

THE CITY OF CRESCENT CITY  
PROCEDURES AND GUIDELINES FOR A CONCURRENCY MANAGEMENT SYSTEM  
AS IT RELATES TO  
THE ISSUANCE OF DEVELOPMENT PERMITS WITHIN CRESCENT CITY  
PROVIDING FOR: LEVELS OF SERVICE; THRESHOLD CAPACITY LIMITS;  
CONDITIONS OF APPROVAL AND EXEMPTIONS

Introduction

Chapter 163.3202, Florida Statutes, requires that local governments adopt land development regulations within one year after submission of its revised comprehensive plan; and that the local land development regulations contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan.

The land development regulations shall provide that public facilities and services meet or exceed the standards established in the Capital Improvements element and are available in accordance with the minimum requirements for concurrency specified in Section 9J-5.0055(2)(a), (b) and (c). According to Florida Statute, a local government shall not issue a development permit which results in a reduction in the level of services for the affected public facilities below the level of services provided in the comprehensive plan.

The Concurrency Management System is designed to measure the potential impact of any development permit application upon the established minimum acceptable levels of service (LOS) and shall control the issuance of development orders/permits dependent upon the ability of the infrastructure (potable water, sanitary sewer, solid waste disposal, drainage, roads and recreational facilities) to support the proposed development.

Relationship of the Concurrency Management System to the Comprehensive Plan

The Concurrency Management System implements the following Goals, Objectives and Policies of the City of Crescent City Comprehensive Plan - 2001.

(a) Future Land Use Element:

Objective A.1.1	Policy A.1.1.9
Policy A.1.1.1	Policy A.1.2.1
Policy A.1.1.2	Policy A.1.2.2
Policy A.1.1.4	Policy A.1.4.7
Policy A.1.1.7	Policy A.1.9.2
Policy A.1.1.8	Policy A.1.9.3

(b) Traffic Circulation Element:

Policy B.1.1.1	Policy B.1.4.1
Objective B.1.2	Policy B.1.4.2
Policy B.1.2.2	Policy B.1.4.3
Policy B.1.2.7	

- (c) Public Facilities Element:
  - Objective D.1.1 Policy D.1.5.2
  - Policy D.1.1.1 Policy D.1.5.3
  - Policy D.1.1.2 Policy D.1.5.4
  - policy D.1.2.1 Policy D.1.5.5
  - Policy D.1.2.2 Policy D.2.2.2
  - Policy D.1.3.4
  
- (d) Recreation and Open Space Element:
  - Policy F.1.3.1 Policy F.1.5.1
  - Policy F.1.3.2
  
- (e) Capital Improvements Element
  - Policy H.1.3.5 Objective H.6.3
  - Objective H.2.1 Policy H.6.3.1
  - Policy H.2.1.1 Objective H.6.4
  - Policy H.2.1.2 Policy H.6.4.1
  - Policy H.2.1.3 Objective H.6.5
  - Policy H.5.1.2 Policy H.6.5.1
  - Objective H.6.1 Objective H.6.6
  - Policy H.6.1.1 Policy H.6.6.1
  - Objective H.6.2

Definitions

- (a) "Availability" or "Available", with regard to the provision of facilities and services concurrent with the impacts of development, means that at a minimum the facilities and services will be provided in accordance with the standards set forth in Rule 9J-5.0055(2), Florida Administrative Code.
  
- (b) "Capital Improvement" means physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. For the purposes of this rule, physical assets which have been identified as existing or projected needs in the individual Comprehensive Plan elements shall be considered capital improvements.
  
- (c) "Certificate of Concurrency" is a document prepared by the office of the building official which certifies that sufficient infrastructure resources are available to meet the requirements of a proposed development.
  
- (d) "Concurrency" means that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.
  
- (e) "Concurrency Management System" means the procedures and/or process that the local government will utilize to assure that development orders and permits are not issued unless the neces-

sary facilities and services are available concurrent with the impacts of development.

- (f) "Development Order" includes building permits, Approved DRIs, Approved subdivision plans.
- (g) "Impact" means the effect of development on infrastructure resources.
- (h) "Infrastructure" includes potable water, sanitary sewer, solid waste disposal, drainage, roads and recreational facilities.
- (i) "Level of Service" (LOS) is the amount of an infrastructure resource established by the Comprehensive Plan as the minimum amount acceptable by Crescent City to support citizen needs.

