

**SCHEDULE Q
LEVEL OF SERVICE REQUIREMENTS AND METHODOLOGIES**

SECTION 1.0 ADOPTED LEVEL OF SERVICE STANDARDS

Level of service standards for those public facilities for which concurrency is required are set forth below:

<u>Concurrency Facility</u>	<u>City of Sanford Adopted Level of Service</u>	
Sanitary Sewer	132 gal/capita/day	
Potable Water	144 gal/capita/day	
Fire Flow	Residential: 600 gpm/20 psi Non-residential: 1200 gpm/20 psi	
 Drainage Facilities By Facility Type	<u>Facility Type</u>	<u>Level of Service/Storm Event⁽¹⁾</u>
	Retention/Detention for parcels with positive outfall:	25 Year, 24 Hour
	Retention for parcels without positive outfall:	25 Year, 96 Hour
	Closed drainage for urban streets with piped drainage:	10 Year, 24 Hour
	Open drainage for rural streets with swales:	10 Year, 24 Hour
	Canals, ditches, culverts, and other off-the-premises facilities:	25 Year, 24 Hour
	Bridges and major highway crossings:	100 Year, 24 Hr.

⁽¹⁾ The design frequency may be increased if deemed necessary by the Administrative Official.

LOS Standard for Water Quality and Pollution Abatement

Pollution Abatement

The City shall maintain the LOS standards included in the City's current Land Development Regulations, Schedule O:

Retention Facilities, pursuant to Schedule O, Section 2.1, which are as follows:

Retention of the First Half-Inch Runoff - Provide for either of the following:

1. Off-line retention of the first one half (1/2) inch of runoff or 1.25 inches of runoff from the impervious area, whichever is greater, or
2. On-line retention of an additional one half (1/2) inch of runoff over that volume specified in subparagraph (1.) above.

Wet Detention Facilities, pursuant to Schedule O, Section 2.2, which are as follows:

Retention of Runoff - Pollution abatement shall be accomplished by providing a treatment volume of the greater of the following:

1. First one-inch runoff; or
2. 2.5 inches of runoff from the impervious area.

Water Quality

All storm water treatment and disposal facilities shall be required to meet the design and performance standards established in Chapter 17-25, Section 17-25.025, F.A.C.

Treatment of the first inch of run-off on-site to meet water quality standards required by Chapter 17-3, Section 17-3.051, F.A.C.

Stormwater discharge facilities must be designed so as not to degrade the receiving water body below the minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 17-3, F.A.C. Where a conflict exists between two or more LOS standards, the more restrictive shall be enforced.

Recreation Areas

LOS Standards for Recreation Areas:

Parks: 4 acres per 1,000 population

Solid Waste

Solid Waste Disposal Level of Service
by Land Use and Landfill Facility

<u>Land Use</u>	<u>Facilities</u>	<u>Level of Service</u> (pounds/capita/day)
Residential	Osceola Landfill	1.88
	GEL Landfill	.15

	Total Res'l LOS: =	2.03
Non-Residential	Osceola Land Fill: =	2.46

	Total Citywide LOS: =	4.64

Note: Discontinuance of the Art Lane Landfill will result in increasing the LOS for disposal to the Osceola Landfill by .15 pounds/capita/day.

Traffic Circulation

The following peak-hour LOS standards shall apply:

Limited Access Facilities - I-4 shall be at LOS "E". The Greenway shall be LOS "D".

State Principal Arterial Facilities (Not Classified as Backlogged) - All State principal arterial facilities that are not classified as backlogged or constrained shall operate at LOS "D" or better.

County Collector and Minor Arterial Facilities Not Within a County Designated Urban Center - All County collector and minor arterial facilities that are not within a County designated urban center shall operate at LOS "D" or better.

City Collector Facilities - All City collector facilities shall operate at LOS "D" or better.

All County collector and minor arterial facilities located within an area designated as I-4 High Intensity, Westside Industry and Commerce and Airport Industry and Commerce on the Future Land Use Map shall operate at LOS "E" or better.

