~~
- ~~5) The applicant has completed a notice of intent to negotiate a concurrency agreement with the County; and,~~
- ~~6) The proposed project is not anticipated to contribute more than 2% of total trips along a roadway segment within the Primary Transportation Impact Network (PTIN) of the project.~~

4. The pro-rata share contribution shall be based on the following formula: Pro- rata share = $((A-B)/C) \times D$

Where:

A = Project Demand=the estimated number of vehicle trips that a proposed project will contribute to the roadway segment (during the am or pm peak hour)

B=the available capacity=the existing capacity (service volume) minus the total (existing, committed and proposed) future demand. If the available capacity is greater than the project demand, the pro-rata share equals zero.

C=Increase in Capacity=the increase in capacity resulting from the "Capacity Improvement." The "Capacity Improvement" is the physical roadway improvement that is necessary to accommodate the total future demand on the roadway segment.

D=Improvement Cost=Including, but not limited to the estimated cost of design, right-of-way (ROW) acquisition, stormwater facilities and management, permitting and construction of the "Capacity Improvement", as well as applicable bike and pedestrian facilities. However, the total ROW costs applied shall not exceed 200% of the estimated cost of the combined total of the non-ROW costs.

~~It is not necessary that the transportation facility improvement on which the pro-rata share contribution is based ("Capacity Improvement") be one that is planned or programmed for construction. In addition to resolving the projected roadway segment deficiency, the Capacity Improvement shall meet the following criteria:~~

- ~~1. The transportation facility improvement includes the improvement of the roadway~~

~~segment as a whole, rather than the piecemeal addition of add-on or drop-off lanes, and;~~

- ~~2. The transportation facility improvement includes the installation of complementary opposing laneage on the subject roadway segment and the addition of complementary receiving, opposing and conflicting intersection approach laneage.~~

6.3.0 Potable Water

6.3.1 For development projects located within the Urban Service Area (USA), Development Services will obtain Potable Water Concurrency information from the City of Tallahassee consistent with the Leon County-City of Tallahassee Water and Sewer Agreement or other franchised service provider as appropriate. Potable water concurrency determinations shall be made consistent with the goals, objectives, and policies of the Comprehensive Plan.

6.3.2 For development projects located outside of the USA, Development Services will base its concurrency determination on the following information and approvals:

1. On-site potable water wells shall meet all applicable Florida Department of Environmental Protection and Northwest Florida Water Management District rules and regulations.
2. When potable water will be provided by a franchised provider other than the City of Tallahassee, the applicant will provide Development Services with a statement from the utility that capacity is available and has been reserved for the proposed project.

6.4.0 Sanitary Sewer

6.4.1 For development projects located within the USA, Development Services will obtain Sanitary Sewer Concurrency information from the City of Tallahassee consistent with the Leon County-City of Tallahassee Water and Sewer Agreement or other franchised service provider as appropriate. Sanitary Sewer Concurrency determinations shall be made consistent with the goals, objectives, and policies of the Comprehensive Plan.

6.4.2 For development projects located outside of the USA, Development Services will base its concurrency determination on the following information and approvals:

1. On-site treatment systems and package treatment plants shall meet all applicable Florida Department of Health and Rehabilitative Services rules and regulations, and Leon County Code of Laws.
2. When sanitary sewer will be provided by a franchised provider other than the City of Tallahassee, the applicant will provide Development Services with a statement from the utility that capacity is available and has been reserved for the proposed project.

6.5.0 Solid Waste

6.5.1 Based on the per capita residential solid waste generation rate as identified in Section 4.4.1, Development Services will update the CMS with regard to landfill demand.

6.5.2 For the purposes of implementing and monitoring concurrency relative to the County's Solid Waste Management Infrastructure, as provided for in the Solid Waste Element of the County's adopted Comprehensive Plan, the Department of Public Works, Division of Solid Waste and Recycling shall:

1. Review annual reports compiled by Growth and Environmental Management. This report shall identify all residential development projects approved during the preceding year and provide summary information on the type of development (i.e., single family, multi-family, etc.) and the number of residents expected to be served by the development.
2. Annually, in conjunction with preparation of an Annual Report on the Capacity and LOS of Leon County Solid Waste Infrastructure, the Division of Solid Waste and Recycling will rectify solid waste capacity projections based upon actual data obtained over the preceding year.

