

**TEMPLE TERRACE CODE
CHAPTER 25 – LAND DEVELOPMENT**

ARTICLE IX. LEVEL OF SERVICE MAINTENANCE REQUIREMENTS

Section 25.900 CONCURRENCY MANAGEMENT PROGRAM AND MONITORING REQUIREMENTS.

Purpose and Intent: This Article outlines the schedule and identifies the mechanisms for concurrency management and Level of Service (LOS) measuring and monitoring required by Chapter 163, Florida Statutes, Florida Administrative Code 9J-5, 9J-11, 9J-29 and the City's Comprehensive Plan.

Public facilities' LOS monitoring and annual reporting, adopted in the City's Comprehensive Plan, is the administrative mechanism that identifies the impact of additional development on these facilities.

Section 25.905 VESTED DEVELOPMENT AND DEVELOPMENT ORDERS.

- (a) Purpose and intent.

This Section outlines the conditions under which the issuance of development permits is exempt from the concurrency requirements and monitoring requirements of this Article.

- (b) Extension for concurrency review.

As of 2/1/90, outstanding development permits, as described in Section 25.910 will be considered exempt from the concurrency provisions of this Article for a period of one year, within which time the development must obtain further development permits as described in Section 25.910 and shall then be subject to the concurrency exemption provisions described therein. Failure to proceed in accordance with the described time schedule shall divest the development as it relates to concurrency.

- (c) Single-family exemption.

All single-family subdivision lots lawfully platted before 2/1/90 are exempt from the concurrency provisions of this Article until January 31, 1995.

- (d) Developments of regional impact.

Developments of regional impact and development orders issued pursuant to Chapter 380, Florida Statutes, which were approved prior to February 1, 1990, are exempt from the provisions of this Article to the extent provided for in Chapter 163.3167(8), Florida Statutes.

- (e) Reconstruction exemption.

Reconstruction of facilities in existence on 2/1/90, as a result of fire, storm or other disaster are exempt from the concurrency provisions of this Article, so long as the facility is not enlarged by more than 5% or the use changed resulting in an increased demand on required facilities.

Section 25.910 FACILITY CAPACITY RESERVATION PERIODS.

(a) Development permits, described below, issued after 2/1/90 for which review has been completed under the provisions of this Article and for which required facility capacity has been determined available, shall complete development activity consecutively under the specific development permit approval periods to retain their reservation of acquired facility capacity for purposes of concurrency.

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- (b) Approval periods.

<u>Development Permit</u>	<u>Approval Period</u>
Final site plan approval	12 months
Infrastructure permit	6 months
Building permit	6 months

- (c) Continuation of development activity.

Upon approval of a final site plan or issuance of an infrastructure or building permit, the development activity related to the development permit must be substantially completed and subsequent development permit obtained during the timeframe in Subsection 25.910(b) above to retain the facility capacity reservation.

- (d) Extensions.

The City Manager may grant one extension, not to exceed six (6) months, for each development permit due to the complexity or magnitude of a particular development activity or as a result of acts of nature.

Section 25.915 MINIMUM REQUIREMENTS FOR CONCURRENCY.

- (a) Analysis on affected facilities.

Required facilities include any utility, amenity, service or system that is required to maintain a level of service (LOS) as adopted in the City's Comprehensive Plan. The impact on the LOS and the need for additional required facilities shall be identified by the development permit applicant and reviewed for concurrency by the City in compliance with the adopted Comprehensive Plan.

- (b) Conditions for concurrency.

Prior to the issuance of a development permit, concurrency requirements will be considered met if the following conditions are addressed for each of the facility LOS requirements:

- (1) Potable water, sanitary sewer, solid waste, drainage.
 - a. The required facilities are in place at the time a development permit is issued; or
 - b. A development permit is issued subject to the condition that the required facilities will be in place when the development impacts occur; or
 - c. The required facilities are under construction at the time a permit is issued; or
 - d. The required facilities are guaranteed in an enforceable development agreement that includes the provisions of Subsection (b)(1) a. through c. above.
- (2) Recreation.
 - a. Compliance with Section 25.915(b)(1) a. through c. of this Article.
 - b. At the time the development permit is issued, the required facilities are the subject of a binding, executed contract that provides for the commencement of the actual construction of the required facilities or their provision within one year of the development permit's issuance.

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- (3) Traffic circulation (City limits).

Compliance with Section 25.915(b)(1) a. through d. or Section 25.915(b)(2) b. of this Article.

Section 25.920 RESPONSIBILITY FOR IMPLEMENTATION.

- (a) Coordinating Department.