Public Schools

To financially achieve the desired LOS standard, the following tiered LOS standard is established for Concurrency Service Areas as follows:

Percentage of Permanent FISH Capacity

<u>School Type</u>	<u>2008 – 2012</u>	<u>Beginning 2013</u>
Elementary & Middle CSA's	100%	100%
High School CSA	110%	100%

**SECTION 2.0 METHODOLOGY FOR DETERMINING IMPACTS ON
AVAILABLE CAPACITY**

A. **Roadways.** In determining impacts on available capacity for roadways, the following criteria shall be used:

1. **Residential Development.** For proposed residential development consisting of less than fifty (50) dwelling units occurring in residential land use categories (excepting planned developments), the following trip generation rates shall be used to calculate the impact of the proposed development:

<u>Land Use Type</u>	<u>Trips Per Day</u>
Single Family	10
Multiple Family	8
Mobile Homes	4.814

2. **Non-Residential Development and Mixed-Use Planned Development (PD).** For all other development categories allowed within the Future Land Use Element, the impacts of development shall be based on the peak-hour, peak direction trips associated with the land use designation in which the proposed development shall occur, using the most recent published edition of the Institute of Transportation Engineers' *Trip Generation* manual, or as may be subsequently updated. Internal capture rates may be considered in determining traffic volumes for mixed use developments; however, the applicant shall bear the burden of demonstrating any internal capture rates upon five (5) percent of the total nonresidential trips.

Roads analyzed shall include all links impacted by more than ten percent (10%) of the project traffic or receiving five hundred (500) trips per day, whichever is greater.

Methodologies used to determine transportation concurrency shall be consistent with methodologies established in the FDOT LOS Guideline.

3. **Optional Methods and Procedures.** If the preliminary level of service information indicates a deficiency in capacity based on adopted level of service (LOS) standards (reference Section 1.0 for adopted LOS standards for roadways), the developer has two alternatives:

- a. Accept the level of service information as set forth in the comprehensive plan;
- b. Prepare a more detailed alternative Highway Capacity Analysis as outlined in the *Highway Capacity Manual 2000*, Transportation Research Board, National Research Councilor travel time and delay study following the procedures outlined by the Florida Department of Transportation, Traffic Engineering Office in its *Manual for Uniform Traffic Studies*.

4. **Alternative Methodologies.** If the applicant chooses to do a more detailed analysis, the applicant shall provide an acceptable methodology for preparing an alternative analysis which has been approved by a professional competent in transportation planning and/or engineering. Such an alternative methodology must be presented to and approved by the Administrative Official.

If the alternative methodology, after review and acceptance by the Administrative Official, indicates no deficiency in the capacity based on the adopted level of service standard, whereas the comprehensive plan indicates a deficiency in capacity based on the adopted level of service standard, the alternative methodology will be used. However, the City shall, at its discretion, reserve the option to have the methodology reviewed by a professional registered engineer or professional transportation planner prior to accepting the methodology. The cost for such review shall be born by the applicant after due notice from the City.

The trip distribution shall be consistent with the presets of the approved trip generation model, i.e.: the Seminole County Trip Generation model, the Orlando Urban Area Transportation Study (OUATS) model, or another distribution model approved by the City.

The impact area shall include adjacent roadway segments as determined by the Administrative Official. The applicant may seek alternative trip allocations together with a statement of trip allocation methodology consistent with professional standards established in one (1) or more of the following documents:

- a. Highway Capacity Manual 2000, Transportation Research Board, National Research Council, 2000.
 - b. Florida Highway System Plan, "Traffic Analysis Procedures," Florida Department of Transportation, Bureau of Multi-Modal Systems Planning, most recent edition.
 - c. Florida Highway System Plan, "Level of Service Standards and Guidelines Manual," Florida Department of Transportation, most recent edition.
 - d. Trip Generation, 6th Edition, Institute of Transportation Engineers.
 - e. Transportation and Land Development, Stover, Virgil G., Institute of Transportation Engineers, 1988.
5. **Traffic Analysis Required Where 500 or More Trips Are Generated Trips.** All new developments which are anticipated to generate five hundred (500) or more trips per day shall be required to submit a traffic analysis prepared by a traffic engineer licensed in the State of Florida which identifies the development's impact on the

City's transportation system. The City Administrative Official may also require the submission of a traffic analysis for developments that generate less than 500 trips per day if the site location, anticipated total trip generation, circulation patterns or other such factors warrant a more extensive review of traffic impacts. The traffic analysis shall include the following:

- i. Total projected peak-hour trips for the proposed development.
 - pass-by capture rate (commercial land uses only);
 - internal capture rate (planned development only);
 - peak-hour external trips based on ITE Trip Generation Manual most recent Edition; and
 - peak-hour directional projected vehicle trips on all segments of the arterial and collector street system which are adjacent to the development project or as determined necessary by the Administrative Official.
- ii. Design capacity of the accessed road(s).
- iii. Analysis of traffic distribution on the road network including all links impacted by more than ten percent (10%) of project traffic or five hundred (500) trips per day, whichever is greater.
- iv. Necessary operational improvements to the City, County, or State maintained transportation system in order to maintain the appropriate level-of-service for the roadway.
- v. Other related information as required by the City.
- vi. Justification, including appropriate references, for the use of any trip generation rates, adjustments factors or traffic assignment methods not previously approved by the City.
- vii. The latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual shall be used to calculate these estimates. Adjustments to these estimates may be made, based on special trip generation information supplied by the applicant.

