

Administrative Order



Administrative Order No.: 4-85

Title: Service Concurrency Fee Schedule, Standards, Evaluation Methods, Criteria, and Policies and Procedures

Ordered: 12/5/1995

Effective: 12/5/1995

AUTHORITY:

Section 163.3202, Florida Statutes, and Section 33G, Code of Metropolitan Dade County, Florida.

SUPERSEDES AND RESCINDS:

This Administrative Order supersedes the existing Administrative Order 4-85, dated March 17, 1994.

POLICY:

An Administrative Order identifying the methods and criteria to be utilized by Concurrency Review Agencies to evaluate applications for development orders and impacts on levels of services shall be established. Such Administrative Order shall also include policies and procedures for concurrency review and a schedule of fees for conducting concurrency analyses, all pursuant to Chapter 33G, Code of Metropolitan Dade County, Florida.

PROCEDURE:

Agencies accepting applications for development orders, as defined in Chapter 33G, Code of Metropolitan Dade County, shall be responsible for the collection and dispersal of fees in accordance with the schedule attached hereto and made a part hereof. Concurrency Review Agencies specified in Section 33G-4 of said Code shall utilize the amended methods and criteria attached hereto and made a part hereof when evaluating applications for development orders, evaluating levels of service, and in preparing Concurrency Statements pursuant to said Section 33G.

FEE SCHEDULE:

The fee schedule amended by this Administrative Order is attached hereto and made a part hereof. In accordance with Section 2.3 of the Code of Metropolitan Dade County, this official fee schedule is also filed with and subject to the approval of the Board of County Commission and is on file with the Clerk thereof.

This Administrative Order is hereby submitted to the Board of County Commissioners of Dade County, Florida.

Armando Vidal, P.E.
County Manager

Further Information

[Service Concurrency Fee Schedule
Section I](#)

[Service Concurrency Fee Schedule
Section II](#)

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Section III](#)

Section One

STANDARDS, EVALUATION METHODS AND CRITERIA

TRAFFIC CIRCULATION

The following is the adopted Level of Service Standard for Dade County:

Level of Service (LOS) Standard

The minimum acceptable peak period¹ operating LOS for all State and County roads in Dade County outside of the Urban Development Boundary (UDB) identified in the Land Use Element shall be LOS D on State Minor Arterials and LOS C on all other State roads and on all County Roads. The minimum acceptable peak-period LOS for all State and County roads inside the UDB shall be the following:

- (1) For the interim period 1989 through 1994, the minimum acceptable peak-period operating LOS shall be LOS E (100 percent of capacity) with the following exceptions:
 - (a) The minimum acceptable LOS outside of the Urban Infill Area (UIA)² for any road operating below E on or before July 1, 1989, shall be 10 percent (10%) below said existing LOS; the minimum acceptable LOS inside the UIA for any road operating below LOS on or before July 1, 1989 shall be 15 percent (15%) below said existing LOS; and,
 - (b) In Special Transportation Areas (STAs), twenty percent (20%) of non-State facilities may operate below LOS E.

- (2) Beginning January 1, 1995, the minimum acceptable peak-period LOS standard shall be the following:

(a) Within the UIA or STAs

1. Where no public mass transit service exists, roadways shall operate at or above LOS E; in STA's 20 percent of non-State roads may operate below E;
2. Where mass transit service having headways of 20 minutes or less is provided within 1/2 mile distance, roadways shall operate at no greater than 120 percent of their capacity;
3. Where extraordinary transit service such as commuter rail or express bus service exists, parallel roadways within 1/2 mile shall operate at no greater than 150 percent of their capacity.

(UTPS) Service Volumes for Level of Service "E" through December 31, 1990. Thereafter, LOS will be measured based on the latest edition of the Highway Capacity Manual. Prior to 1991, applicants for development orders may submit traffic studies based on the latest edition of the Highway Capacity Manual.

¹ Peak-period means the average of the two highest consecutive hours of traffic volume during a weekday.

² UIA is defined as that part of Dade County located east of, and including, SR 826 (Palmetto) Expressway and NW/SW 77 Avenue, excluding the City of Islandia.

TABLE 1

SHORT-TERM LOS STANDARD (1989-1994)

Outside UDB: LOS D-State Minor Arterials
 LOS C -County Roads and State Freeways and Principal Arterials

Inside UDB: LOS E Except:
 Roads currently operating below E:
 1) Between the UIA and UDB, 10% total additional trips over the 1989 existing LOS E allowed on such roads.
 2) Inside the UIA, 15% total additional trips over the 1989 existing LOS E allowed on such roads.
 3) STA's (Special Transportation Areas) 20% total additional trips over the 1989 existing LOS E on non-state roads.

LONG-TERM LOS STANDARD (BEGINNING 1995)

TRANSIT AVAILABILITY

<u>LOCATION</u>	<u>No Transit Service</u>	<u>20-min. Headway Transit Service Within 1/2 Mile</u>	<u>Extraordinary Transit Service (Commuter Rail or Express Bus)</u>
Outside UDB	LOS D - State Minor Arterials LOS C - County Roads and State Freeways and Principal Arterials		
Between UIA and UDB	LOS D (90% of Capacity); or LOS E on SUMAs	LOS E (100% of Capacity)	120% of Capacity

(100% of Capacity)

Inside UIA or STA	LOS E (100% of Capacity)	120% of Capacity	150% of Capacity
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Analysis Method and Criteria

I. Methods for Monitoring Existing Peak-Period LOS Conditions

- A. Level of service determinations for County and State arterial and collector roads hereinafter referred to as roadways, as defined in Dade County Ordinance 88-112 (Road Impact Fee Ordinance) will be made by the Dade County Public Works Department, based on its traffic counts, daily counts made by FDOT, and certified data provided by qualified traffic engineers, all of which will have been collected in Dade County.
- B. Roadway levels of service shall be based on the procedures and guidelines described in the latest edition of the Highway Capacity Manual (HCM). Specifically, the most recent version of the FDOT LOS Model will be used to develop service volume tables for all roadway segments in Dade County.
- C. Roadway capacity improvements planned within 20 years for Initial Development Order applications, programmed in the CIE and/or TIP within 5 years for Intermediate Development Order applications, and programmed for construction within 3 years inside the UIA or eighteen months between the UIA and UDB Section 33G-5(6)(C) of Dade County for Final Development Order applications will be credited in capacity calculations.
- D. The peak-period LOS calculation will be determined using established peak-period factors. The peak-period factors (percent of total daily trips which occur during the average of the two consecutive hours of highest traffic volume) will be established using hourly traffic counts obtained in Dade County, unless specific peak-period counts are available for a particular roadway.
- E. The County shall develop and maintain a list and shall graphically depict the current peak-period LOS for State and County arterial and collector roadways including the volume/capacity ratios for all such roads operating at Level of Service D, E, or F. This list and map shall be updated periodically as significant new information becomes available, but at least annually.

