Concurrency Management System in Pinellas County

I. PURPOSE

The following statements contain the Pinellas County policy as it applies to establishing a Concurrency Management System for Pinellas County.

II. DEFINITIONS

A. Concurrency Management System

The procedures and processes that Pinellas County shall utilize to ensure that Development Orders and permits when issued shall not result in a reduction of the adopted level of service standards at the time that the impact of development occurs except as defined in the Pinellas County Comprehensive Plan.

B. Concurrency Review Determination

The Concurrency Review Determination, or finding by the County regarding whether a development proposal is subject to development limitations, and whether measures might be available to mitigate development impacts, based on the adopted Concurrency Test Statement. This finding is issued as a prerequisite to the issuance of any development order or development permit. At a minimum, the Concurrency Review Determination shall include the following information:

1. Type of development proposal;
2. Date of review and findings for a development proposal; and
3. Whether the development proposal is subject to development limitations, and any other limitations that may be identified in the adopted Concurrency Test Statement.

C. Concurrency Test Statement

A public facility and service status report contained in Section 134 of the Pinellas County Land Development Code, annually approved and adopted by ordinance, which, at a minimum, establishes for public facilities and services, the following:

1. The existing and committed development in each service area;
2. The existing levels of service for utilities, recreation and open space, and drainage;
3. Updates of the above items, based upon the most recently adopted schedule of capital improvements from the Capital Improvements Element; and
4. The methods used in determining the nature of projected development impacts on public facilities and services for which a level of service standard has been adopted.

D. Currently Available Revenue Sources

An existing source and amount of revenue presently available to Pinellas County. It does not include Pinellas County's present intent to increase revenue sources which may require future action by the County.

E. Public Facilities and Services which Must be Available Concurrent with the Impacts of Development.

Those covered by a comprehensive plan element for which level of service standards have been adopted by Pinellas County, which includes sanitary sewer, solid waste, drainage, potable water, and recreation/open space.

F. Final Local Development Order

For purpose of this plan, a Final Development Order shall be that last discretionary approval necessary to carry out the development provided that the proposed project has been precisely defined. The last discretionary approval for a given type of development activity shall be as provided in Section 134 of the Land Development Code. Terms used in this definition shall be as defined in the Pinellas County Comprehensive Zoning and Land Development Code as subsequently adopted by the Board of County Commissioners.

G. Final Site Plan

Final site plan approval shall mean that a site development plan has been reviewed and approved by the appropriate Pinellas County departments for compliance with all currently applicable rules, regulations, and ordinances and has subsequently been reviewed, approved, and signed by the County Administrator.

H. Level of Service (LOS)

A measure of performance and/or of demand versus available capacity of public services and facilities.

I. Lots of Record

Either a lot or contiguous lots which exist under single ownership at time of adoption of this Comprehensive Plan and which are part of a subdivision, the plat of which has been recorded in the office of the Clerk of the Circuit Court of Pinellas County; or any parcel of land not part of a subdivision that has been officially recorded by deed in the office of the Clerk, provided such platted lot or parcel was of a size which met the minimum lot area requirement for the zoning district in which the lot or parcel was located at the time of recording, or provided that the deed for the lot or parcel was recorded prior to the effective date of zoning in the area where the lot is located. Notwithstanding the above, all lots of record shall also be consistent with any substandard lot provision contained in land development regulations developed pursuant to Section 163.3202, F.S.

III. THE CONCURRENCY MANAGEMENT SYSTEM

The purpose of the Pinellas County Concurrency Management System is to ensure that facilities and services needed to support development are available concurrent with the impacts of such development. The concurrency management system requires that the adopted level of service standards for roadways, potable water, sanitary sewer, solid waste, drainage, recreation and mass transit be maintained.

The Concurrency Management System shall ensure that issuance of a development order or development permit is conditioned upon the availability of public facilities and services necessary to serve new development, consistent with the provisions of Chapter 163, Part II, F.S., and Rule 9J-5, F.A.C.

A. Procedures

1. Application for Development - The concurrency management system is accessed by the property owner, or his/her representative, when an application for development containing the required documentation for the given development order or permit is submitted to the County. A Pinellas County representative shall then ascertain the completeness of the documentation, in a timely manner, to ensure that the required information is sufficient to accept the application for development for review.

2. When the application for a development order or permit has been accepted, it shall be processed and reviewed in accordance with adopted procedures. These procedures shall include a review of the application for development for roadways, potable water, sanitary sewer, solid waste, drainage, recreation and mass transit, as they may apply.

3. After an application for development is accepted, it will be compared to the most recently adopted Concurrency Test Statement. Pinellas County shall compare the application for development to the seven (7) public facilities and services on the current Concurrency Test Statement, as they may apply to the location described on the application for development.

4. If the application for development is found to be located within a concurrency management corridor, then a Certificate of Concurrency or its functional equivalent shall indicate whether the proposal is acceptable or acceptable with conditions. In those instances where conditions are required, the specific conditions will be identified during site plan review. The conditions that may be applied include, one or a combination of transportation management plan strategies commensurate with the impacts of the development. [09-16]

5. If the application for development is found by the latest Concurrency Test Statement to fall within an area with a deficient level of service for a facility or service other than roads, then a Certificate of Concurrency, or its functional equivalent, shall state that development shall either not be authorized or be authorized with conditions to be identified in the Concurrency Test Statement.

III. THE CONCURRENCY MANAGEMENT SYSTEM

The purpose of the Pinellas County Concurrency Management System is to ensure that facilities and services needed to support development are available concurrent with the impacts of such development. The concurrency management system requires that the adopted level of service standards for potable water, sanitary sewer, solid waste, drainage, and recreation be maintained. The Concurrency Management System shall ensure that issuance of a development order or development permit is conditioned upon the availability of public facilities and services for which a level of service standard has been adopted and that are necessary to serve new development, consistent with the provisions of Chapter 163, Part II, F.S., and Rule 9J-5, F.A.C.