B. **Other Facilities.** The level of service standards for all concurrency facilities, except roadways and drainage, are based on population (or equivalent units of population) served. Therefore, the applicant shall provide the Administrative Official with the projected population to be served by the proposed development and describe how surface water management criteria shall be met. The demand on concurrency facilities generated by the applicant's development shall be determined as cited below.

1. **Solid Waste.** The demand for solid waste collection and disposal capacity shall be

determined by multiplying the City's solid waste level of service standard times the population (or equivalent units of population). Following is the City's solid waste level of service standard:

<u>Land Use</u>	<u>Solid Waste Pounds per Unit of Population</u>
Residential	2.18
Non-Residential	2.46

2. **Potable Water.** The demand for potable water shall be determined by multiplying the City's potable water level of service standard (i.e., 161 gallons per capita per day) times the population (or equivalent units of population). In addition, the applicant shall ensure that the City's fire flow requirements (cited in Section 1.0 of this Schedule) shall be met.
3. **Sanitary Sewer.** The demand for sanitary sewer collection and treatment capacity shall be determined by multiplying the City's sanitary sewer level of service standard of 147 gallons per capita per day by the population (or equivalent units of population).
4. **Drainage.** The applicant shall provide evidence demonstrating that the proposed project shall meet the City's adopted level of service standards for drainage cited in Section 1.0 of this Schedule.
5. **Recreation Area.** The demand for recreation area shall be determined by multiplying the City's recreation area level of service standard of 4 acres per 1000 population or .004 acres by each person served by the development.
6. See Section 6.0 for determination of impacts on public school capacities.

SECTION 3.0 DETERMINATION OF AVAILABLE CAPACITY

For purposes of these regulations the available capacity of a facility shall be determined by adding the cumulative total supply for each public facility component as cited below in subsections 3.0(A) and (B) and subtracting cumulative total demand for each infrastructure component as cited below in subsection 3.0(C).

A. Indicators of Available Facility Capacity (Add):

1. **Capacity of Existing Facility.** The total capacity of existing facilities operating at the required level of service; and
2. **Capacity of Committed New Facility, Excluding Roadways.** The total capacity of committed new facilities, if any, that will become available on or before the date a certificate of occupancy is issued for the development. The capacity of concurrency

facilities may be counted and deemed concurrent only if the following standards are met:

- a. The necessary facilities and services are in place at the time a development permit is issued; or
- b. The development permit is issued subject to the condition that the necessary facilities and services will be in place concurrent with the impacts of development; or
- c. The necessary public facilities and services are guaranteed in an enforceable development agreement to be in place concurrent with the impacts of development. 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.

3. **Capacity of New Roadways.** The total capacity of new roadways, if any, that will become available on or before the date a certificate of occupancy is issued for the development. The capacity of new roadways may be counted and deemed concurrent only if the standards of Subsection 3.0(A)(2)(a-c) are met. In addition, roadway facilities will be deemed concurrent based on the adopted Five-Year Capital Improvements program and schedule which, as a minimum, satisfy the following criteria:

- a. The Five-Year Capital Improvements Program must include improvements necessary to correct any identified facility deficiencies and maintain adopted levels of service for existing and permitted development; and
- b. The Five-Year Capital Improvements Program must be a realistic, financially feasible program based on currently available revenue sources; and development orders will only be issued if the public facilities necessary to serve the development are programmed to commence and become available within the first three years of the five-year schedule of capital improvements; and
- c. The Five-Year Capital Improvements Program must identify whether funding is for design, engineering, consultant fees, or construction and indicates, by funded year, how the dollars will be allocated; and
- d. The Five-Year Capital Improvements Program must identify both the year in which actual construction of the roadway project will commence together with the anticipated fiscal year at which time construction will be finalized and functional operation of the roadway facility begins. Actual construction

and functional operation of the roadway facility must commence on or before the third year of the Five-Year Schedule of Capital Improvements; and

- e. In the situation where scheduled projects occur in phases that become functionally operational at the completion of each separate individual phase, the commencement and completion dates for each independent phase will be identified in the Five-Year Schedule of Capital Improvements; and
- f. A plan amendment will be required in order to eliminate, defer or delay construction of any roadway facility or service which is needed to maintain the adopted level of service standard.

B. Indicators of Cumulative Demand on Facility Capacities (Subtract):

- 1. **Existing Demand Based on Existing Development.** The demand for service or facility created by existing development as provided by the Administrative Official or as documented in the City of Sanford Comprehensive Plan.
- 2. **Demand to be Generated by Incomplete Approved Development.** The demand for the service or facility created by the anticipated completion of other approved developments.

SECTION 4.0 TRANSPORTATION CONCURRENCY EXCEPTION AREA (TCEA).

The following regulations apply to development located within the Transportation Concurrency Exception Area:

- A. **Purpose.** The Transportation Concurrency Exception Area is established for the purpose of downtown revitalization where the enforcement of the concurrency management system will potentially conflict with revitalization of the Sanford downtown area. Transportation programs and improvements within the TCEA shall emphasize pedestrian and transit modes of transportation.
- B. **Applicability.** The Transportation Concurrency Exception Area is hereby established within the geographical area depicted in Map II-8 of the 2001 City of Sanford Comprehensive Plan. Only areas located within the Central Business District, as delineated on the Future Land Use Map, may be incorporated into the TCEA.
- C. **Transportation Concurrency Exemption.** Transportation concurrency requirements shall not apply to development or redevelopment within the TCEA.
- D. **Transportation Demand Management Programs.** The purpose of the Transportation Demand Management Program is to reduce the number of peak-period vehicle trips generated in association with development; promote and encourage the use of alternative transportation modes, such as ride sharing, carpools, vanpools, public transit, bicycles and

walking; and provide those facilities that support such alternate modes.

Prior to the issuance of any approval for development or redevelopment in the TCEA, all new employers in the TCEA with fifty (50) or more employees shall establish employer-based transportation demand management programs. All programs shall be approved by the Administrative Official and set forth in a recorded development order or agreement.

All Transportation Demand Management Programs shall include, at a minimum, any combination of the following methods which together achieve the purposes of the program:

1. Alternative work schedules/flex time;
2. Preferential parking for carpool and vanpool vehicles;
3. Bicycle parking, locker and/or shower facilities;
4. Information center for transportation alternatives including, but not limited to, current maps, routes, schedules for public transit, rideshare match lists; bicycle routes to the workplace;
5. Bus stop improvements;
6. On-site child care facilities;
7. Facilities and equipment to encourage tele-commuting;
8. Local transportation management and roadway improvements;
9. Transit incentives for employees such as subsidy of bus passes, additional pay for car-poolers, flexible work times, etc.;
10. Plans for delivery of goods at off-peak hours; and
11. Plans and facilities for centralized deliveries of goods for multitenant facilities.

E. **Transit Facility Evaluation.** Prior to the issuance of any development approval for property within the TCEA, all applications for development or redevelopment which exceed twenty thousand (20,000) gross square feet shall submit proof of coordination with Lynx regarding transit facilities necessary to serve the development. The developer/property owner shall install improvements requested by Lynx unless otherwise waived by the Administrative Official.

F. **Watercraft Access.** All retail commercial developments located adjacent to the waterfront and proposing boat dock facilities shall provide temporary public docking facilities for their customers.

G. **Traffic Impact Monitoring.** All applications for development or redevelopment located in the TCEA which meet the criteria of Section 2.A.5 of this Schedule shall submit a traffic impact analysis report pursuant to Article VIII of the Land Development Regulations.

H. **Design Standards for Development located within the TCEA.** The following design standards shall apply to all development and redevelopment within the TCEA:

1. **Building Orientation:** The primary customer entrance of all commercial buildings shall be oriented to face a public right-of-way unless it can be shown that there are compelling site conditions that necessitate a different orientation.