II. Identification of Substandard Areas, and Areas having Surplus Capacity.

- A. Following preparation of the LOS roadway lists and maps, other lists and maps will be prepared by the County indicating segments of roads operating with traffic in excess of the adopted LOS standard as provided in Section 33G, Code of Metro-Dade County.
- B. The geographic area surrounding roadway segment(s) operating below adopted LOS shall be referred to as "Substandard Areas". These Areas will be defined as a 1/2 mile band on each side of the centerline of a roadway segment operating below the adopted standard extending parallel to the congested segment for a distance of 1/2 mile beyond each end point of the congested segment. Within these "Substandard Areas", the maximum increase in traffic allowed through 1994 shall not exceed 10% of the 1989 existing peak-period LOS between the UIA and UDB. The maximum increase in traffic allowed within the UIA during this period shall not exceed 15% of the 1989 existing peak-period LOS.

III. Methods For Evaluating Development Impacts.

- A. Development shall be evaluated for impact on the nearest roadway(s) in the traffic network accessed by the subject development. If the development accesses more than one roadway, projected trips generated by the development shall be assigned to the roadways in accordance with accepted traffic engineering principles, and best professional judgment.
- B. A development's impact on the roadway system shall be determined by using the trip generation rates set forth in the Dade County Road Impact Fee Ordinance, the Metro-Dade Road Impact Fee Manual (Section III), and the most recent edition of Trip Generation published by the Institute of Transportation Planning, Washington, D.C. It shall include evaluation for its direct effect on an arterial or collector roadway adjacent to the point(s) of project access.
- C. Any applicable facility improvements, committed or contracted, as provided in the Concurrency Management Ordinance (Section 33G-5), Procedures) will be included to reflect the additional roadway capacity that will become available in keeping with the time allowances in Chapter 33G.
- D. The peak traffic generation of the proposed development shall be added (after possible distribution) to the existing traffic, plus any currently available tabulations of previously approved intermediate or final development orders. To determine conformance with the LOS standard, this total shall then be compared to the existing and/or programmed roadway capacity. In an area operating below LOS E in July 1989, total projected traffic will be compared to 110% of the 1989 traffic volume between the UIA and UDB, and 115% inside the UIA.
- E. For roadways where an applicable traffic count does not exist, for the purpose of this analysis, the County shall estimate the traffic volume based on available data and best professional judgment. The applicant may opt to provide a count at his expense certified by a qualified traffic engineer.
- F. The applicant may elect to submit at his own expense a traffic study certified by a qualified traffic engineer. Any deviation from accepted standards must be substantiated by the applicant and found by the Public Works Department to be acceptable. Peak trip generation assumptions may be moderate if it is demonstrated, and the County concurs, that effective measures will be employed by the applicant which will cause the peak traffic generation characteristics of the proposed development to be significantly lower than the normal project of the same type on which the peak trip generation factors are based. Whenever a traffic study, properly prepared by a qualified traffic engineer, is submitted in conjunction with application to the Department of Planning, Development and Regulation for a Development of Regional Impact, that study shall be utilized for purposes of this level of service concurrency determination.

MASS TRANSIT

The following is the adopted Level of Service for Dade County:

Level of Service Standard

The minimum peak-hour mass transit level of service (LOS) shall be that all areas within the Urban Development Boundary (UDB) of the Land Use Plan (LUP) which have a combined resident and work force population of more than 10,000 persons per square mile shall be provided with public transit service having 60 minute headways and an average route spacing of one mile if:

1. The average combined population and employment density along the corridor between the existing transit network and the area of expansion exceeds 4,000 per square mile, and the corridor is .5 miles on either side of any necessary new routes or route extensions to the area of expansion:
2. It is estimated that there is sufficient demand to warrant the service;

3. The service is economically feasible; and
4. The expansion of transit service into new areas is not provided at the detriment of the existing or planned services in higher density areas with greater need.

Analysis Method and Criteria

- I. Methods for Monitoring Existing LOS and for Identifying Areas having surplus Capacity.
 - A. MDTA will prepare and maintain maps showing the following:
 1. Peak-hour headway service for each bus line up.
 2. Route spacing for each bus line up.
 3. Combined population and employment densities for each Traffic Analysis District.
 - B. Areas within 1/2 mile of routes having 60-minute or shorter headways will be identified as meeting the transit LOS standard. They will also be analyzed to determine whether they have surplus capacity to accommodate projected growth with the exception that areas around specific routes designated by MDTA for subsequent analysis as potentially poor performers and subject to possible cancellation shall not be designated as having surplus capacity.

- II. Method for Evaluating Development Impacts.

