

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 Certification

The certification, 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. The County may issue documentation that is the functional equivalent of a Certificate of Concurrency. At a minimum, Concurrency Certification, or its functional equivalent, shall include the following information:

1. Type of development proposal;
2. Date of issuance of the Concurrency status and findings for a development proposal, or the functional equivalent;
3. Whether the development proposal is subject to development limitations, pursuant to application of the Transportation Management Plan for properties located in constrained, congestion containment, or long term concurrency management areas and any other limitations that may be identified in the adopted Concurrency Test Statement.

C. Concurrency Management Corridor

Road corridors designated as either constrained, congestion containment, or long term concurrency management.

D. 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 each public facility and service, the following:

1. The existing and committed development in each service area;
2. The existing levels of service for each public facility and service;
3. Concurrency management corridor designations for roads; [09-16]
4. Provisions and measures that shall apply within concurrency management corridors to prevent unacceptable degradation of levels of service for any corridor; [09-16]
5. Updates of items 1-4, above, based upon the most recently adopted six year schedule of capital improvements from the Capital Improvements Element; and [09-16]
6. The methods used in determining the nature of projected development impacts on public facilities and services.

E. Congestion Containment Corridor

Excluding the Florida Intrastate Highway System (FIHS), these include backlogged roads that operate with deficient levels of service where improvements may be planned or scheduled, beyond the next three years, to alleviate the substandard LOS conditions.

F. Constrained Corridor

County roads that are operating with deficient level of service conditions and that are constrained from adding additional capacity as necessary to alleviate the deficient operating conditions. A roadway may be physically constrained or policy constrained. Physical barriers occur when intensive land use development is immediately adjacent to highways making roadway expansion cost prohibitive, or when a facility has reached the maximum through-lane standards. Policy barriers are based on concerns about the impacts of roadway expansion on the environment, neighborhoods and/or local communities. [09-16]

G. Corridor

The area within one-half (1/2) mile of the road centerline and within a one-half (1/2) mile arc radius beyond the terminus of the road segment centerline, and includes properties that are subject to at least one of the following conditions:

1. *Sole Direct Access*. A condition where the only means of site ingress/egress is directly onto the road facility, regardless of the distance of that site from the facility.
2. *Direct Access*. A condition in which one or more existing or potential site ingress/egress points makes a direct connection to the road facility and the site is within one-half (1/2) mile of the road facility.
3. *Sole Indirect Access*. A condition where the only point of site ingress/egress is onto a public non-arterial roadway which makes its first and shortest arterial level connection onto a road facility regardless of the distance of that site from the facility.

H. 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.

I. Deficient Facilities

These include facilities operating below the adopted level of service standard of C average daily/D peak hour or a volume-to-capacity (v/c) ratio of 0.9. [09-16]

J. 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. The public facilities and services are: roads, sanitary sewer, solid waste, drainage, potable water, recreation/open space and mass transit.

K. 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.

L. Final Site Plan

Final site plan approval shall mean that a site development plan has been reviewed and approved by Pinellas County Utilities, Public Works, and the departments of Environmental Management, Development Review Services, and Planning for compliance with all currently-applicable rules, regulations, and ordinances and has subsequently been reviewed, approved, and signed by the County Administrator.

M. Level of Service (LOS)

A measure of performance and/or of demand versus available capacity of public services and facilities. Regarding roadways, LOS is based primarily on travel speeds on a scale of A through F. The six LOS grades and LOS Maintain are described below.

1. *Level of Service A*: Free flow traffic with individual users virtually unaffected by the presence of others in the traffic stream.
2. *Level of Service B*: Stable traffic flow with a high degree of freedom to select speed and operating conditions but with some influence from other users.
3. *Level of Service C*: Restricted flow which remains stable but with significant interactions with others in the traffic stream. The general level of comfort and convenience declines noticeably at this level.
4. *Level of Service D*: High-density flow in which speed and freedom to maneuver are severely restricted and comfort and convenience have declined even though flow remains stable.
5. *Level of Service E*: Unstable flow at or near capacity levels with poor levels of comfort and convenience.
6. *Level of Service F*: Forced traffic flow in which the amount of traffic approaching a point exceeds the amount that can be served with queues forming. LOS F is characterized by stop-and-go waves, poor travel times, low comfort and convenience and increased accident exposure.
7. *Maintain*: As defined in the Florida Department of Transportation 1995 Level of Service Manual, Maintain means continuing operating conditions at a level such that significant degradation does not occur. For roadways in urbanized areas, for roadways parallel to exclusive transit facilities or for intrastate roadways in transportation concurrency management areas, a significant degradation means 1) an average annual daily traffic increase in two-way traffic volume of 10 percent or 2) a reduction in operating speed for the peak direction in the 100th highest hour of 10 percent.