2. Pedestrian Circulation. Direct pedestrian linkages shall be provided from all building entrances to the surrounding streets, external sidewalks, transit stops and out parcels. Pedestrian ways shall be lighted throughout the site in a consistent and coordinated manner which provides safety and enhances the visual impact of the project on the community. Lighting shall be designed so as to prevent direct glare, light spillage and hazardous interference with automotive traffic on adjacent streets and all adjacent properties.
3. Bicycle Parking Facilities. All site plans for the development or redevelopment of a parcel of land located within the TCEA shall provide bicycle racks or other bicycle parking facilities for customers and employees unless it can be show that there are compelling site conditions that prevent the installation of such facilities.
4. Streetscape Design. All landscape and streetscape designs shall be compatible with pedestrian, bicycle and transit facilities. Landscaping shall not interfere with the convenient access of pedestrians and cyclists to the parcel proposed for development or redevelopment and, to the greatest extent practical, the design of a site shall integrate pedestrian and bicycle circulation systems within landscaping plans.
5. Transit Easements. All new development located within the TCEA shall be required to dedicate an easement to the City of Sanford or to Lynx necessary to allow the eventual provision of transit facilities including, but not limited to, benches, shelters, signage and bus turnouts if requested by Lynx and if a rational nexus is found relative to the impacts of the development and the easement is roughly proportional to those impacts.

I. **Land Use Activities Prohibited.** Within the TCEA, the following automobile-based land uses shall be prohibited:

1. Drive-through facilities including restaurants and banks;
2. Automobile repair, service and sales;
3. Distribution centers;
4. Gas and service stations;
5. Car Washes.

**SECTION 5.0 PROPORTIONATE FAIR-SHARE MITIGATION OF
DEVELOPMENT IMPACTS ON TRANSPORTATION
CORRIDORS**

A. Purpose and Intent

The purpose of this Section is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and

private sectors, to be known as the “City of Sanford Proportionate Fair-Share Program” or “PFSP”, as required by and in a manner consistent with §163.3180(16), F. S.

B. Legislative Findings

1. Transportation capacity is a commodity that has a value to both the public and private sectors and the City.
2. Transportation capacity is an integral part of the PFSP.
3. The PFSP provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors.
4. The PFSP allows developers to proceed under certain conditions, notwithstanding the failure of transportation concurrency, by contributing their proportionate fair-share of the cost of a transportation facility.
5. The PFSP contributes to the provision of adequate public facilities for future growth and promotes a strong commitment to comprehensive facilities planning, thereby reducing the potential for moratoria or unacceptable levels of traffic congestion;
6. The PFSP maximizes the use of public funds for adequate transportation facilities to serve future growth, and may, in certain circumstances, allow the City to expedite transportation improvements by supplementing funds currently allocated for transportation improvements in the Capital Improvements Element (CIE).

C. Applicability

The PFSP shall apply to all developments in the City that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the City’s Concurrency Management System (CMS), including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for concurrency determinations, pursuant to the requirements of Subsection F.

The PFSP does not apply to developments of regional impact (DRIs) using proportionate fair-share under §163.3180(12), F.S., or to developments exempted from concurrency as provided in the City’s Comprehensive Plan Objective 2-1.8: Transportation Concurrency Exception Area and Objective 8-1.4 Concurrency Management.

D. General Requirements

1. An applicant may choose to satisfy the transportation concurrency requirements of the City by making a proportionate fair-share contribution, pursuant to the following requirements:

- a. The proposed development is consistent with the City's Comprehensive Plan and all applicable land development regulations.
 - b. The City's five-year capital improvement program (CIP) or the long-term schedule of capital improvements for an adopted long-term CMS includes a transportation improvement(s) that, upon completion, will accommodate additional traffic generated by the proposed development.
2. The City may allow an applicant to satisfy transportation concurrency through the PFSP by contributing to an improvement that, upon completion, will accommodate additional traffic generated by the proposed development but is not contained in the CMS where one of the following apply:
- a. The City adopts by resolution a commitment to add the improvement to the five-year CIP in the CIE of the City's Comprehensive Plan or the long-term schedule of capital improvements for an adopted long-term CMS no later than the next regular update. To qualify for consideration under this Subsection, the proposed improvement must be reviewed by the City Commission or its designee and must be determined to be financially feasible consistent with the City's Comprehensive Plan, and in compliance with the provisions of this Section. Financial feasibility means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed ten (10) years to fully mitigate impacts on the transportation facilities.
 - b. If the funds in the adopted five-year CIP are insufficient to fully fund construction of a transportation improvement required by the CMS, the City may require a proportionate fair-share payment for another improvement which will, the City determines will significantly benefit the impacted transportation system. The improvement or improvements funded by the proportionate fair-share component must be adopted into the five-year CIP of the City's Comprehensive Plan at the next annual CIE update.
3. Any improvement project proposed to meet a developer's fair-share obligation must meet generally accepted design standards of the jurisdiction that has responsibility for the construction and maintenance of the transportation facility.

E. Application Process

1. Upon notification of a failure to satisfy transportation concurrency, the Administrative Official shall notify the applicant in writing of the opportunity to satisfy transportation concurrency through the PFSP.
2. Prior to submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held between the City and the developer to discuss

eligibility, application submittal requirements, potential mitigation options and related issues. If the impacted facility is on the Strategic Intermodal System (SIS), then the Florida Department of Transportation (FDOT) will be notified and invited to participate. If the impacted facility is maintained by another jurisdiction, then that jurisdiction will be notified and invited to participate.

3. Eligible applicants shall submit an application to the City that includes, at a minimum and in addition to an application fee established by resolution of the City Commission, the following:
 - a. Name, address, and phone number of owner, developer and agent;
 - b. Property location, including parcel identification numbers;
 - c. Legal description and survey of the property;
 - d. project description, including type, intensity and amount of development;
 - e. Phasing schedule, if applicable;
 - f. Description of requested proportionate fair-share mitigation methods;
 - g. If applicable, evidence of an agreement between the applicant and the FDOT if the facility is an SIS roadway or evidence of an agreement with the jurisdiction responsible for the maintenance of the roadway; and
 - h. A proposed proportionate fair-share agreement prepared by the applicant including, but not be limited to, the amount of payment, description of work and timing of payment.
4. The application for a proportionate fair-share agreement shall be processed in conjunction with the development's application for development approval. The City Attorney shall also review the proportionate fair-share agreement.

F. Determining Proportionate Fair-Share Obligation

1. Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.
2. A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.
3. The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in §163.3180(12), F.S., as follows:

$$\text{Proportionate Fair Share} = \Sigma [(\text{Development Trips}_i) / (\text{SV Increase}_i)] \times \text{Cost}_i$$

Where:

Development Trips_i = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have

triggered a deficiency per the CMS. (Only those trips that trigger a deficiency are included.)

- SV Increase_i = Service volume increase provided by the eligible improvement to roadway segment “i” per Subsection F.
- Cost_i = Adjusted cost of the improvement to segment “i”. Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

4. For the purposes of determining proportionate share obligations, the City shall determine improvement costs based upon the actual cost of the improvement as obtained from the CIP, FDOT Work Plan or from the FDOT *Transportation Costs* manual. For State road improvements not included in the adopted FDOT Work Program, cost estimates shall be determined by the FDOT.
5. Improvement costs shall be escalated by the following formula:

$$\text{Cost}_n = \text{Cost}_0 \times (1 + \text{Cost_growth}_{3\text{yr}})^n$$

Where:

- Cost_n = The cost of the improvements in year n;
- Cost₀ = The cost of the improvement in the current year;
- Cost_{growth}_{3yr} = The cost over the last three (3) years;
- n = The number of years until the improvement is constructed.

The three-year growth rate shall be determined by the following formula:

$$\text{Cost_growth}_{3\text{yr}} = [\text{Cost_growth}_1 + \text{Cost_growth}_2 + \text{Cost_growth}_3] / 3$$

Where:

- Cost_{growth}_{3yr} = The growth rate of costs over the last three (3) years;
- Cost_{growth}_{.1} = The growth rate of costs in the previous year;
- Cost_{growth}_{.2} = The growth rate of costs two (2) years prior;
- Cost_{growth}_{.3} = The growth rate of costs three (3) years prior.

6. If the City has accepted right-of-way dedication for all or a portion of the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication by the fair market value established by an independent appraisal from an appraiser with MAI designation approved by the City and at no expense to the City. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the City at no expense to the City. If the estimated value of the right-of-way dedication proposed by the applicant is less than the City estimated total

proportionate fair-share obligation for that development, then the applicant must also pay the difference.

G. Impact Fee Credit for Proportionate Fair-Share Mitigation

1. Proportionate fair-share contributions shall be applied as a credit against impact fees if the proposed improvement is included in the City's CIP and is on the list of approved projects for arterial roads in the northern impact fee district in the most recent *County Impact Fee Ordinance and Technical Report*. Credits will be given for that portion of the impact fees that would have been used to fund the improvements on which the proportionate fair-share contribution is calculated. The City shall coordinate with Seminole County to determine the amount of the credit and the eligibility of the project.
2. Any road impact fee credit based upon proportionate fair-share contributions for a proposed development cannot be transferred to any other parcel or parcels of real property within the City or otherwise.