6.6.0 Parks

6.6.1 For purposes of determining Area Park and Countywide Park Concurrency, Development Services will obtain concurrency information from the City of Tallahassee as appropriate. For Area Park and Countywide Park facilities:

1. Concurrency must be satisfied for the City and County as a whole. If the project demand is less than the available Area and Countywide Park capacity or available capacity within 12 months, concurrency is satisfied.
2. If the project demand is greater than the available capacity for Area and Countywide Parks, then capacity will not be available within 12 months, concurrency is not satisfied.

6.6.2 Development Services will, based on the development project parameters provided by the applicant, estimate the project demand for boat ramp facilities based on the adopted standards in the Comprehensive Plan.

1. Residential: The demand for a residential unit (RU) is calculated as follows:
 - ◆ 0.18 acres/1000 population X 2.42 persons RU
 - ◆ The project demand, therefore, is 0.0004 acres/RU times the total RU's in the project.
2. Non-Residential: No boat ramp facilities required.

6.7.0 Stormwater

6.7.1 All development projects required to complete the County Environmental Management Act Short Form or Standard Form for environmental permitting requirements will be reviewed and approved by Leon County Growth and Environmental Management staff in order to satisfy concurrency requirements.

6.8.0 Mass Transit

6.8.1 For development projects located within the USA, Development Services will obtain Mass Transit concurrency information from the City of Tallahassee as appropriate.

7.0.0 Exempt/Vested Development

7.1.0 Exempted Development

The following development is exempt from Concurrency:

1. Development that is existing, i.e., complete with a valid Certificate of Occupancy as of the effective date of Article V of Section 10.
2. Development that meets the criteria in Article V of Section 10 of the Leon County Code of Laws.

7.2.0 Methodologies for Estimating Trip Generation for Phasing of Non-Residential Vested Trips-Projects

For vested non-residential developments, a methodology for estimating trip generation will be based on a land use conversion table that corresponds with the most recent version of the Institute of Transportation Engineers Manual (ITE). The Land Use Conversion Data Table, (Table 24) represents a maximum build out depending on the type of land use determined for the non-residential use. At the time of permitting, if the vested non-residential development is anticipated to impact roadways at a higher or lower level than the amount of capacity that has been reserved for that particular development, the reservation of roadway capacity will be adjusted accordingly.

8.0.0 Miscellaneous Provisions

8.1.0 Appeal

Should an appeal be necessary, it shall be submitted, in writing, with supporting documentation explaining the basis and justification for the appeal, to the Director within ten (10) working days of denial of the issuance of a Certificate of Concurrency or the issuance of a Certificate of Concurrency with conditions unacceptable to the applicant. The Director will render a decision on the appeal within fifteen (15) working days. The Director's decision may be appealed to the Board of County Commissioners.

8.2.0 Development Agreements or Proportionate Share Traffic Mitigation Agreements

Development Agreements or Proportionate Share Traffic Mitigation Agreements shall be

negotiated between the applicant and the Director of Development Services based upon the individual needs of the development and will be submitted as appropriate to the Board of County Commissioners for final approval consistent with the provisions of Section 6.1.3.

8.3.0 Pro Rata Share

In the event an applicant is required to fund a pro rata share of a facility improvement and is willing to advance fund the complete facility improvement, this will be allowed.

Future development impacting the facility will be required to reimburse the original applicant for their pro rata share of the improvement based on the estimated cost at the time of their application. The cost of the improvement will be inflated based on the present Consumer Price Index. Payment shall be made to the County which will then pay the original applicant. This facility improvement would be included in the County's next Capital Improvement Plan as a privately funded project.

