

CONCURRENCY MANAGEMENT SYSTEM

Generally: The purpose of this policy is to ensure that public facilities and services needed to support development are available concurrent with the impact of such development as required by the City of Zephyrhills Comprehensive Plan. All development permits shall be reviewed prior to issuance in order to ensure that the adopted level of service standards as set forth in City of Zephyrhills Comprehensive Plan for roads, potable water, sanitary sewer, solid waste, drainage, parks and recreation and mass transit will be maintained.

Application Information: Each application for development approval shall include a statement as to the number of units, the type of land use, and the square footage for all non-residential structures or multi-family structures.

Level of Service Compliance: Development activity and final local development orders authorizing construction or physical activity on the land may be approved only when the compliance with the Level of Service Standards and Concurrency Requirements of the City's Comprehensive Plan have been established.

- A. Level of Service review for drainage, sanitary sewer, potable water, roadways, solid waste and recreation shall be accomplished by the City of Zephyrhills in conjunction with its site plan approval process prior to the issuance or approval of one (1) of the following final local development orders for any project or project phase:
 - 1. Development of Regional Impact (DRI) Development Order or Florida Quality Development as described in Chapter 380, Florida Statutes, and subsequent amendments thereto when provided for by amendment to the Comprehensive Plan.
 - 2. Site plan approval.
 - 3. Record plat approval.
- B. Building Permits for any structure may be issued only when the structure has, either as a free-standing project or part thereof, been the subject of site plan approval.
- C. To ensure that a substantial change in the level of service provided to a project does not occur in the period between permit issuance and construction, all site plan approvals shall expire within a six month period with written requests for extension allowed. Expiration dates for development of regional impact may be longer.
- D. The application for all proposed development orders shall include an estimate of the proposed project's impact upon demand for services and facilities for which an adopted level of service is not specified in this Comprehensive Plan. Such estimate shall consider the public health and safety of City residents and persons employed within the City.
- E. Final development orders shall be conditioned upon authorization and approval of necessary utility services.

Review Standards: The following review standards shall be utilized by the City for the purpose of making a concurrency determination and issuance of site plan approval:

- A. For potable water, sewer, solid waste, and drainage, the following standards will be met in order to satisfy the concurrency requirements:
 - 1. The necessary facilities and services are in place at the time the development permit or development order is issued; or
 - 2. The development permit or development order will be issued subject to the conditions that the necessary facilities and services will be in place when the impacts of the development occurs; or,
 - 3. The necessary facilities are under construction at the time the permit or order is issued; or,
 - 4. The necessary facilities and services are guaranteed in an enforceable development agreement which includes the provisions of Rules 9J-5.0055(2)(a)1-3, Florida Administrative Code. This enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.
- B. For parks and recreation concurrency determination, adequate provisions must be made for residential developments to ensure that the following standards will be met:
 - 1. The necessary facilities and services are in place at the time the development permit or development order is issued; or,
 - 2. The development permit or development order will be issued subject to the conditions that the necessary facilities and services will be in place when the impacts of the development occur; or,
 - 3. At the time the development permit or order 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 (1) year of the issuance of the development order or permit; or,
 - 4. The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities or the provision of services within one (1) year of the issuance of the applicable development permit or order. The enforceable development agreement may include, but is not limited to, the development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes.

- C. For roads designated in the City's Comprehensive Plan, the concurrency determination shall demonstrate concurrency in accordance with the following provisions:
1. The necessary facilities and services are in place at the time of the development permit or order is issued;
 2. The development permit or development order is issued subject to the condition that the necessary facilities and services will be in place when the impacts of development occur; or,
 3. The necessary facilities are under construction at the time the permit or order is issued; or
 4. The necessary facilities and services are guaranteed and enforceable in the development agreement that includes the provisions of Rules 9J-5.0055(2)(a)1-3, Florida Administrative Code. This 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,
- D. In addition to those review standards set forth in subsection CC above, concurrency for roads is demonstrated in the event the required public facility is identified in the adopted Five-Year Capital Improvement Element of the City's Comprehensive Plan or included in the adopted Florida Department of Transportation Five-Year Work Program provided that:
1. The proposed improvement as set forth in the adopted Plan are sufficient to maintain the adopted levels of services.
 2. The proposed public improvements are scheduled to be commenced within three (3) years of the issuance of the applicable development permit or order.

Site Plan Approval: Level of Service Compliance Certificates shall be issued without conditions when the public facilities relied on to maintain Level of Service Standards are existing or are scheduled for completion in accordance with the review standards set forth.

Cumulative Impact on Levels of Service: The City shall maintain a continuous accounting of the impacts of development permits and development orders issued subsequent to the adoption of this Section in order to determine the cumulative impact of all such development upon the adopted levels of services as set forth in the City's Comprehensive Plan. Priority as to concurrency determination shall be established upon the basis of receipt of a complete application for development approval.

Prohibition Against the Issuance of Permit or Order: No final development permit or final development order authorizing development activity shall be issued by the City when the effect of such issuance would fail to ensure the public facilities and services identified within the Comprehensive Plan as needed to support such development are not available concurrent with the impact of such development as identified in the standards set forth in this Code. No impact fees or user fees shall be collected prior to issuance of a site plan approval on any project, unless

such fees are necessary to establish the required Level of Service or are collected on one or more project phases for which level of service compliance has been established.

Appeal of Concurrency Determinations: Any aggrieved party may appeal a concurrency determination made by the City's staff to the City Council of the City of Zephyrhills within thirty (30) days of the decision in accordance with the appeal procedures final action by the City with respect to the concurrency determination.