H. Appropriation of Fair-Share Revenues

1. Proportionate fair-share revenues shall be placed in the appropriate account for funding of scheduled improvements or transferred to the jurisdiction having responsibility for the transportation facility improvements.
2. In the event a facility improvement is removed from the CIP, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor that would mitigate the impacts of development pursuant to the requirements of Subsection D 2. b.
3. The City shall coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for improving impacted regional facilities under the FDOT Transportation Regional Incentive Program. Such coordination shall be ratified by the City through an interlocal agreement that establishes procedures for earmarking a developer's contribution for this purpose.

I. Intergovernmental Coordination

Pursuant to policies in the Intergovernmental Coordination Element of the City's Comprehensive Plan, the City shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the local government receiving the application for proportionate fair-share mitigation if the proposed development is located within one (1) mile of an area which is under the jurisdiction, for transportation concurrency, of an adjacent local government. An interlocal agreement may be entered with other affected jurisdictions for this purpose.

SECTION 6.0 PUBLIC SCHOOL FACILITY CONCURRENCY

- A. The following terms are used in discussing level of service standards for public schools:

Permanent Florida Inventory of School Houses (FISH): meaning the permanent facilities within the inventory of land, buildings and rooms in public educational facilities used by the Florida Department of Education, Office of Educational Facilities; and

Concurrency Service Area (CSA): A geographic unit promulgated by the School Board and adopted by local governments within which the level of service is measured when an application for residential development is reviewed for school concurrency purposes. The CSA coincides with groupings of school attendance zones within each school type based on adjacency.

Level of Service (LOS) standard: A standard established to measure utilization of capacity within a Concurrency Service Area (CSA). Current LOS within a CSA is determined by dividing the full-time equivalent student count (FTE) for the Fall Semester at the same type of schools by the permanent FISH capacity of the same type of schools. Projected or future LOS is determined by the dividing the projected enrolled students at the same type of schools within a CSA by the planned permanent FISH capacity of the same type of schools.

- B. **Use of Concurrency Service Area (CSA) Boundaries.** The City shall apply school concurrency using CSA boundaries adopted by the School Board. The CSAs are described geographically in Maps 1-3 of the support documents of the Comprehensive Plan and may be updated from time to time by the School Board.
- C. **CSAs for Each Type of School.** The CSA boundaries established by the School Board will be based on clustered attendance zones for each school type (elementary, middle and high school) based on adjacency and will be re-evaluated by the School Board, as needed.
- D. **Development Review Process.** The city shall withhold or condition the approval of any site plan, final subdivision, or functional equivalent for new residential units not exempted from concurrency until a school capacity availability letter determination (SCALD) has been issued by the school board to the city indicating that adequate school facilities exist or until a mitigation agreement has been reached, pursuant to the availability standard specified in section 163.3180(13)(e), Florida statutes.
- E. **Notification of Submittal of Residential Applications.** The City shall notify the School Board within fifteen (15) working days of receipt of any land use or development application having a residential component and will transmit submitted subdivision plans and site plans to the school board for their review.
- F. **Timing of Concurrency Review.** The City shall require that all new residential development be reviewed for school concurrency prior to the issuance of development approval of a site plan, a final subdivision plan or the functional equivalent.

G. **Residential Uses Exempt from the Requirements of School Concurrency.** The following residential uses shall be exempt from the requirements of school concurrency:

1. All single family lots of record at the time the school concurrency implementing ordinance became effective on January 1, 2008.
2. Any new residential development that has a preliminary plat or site plan approval or the functional equivalent for a site specific development order prior to the commencement date of the School Concurrency Program on January 1, 2008.
3. Any amendment to a previously approved residential development which does not increase the number of dwelling units or change the type of dwelling units.
4. Any age-restricted community with no permanent residents under the age of 18 (a restrictive covenant limiting the age of residents to 18 and older shall be required).

H. **Results of Concurrency Review.** The City shall not deny development approval due to failure to achieve the adopted LOS for public school facilities when the following occurs:

1. Adequate school facilities are planned and will be in place or under construction within three (3) years of the development approval.
2. The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities consistent with the methodology below.

I. **Proportionate Share Mitigation.** In the event there is not available school capacity to support a development, the School Board may entertain proportionate share mitigation options and, if accepted, shall enter into an enforceable and binding agreement with the developer to mitigate the impact from the development through the creation of additional school capacity. Proportionate share mitigation allows a developer to pay that portion of the cost of providing capacity in a school facility that is necessary to serve that particular development or redevelopment project.