The Department of Community Services (*Ord. No. 1161, 2-21-06*) shall coordinate the implementation and measurement of level of service standards, and by November 1 of each year shall provide the lead department/division with the following information:

- (1) City Limits and the reserve area current population estimates and projections for a five-year period;
- (2) Building permit activity for the previous three years and three-year projections;
- (3) Additional statistical information the lead department/division may request.

- (b) Lead department/division.

The following department/division will be responsible for the individual monitoring and reporting schedules outlined in this Chapter:

<u>Lead Department/Division</u>	<u>Facilities</u>
Public Works	Potable water, sanitary sewer, and solid waste.
Parks and Recreation	Park land and recreation facilities.
Engineering	Traffic circulation and drainage.

- (c) Standards establishment.

The Department of Community Services shall establish a “persons per unit” standard for residential structures and an equivalent standard “per square footage” for commercial use. These standards shall be applied to building permit applications to document the growth and allocation of service capacity as it relates to the adopted LOS for required facilities. (*Ord. No. 1161, 2-21-06*)

Section 25.925 IMPLEMENTATION AND MONITORING.

To ensure that the goals, objectives, policies and programs established in the capital improvements element of the Comprehensive Plan will be achieved, the following review procedure is hereby enacted:

- (a) Development permit review (site plan review).

When application is made for a development permit, it will outline the development’s impact on the LOS of required facilities, what facilities must be provided, and how the facilities will be provided concurrently.

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- (b) Building permit review.

The application review of a building permit will outline the impact on the LOS of required facilities, what facilities must be provided, and how the facilities will be provided concurrently.

- (c) Annual budget.

The annual budget will identify projects required to maintain or attain an adopted LOS. Capital projects, which are required for LOS maintenance or attainment, but are unfunded in the annual budget, shall cause the revocation of any development order or building permit that was issued contingent upon the construction of the project.

- (d) Comprehensive Plan amendments.

The semi-annual report to the Department of Community Affairs relative to plan amendments will report any changes to adopted goals, objectives, policies, and programs in the capital improvements element.

- (e) Monitoring.

Each required facility with an adopted LOS will be measured at least annually, except as follows, to document the current LOS and ensure that the adopted LOS is maintained.

If the annual report indicates the current LOS is within 10% of the adopted LOS, monitoring for that required facility shall begin on a quarterly basis until the current LOS exceeds the adopted LOS and service and action are commenced under Section 25.935(b) of this Article.

The specific methodology for each monitoring schedule and report is outlined in the specific guidelines for concurrency for each required facility.

Section 25.930 SPECIFIC GUIDELINES FOR CONCURRENCY MANAGEMENT.

- (a) Recreation facilities and park land.

- (1) Required facilities (see Comprehensive Plan for adopted LOS).

- a. Recreation facilities that have adopted LOS standards: golf courses, swimming pools, tennis courts, basketball courts, baseball fields, softball fields, football/soccer fields, exercise trails, handball/racquetball courts, gymnasiums, volleyball courts, track and field, multi-purpose courts, hiking/nature trails, and bicycling paths.
- b. Neighborhood park – park land that serves a particular neighborhood by foot or bike.
- c. Community park – park land that serves more than one neighborhood.
- d. District park – park land and open space that serves many neighborhoods and communities.

- (2) Responsibility for implementation.

The Parks and Recreation Department shall be the lead department in all monitoring and reporting activities related to recreational facilities and park land.

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- (3) Methodology.

LOS measurement and concurrency management for park land and recreational facilities shall be on a City-wide basis. Recreational facilities and park lands will be cited using existing inventory and the projections provided under Section 25.920(a) and (c) of this Article.

- (b) Potable water, sanitary sewer, drainage and solid waste.

- (1) Required facilities (see Comprehensive Plan for adopted LOS).

Potable water

- a. Average daily flow (ADF) per capita – the total number of gallons of water pumped in a year divided by 365 and then divided by the population of the area served.
- b. Peak daily flow per capita – the highest number of gallons of water pumped in one day, in a given year, divided by the population of the area served.
- c. Storage capacity – the total volume of water stored in advance of its use excluding water stored in transmission and distribution lines.

Sanitary sewer

- a. Minimum daily flow per capita – the lowest number of gallons of sanitary sewage discharged into the City of Tampa’s sanitary sewer system, in one day, in a given year, divided by the population of the area served.
- b. Maximum daily flow per capita – the highest number of gallons of sanitary sewage discharged into the City of Tampa’s sanitary sewage system, in one day, in a given year, divided by the population of the area served.

Solid waste

Pounds per capita per day – the total number of pounds of residential solid waste delivered for disposal, in a year, divided by 365 and then divided by the population of the area served.

Drainage

Storm return frequency – the expected period of times, in years, of a reoccurrence of a rainfall event of the same magnitude, volume and intensity. (Example: over a 50 year period, five, ten year storm events are expected to occur.)