Roads Inventory and Update Procedures

Roads - Inventory

The "Street Inventory/Status Report" is a tabulation of the available capacity of each segment based on the adopted LOS Standard for each segment. The traffic counts are for the a.m. and p.m. peak hours and incorporate a seasonal adjustment factor. The "Committed Demand" is the estimated demand on the roadway segment that is expected to occur due to unbuilt, approved development projects and vested projects. The "Total Future Demand" is the estimated demand on the roadway segment that is attributable to existing development plus the demand expected to occur due to unbuilt, approved development projects. For "interrupted flow facilities", the estimated demand is based on the estimated volumes at the "control points" (typically at the approach to signalized or stop/yield-controlled intersections) that define the roadway segment. The capacity is based on the maximum service volume that can be achieved while maintaining the adopted LOS on both the roadway section as a whole and at the segment control points. Capacities may be adjusted to reflect the degree to which mid-segment traffic flow is delayed due to inadequate turn lanes or other impedances. All capacities are estimated using methodologies based on the most recent issue of the Highway Capacity Manual (HCM), or other professionally acceptable techniques. These capacities are typically (initially) derived using a "planning level" analysis (as described in HCM). However, a capacity derived from a planning level analysis may be superceded by a capacity derived using a more detailed, disaggregate "operational" intersection analysis (as described in HCM) that considers individual intersection approaches as well as individual lane groups within these approaches. If capacity improvements are scheduled within the first year of the 5 year capital improvements plan, within the subsequent three (3) years, the year of expected construction is noted. Information provided in the

concurrency street inventory is subject to frequent revisions as new data is obtained. Detailed data on the capacity derivation, street characteristics and traffic demand to date are available from Leon County Growth and Environmental Management.

Roads - Update Procedures

Development Services will maintain continual contact with the City Public Works Department, the Leon County Public Works Department, and the Florida Department of Transportation in order to receive timely information regarding changes to the roadway network which may affect capacity. This information may include:

- ◆ New Traffic Volumes
- ◆ Roadway Improvements
- ◆ Changes in Signal Timings
- ◆ New Turning Movement Counts
- ◆ Any other actions which may affect roadway capacity.

In response to this information, Concurrency Management will update the Street Inventory Status Report to reflect any changes to the available capacity. Concurrency Management will also, on a periodic basis, incorporate any changes in demand due to the buildout of vested, exempt or permitted projects. In addition, Concurrency Management will, on a periodic basis, incorporate any changes in demand that may be necessitated by the application for, withdrawal or denial of a concurrency project.

CONCURRENCY STREET INVENTORY

Because the Concurrency Street Inventory is subject to frequent updates, the reader is directed to request the latest version of this document either by sending an email to: whittakerc@leoncountyfl.gov or by contacting Leon County Growth and Environmental Management @ (850) 606-1300.

Table 1
Comprehensive Traffic Analysis Network (CTAN)
and Immediate Transportation Impact Network (ITIN) Radii Matrix