1. When the anticipated student impacts from a proposed development cause the adopted LOS to be exceeded, the developer's proportionate share will be based on the number of additional student stations necessary to achieve the established LOS. The amount to be paid will be calculated by the cost per student station for elementary, middle and high school as determined and published by the State of Florida.
2. The methodology used to calculate a developer's proportionate share mitigation shall be as follows:

$$\text{Proportionate Share} = ({}^1\text{Development students} - \text{Available Capacity}) \times {}^2\text{Total Cost per student station}$$

Where:

¹Development students = those students from the development that are assigned to a CSA and have triggered a deficiency of the available capacity.

²Total Cost = the cost per student station as determined and published by the State of Florida.

3. The applicant shall be allowed to enter a 90-day negotiation period with the School Board in an effort to mitigate the impact from the development through the creation of additional capacity. Upon identification and acceptance of a mitigation option deemed financially feasible by the School Board, the developer shall enter into a binding and enforceable development agreement with the School Board.
 - a. A mitigation contribution provided by a developer to offset the impact of a residential development must be directed by the School Board toward a school capacity project identified in the School Board's Five-Year Capital Improvement Plan. Capacity enhancing projects identified within the first three (3) years of the Five-Year Capital Improvement Plan shall be considered as committed.
 - b. If capacity projects are planned in years four (4) or five (5) of the School Board's Five-Year Capital Improvement Plan within the same CSA as the proposed residential development, the developer may pay his proportionate share to mitigate the proposed development.
 - c. If a capacity project does not exist in the Capital Improvement Plan, the School Board will add a capacity project to satisfy the impacts from a proposed residential development, if it is funded through the developer's proportionate share mitigation contributions. Mitigation options may include, but are not limited to:
 - i. Contribution of land or payment for land acquisition suitable for and in conjunction with, the provision of additional school capacity; or
 - ii. Mitigation banking based on the construction of a educational facility in exchange for the right to sell capacity credits; or
 - iii. Provide modular or permanent student stations acceptable for use as an educational facilities; or
 - iv. Provide additional student stations through the remodeling of existing buildings acceptable for use as an educational facility; or
 - v. Construction or expansion of permanent student stations at the impacted school within the CSA; or
 - vi. Construction of a educational facility in advance of the time set forth in the School Board's Five-Year Capital Improvement Plan.
4. For mitigation measures (a) thru (f) above, the estimated cost to construct the mitigating capacity will reflect the estimated future construction costs at the time of the anticipated construction. Improvements contributed by the developer shall receive school impact fee credit.
5. Developer shall receive an impact fee credit for the proportionate share mitigation. Credits will be given for that portion of the impact fees that would

have been used to fund the improvements on which the proportionate fair share contribution was calculated. The portion of impact fees available for the credit will be based on the historic distribution of impact fee funds to the school type (elementary, middle, high) in the appropriate CSA. Impact fee credits shall be calculated at the same time as the applicant's proportionate share obligation is calculated. Any school impact fee credit based on proportionate fair share contributions for a proposed development cannot be transferred to any other parcel or parcels of real property within the CSA.

6. A proportionate share mitigation contribution shall not be subsequently amended or refunded after final site plan or plat approval to reflect a reduction in planned or constructed residential density.
 7. Impact fees shall be credited against the proportionate share mitigation total.
 8. Any proportionate share mitigation must be directed by the School Board toward a school capacity improvement identified in the School Board's Five-Year Capital Improvement Plan.
 9. Upon conclusion of the negotiation period, a second Determination Letter shall be issued. If mitigation is agreed to, the School Board shall issue a new Determination Letter approving the development subject to those mitigation measures agreed to by the local government, developer and the School Board. Prior to, site plan approval, final subdivision approval or the functional equivalent, the mitigation measures shall be memorialized in an enforceable and binding agreement with the local government, the School Board and the Developer that specifically details mitigation provisions to be paid for by the developer and the relevant terms and conditions. If mitigation is not agreed to, the Determination Letter shall detail why any mitigation proposals were rejected and why the development is not in compliance with school concurrency requirements. A SCALD indicating either that adequate capacity is available, or that there is not a negotiated proportionate share mitigation settlement following the ninety (90) day negotiation period constitutes final agency action by the School Board for purposes of Chapter 120, F.S.
- J. **Appeal Process.** A person substantially affected by a School Board's adequate capacity determination made as a part of the School Concurrency Process may appeal such determination through the process provided in Chapter 120, F.S.