- (2) The Public Works Department shall be the lead department in monitoring and reporting all activities related to potable water, sanitary sewer and solid waste facilities. The Engineering Division shall be the lead department in monitoring and reporting all activities related to drainage.
- (3) Methodology.

Potable water – LOS measurement and concurrency management for potable water facilities shall be conducted on a City and service area-wide basis utilizing the projections provided under Section 25.920(a) and (c) of this Article.

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Sanitary sewer – LOS measurement and concurrency management for sanitary sewer facilities shall be conducted by service area tributary to each of the points of discharge into the City of Tampa sanitary sewer collection system.

Solid waste – LOS measurement and concurrency management for solid waste equipment shall be conducted on a City-wide basis utilizing the projections provided under Section 25.920(a) and (c) of this Article, and the existing inventory of solid waste vehicles.

Drainage – LOS measurement and concurrency management for drainage (stormwater) shall be conducted on an individual development site basis in accordance with “pre” and “post” development LOS.

(c) Traffic Circulation.

(1) Required facilities (see Comprehensive Plan for adopted LOS).

Arterial roads – in or adjacent to City.

- a. 56th Street.
- b. Fowler Avenue.
- c. Bullard Parkway.
- d. Temple Terrace Highway.
- e. Busch Boulevard.

Collector roads – in or adjacent to City.

- a. Fletcher Avenue.
- b. Morris Bridge Road.
- c. Harney Road.

(2) The Engineering Division shall be the lead department in all monitoring and reporting activities related to traffic circulation.

(3) Methodology.

LOS measures required for facilities shall be measured utilizing either of the following methods:

- a. Volume over capacity ratios comparing 24-hour traffic counts to design capacity by direction of traffic for a particular roadway in accordance with FDOT Highway Capacity tables.
- b. Average peak hour speed in accordance with FDOT Highway Capacity Manual determinations of link capacities based upon signalized intersection LOS.

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- (4) LOS calculation – At least annually, using data provided by Hillsborough County, FDOT, or obtained from internally initiated counts conducted under the method described in Section 25.930(c)(3)a of this Article (above), the LOS on each roadway link described in Section 25.930(c) will be compared to the adopted LOS resulting in one of the following:
- a. If the current LOS is measured at the adopted LOS or better, no further action is required.
 - b. If the current LOS on backlogged facilities is required at the adopted volume over capacity ratio or better, no further action is required.
 - c. If the current LOS or the volume over capacity ratio for backlogged facilities on a particular roadway link measures below the adopted LOS, an additional LOS study shall be conducted under the method described in Section 25.930(c)(3)b, and will be compared to the adopted LOS resulting in one of the following:
 - 1. If the LOS is measured at the adopted LOS or equivalent volume over capacity ratio or better, no further action is required.
 - 2. If the LOS is measured below the adopted LOS or equivalent volume over capacity ratio, no development permits for development as described in paragraph c.3. below, shall be issued until improvements are made to the existing roadway to return the LOS to at least the adopted LOS.
 - 3. Development having an impact on affected segments shall be those areas meeting the following criteria:
 - aa. Traffic for the development will generate 3% or more of the design capacity traffic volume on an affected collector road segment or 1% or more of the design capacity traffic volume on an affected arterial road segment.
 - bb. The development is adjacent to an affected road segment or has primary ingress/egress at the affected road segment network.
 - cc. The development is located within 1,000 feet of an affected roadway network.

Section 25.935 LEVEL OF SERVICE REPORTING.

- (a) Annual level of service (LOS) report.

By January 1 of each year, the lead department shall prepare a report analyzing the following issues for their required facilities:

- (1) Current LOS versus adopted LOS.
- (2) Current and/or potential LOS deficiencies for ensuing five-year period.
- (3) Capital improvement projects required to maintain adopted LOS.

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- (4) For those required facilities with a LOS deficiency, a recommendation to:
- a. Fund the necessary improvements to maintain or re-establish the adopted LOS;
or
 - b. Amend the Comprehensive Plan adopting a lower LOS consistent with the current LOS; or
 - c. Cease issuing development permits that impact the LOS until the adopted LOS is re-established.

(b) Remedial action.

In January of every year, the City Manager shall present the LOS reports to the City Council at a public meeting. For each of the required facilities with an identified LOS deficiency, the City Council shall tentatively elect an option from Section 25.935(a)(4)a. – b. of this Article and hold a public hearing within thirty days to obtain public input on the LOS deficiency remedy.

Within thirty days from the close of the public hearing, the City Council shall initiate action to implement an option from Section 25.935(a)(4)a. – b. of this Article.

(Ord. No. 716, 1-23-90)

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