If a development is proposed in an area that does not meet the Transit Level of Service standard, then the development impacts of each application will be analyzed using the following procedure:

- A. Identify existing transit service routes, headways and route spacing characteristics;
- B. Identify transit service improvements programmed for the time periods provided in Section 33G-5;
- C. Estimate the combined employment and resident population of the proposed development. Employment population will be estimated utilizing employment factors published in the most recent edition of Trip Generation published by the Institute of Transportation Engineers, Washington, D.C. Residential population will be based on the numbers of proposed residential dwelling units, and the most recent County estimates of occupancy rates for the subject Census Tract as determined by the Department of Planning, Development and Regulation.
- D. Calculate the adjusted combined employment and population density of the Traffic Analysis District reflected the population of the proposed development and any currently available computations of previously approved development in the District;
- E. If the combined population and employment in step D is less than 10,000 persons per square mile, no transit service is required to meet the Comprehensive Development Master Plan (CDMP) Transit (LOS) standard. (However, transit service may be required to meet the post-1994 Traffic Circulation LOS Standard);
- F. If the combined population and employment in step D is more than 10,000 persons per square mile and transit service is required to meet the CDMP Transit (LOS) standard, determine an appropriate route or route extension to serve the area;
- G. Estimate the additional vehicle miles, vehicle hours and vehicles required (including peak vehicles and spares) to operate the additional service; and
- H. Determine the economic feasibility of increasing transit through MDTA's method of forecasting route-level ridership for specific corridors. The ridership projections will be compared to the LOS standard (step F. above) to determine whether increased transit will be needed. and the type(s) and

characteristics of any transit increase(s) (new routes, head-ways) that would be needed.

Developments that require no additional service or that meet these guidelines will be reported as meeting the Transit LOS Standard. Developments that require service increases that do not meet these guidelines will be reported as not meeting the Transit LOS Standard unless the applicant or the County agrees to provide the service within the time periods required by Section 33G-5, Dade County Code.

POTABLE WATER

The following is the adopted Level of Service Standard for Dade County;

- I. Level of Service Standard
 - A. The regional treatment system shall operate with a rated capacity which is no less than 2 percent above the maximum day flow for the preceding year.
 - B. Water shall be delivered to users at a pressure no less than 20 pounds per square inch (psi) and no greater than 100 psi. Unless otherwise approved by the Metro-Dade Fire Department, minimum fire flows based on the land use served shall be maintained as follows:

<u>Land Use</u>	<u>Minimum Fire Flow (gallons per minute)</u>
Single Family Residential; Estate Density	500
Single Family and Duplex; Residential on minimum lots of 7,500 square feet	750
Multi-family Residential Semiprofessional Offices	1,500
Hospitals, Schools	2,000
Business and Industry	3,000

- C. Water quality shall meet all federal, State, and County primary standards for potable water.
 - D. Countywide storage capacity for finished water shall equal no less than 15 percent of the countywide average daily demand.
 - E. The system shall maintain the capacity to produce and deliver 200 gallons per capita per day.
- II. Methods for monitoring Treatment Capacity, Water Quality, and Storage Capacity for Finished Water
 - C. The Department of Environmental Resource Management (DERM) shall determine compliance with the level of Service (LOS) Standard which requires the regional treatment system to operate with a rated capacity no less than 2% above the maximum day flow for the preceding year, based on the following:
 - 1. DERM shall determine the maximum day flow for the preceding 12 months and the average daily flow rate for the preceding 12 months. The maximum day flow shall be determined by calculating the average highest day flow from the 5 highest day flows for the preceding 12 months.
 - 2. DERM shall maintain a tracking list of all water flow allocations for approved final D.O's. The flow allocation for the final plats and waivers of the plat approved subsequent to July 1, 1989

and site plan approvals after the effective date of Ordinance #89-66 shall be maintained in the tracking list for not more than 24 months. If during the 24 month period, building permits are approved pursuant to the approved final plats, waivers of plat and site approvals, the corresponding flow allocations shall be transferred to the building permit flow allocation list. Flow allocations made during the time of building permit (including flow allocation transfers from plat approvals) shall be maintained in the allocation tracking list for an 18 month period. Therefore, flow allocation shall be deleted from the allocation tracking list and assumed to be based on flow figures established in Chapter 24 of the Dade County Code.

3. Municipalities served by the County system shall report to DERM on a monthly basis all development orders issued for construction of new buildings and floor area additions to existing buildings.
- D. Each public water utility is required to submit water quality reports to DERM on an annual basis. DERM shall provide on an annual basis to the Concurrency Information Center a report certifying compliance or non-compliance with the LOS Standards for drinking water quality with respect to each reporting public water supplying system.
 - E. DERM shall evaluate storage capacity based on the average daily flow rate for the preceding 12 months and the water flow allocation for approved final development orders based on the methodology described herein. This evaluation will be reported to the Concurrency Information Center on an annual basis.
 - F. DERM shall submit an annual report to the Concurrency Information Center which certifies whether each public water system has adequate capacity to produce and deliver 200 gallons per capita per day (gpcd) based on population estimates supplied by the Department of Planning Development and Regulation for applicable service areas.
- III. Methods and Criteria for Analyzing Treatment Capacity, Water Quality, and Storage Capacity for Finished Water.
- A. Based on available information at the time of concurrency review, the water facility requirements of the development for which a development order is requested, along with existing flows and outstanding commitments for service, will be evaluated to determine compliance with the LOS Standards established in the adopted Comprehensive Development Master Plan (CDMP). For the purposes of these reviews, outstanding commitments shall mean those commitments for water service for approved Final Development Orders.
 - B. Concurrency analyses will reflect water system improvements programmed for the affected utility within the time periods provided in Chapter 33G of the County Code.
 - C. Water service commitments for existing buildings within approved taxing districts shall be maintained as committed flows for 90 days subsequent to the certification of the taxing district.
 - D. Water service commitments for the initial Certificate of Use and Occupancy (C.O.), Certificates of Use and Occupancy (C.O.'s) for additions of floor area, or C.O.'s for additional dwelling units in existing buildings will be tabulated at the final concurrency determination for the building permit. No additional water service commitments will occur as a result of a subsequent C.O. since flows are already represented as a flow in the system.
 - E. For areas of unincorporated Dade County served by a municipal water system which do not purchase or receive water from the regional treatment system, applicants for County development orders shall provide to DERM a concurrency certificate issued by the designated municipal concurrency review agency stating that the County's potable water level of service standard will be met.