A. Procedures

1. Application for Development - The concurrency management system is accessed by the property owner, or his/her representative, when an application for development containing the required documentation for the given development order or permit is submitted to the County. A Pinellas County representative shall then ascertain the completeness of the documentation, in a timely manner, to ensure that the required information is sufficient to accept the application for development for review.

2. When the application for a development order or permit has been accepted, it shall be processed and reviewed in accordance with adopted procedures. These procedures shall include a review of the application for development for potable water, sanitary sewer, solid waste, drainage, and recreation, as they may apply.

3. After an application for development is accepted, it will be compared to the most recently adopted Concurrency Test Statement. Pinellas County shall compare the application for development to the public facilities and services on the current Concurrency Test Statement, as they may apply to the location described on the application for development.

4. If the application for development is found by the latest Concurrency Test Statement to fall within an area with a deficient level of service for a facility or service for which a level of service standard has been adopted, Concurrency Review Determination shall indicate that development shall either not be authorized or be authorized with conditions to be identified in the Concurrency Test Statement

B. Concurrency Review Determination - Continued Validity

   1. The Concurrency Review Determination shall indicate the date of issuance and will be valid for purposes of the issuance of development orders or permits for twelve months from date of issuance.

   2. The Pinellas County Land Development Code shall specify the criteria determining the validity period for a development order, permit or application for development under an existing Concurrency Review Determination.

3. For those Concurrency Review Determinations issued for a development agreement entered into by Pinellas County, pursuant to the provisions of Chapter 163.3220-163.3243, F.S., as amended, the duration of such determinations as issued, shall be for the time period stated within the development agreement. [16-19]

C. Development Order or Development Permit Compliance.

All development orders and development permits issued and approved shall be based upon and in compliance with the Concurrency Review Determination issued for that development proposal. A development order or development permit shall be in compliance with its underlying Concurrency Review Determination if the impacts associated with that development order or development permit are equal to or less than the allocations made in association with the underlying Concurrency Review Determination. [16-19]

D. Concurrency Test Statement

1. On an annual basis, a Concurrency Test Statement shall be developed for final adoption by the Board of County Commissioners.

2. The County shall monitor and assess the status of public facilities and services on an annual basis. Information derived through this process shall be reflected in the Concurrency Test Statement.

3. The remaining capacity reported for each public facility and service on the annual Concurrency Test Statement should be determined by calculating the existing demand as well as the committed impacts including those associated with multi-year, phased development proposals or projects (including Developments of Regional Impact, Development Agreements, etc.).

4. A Concurrency Test Statement shall be issued every year. Nothing herein precludes the issuance and effectiveness of amendments to the current Concurrency Test Statement if updating or correction is deemed necessary by the Board of County Commissioners for, including, but not limited to, the following circumstances: errors in preparation and adoption are noted; the impact of issued development orders or permits, as monitored by the Planning Department, indicate an unacceptable degradation to an adopted level of service; where changes in the status of capital improvement projects, of the State or any local government, changes the underlying assumptions of the current Concurrency Test Statement.

5. Under no circumstances will an amended Concurrency Test Statement divest those rights acquired, pursuant to approval of a development, under the Concurrency Test Statement as it existed prior to amendment, except where a divestiture of such rights is clearly established by the Board of County Commissioners to be essential to the health, safety or welfare of the general public. [16-19]

IV. LEVEL OF SERVICE STANDARDS

A. For the purpose of issuance of development orders and permits, Pinellas County shall adopt level of service standards for public facilities and services within Pinellas County for which Pinellas County has authority to issue development orders and permits. For the purposes of concurrency, public facilities and services include the following for which level of service standards shall be adopted: 1) sanitary sewer, 2) solid waste, 3) drainage, 4) potable water, and 5) recreation. If Pinellas County desires to make other public facilities and services subject to the concurrency management system, level of service standards of such additional facilities and services must be adopted in the comprehensive plan. [16-19]

B. The Capital Improvements Element shall set forth a financial feasibility plan which demonstrates that Pinellas County can achieve and maintain the adopted level of service standards.

V. MINIMUM REQUIREMENTS FOR CONCURRENCY

A concurrency management system shall be developed and adopted to ensure that public facilities and services needed to support development are available concurrent with the impacts of such developments.

A. For potable water, sewer, solid waste, and drainage, at a minimum, provisions in the Pinellas County Comprehensive Plan and the Concurrency Test Statement that ensure that the following standards shall be met will satisfy the concurrency requirement:

1. The necessary facilities and services are in place at the time a development order or permit is issued;

2. A development order or permit is issued subject to the condition that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the necessary facilities and services are in place and available to serve the new development; or

3. At the time the development order, or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of V. A. 1 and 2 of this section. An enforceable development agreement includes development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes.

B. For recreation, Pinellas County shall satisfy the concurrency requirement by complying with the following standards:

1. At the time the development order or permit is issued, the necessary facilities and services are in place or under actual construction; or

2. A development order or permit is issued subject to the condition that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the acreage for the necessary facilities and services to serve the new development is dedicated or acquired by the local government, or funds in the amount of the developer's fair share are committed; and

3. A development order or permit is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent as provided in the adopted 10-year schedule of capital improvements in the Pinellas County Capital Improvements Element; or

4. At the time the development order or permit is issued, the necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and services to serve the new development to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent; or

5. At the time the development order or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes, to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent.