

*PEDS Department*

**Work Session Item**

**Chapter 30 Concurrency Ordinance**

**June 21, 2022**

# Presentation Outline

- Background
- Ordinance Updates
- Next Steps and Schedule
- Summary



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# Background

- **Concurrency is a growth management tool intended to ensure infrastructure is available to support new development**
- **Concurrency first adopted into State law in 1985 with Growth Management Act (FS 163.3180)**
- **Numerous revisions over time**
- **Major changes in 2011 as part of Florida Community Planning Act**
  - **Removed financial feasibility requirements**
  - **Several optional components**
  - **Detailed requirements for transportation concurrency**



# Background

## ▪ **Concurrency in Orange County (Chapter 30):**

- 1. Potable Water\***
- 2. Solid Waste\***
- 3. Wastewater\***
- 4. Parks and Recreation**
- 5. Stormwater\***
- 6. Roads (Transportation)**
- 7. Mass Transit**
- 8. Public Schools**

**\* denotes areas still required by State**

- Level of service standards are established in the Comprehensive Plan**
- Evaluation methodology differs by type**



# Background

- **Concurrency in Orange County (Chapter 30):**
  - **Concurrency comes in many flavors (available, encumbered, reserved, vested)**
  - **Infrastructure capacity evaluated at various stages of development**
    - **Capacity information letters (due diligence)**
    - **Capacity evaluation (comp plan, rezoning, subdivision)**
    - **Capacity encumbrance letter (plat)**
    - **Capacity reservation certificate (permit)**
  - **Generally required no later than building permit**
  - **Code defines concurrency administration, fees and key terms such as vested rights and de minimis impacts**



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# Ordinance Updates

## ▪ General

- Updated definitions, statutory references, and processes to comply with the latest requirements (**throughout**)
- Changes reference to Level of Service (LOS) Standards to those in Capital Improvement Element of the Comprehensive Plan (**Sec. 30-520**)
- Deletes concept of a “waiting list” (**Sec. 30-586**)
- Simplifies reservation provisions to a standard 3 year period (**Secs. 30-593, 30-597**)





# Ordinance Updates

## ▪ Schools

- Clarifies that residential subdivisions platted before 2008 are now exempt from School Concurrency without application for vested rights (**Sec. 30-374(a)(10)**)
- Clarifies “de minimis” impacts to be consistent with Comp Plan and ILA as any residential development that generates less than 1 student (**Secs. 30-501, 30-503(2)**)
- Updates statutory references, proportionate share impact fee credit language, and concurrency evaluation process (**Sec. 30-622(4)(c)**)



# Ordinance Updates

## ▪ Transportation

- Removes the concept of the Alternative Mobility Area (transportation concurrency exception area) (Secs. 30-501, 30-506, 30-615)
- Refines traffic study methodology to include intersections, Specific Transportation Analysis Methodology Plan (STAMP) (Sec. 30-562(2))
- Updates how capacity reservation fees are calculated and when fees are due for certified affordable housing projects (Sec. 30-596(1)(b))
- Defines “de minimis” impacts as any development if its impacts are equal to or less than 1% of the adopted service volume (Sec. 30-503(2))



# Ordinance Updates

## ▪ Transportation

- Updates definition of “proportionate share contribution” to provide flexibility to provide for construction of intersection improvements (**Sec. 30-501**)
- Incorporates statutory prohibitions for the denial of a development permit because of a transportation concurrency deficiency (**Sec. 30-621**)
- Adds that CEL extensions shall not be granted if the capacity encumbered affects a deficient road segment (**Sec. 30-588**)
- Minor updates to procedures for proportionate share agreements and the County’s Roadway Agreement Committee (**Sec. 30-620 thru 30-623**)



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## Next Steps and Schedule

- **Work session and Public Hearing with the Local Planning Agency**
  - July 2022 Work Session
  - August 2022 Public Hearing
- **Review by the Development Advisory Board**
  - August 2022
- **Adoption public hearing anticipated in late Summer/early Fall 2022**



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- **Concurrency attempts to ensure infrastructure availability concurrent with the impacts of new development**
- **Amendments to Chapter 30 include clean-ups and those required for consistency with State law**
- **Major changes relate to transportation concurrency methodology and proportionate share**
- **Ordinance will be reviewed by DAB and LPA**
- **Adoption hearing anticipated in late Summer/early Fall 2022**