N. Long Term Concurrency Management Corridor

A roadway designated for application of long term concurrency management provisions, in accordance with Rule 9J-5.0055(4), which are designed to correct existing level of service deficiencies over a planning period of up to 15 years through the establishment of priorities, implementation of a long-term schedule of capital improvements and through commitment of local resources, such as earmarked impact fee revenues, intended to reduce backlogged conditions.

O. 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.

P. Strategic Intermodal System (SIS)

Statewide system of high-priority regional transportation facilities that includes the State's largest and most significant commercial airports, spaceports, deepwater seaports, freight rail terminals, passenger rail and intercity bus terminals, rail corridors, waterways and highways. [09-16]

Q. Transportation Management Plan

A Transportation Management Plan (TMP), as developed by an applicant representing a proposed development, is submitted in conjunction with individual site plans seeking to utilize transportation management plan strategies to mitigate development impacts, protect roadway capacity and to increase mobility. Transportation management plan strategies include physical and operational improvements as well as demand management initiatives. Examples of transportation management plan strategies include, but are not limited to, density/intensity reductions, project phasing, outparcel deletion, physical roadway improvements, access controls, and/or incentives encouraging mass transit, bicycle or pedestrian travel or ride-sharing. Transportation management plan strategies must be approved by Pinellas County and are imposed as conditions for site plan approval for projects impacting concurrency management corridors.

R. Transportation Regional Incentive Program

The Transportation Regional Incentive Program (TRIP) was created as part of Senate Bill 360, which amended Chapter 163, F.S. The Program provides 50 percent matching grants to local governments to improve regionally significant facilities in regional transportation areas, which are defined as two or more contiguous Metropolitan Planning Organizations (MPOs), one or more MOPs or counties, a multi-county regional transportation authority, two or more contiguous counties not members of an MPO or MPOs comprised of three or more counties. [09-16]

S. Volume-To-Capacity (V/C) Ratio

The rate of traffic flow of an intersection approach or group of lanes during a specific time interval divided by the capacity of the approach or group of lanes. Volume-to-capacity ratios provide a measure of traffic congestion and are utilized in the Concurrency Management System to identify congested road segments and to minimize the transportation impacts of development projects that affect them.

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.

B. Certificate of Concurrency Determination - Continued Validity

1. The Certificate of Concurrency, or its functional equivalent, 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 Certificate of Concurrency (or its functional equivalent).
3. For those Certificates of Concurrency 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 Certificate of Concurrency (or its functional equivalent) as issued, shall be for the time period stated within the development agreement.

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 Certificate of Concurrency (or its functional equivalent) issued for that development proposal. A development order or development permit shall be in compliance with its underlying Certificate of Concurrency 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 Certificate of Concurrency.

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 a valid certificate of concurrency (or its functional equivalent), 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.

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) roads, 2) sanitary sewer, 3) solid waste, 4) drainage, 5) potable water, 6) recreation, and 7) mass transit. 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.
- 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.

- C. The level of service standard on County and State Roads, excluding congestion containment, constrained, and long term concurrency management facilities, is LOS C average daily/D peak hour and a v/c ratio of less than 0.9. This LOS standard is established through the Transportation Element of the Comprehensive Plan.
- D. The level of service standard for congestion containment, and constrained corridors is LOS F. The intent of establishing this level of service standard is to allow development to occur with restrictions imposed by the Concurrency Management System. Through the application of the Concurrency Management System in combination with transportation facility improvements implemented through the CIE, the County strives to improve the level of service on these facilities to the fullest extent possible. The level of service standard established for the portion of US Highway 19 designated as a long term concurrency corridor is described in Section V.D.
- E. For Mass Transit, Pinellas County, in cooperation with PSTA, shall ensure transit access to all major traffic generators and attractors with at least a 30 minute headway in the peak hour and no greater than a 60 minute headway in the off peak hour. (Major generators and attractors are defined as businesses with 500 or more employees, colleges/universities or regional shopping centers).

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
 - a) 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 6-year schedule of capital improvements in the Pinellas County Capital Improvements Element; or
 - b) 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
 - c) 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.
- C. For roads and mass transit where Pinellas County has committed to provide the necessary public facilities and services in accordance with its Capital Improvement Program and the Capital Improvements Element, Pinellas County shall satisfy the concurrency requirement by complying with the standards in V. A. and B. of this section and by assuring that the following provisions are met:
1. The Capital Improvements Element and Capital Improvement Program which, in addition to meeting all of the other statutory and rule requirements, must be financially feasible.

2. The Capital Improvements Element and Capital Improvement Program shall include both necessary facilities to maintain the adopted level of service standards to serve the new development proposed to be permitted and the necessary facilities required to eliminate that portion of existing deficiencies which are a priority to be eliminated during the six-year period under Pinellas County's plan schedule of capital improvements pursuant to V. A. 1 of this section.
3. The Capital Improvements Element and Capital Improvement Program provide a realistic, financially feasible funding system based on currently available revenue sources which is adequate to fund the public facilities required to serve the development authorized by development orders and permits and which public facilities are included in the six-year schedule of capital improvements.
4. The Capital Improvements Element shall include the estimated date of commencement of actual construction and the estimated date of project completion.
5. Actual construction of transportation facilities scheduled in the Capital Improvements Element and Capital Improvement Program that are needed to serve new development projects adding vehicle trips to a roadway operating below the adopted level of service standard must be in place or under actual construction within three years after a building permit is approved except as otherwise provided in Section 163.3180, F.S.
6. An amendment to the Capital Improvements Element shall be required to eliminate, defer or delay construction of any facility or service which is needed to maintain the adopted level of service standard and which is listed in the six-year schedule of improvements.
7. Pinellas County shall continue to implement the Concurrency Management and Concurrency Test Statement Sections of the Land Development Code which, in conjunction with the Capital Improvements Element, ensures that development orders and permits are issued in a manner that will assure that the necessary public facilities and services will be available to accommodate the impact of development.
8. Pinellas County shall adopt a Concurrency Test Statement on an annual basis to determine whether it is adhering to the adopted level of service standards and its schedule of capital improvements.

D. Long Term Transportation Concurrency Management System.

Pinellas County shall establish a Long Term Concurrency Management System for US Highway 19, from Klosterman Road to Whitney Road in accordance with Rule 9J-5.0055 and with stipulations set forth by the Florida Department of Transportation District 7 Office. This section of US Highway 19 is designated as a Florida Intrastate Highway.

The Long Term Concurrency Management System established in the Pinellas County Comprehensive Plan recognizes that an acceptable level of service for all segments within the portion of US Highway 19 from Klosterman Road to Whitney Road cannot be reached on a long-term basis until the facility is improved to a partially-controlled access road, in its entirety. These needed improvements are included in Table 16 of the CIE.

1. Segments within the US Highway 19 FIHS corridor from Klosterman Road to Whitney Road where existing backlogs exist (deficient level of service conditions) are shown on the level of service map contained in Figure 1-3 and in Table 1-9 in the Transportation Element. Segments operating with volume-to-capacity ratios greater than 1.0, as shown in Table 1-9, provide an additional indication of the level of backlogged conditions that exist on this facility.
2. Table 16 of the CIE includes the adopted long term schedule of capital improvements for the FIHS segment of US Highway 19 from Klosterman Road to Whitney Road. Implementation of these projects is necessary for the facility to function at an acceptable level of service on a long-term basis. Policy 1.1.7 of the Transportation Element stipulates that changes to Table 16 regarding eliminated, deferred or delayed projects will be included in the annual update and amendment of the CIE. [09-16]
3. Long term concurrency management shall be established for the portion of US Highway 19 from Klosterman Road to Whitney Road for a 15-year period beginning in 1998. An interim LOS standard of "Maintain with 10 percent degradation" is established in Transportation Element Policy 1.1.7 (A) for this time period. [09-16]
4. Interim demand management strategies and physical and operational improvements within the long term concurrency management corridor shall be implemented by developers as transportation management plan strategies through the Concurrency Management System and by Pinellas County through the allocation of impact fee revenue.
4. The implementation of long term concurrency management on the portion of US Highway 19 from Klosterman Road to Whitney Road, shall be monitored to evaluate the effectiveness of the implemented improvements and strategies toward improving level of service conditions. Evaluations of long term concurrency management on US Highway 19 shall be conducted as needed with the resultant findings being incorporated in an amendment to the Comprehensive Plan. At a minimum, the evaluations shall be conducted in 2003, 2008 and 2013, with the results being analyzed and addressed as recommended actions, as applicable, in subsequent Evaluation and Appraisal Reports of the Comprehensive Plan.