IV. Methods and Criteria for Analyzing Fire Flow

- A. Metro-Dade Fire Department will maintain an inventory of water distribution facilities including information indicating the adequacy of the water supply system for fire flow usage, including fire flow rates, and the distribution schematic for new hydrants.
- B. Maps will be maintained identifying geographic areas within the CDMP Urban Development Boundary (UDB) which are not served by a public water utility system. Maps of areas which generally have less than 500 gallons per minute (gpm) fire flow, and areas which have 3000 gpm or greater fire flow rates may also be maintained at current information reporting standards. Those areas having no public water supply system or having less than 500 gpm rates shall be subject to a case-by-case developmental review. Areas consistently supplying 500 gpm or greater fire flows rates may be identified as having adequate surplus capacity for approval of individual single-family residences, while those areas supplying 3000 gpm or greater may be identified as having adequate surplus capacity for any type of development. Other fire flow conditions may be similarly mapped as warranted.
- C. Where case-by-case evaluation of applications is required, the impact of the proposed development and the adequacy of existing Level of Service performance of the affected system will be determined either by hydraulic engineering computation or individual fire flow test results. Such computations and tests shall be made by procedures and methods utilized in the implementation of Sections 2-103.20 through 2-103.23 of the Dade County Code, and Section D-8 of the Dade County Public Works Manual, as applied to the land use categories specified in the Comprehensive Development Master Plan Potable Water Supply Level of Service Standard.
- D. Maintenance of LOS standards shall be accomplished through compliance with minimum standards for section, half section line and fire hydrant main sizes as specified in Section D-8 of the Metro-Dade County Public Works Manual to the extent necessary to meet the minimum fireflow requirements set forth in the CDMP. Adequacy of Water Supply Distribution Systems necessary to deliver LOS fire flow rates will also be provided through adherence with the hydrant spacing criteria provided in the Public Works Manual Section D-8.04(2)(a)(b)(c)(d).

SANITARY SEWER

The following is the adopted Level of Service Standard for Dade County.

- I. Level of Service Standard
 - A. The regional wastewater treatment and disposal system shall operate with a design capacity of 2 percent above average daily flow for the preceding year.
 - B. Effluent discharged from wastewater treatment plants shall meet all federal, State, and County standards.
 - C. The system shall maintain the capacity to collect and dispose of 100 gallons of sewage per capita per day.
 - D. All treatment plants shall maintain the capacity to treat peak demand flow without overflow.
- II. Methods for Monitoring Treatment and Disposal Capacity, and Effluent Quality
 - A. Department of Environmental Resources Management (DERM) shall determine compliance with the Level of Service (LOS) standard which requires the regional treatment system to operate with a rated capacity no less than 2% above the average daily flow for the preceding 12 months, based on the following:

1. At the beginning of each month DERM shall determine the average daily flow for the preceding 12 months.
 2. DERM shall maintain a tracking list of all wastewater flow allocations for approved final D.O.'s. The flow allocation for final plats and waivers of plat approved subsequent to July 1, 1989 and site plan approvals after the effective date of Ordinance #89-66 shall be maintained in the tracking list for not more than 24 months. If during the 24 month period, building permits are approved pursuant to the approved final plats, waivers of plat and site plan approvals, the corresponding flow allocations shall be transferred to the building permit flow allocation list. Flow allocations made during the time of the building permit (including flow allocations transfers from plat approvals shall be maintained in the allocation tracking list for an 18-month period). Thereafter, flow allocation shall be deleted from the allocation tracking list and assumed to be reflected in the existing flows. Allocations shall be based on flow figures established in the Chapter 24 of the Dade County Code.
 3. Municipalities served by the Dade County Wastewater system shall report to DERM on a monthly basis all development orders issued for construction of new buildings and floor area additions to existing buildings.
- B. Each sewer utility is required to submit monthly operating reports to DERM. DERM shall provide an annual report to the Concurrency Information Center certifying compliance or non-compliance with the LOS Standards for effluent quality with respect to each reporting public sewer system.
- C. DERM shall submit an annual report to the Concurrency Information Center which certifies that the public sewer system has adequate capacity to collect, treat and dispose of 100 gallons per capita per day (gpcd) and peak demand based on population estimates supplied by the Planning Department.

III. Methods and Criteria for Analyzing Proposed Developments

- A. Based on available information at the time of concurrency review, the wastewater facility requirements of the development for which a development order is requested, along with the existing flows and outstanding commitments for service, will be evaluated to determine compliance with the Level of Service (LOS) Standards established in the adopted CDMP. For the purposes of these reviews, outstanding commitments shall mean those commitments for wastewater service for approved Final Development Orders.
- B. Concurrency analyses will reflect sewer system improvements programmed for the affected utility within the time periods provided in Chapter 33G of the County Code.
- C. Wastewater source commitments for the existing buildings within approved taxing districts shall be maintained as committed flows for 90 days subsequent to the certification of the taxing district.
- D. Wastewater service commitments for the initial C.O., C.O.'s for additions of floor area, of C.O.'s for additional dwelling units in existing buildings will be tabulated at the final concurrency determination for the building permit. No additional service commitments will occur as a result of a subsequent C.O. since flows are already represented as a flow in the system.

SOLID WASTE

The following is the adopted Level of Service Standard for Dade County:

Level of Service Standard

Solid Waste disposal facilities shall collectively maintain a minimum of five (5) years capacity to be available at the generation rate of seven (7) pounds per capita per day.

Analysis Method and Criteria

The method for evaluating the adequacy of Solid Waste disposal facilities level of service is based on the combined capacity of all disposal facilities countywide. Level of service (LOS) determinations will be made annually on a countywide basis by the Metro-Dade County Department of Solid Waste Management, or no less frequently than quarterly during any period when there exists less than ten (10) years disposal capacity at current per-capita waste generation rates.

1. LOS shall be defined in terms of the adjusted net years of remaining landfill capacity measured against the five year minimum capacity standard. Existing LOS will be determined on the basis of remaining acreage currently available at existing landfill facilities, and the ton-per-acre capacity for each landfill.
2. Annual gross demand for service will be projected on the basis of the 7 pounds daily per capita waste generation rate. This waste generation rate will be reviewed and evaluated annually, and proposed for amendment whenever warranted based on the most recent 5-year average.
3. The annual gross demand will be converted to net demand or net loading on finite-capacity landfill facilities. The factors incorporated to convert gross demand to net demand on disposal facility capacity include annual processing capabilities of renewable waste management facilities, notably Resource Recovery (waste-to-energy), recycling and composting facilities. These facilities result in a significantly lower loading on the finite-capacity landfills and effectively extend the life of those facilities. Every year, data concerning each of these other factors will be assessed as to past performance and plans for expansion in order to accurately project the magnitude of the anticipated reduction to the gross demand on the finite-capacity landfills in future years.
4. Using county total population projections adopted in the CDMP, the net annual demand trend or net annual loading on finite-capacity landfills and the cumulative rate of loading on the remaining landfill capacity will be projected. The result will be a projected life expectancy for these facilities which will be evaluated against the five-year disposal capacity standard.

