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CONCURRENCY MANAGEMENT SYSTEM

GOAL

To ensure that all needed public facilities and services are available concurrent with the impacts of development.

OBJECTIVE 1

Coordinate land development with the public and private provision of community services and facilities.

Policy 1.1) Development shall not be permitted unless adequate capital facilities levels of service as defined in the respective comprehensive plan elements exist or are assured. The City of Fort Myers will provide public services and infrastructures (e.g. roads, sanitary sewer, solid waste management, drainage, potable water, and parks and recreation) at an adopted Level of Service (LOS) concurrent with the impacts of new development.

Action 1.1.1) Maintain Land Development Regulations to require community facilities and services (potable water, sanitary sewer, stormwater/drainage facilities, roadways/transportation facilities, solid waste, and parks and recreation facilities) to be in place or assured that meet adopted level of service requirements prior to issuance of development orders or building permits.

Standard 1.1.1.1) The following community facilities and services must be provided for or assured prior to development permitting:

- (a) Transportation facilities;
- (b) Water, sewer, and utilities;
- (c) Stormwater management;
- (d) Solid waste management; and,
- (e) Parks and recreation facilities.

Action 1.1.2) The Land Development Regulations will maintain regulations that incorporate level of service standards.

Action 1.1.3) The City will update its 10-Year Water Supply Facilities Work Plan in accordance with Florida law. The City shall maintain consistency with the SFWMD Lower West Coast Water Supply Plan (2005-2006 Update), as amended, and meet with the SFWMD water supply planning staff on an annual basis to provide the latest estimates and projections of potable water use.

Policy 1.2) The Capital Improvement Element shall set forth a financially feasible plan which demonstrates that the adopted level of service standards are being achieved and maintained.

Action 1.2.1) Annually monitor the level of service of the facilities and services contained in Standard 1.1.1.1, including the availability of additional public facility capacity and review capital projects actually constructed to ensure adherence to the schedule of capital improvements.

OBJECTIVE 2

Maintain a Concurrency Management System to verify that level of service requirements are being met for development prior to issue of a development order or permit for construction/rehabilitation.

Policy 2.1) The City's Land Development Regulations will maintain regulations that specify and implement the Concurrency Management System, as well as require the Public Works Department to verify that adopted level of service standards are being met prior to issuance of a development order or permit.

Action 2.1.1) Maintain a current record of the level of service for:

- (a) Transportation facilities;
- (b) Water, sewer, and utilities;
- (c) Stormwater management;
- (d) Solid waste management; and,
- (e) Parks and recreation facilities in comparison to adopted level of service standards.

Action 2.1.2) Ensure adherence to the adopted level of service standards by conducting a concurrency test for facilities and services (public and private) listed in Action 2.1.1 prior to issuance of development orders or permits, by comparing the available capacity of a facility or service to the demand created by the proposed project. Capacity shall be ensured as follows:

Standard 2.1.2.1) Sanitary sewer, potable water, solid waste management, and surface water management/drainage facilities shall have capacity adequate to meet the demands of the proposed development in place and available or the provision of such capacity must be otherwise guaranteed through an enforceable development agreement or development order, at the time of the issuance of a certificate of occupancy.

Standard 2.1.2.2) Parks and Recreation acreage adequate to meet the demands of the proposed development must be dedicated or acquired by the City of Fort Myers prior to issuance of a certificate of occupancy. Parks and recreation facilities and services needed to serve the new development must be in place and available, or otherwise guaranteed through an enforceable development agreement or development order, within one year after issuance of a certificate of occupancy as provided in the adopted City of Fort Myers or Lee County Five Year Capital Improvement Program. In lieu of this requirement, the developer's fair share of funds to meet the parks and recreation needs created by the development may be committed to the City of Fort Myers.

Standard 2.1.2.3) Transportation facilities (roads and mass transit) adequate to meet the demands of the proposed development:

- (a) Must be in place and available; or,
- (b) Must be scheduled to be in place or under actual construction; or,
- (c) Must be demonstrated by the conditions of the development order or permit subject to the requirement 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 three years after issuance of a

certificate of occupancy as provided for in the adopted City of Fort Myers or Lee County Five Year Capital Improvement Program or the first three years of the Florida Department of Transportation five year work program.

Policy 2.2) Development approval will be issued only if the proposed development does not lower the existing level of service (LOS) of the City's public facilities and services below the adopted level of service standard in the respective elements of the Comprehensive Plan as follows:

Action 2.2.1) The City shall not permit development unless adequate water facilities are in place or assured, in accordance with Policy 2.1, Action 2.1.2, Standard 2.1.2.1, Policy 2.3, and Policy 2.4, of this Element, as follows:

Standard 2.2.1.1) Minimum system pipe size (not service lines) should be 6-inch for single-family development and 8-inch for multi-family, commercial, business, and industrial development. Minimum fire flow rates shall be maintained in the Land Development Regulations.

Standard 2.2.1.2) Dead-end pipes shall be limited to 8 inch minimum size; 1,000 foot maximum length, with a hydrant or 4-inch blow-off at each dead end, provided adequate fire flow is available for the area type.

Standard 2.2.1.3) A maximum length for 2-inch pipe of 1 block or 1,500 feet, whichever is shorter, between parallel 6-inch or larger lines, may be considered adequate for infill single-family use in existing subdivisions.

Action 2.2.2) The City shall not permit occupancy of new development unless adequate water facilities for firefighting are in place or assured, at the time of the issuance of a certificate of occupancy, as follows:

Standard 2.2.2.1) Adequate fire flows must exist.

Standard 2.2.2.2) The maximum distance from any property to the nearest fire hydrant, measured along streets, shall not exceed 250 feet for single-family units and 150 feet for other uses.

Standard 2.2.2.3) Fire hydrants shall be installed on the largest size pipe practical, but in no case on less than a six-inch line for single-family or an eight-inch line for other uses.

Standard 2.2.2.4) Single-family uses may infill in existing subdivisions with inadequate piping or substandard hydrant spacing, provided that adequate fire flows exist.

Action 2.2.3) All new development will be required to use the public water system, in accordance with Policy 2.1, Action 2.1.2, Standard 2.1.2.1, Policy 2.3 and Policy 2.4 of this Element, as follows:

Standard 2.2.3.1) The City will implement and enforce an ordinance providing for oversizing of lines. Should the City Master Plan call for the extension of lines sized greater than that required to serve the development, the City may reimburse the developer for cost of materials only above what was needed to serve the development.

Action 2.2.4) All new development will be required to use the municipal solid waste disposal system, which the City shall maintain as a self-supporting solid waste disposal system which is equitable and reasonable in cost, at the time of the issuance of a certificate of occupancy, as follows:

Standard 2.2.4.1) Maintain the municipal solid waste disposal system capacity as defined in Action 1.1.2 of the Solid Waste section of the Municipal Services Element.

Action 2.2.5) No new development will be permitted unless an adequate sewer system is in place or assured, in accordance with Policy 2.1, Action 2.1.2, Standard 2.1.2.1, Policy 2.3 and Policy 2.4, of this Element, as follows:

Standard 2.2.5.1) Existing gravity sewers will periodically be analyzed based upon existing characteristics to determine capacity. Gravity lines will not flow over 90% of capacity at peak flow conditions.

Standard 2.2.5.2) Unless actual flows can be documented, the wastewater production rates and peak flow factors defined below in Table 1 and Table 2, respectively, shall be used.

Table 1: Wastewater Production Rates

<i>Use</i>	<i>Rate</i>
Residential	75 gal/capita/day
Industrial	2500 gal/acre/day
Commercial	1900 gal/acre/day
Shopping Malls	0.2 gal/sq. ft./day
Hospitals	200 gal/bed/day
Schools with Showers	20 gal/student/day
Schools without Showers	12 gal/student/day

Table 2: Wastewater Production Rates - Peak Flow

<i>Tributary Sewered Area (acres)</i>	<i>Ratio of Peak to Average Flow</i>
Less than 100	4.0
100 < 200	3.8
200 < 500	3.6
500 < 1,000	3.4
1,000 < 2,000	3.2
2,000 < 4,000	3.0
4,000 < 6,000	2.8
6,000 < 8,000	2.6
8,000 < 10,000	2.4

Minimum flow for any service area is assumed to be 0.4 of average daily

Standard 2.2.5.3) An infiltration allowance of 200 gallons per mile per inch diameter per day should be used in new construction.

Standard 2.2.5.4) Pumping stations must be capable of handling the peak flow condition with the largest pumping unit out of service.

Standard 2.2.5.5) Force mains shall flow at a maximum of seven feet per second and a minimum of two fps. Connection of a new force main to an existing force main shall require complete hydraulic analysis to determine the resultant effects. Additional treatment shall be required as needed to prevent anaerobic conditions.

Standard 2.2.5.6) Maximum sewer plant flows allowed are defined in Table 3 below.

Table 3: Maximum Sewer Plant Flows

<i>Type</i>	<i>Central Plant (MGD)</i>	<i>South Plant (MGD)</i>
Annual Average Daily	11.0	12.0
Maximum Monthly	16.5	18.0
Maximum Daily	22.0	24.0
Short Term Peak	27.5	30.0

Source: City of Fort Myers Public Works Department

Action 2.2.6) No new development will be permitted unless an adequate surface water management system is in place or assured, in accordance with Policy 2.1, Action 2.1.2, Standard 2.1.2.1, Policy 2.3 and Policy 2.4, of this Element, as follows:

Standard 2.2.6.1) Post-Development run-off shall not exceed pre-development runoff in rate or quantity, based on a twenty-five year, three day storm event.

Standard 2.2.6.2) Run-off shall not be channeled directly into natural water bodies or primary channels, but shall be routed through swales, settling basins, surface skimmers, or other devices intended to improve water quality.

Standard 2.2.6.3) Natural watercourses will not be altered unless it can be shown that the watercourse's natural features and functions will be improved by said alterations.

Standard 2.2.6.4) New development shall not discharge stormwater with pollutant loads greater than the maximum allowed (numeric and narrative criteria) according to the Florida Administrative Code, Rule 62-302.530 Table: Surface Water Quality Criteria, based on the five classifications of water as defined by the Department of Environmental Protection. The individual criteria should be read in conjunction with other provisions in water quality standards, including Rules 62-302.500 and 62-302.510. It is presumed that development meeting the permitting criteria of the South Florida Water Management District will meet this standard.

Standard 2.2.6.5) Water levels in: primary channels (any drainage channel included in the Surface Water Management Plan and/or maintained by the City) will not be allowed over bank levels in a 25-year, 3 day storm event; minor channels (any drainage channel maintained in a drainage easement or as part of a development's on-site water management system) will not be allowed over bank levels in a 25-year, 3-day storm event.

Action 2.2.7) No new development will be permitted unless adequate recreation and open space is in place or assured, in accordance with Policy 2.1, Action 2.1.2, Standard 2.1.2.2, Policy 2.3 and Policy 2.4, of this Element.

Standard 2.2.7.1) In order to be considered adequate, parkland must be of sufficient size to meet the population standards for both the existing and proposed population within the service area for a particular park. To fulfill the functions of two or more classifications at one site, the facilities must be analyzed cumulatively; e.g., acreage at a park shall be construed to meet either classification, but not double counted toward each. Table 4 outlines the parkland standards by park classification.

Table 4: Parkland Standards

<i>Classification</i>	<i>Size</i>	<i>Maximum Service Radius</i>	<i>Level of Service Standard Acres/Pop.</i>
Community	20 ¹ – 100 acres	2 miles	1/1,000
Neighborhood	3 ² - 5 usable acres	½ to 1 miles	2.5/1,500
Urban Plaza / Park	½ - 1 acre	¼ mile	N/A
Civic Gathering Space	5 acres	City Wide	N/A
Special Use Facilities	Varies	City Wide	N/A
Conservation Areas	Varies	Varies	N/A
Greenways and Trails	12' Wide	City Wide	N/A

¹ A minimum of 20 usable acres. Less than 20 acres may be acceptable in older neighborhoods where available land is constrained.

² Less than 3 acres may be acceptable in neighborhoods with special circumstances.

Standard 2.2.7.2) A variety of recreational needs will be met by providing an assortment of facility types. Table 5 outlines the various facilities the City may provide. When new types of facilities are added to Table 5, the City shall have 5 years to bring the Level of Service of the new type of facility into compliance.

Table 5: Specialized Facility Standards

<i>Facility</i>	<i>Level of Service Standard: Population Served</i>
Baseball/Softball Field	6,000
Basketball Court	10,000
Football/Soccer/Rugby Field	18,000
Golf Courses (18 holes)	50,000
Racquetball/Handball Court	12,000
Recreation Center Building	15,000
Shuffleboard Court	5,000
Swimming Pool	30,000
Tennis Court	3,000
Volleyball Court¹	6,000

¹ Volleyball Courts are a new addition as of 2007.

Standard 2.2.7.3) The City has determined that existing acreage is adequate to serve 2000 U.S. Census Bureau population data. The Acreage Level of Service Analysis from the 2006 Parks and Open Space System Master Plan projects a potential deficiency in acreage for the year 2030 if no new parkland is acquired. The City will require from new developments the dedication of parklands or a fee in lieu of dedication to ensure adequate parklands exist in 2030.

Standard 2.2.7.4) Needed parkland relative to the Service Area Analysis as reported in the 2006 Parks and Open Space System Master Plan should be scheduled in the Capital Improvement Program.

Standard 2.2.7.5) Needed facilities will be scheduled in the Capital Improvement Program relative to the year they are required, subject to funding constraints, as reported in the 2006 Parks and Open Space System Master Plan.

Standard 2.2.7.6) Privately provided facilities or parkland may be counted to fulfill the functions of a neighborhood or community park, provided they meet the requirements in Policy 1.4 and associated Actions and Standards of the Recreation and Open Space Element.

Action 2.2.8) No new development will be permitted unless an adequate transportation system is in place or assured, in accordance with Policy 2.1, Action 2.1.2, Standard 2.1.2.3, Policy 2.2, Policy 2.3, Policy 2.4 and/or Policy 2.5, along with relevant policies, actions, and standards of the Transportation Element.

Standard 2.2.8.1) Adequate levels of service for roadways and intersections within the City of Fort Myers that are non-Florida Intrastate Highway System (FIHS) roads are:

Table 7: Level of Service Standards Non-FIHS Roads

<i>Classification</i>	<i>Peak Hour / Peak Season / Peak Direction</i>
Collector	E
Arterial	E
Limited Access	E

Standard 2.2.8.2) Acceptable levels of service for roadways and intersections within the City of Fort Myers that are Florida Intrastate Highway System (FIHS) roads are:

Table 8: Level of Service Standards FIHS Roads¹

<i>Classification</i>	<i>Peak Hour / Peak Season / Peak Direction</i>
Urbanized	C/D ²
Transitioning	C
Rural	B

¹ The City may seek variances to the level of service standards for the FIHS facilities as may be authorized under Florida Statutes. If granted, the level of service standards will be as approved by the Florida DOT in the Order Granting Petition for Variance.

² If any portion of I-75 or an FIHS road is determined to be within an urbanized area over 500,00 people, based on the latest Census by Florida DOT pursuant to applicable rules, then the standard becomes “D” for any such area.

Standard 2.2.8.3) For minimum acceptable levels of service determination, the peak season, peak hour, peak direction condition will be defined as the 100th highest volume hour of the year in the predominant traffic flow direction. The 100th highest hour approximates the typical peak hour during the peak season.

Standard 2.2.8.4) Due to scenic, historic, environmental, aesthetic and/or right-of-way (ROW) characteristic and considerations, the City has determined that certain roadway segments will be deemed “constrained” and, therefore, will not be widened. Reduced peak hour levels of service will be accepted on those constrained roads as a trade-off for the preservation of the scenic, historic, environmental, and/or aesthetic character of the community. A maximum volume-to-capacity (V/C) ratio of 1.85 is established for the constrained roads. No building permits will be issued that cause the maximum V/C ratio to be exceeded or that affect the maximum V/C ratio once exceeded. Permits will be issued when capacity enhancements and operational improvements are identified and committed for implementation that will maintain the V/C ratio on the constrained segment at or below 1.85.

Table 9: Constrained Roads Conditions

<i>Roadway</i>	<i>Segment</i>	<i>Constrained Condition</i>
McGregor Blvd.	City Limits to US 41	ROW, Scenic, Historic
US 41	City Limits to Caloosahatchee River	ROW
West First Street	McGregor Blvd. to US 41	ROW, Scenic, Aesthetic
First Street	US 41 to Seaboard Street	ROW, Scenic, Aesthetic
Second Street	Monroe St. to Palm Beach Blvd.	ROW
Colonial Blvd.	McGregor Blvd to Six Mile Cypress Pk	ROW
Dr. Martin Luther King Jr. Blvd.	US 41 to Central Ave.	ROW

Standard 2.2.8.5) For roadways that are backlogged or have capacity expansion constraints, the City shall give priority to those facilities in capital improvements programming and other operational consideration such as traffic signal optimization, access management, on-street parking and loading restrictions, parallel facilities improvements, and the like.

Standard 2.2.8.6) Development or redevelopment taking place in the Downtown Mobility Area, as shown in Map I in the Transportation Element, is exempt from any concurrency requirement that would otherwise prohibit or restrict development based on inadequate levels of service on roadways. This exemption will ensure that development or redevelopment that otherwise carries out key city goals and policies can proceed. The City of Fort Myers has determined that, instead of widening roads to enhance mobility in downtown Fort Myers, mobility will be enhanced through a coordinated series of measures as described in the Downtown Fort Myers Mobility Plan and summarized under Objective 10 of the Transportation Element.

Policy 2.3) Development approval may be issued subject to the condition that the necessary facilities and services will be in place concurrent with the impacts of development (phasing) and guaranteed by a binding executed agreement to be in place concurrent with the impacts of development.

Policy 2.4) For the purpose of issuing a development order or permit, a proposed urban redevelopment project located within the “existing urban service area”, as defined in Section 163.3164(49) F.S. and as shown on Map S, shall not be subject to the concurrency requirements of subparagraphs 9J-5.0055(3)(c)1. 4., F.A.C. for up to 110 percent of the transportation impact generated by the previously existing development. A “previously existing development” is defined as the actual previous built use that was occupied and active between 1900 and the date of permit application. “Urban redevelopment” means the demolition and reconstruction or substantial renovation of existing buildings or infrastructure.

Policy 2.5) For the purpose of issuing a development order or permit, a proposed development may be deemed to have a de minimis impact and may not be subject to the concurrency requirements of Policy 2.1, Action 2.1.2, and Standard 2.1.2.3 of this Element, if all of the following conditions are met:

Standard 2.5.1.1) The development proposal is for an increase in density or intensity of less than or equal to twice the density or intensity of the existing development, or for the development of a vacant parcel of land, at a residential density of less than four dwelling units per acre, for non-residential uses, at an intensity of less than 0.1 floor area ratio. Isolated vacant lots in predominantly built residential areas where construction of a single-family house would be the most suitable use, may be developed for single-family residential under the de-minimis exception even if smaller than one quarter acre in size.

Standard 2.5.1.2) The transportation impact of the proposed development alone does not exceed 0.1 percent of the maximum service volume at the adopted level of service standard for the peak hour of the affected transportation facility.

Standard 2.5.1.3) The cumulative total transportation Impact from the de-minimis exemptions does not exceed three percent of the maximum service volume at the adopted level of service standard of the affected transportation facility if the facility does not meet the minimum level of service standard.