TOTAL PROJECT PM PEAK HR EXTERNAL TRIPS	MILES RADIUS OF THE COMPREHENSIVE TRAFFIC ANALYSIS NETWORK (CTAN)				MILES RADIUS OF THE IMMEDIATE TRAFFIC IMPACT NETWORK (ITIN)			
	RETAIL	RES	OFFICE	MIXED USE	RETAIL	RES	OFFICE	MIXED USE
0-50	1.00	1.50	2.00		0.20	0.30	0.40	
50 to 100	1.20	1.75	2.25		0.25	0.35	0.45	
100 to 150	1.40	1.95	2.50		0.25	0.35	0.45	
150 to 200	1.65	2.15	2.70		0.30	0.40	0.50	
200 to 250	1.85	2.40	2.95		0.30	0.40	0.55	
250 to 300	2.05	2.60	3.20		0.35	0.45	0.55	
300 to 350	2.25	2.85	3.40		0.40	0.50	0.60	
350 to 400	2.45	3.05	3.65		0.40	0.50	0.65	
400 to 450	2.65	3.25	3.85		0.45	0.55	0.65	
450 to 500	2.85	3.45	4.10		0.45	0.55	0.70	
500 to 550	3.00	3.65	4.30		0.50	0.60	0.70	
550 to 600	3.20	3.85	4.55		0.50	0.65	0.75	
600 to 650	3.40	4.05	4.75		0.55	0.65	0.80	
650 to 700	3.60	4.25	4.95		0.55	0.70	0.80	
700 to 750	3.80	4.45	5.15		0.60	0.70	0.85	
750 to 800	3.95	4.65	5.40		0.60	0.75	0.85	
800 to 850	4.15	4.85	5.60		0.65	0.75	0.90	
850 to 900	4.30	5.05	5.80		0.65	0.80	0.90	
900 to 950	4.50	5.25	6.00		0.70	0.80	0.95	
950 to 1000	4.70	5.45	6.20		0.75	0.85	1.00	
1000 to 1050	4.85	5.65	6.40		0.75	0.90	1.00	
1050 to 1100	5.00	5.80	6.60		0.75	0.90	1.05	
1100 to 1150	5.20	6.00	6.80		0.80	0.95	1.05	
1150 to 1200	5.35	6.20	7.00		0.80	0.95	1.10	
1200 to 1250	5.55	6.35	7.20		0.85	1.00	1.10	
1250 to 1300	5.70	6.55	7.35		0.85	1.00	1.15	
1300 to 1350	5.85	6.70	7.55		0.90	1.05	1.15	
1350 to 1400	6.05	6.90	7.75		0.90	1.05	1.20	
1400 to 1450	6.20	7.05	7.95		0.95	1.10	1.20	
1450 to 1500	6.35	7.25	8.10		0.95	1.10	1.25	
1500 to 1550	6.50	7.40	8.30		1.00	1.15	1.25	
1550 to 1600	6.65	7.55	8.45		1.00	1.15	1.30	
1600 to 1650	6.80	7.75	8.65		1.05	1.15	1.30	
1650 to 1700	6.95	7.90	8.80		1.05	1.20	1.35	
1700 to 1750	7.10	8.05	9.00		1.05	1.20	1.35	
1750 to 1800	7.25	8.20	9.15		1.10	1.25	1.40	
1800 to 1850	7.40	8.40	9.35		1.10	1.25	1.40	
1850 to 1900	7.55	8.55	9.50		1.15	1.30	1.45	
1900 to 1950	7.70	8.70	9.65		1.15	1.30	1.45	
1950 to 2000	7.85	8.85	9.85		1.20	1.35	1.50	
Over 2000	8.00	9.00	10.00		1.20	1.35	1.50	

SEE NOTE 2 BELOW

SEE NOTE 2 BELOW

NOTES:

(1) The CTAN and the ITIN include all segments of the concurrency roadway network that are located within, or are contiguous to, the applicable radius shown in the above tables. The center of the radius is the point at which the project access will connect to the external roadway system. In instances where there are multiple project access points, all areas within the applicable radii that correspond to these access points shall be incorporated into the network.

(2) For mixed use projects, the CTAN and ITIN radii shall be based on the individual land use type within the project that has the longest applicable radius. The trip total applied to the CTAN & ITIN tables shall consist of the combined external (non-internally captured) trips for all of the proposed land uses.

TABLE 2 LAND USE CONVERSION DATA

Land Use Equivalences

Light Industrial	1 Acre	=	10,000 sq. ft.	=	18 Employees
Office	1 Acre	=	15,000 sq. ft.	=	62 Employees
Commercial	1 Acre	=	12,000 sq. ft.	=	26 Employees
Light Industrial	100 Employees	=	5.6 Acres	=	57,000 sq. ft.
Office	100 Employees	=	1.6 Acres	=	24,400 sq. ft.
Commercial	100 Employees	=	4.3 Acres	=	45,500 sq. ft.

AM and PM Peak Hour Trip Generation will be determined by the latest version of the ITE Manual