FLOOD PROTECTION

The following is the adopted Level of Service Standard for Dade County:

Level of Service Standard

The minimum acceptable flood protected/drainage level of service (LOS) standards for urban areas of Dade County shall be protected from the degree of flooding that would result for the duration of one day during a storm that statistically occurs once in five years. All land on which urban development is to occur shall be filled to meet or exceed the County's flood criteria adopted by resolution R-951-82, as may be amended from time to time. All structures shall be constructed at, or above the minimum flood elevations specified in the Federal Insurance Rate Maps for Dade County.

Analysis Method and Criteria

- A. The Department of Environmental Resources Management (DERM) shall maintain maps depicting the boundaries of areas where limitations of land filling or excavation are imposed.
- B. Applications for Initial Development Orders and all site plan reviews will be reviewed by DERM. In areas mapped in accordance with A, above, proposed zoning plans, including zoning district configurations, will be evaluated for conformance with any fill encroachment and other site-alteration limitations which may be required. When applicable, DERM zoning recommendations shall indicate any areas or portions of areas which may remain unfilled.

- C. Applications for Intermediate and Final Development Orders (except building permits, C.O.'s and C.C.'s) will be reviewed by the Public Works Department. Prior to the Final Plat approval, unless a waiver of this requirement is obtained from the plat committee, all lands required by the plat conditions to be filled to flood criteria and all roads shall be certified by a registered land surveyor or professional engineer registered in the State of Florida to have been filled to required flood elevations or a bond guaranteeing same shall be posted with the County.
- D. Applications for building permits, C.O.'s and C.C.'s shall be reviewed by the Department of Planning, Development and Regulation. Notice shall be provided to the applicant at the time of the building permit issuance of the following conditions:
1. The site shall be filled to County flood criteria elevation National Geodetic Vertical Datum (N.G.V.D.) or an elevation no less than the highest approved crown elevation of the road abutting the property unless a waiver of this requirement is obtained from DERM.
 2. Areas adjacent to lakes or canals shall be graded so as to prevent direct overland discharge of storm water into the lake or canal.

Prior to final inspection or issuance of a Certificate of Use and Occupancy (CO) or Certificate of Completion (CC) the applicant shall provide certification by a registered land surveyor or professional engineer registered in the State of Florida that the foregoing conditions have been met.

LOCAL RECREATION OPEN SPACE

The following is the adopted Level of Service Standard for Dade County:

Level of Service Standard

Metro-Dade County's minimum level of service (LOS) standard for the provision of local recreation open space shall be 2.75 acres of local recreation open space per 1000 permanent residents and a County- provided local recreation open space of 5 acres or larger must exist within a 3 1/2 mile distance from the residential development. These requirements do not apply to rural and agricultural residences on lots 5 acres or larger outside the Urban Development Boundary (UDB).

Local recreation open spaces are defined as open spaces which serve the close-to-home recreation and open space needs of residential neighborhoods and communities. Local recreation open spaces consist of the following County-provided spaces: mini-parks, neighborhood parks, community parks, and portions of special activity areas and those regional and areawide parks that are used as local recreation open spaces and that are designated as local recreation open space³ in the facility inventory maintained by the Metro-Dade Park and Recreation Department. Local recreation open space also includes the public school and public college playfields that are used as local recreation open space or that are included under Joint Parks-School Agreements between the County and the Dade County School System or Board of Regents. Fifty percent (50%) of private recreation open space and facilities⁴ inside the UDB may also be deemed to be local recreation open space. For purposes of issuing development orders, this standard shall apply only within the unincorporated area.

³ Those portions of regional and area wide parks which: 1) contain facilities commonly associated with local parks including but not limited to tot lots, multipurpose courts, and athletic fields, and 2) service a neighborhood or group of neighborhoods.

⁴ Private Recreation Open Space and Facilities means privately owned areas and facilities which serve the local recreational or open space needs of the residents of a subdivision, condominium building or rental apartment building. This shall include only those areas and facilities where assurance is provided in a manner suitable to the

County, that the areas and facilities will be maintained to serve these needs. This does not include building setbacks or open space required by the Dade County Zoning Code, steep slopes, canals, lakes, water courses, beaches, golf courses, wetlands, facilities for the circulation of pedestrians and non-motorized vehicles, parking lots or private recreation open spaces serving ten (10) or fewer dwelling units.

Analysis Method and Criteria

I. Methods of Monitoring Existing LOS Condition.

- A. The Park and Recreation Department shall maintain and periodically update a listing of all local recreation open space inventory as well as an inventory of applicable private recreation open space and facilities as defined in the Recreation and Open Space Element, inclusive of acreage and developed facilities; and the Department of Planning, Development and Regulation will prepare annual estimates of population per dwelling unit for each Park Benefit District (PBD) (See Figure 1) depicted in the Comprehensive Development Master Plan (CDMP). In addition, current LOS conditions will be depicted.
- B. Timely parkland additions committed by inclusion in the Capital Improvement Element (CIE) or by developer commitments provided pursuant to provisions of the Service Concurrency Management Program Ordinance shall be reflected when estimating the LOS.
- C. "Substandard Areas" below Adopted LOS Standards and areas having sufficient surplus capacity as provided in Section 33G-5(2)(c) shall be reviewed and mapped at least one per year.

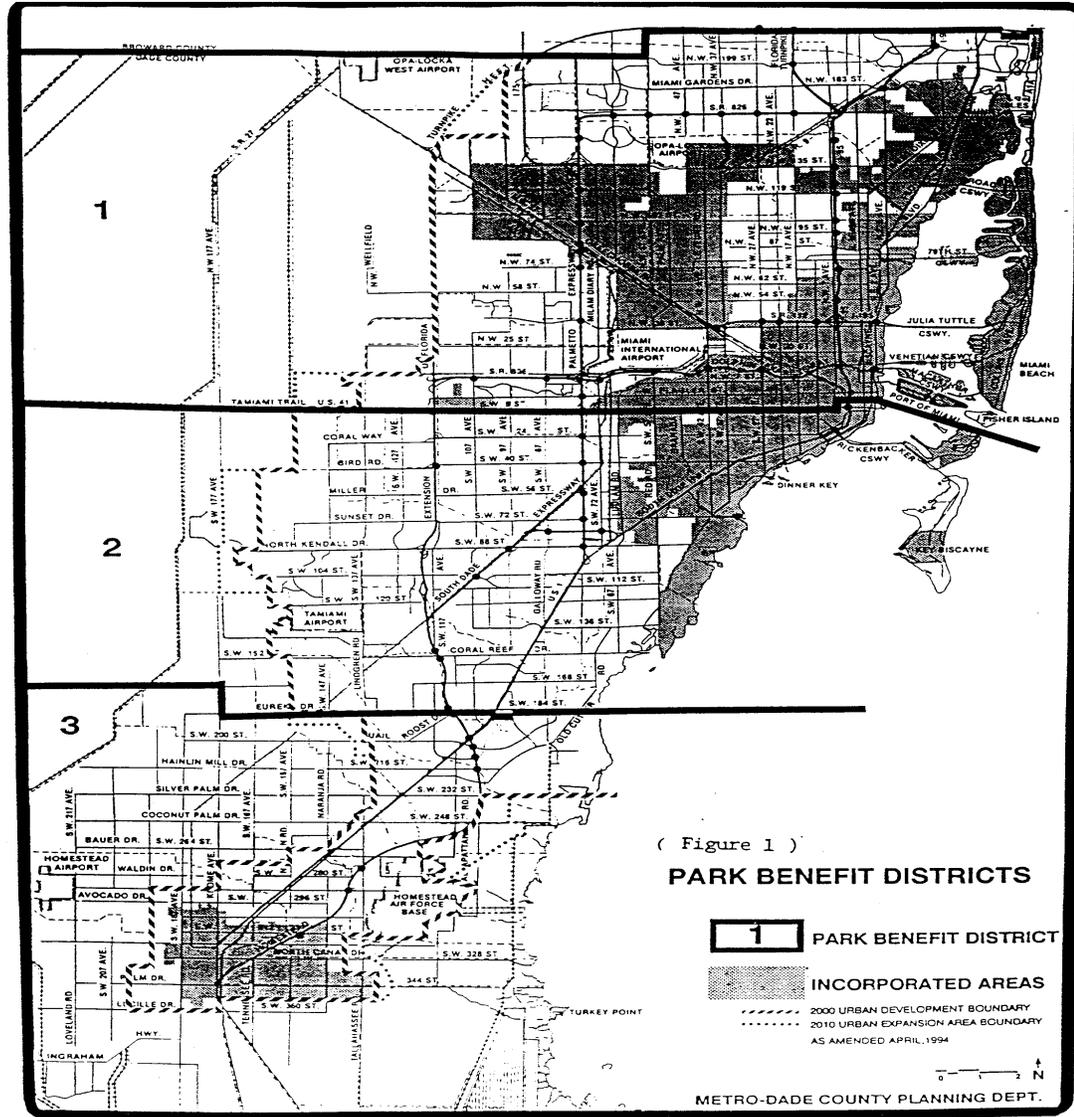
II. Methods for Evaluating Development Impacts.

- A. Prior to the approval or the granting of a development Order (DO) for residential development activity in the unincorporated area of Dade County, the Park and Recreation Department will determine whether the LOS of local recreation open space is adequate to support impacts of proposed residential development. In geographic areas not specified as having sufficient surplus capacity pursuant to Section 33G-5(2)(c), the Park and Recreation Department shall make its determination based upon specific review of each request in accordance with the following:

The impact of residential developments shall be based upon the projected population of the proposed development and the CDMP Open Space Spatial Standard of 2.75 acres per 1,000 persons. The actual amount of parkland need shall be determined by the following:

Net Amount of parkland needed	(=)	Total Number of Dwelling Units	(x)	No. of Persons Per Dwelling Units	(x)	.00275 Net Acres per Person
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- 1. Determination of the Number of Dwelling Units: The basis for determining the total number of dwelling units shall be either of the following, as applicable:



- a. The maximum number of dwelling units permitted within the proposed application area as based upon zoning regulations; or
 - b. The actual number of dwelling units reflected on the Final Plat and/or specified in a proposed site plan or recordable covenant, or building permit application.
2. Determination of Persons/Dwelling unit shall be as prepared by the Department of Planning, Development and Regulation for each PBD, based on census data as said data may be augmented by the Planning Department based upon more current professionally accepted sources.
- B. Adequacy of LOS will be determined by comparing the estimated net amount of local recreation open space need to the excess amount of total programmed acres of local recreation open space available within the applicable PBD. Additionally, each development proposal will be evaluated to certify the presence of a County-provided local recreation open space 5-acres or larger within a 3-1/2 mile distance of the proposed development site.

- C. The acreage/population component of the LOS standard will be calculated on the basis of PBD's.
- D. In order to achieve greater economy and efficiency of operations, and to deliver the range of recreation services desired by the public, thirty(30) acres is the minimum size desired by the county to establish new County-provided local recreation open spaces. However, five (5) acres is the minimum size needed to establish new County-provided local recreation open spaces in unincorporated areas. However, smaller sites will be considered where necessary to preserve unique natural or historic features or the availability of future expansion exists. For purposes of issuing development orders, an area will not be considered below standard if the projected deficiency is less than 5 acres; however, this does not relieve the applicant of applicable requirements for contributions or impact fees.
- E. The following shall be exempted from review by Parks and Recreation:
 - 1. Alterations or expansion of an existing dwelling unit where no additional dwelling units are created.
 - 2. The construction of accessory buildings or structures which will not create additional dwelling units.
 - 3. The replacement of a dwelling unit where no additional population or dwelling units are created.
 - 4. The issuance of a tie-down permit on a mobile home on which applicable Park Impact Fees have previously been paid.
 - 5. All non-residential development.