#### Procedures for Application and Evaluation.

##### A. Application

1. Application for a Concurrency Evaluation concurrent with a request for a Land Use Change Amendment.

Any party requesting a change of land use must provide the City with sufficient information to determine the practicality of effecting such a change. The party making such a request must provide the following information to the City Building Official, on a form provided by the City (Exhibit A) and pay such fee as may be established by resolution of the City Commission:

- a. Applicant name, address and telephone number.
- b. Owner name, address and telephone number.
- c. General location of parcel.
- d. Number of acres or fraction thereof.
- e. Existing Land Use designation.
- f. Proposed Land Use designation.
- g. Number of units to be developed, by type.
- h. Roads serving site.
- i. Recreational facilities serving site.
- j. Will site be served by central water? sewer?
- k. Is site in 100 year flood zone?
- l. Does site contain critical habitat for endangered/threatened species?
- m. Will proposed change affect beach accessibility?
- n. State reason for requested change.

Approval of an application for a land use change amendment to the Comprehensive Plan does not reserve infrastructure capacity for future development.

2. Application for a Certificate of Concurrency prior to approval of a site plan, subdivision plat or building permit.

Any party requesting a Certificate of Concurrency in conjunction with or prior to application for site plan, subdivision plat or building permit approval, must provide the City Building Official with the information required with an application for a change of land use (where applicable), plus the following information, and pay such fee as may be established by resolution of the City Commission.

- a. Legal description of the property.
- b. Current land use and zoning.
- c. Where potable water/sanitary sewer is to be provided by the City or other public/private centralized system, the applicant must provide sufficient information for the City to determine whether or not gallon-per-day demand on the available facilities to meet development requirements can be provided without diminishing the facility's ability to meet the established level of service.

Once a "certificate of concurrency" is issued for a proposed development, the development must proceed at a level consistent with the information on which the concurrency evaluation was based. If, during any stage in the development process, the applicant increases the density or intensity of the development, or creates any other substantial deviation from the approved development, the certificate of concurrency will be cancelled and an additional fee must be paid for the City to conduct a new concurrency evaluation and issue a new certificate of concurrency based upon the revised application.

B. Criteria for Concurrency Evaluation

The following criteria shall be applied to determine whether levels of service available for the six critical components of infrastructure (potable water, sanitary sewer, solid waste disposal, drainage, recreation and roads) are adequate to support the proposed development:

1. Traffic Circulation (Roads):
  - a. The capacity for transportation facilities to meet concurrency requirements shall be evaluated using the table: "Maximum Peak Hour Volume for each LOS by Facility Type", as adopted by FDOT and published in the Level of Service Standards and Guidelines Manual, Florida Highway System Plan; latest edition.
  - b. The impact on the transportation network shall be determined using the trip generation standards cited in the ITE Trip Generation Manual (latest edition).

- c. The impact of traffic generated by a development on local roads shall be evaluated for its impacts on those roadways where project-generated number of trips impacts that facility by 10 percent of the number of trips attributed to the LOS standard; on all roadways designated as "the system" in the Crescent City Comprehensive Plan.
- d. The calculation of infrastructure demand impact for purpose of issuing a "Certificate of Concurrency" shall be based upon 100 percent buildout of the proposed development. A Certificate of Concurrency may be issued for a single (or more) phase of development if the development order specifies a phased development schedule.
- e. The impact of traffic generated by a proposed development on the LOS of the road network shall be calculated by first establishing the existing facility LOS based upon current demand and projected demand imposed by all already approved and issued "Certificates of Concurrency", and second, adding to this existing and projected demand this additional demand on road facilities that will be generated by the proposed development under review.

2. Sanitary Sewer:

- a. The impact of a proposed development on available public/private sanitary sewer facilities shall be calculated by first establishing available capacity which is to be determined by subtracting the currently committed capacity (those demands already on-line, plus demands for which a Certificate of Concurrency already has been issued) from the design capacity of the collection and wastewater treatment facilities; and second, subtracting the anticipated demand of the proposed development from available capacity to determine impact.
- b. The impact on the wastewater treatment plant shall be determined utilizing the City's current LOS standard for sanitary wastewater.
- c. Where septic tanks are to be utilized for sanitary sewer effluent disposal pending hook-up to a central sanitary sewer system, the Crescent City Health Services Division shall utilize the standards of Chapter 10 D-6 F.A.C. to determine acceptability of the application. The applicant shall submit a certificate from the Crescent City Health Department that certifies the site is or can be made suitable for septic tank operation before a Certificate of Concurrency may be issued.

3. Potable Water:

- a. The impact of a proposed development on available public/private centralized potable water facilities shall be calculated in a manner as described in 2.a. for sanitary sewer concurrency determination.
- b. The impact on the treatment plant shall be determined utilizing the City's current LOS standard for potable water.
- c. Where private wells are to be utilized, the standards of the St. Johns River Water Management District and applicable state regulations shall apply and proof of compliance with these regulations shall be required prior to the issuance of a Certificate of Concurrency.

4. Solid Waste Disposal:

The adequacy of landfill facilities to support solid waste generated by the proposed development shall be determined at the time of site plan or building application review based upon the current Crescent City LOS criteria established for per capita solid waste generation and calculated in a manner as described in 2.1. for sanitary sewer concurrency determination.

5. Drainage Facilities:

The adequacy of stormwater drainage facilities for proposed developments shall be determined at the time of the site plan or building permit review based upon the current Crescent City LOS criteria for drainage.

6. Recreation Facilities and Open Space:

- a. The adequacy of open space shall be based upon the current Crescent City Recreation and Open Space LOS criteria.

The need for developed recreational facilities shall be based upon the number and availability of recreational facilities as required by the LOS in the City's Comprehensive Plan Recreation and Open Space Element.

- b. The impact of a proposed development on the City's Open Space or Recreation LOS shall be calculated in a manner as described in 2.a. for sanitary sewer concurrency determination.

Determination of Concurrency Finding (Exhibit B)

A. Schedule of Availability

In order to pass the test of concurrency, components of infrastructure must be available to the proposed development in accordance with the following schedule taken from Chapter 9J-5.0055:

1. 9J-5.0055(2)(a) -- For potable water, sanitary sewer, solid waste and drainage, at a minimum infrastructure must satisfy the following standards to meet the concurrency requirement:
  - a. The necessary facilities and services are in place at the time a development permit is issued; or
  - b. 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
  - c. The necessary facilities are under construction at the time a permit is issued; or
  - d. The necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of Rules 9J-5.0055(2)(a)1.-3. 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.
2. 9J-5.0055(2)(b) -- For open space and recreation the proposed development must satisfy the following standards to meet the concurrency requirement:
  - a. Comply with the standards a. through d. defined above for potable water, sanitary sewer, solid waste and drainage; or
  - b. At the time the 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
  - c. The necessary facilities and services are guaranteed in an enforceable 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.

3. 9J-5.0055(2)(c) -- For roads designated in the adopted Comprehensive Plan, the proposed development must meet the standards identified in 1-a through d and 2-a through e above; in addition, in those areas where the Crescent City has committed itself to provide identified required facilities in accordance with its 5-year "Schedule of Capital Improvements," the City may meet the requirements for road LOS concurrency the adopting and implementing the provisions of 9J-5.0055(2)(c) 1 through 9 satisfy the concurrency requirements of Rule 9J-5.0055(2)(a)1. through 4. and (2)(b)1. and 2.

B. Finding of Deficiency

If the concurrency evaluation test finds that a proposed development will cause a deficiency on any public facility or service for which a LOS has been established, the City reserves the authority to take any of the following actions:

- deny or defer the development proposal, or
- cause the development request to be modified to achieve consistency with the City's minimum LOS, or
- process the application as a conditional development permit subject to later review and modification.

A deferred proposal or conditional permit must meet the concurrency provisions of the Plan, before a final development order will be issued.

C. Finding of Concurrency

If the concurrency evaluation test finds the proposed development meets concurrency requirements a "Certificate of Concurrency" is issued by the Building Official and the request for development approval may proceed through to site plan, subdivision or building permit approval.

Period of Concurrency Validation

A. Schedule of Reserved Resources

When a Certificate of Concurrency is issued, the infrastructure resources required by the proposed development are removed from the "available" category and placed in the "reserved" category of infrastructure resources. This reservation of resources is ap-



proved for a limited period in accordance with the schedule presented below:

1. For a site development plan approval, the finding shall remain valid for a period not to exceed 12 months. However, the validity period may be extended administratively for two 6 month periods upon a showing of a good faith effort by the developers to proceed. The standards for establishing a good faith effort to proceed shall be subsequently established by Resolution by the City Commission.
2. For a residential subdivision, or phase, or unit thereof, including residential subdivision phases of planned unit developments, the finding shall remain valid for a period not to exceed 60 months from the date of the construction permit's approval, providing the work authorized proceeds in a timely manner as prescribed by the City Commission.
3. For an individual single-family lot or parcel, the finding shall remain valid for 12 months, provided a construction building permit is obtained within that time, and the work authorized proceeds in a timely manner. However, the validity period may be extended administratively for two 6 month periods upon a showing of a good faith effort by the developers to proceed. The standards for establishing a good faith effort to proceed shall be subsequently established by Resolution by the City Commission.

Lots included within subdivisions which have not passed a concurrency evaluation or where the concurrency evaluation and vesting period have expired are included in this category.

4. For a commercial, industrial or multi-family building permit, the finding shall remain valid for 36 months, provided a construction building permit is obtained within that timeframe, and work authorized proceeds in a timely manner.