Section Two

POLICIES AND PROCEDURES*

DEPARTMENTAL RESPONSIBILITIES

INITIAL DEVELOPMENT ORDERS:

*As new policies and procedures are established and implemented this section of the Administrative Order will be amended

The Department of Planning, Development and Regulation shall administer the Concurrency Management Process for all Initial Development Orders as defined in Section 33G-3 of the Code of the Metropolitan Dade County. Said responsibilities shall include:

1. Receiving and assuring the completeness of all applications;
2. Distributing applications to the Concurrency review agencies as specified in Section 33G-4;
3. Monitoring and enforcing the timeframes as specified in Section 33G-5 (4);
4. Compiling concurrency statements received from the review agencies;

Where a concurrency review agency transmits a concurrency statement advising an application does not meet the concurrency requirements of Chapter 33-G:

1. No Public Hearing shall be advertised until said Concurrency Statement is verified by the Concurrency Information Center (CIC). The CIC will provide a response within 48 hours of being notified that an application does not meet the concurrency requirements of Chapter 33-G; and,
 2. Upon receipt of the CIC response, the Department of Planning, Development and Regulation shall immediately notify the applicant by certified mail that the application does not meet the concurrency requirements of Chapter 33-G.
5. Approving or disapproving applications at this stage; and,
 6. Maintaining complete records and documentation pertaining to the application.

Each concurrency review agency shall maintain concurrency reservations, allocations and all inventories for the services for which it is responsible as specified in Section 33G-4. The Concurrency Review Agencies in responding to applications for Initial Development Orders, must comply with all time frames as specified in 33G-5. In preparing Concurrency Statements for Initial Development Orders, the Concurrency Review Agency must indicate in the Concurrency Statement the basis for approval or denial of the Initial Development Order.

INTERMEDIATE AND FINAL (EXCEPT BUILDING PERMITS, CERTIFICATES OF USE AND OCCUPANCY (C.O.'S AND CERTIFICATES OF COMPLETION (C.C.'S)) DEVELOPMENT ORDERS:

The Department of Planning, Development and Regulation shall administer the Concurrency Management Program for Intermediate Development Orders and Final Plats as defined in Section 33G-3 of the Code of Metropolitan Dade County. Said responsibilities shall include:

- (1) Receiving and assuring the completeness of all applications;
- (2) Distributing applications to the concurrency review agencies as specified in Section 33G-4;
- (3) Monitoring and enforcing the timeframes as specified in 33G-5(4) and Section 28 of the Code of Metropolitan Dade County;
- (4) Compiling concurrency statements received from the review agencies;
- (5) Approving and disapproving applications at this stage; and,
- (6) Maintaining complete records and documentation pertaining to the application.

Each concurrency review agency shall maintain concurrency reservations allocations and all inventories for the services for which it is responsible as specified in Section 33G-4. The Concurrency Review Agencies in responding to applications for Intermediate and Final (except Building Permits, C.O.'s and C.C.'s) Development Orders, must comply with all time frames as specified in Section 33G-5. In preparing Concurrency Statements for Intermediate and Final Development Orders (except Building Permits, C.O.'s and C.C.'s), the Concurrency Review Agency must indicate in the concurrency Statement the basis for approval or denial of each Intermediate or Final Development Order.

FINAL DEVELOPMENT ORDERS (BUILDING PERMITS, C.O.'S AND C.C.'S)

The Department of Planning, Development and Regulation shall administer the Concurrency Management Process for all building permits, C.O.'s and C.C.'s as defined in the Section 33G-3 of the Code of Metropolitan Dade County. Said responsibilities shall include:

- (1) Receiving and assuring the completeness of all applications;
- (2) Distributing applications to the concurrency review agencies as specified in Section 33G-4;
- (3) Monitoring the timeframes as specified in Section 3G-5(4);
- (4) Compiling concurrency statements received from the review agencies;
- (5) Approving and disapproving applications at this stage; and,
- (6) Maintaining complete records and documentation pertaining to the application.

Each concurrency review agency shall maintain concurrency reservations allocations and all inventories for the services for which it is responsible as specified in Section 33G-4. The Concurrency Review Agencies in responding to applications for Final Development Orders, must comply with all time frames as specified in Section 33G-5. In preparing Concurrency Statements for Final Development Orders, the Concurrency Review Agency must indicate in the Concurrency Statement the basis for approval or denial of the Final Development Order.

CHAPTER 163 DEVELOPMENT AGREEMENTS

All Chapter 163 Development agreements as defined and established in Section 163.3220-1633240, Florida Statutes and Chapter 33G, code of Metropolitan Dade County shall be submitted to the Department of Planning, Development and Regulation for review.

A development agreement shall include the following:

- a. A legal description of the land subject to the development agreement, and the names of its legal and equitable owners;
- b. The duration of the development agreement;
- c. The development uses permitted on the land, including population densities, and building intensities;
- d. A description of public facilities that will service the development, including who shall provide such facilities; the date by which any new facilities, if required shall be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development;
- e. A description of any reservation of facilities or services or dedication of land for public purposes;
- f. A description of all local development permits approved or required to be approved for the development of the land;
- g. A finding that the proposed or permitted development is consistent with the Metro-Dade County Comprehensive Development Master Plan and its land development regulations;
- h. A description of all conditions, terms, restrictions, or other requirements determined to be necessary by the Department of Planning, Development and Regulation for the public health, safety, or welfare of its citizens; and
- i. A statement indicating that to failure of the development agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirement, condition, term, or restriction.

A development agreement may also provide that the entire development or any phase thereof be commenced or completed within a specific period of time.

After a development agreement is submitted and reviewed by the Department of Planning, Development and Regulation staff, copies shall be distributed to the service concurrency agencies for review and comment. After final sign off by the Department of Planning, Development and Regulation staff the development agreement shall be scheduled before the Executive Council of the DIC which shall make recommendations to the Planning Advisory Board and the Board of County Commissioners regarding the proposed development agreement.