B. Expiration of Concurrency Approval

Where any of the applicable time periods, as set forth in A.1, 2, 3 or 4 above, expire, a new concurrency evaluation shall be required with all applicable fees once again paid to the City.

Operating Procedures of the Concurrency Management System

A. Maintaining Level of Service Records

The Concurrency Management System shall maintain a cumulative record of the level of service capacity which is (1) in use, (2) in reserve, or (3) available. This record shall be available to the public at the office of the City Building Official.

B. Monitoring

The Building Official shall maintain all records of the status of infrastructure commitment. Records will be reviewed semi-annually to ensure that developments having committed use of resources remain functional and that projects having reserved use of resources are proceeding within allocated schedules. When committed resources are no longer required or when projects with reserved resources are not proceeding on schedule, these resources will be returned to the category of "available" resources.

C. Exceptions

The following development activities are exempt from the provisions of this Ordinance:

Any on-going Development of Regional Impact or other vested development as determined by the City Commission advice of legal counsel to be consistent with the provisions stated in Section 163.3167(8), F.S., or with the principles of common law equitable estoppel. Such on-going development must be subject to challenge pursuant to Section 163.3215, F.S.

EXHIBIT A  
THE CRESCENT CITY LAND USE AMENDMENT CHANGE REQUEST

DATE: \_\_\_\_\_

1. Application Number: \_\_\_\_\_

2. Applicant Name: \_\_\_\_\_

Address: \_\_\_\_\_

3. Agent Name: \_\_\_\_\_

Address: \_\_\_\_\_

4. Owner Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

5. General Location: \_\_\_\_\_

6. Number of Acres or Fraction Thereof: \_\_\_\_\_

7. Location Map: (Attachment A) \_\_\_\_\_

8. Legal Description: (Attachment B) \_\_\_\_\_

9. Current Zoning Map: (Attachment C) \_\_\_\_\_

10. Proposed Land Use Change

a) Current Designation: \_\_\_\_\_

b) Proposed Designation: \_\_\_\_\_

11. Population Assumptions

a) Maximum population of site now under current land use:  
\_\_\_\_\_

b) Maximum population under proposed land use: \_\_\_\_\_

12. Traffic Circulation

a) Facilities immediately serving site:

Road	Current ADT	Projected ADT
_____	_____	_____
_____	_____	_____
_____	_____	_____

13. Recreation and Open Space

a) Facilities immediately serving site:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b) Is this site within a targeted Park Land? (Y/N)\_\_\_\_\_

14. Water/Sewer

Provided On-Site:\_\_\_\_\_

Provided by Off-Site Utility (Name):\_\_\_\_\_

Water:\_\_\_\_\_

Sewer:\_\_\_\_\_

Letter of Confirmation for projected capacities: if provided by  
Utility System. (Attachment D)

15. Solid Waste

If requested land use amendment is for other than residential land  
use:

Commercial

Type and square feet of proposed commercial use.\_\_\_\_\_

\_\_\_\_\_

Industrial

Type and square feet of proposed industrial use.\_\_\_\_\_

\_\_\_\_\_

16. Drainage

Is site situated within a known floodplain area? (Y/N)\_\_\_\_\_

17. Additional Comments:\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EXHIBIT B  
THE CRESCENT CITY CAPACITY DETERMINATION FORM**

RECORD No. \_\_\_\_\_

DATE OF CONCURRENCY  
TEST STATEMENT USED: \_\_\_\_\_

(Please record this Record Number with all subsequent development orders issued for this parcel)

STATUS OF FACILITY/SERVICE

Traffic  
Circulation

**SEE ATTACHED TRANSPORTATION CONCURRENCY  
ANALYSIS REPORT**

Water Supply	Acceptable _____ Unacceptable _____ Not Applicable _____	Service Provider _____ Area _____
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Sanitary Sewer	Acceptable _____ Unacceptable _____ Not Applicable _____	Service Provider _____ Area _____
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Solid Waste	Acceptable _____ Unacceptable _____ Not Applicable _____	Service Provider _____ Area _____
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Drainage	Acceptable _____ Unacceptable _____ Not Applicable _____	Service Provider _____ Area _____
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Recreation & Open Space	Acceptable _____ Unacceptable _____ Not Applicable _____	Service Provider _____ Area _____
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Representative Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Project Name: \_\_\_\_\_

Project Address: \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE OF ISSUE \_\_\_\_\_

An acceptable determination means that the Crescent City has reviewed the applicant's capacity request for the indicated facility/service, and has determined that, as of the date of the applicant's request, capacity for the indicated facility is available. This determination addresses capacity only, it does not guarantee that water taps, sewer taps, or other infrastructure is readily available. This reservation will be good for the period of time specified by the Concurrency Management System. Failure to obtain any development orders/permits within the required time limits will cause this capacity reservation to become invalid.