Before entering into, amending or revoking a development agreement, the Planning Advisory shall hold a public hearing on the item and make a recommendation to the Board of County Commissioners who may by resolution approve it. Said recommendation shall be independent of the DIC recommendation and shall be transmitted to the Board of County Commissioners within fourteen (14) calendar days.

The Department of Planning, Development and Regulation shall receive Development Agreement Status Reports, by or on each anniversary date of the Commission approval date for the term of the development agreement. A copy of which shall be sent to the Director of the Department of Planning, Development and Regulation.

The Director of the Department of Planning, Development and Regulation or his representative shall be responsible for enforcing the terms and conditions of the development agreement.

A fee has been established in this Administrative Order under Section Three to cover the costs of reviewing development agreements.

FIVE PERCENT RULE

At the Intermediate Development Order stage (tentative plat stage) the concurrency reservation is valid (active) for a maximum of one (1) year from the date of tentative plat approval, so long as said tentative plat remains valid.

As referenced in Section 28-7, Code of Metropolitan Dade County a Tentative Plat (T-Plat) is valid for 120 days.

If the extension of a T-Plat is approved prior to its expiration, the concurrency reservation will remain valid for the remainder of one year period as stated above.

If the T-Plat expires, the concurrency capacity reservation will be forfeited and the reserved capacity will be returned to the available capacity inventory. If an application to extend is then made the 5% rule will apply.

The 5% rule is where any level of services lowers to a point within 5% of its standard.

If any of the levels of services are not within 5% of their standard the extension will be granted and the T-Plat will be extended for 120 days or until the end of the concurrency reservation period, whichever occurs first.

If the T-Plat has expired and the application to renew is made and any of the levels of service are not found to be within 5% of their standard the renewal will not be granted and a period of 120 days must elapse between the expiration date and the date of reapplication.

EXPIRATION OF DEVELOPMENT ORDERS

Any applicant who has a Development Order that has expired, and therefore is no longer valid, will forfeit all rights to concurrency capacity reservations that have been assigned. The reserved capacity will be returned to available capacity inventory to service the needs of the other proposed developments.

CHANGES OF USE

Applications for a change of use of an existing lawful structure parcel or portion thereof, shall be reviewed for concurrency. A determination will be made as to the additional impact, if any, over said existing use. If all services are found to be adequate then said application may be approved for concurrency and any additional concurrency capacity reservations required, if available, will be assigned.

LOCATIONS OF TRAFFIC COUNT STATIONS

For historical purposes, each traffic count station has an officially designated location. It shall be prohibited to relocate said station authorized by County staff from the Public Works Department. The Concurrency Information Center shall be notified prior to the authorization of any relocation of traffic count stations, which are to be used for concurrency determinations. Reasons for moving shall only include:

1. Relocating said traffic count station within the defined roadway segment due to circulation pattern conditions.

Locations for new traffic count stations shall be determined by County staff from the Public Works Department. The Concurrency Information Center shall be notified prior to the approval of any traffic count stations are to be used for concurrency determinations.

Private counts may only be taken on roadway segments where the Dade County traffic count is over one year old. Locations of private traffic counts will be determined by the Public Works Department. The Concurrency Information Center shall be notified prior to the approval of any private traffic count.

RESERVATION OF CONCURRENCY FOR DEVELOPMENTS OF REGIONAL IMPACT

Development Orders issued in accordance with the requirements of Chapter 380, Florida Statutes, may receive a concurrency reservation for all the services required, under Chapter 33-G of Dade Code, to accommodate the impact of the proposed development as follows:

At the time of payment of the Development of Regional Impact application fees to the South Florida Regional Planning Council and payment of all Zoning and Developmental Impact Committee fees to Dade County by the applicant, a concurrency reservation shall be made for Phase I for 50% of the development, whichever is less. This reservation shall be for a one year period or until said time as the Developmental Order is issued by Dade County, whichever is less. Once the Development Order is issued, a capacity reservation of all necessary concurrency services for the remainder of the proposed development may be provided, if available, through the build out date as stated in the Development Order. If at the time of filing the Application for Development Approval and paying all applicable fees, capacity is not available for Phase I or 50% of development, whichever is less, the applicant will proceed at their Own risk through the development of regional impact process.

GUIDELINES FOR SQUARE FOOTAGE PROPOSALS ON PLAT APPLICATIONS

At the time of filing a tentative plat application for a business or industrial property, the applicant is required, pursuant to 33G-5(3) of Dade County Code, for concurrency reservation purposes, to Submit to the Plat Committee the proposed use of the property and the square footage of said use. For the concurrency reservation purposed the square footage requested on the plat must not exceed The floor area ration for each zoning on a per acre basis:

<u>Zoning Category</u>	<u>Floor Area Ration</u>
BU-1	.3
BU-1A	.3
BU-2	.3
BU-3	.3
IU-C	.5
IU-1	.5
IU-2	.5

In situations where an applicant requests a greater floor ratio than listed above, the Executive Council of the Developmental Impact Committee may grant deviations to the above floor area Ratio, prior to the filing of the tentative plat application for a business or industrial property, based On the following conditions:

- 1) The proposed site plan has received approval pursuant to Chapter 33 of the Dade County Code prior to filing the tentative plat application for the business or Industrial property; or
- 2) The applicant proffers an agreement that the proposed development will meet all Minimum zoning requirements for that BU or IU district and that a variance to the same is not required in order to develop at that density and intensity, and
- 3) The application demonstrates that the proposed density and intensity is reasonable and can be developed in accordance with the BU or IU zoning district regulations.

Section Three

FEE SCHEDULE CONCURRENCY MANAGEMENT PROGRAM

Collection of Fees

Fees for conducting concurrency analyses and providing services to support the concurrency Management program shall be changed and collected by Metropolitan Dade County agencies for the sole purpose of defraying expenses related to the Development Order Tracking System that will facilitate the implementation of Dade County's Concurrency Management Program.

For each and every type of application noted below, the applicant shall pay an additional concurrency review fee equal to 6% of the original permit or application fee. All concurrency review fee shall be paid, in total, at the time of permit issuance or final approval for the applications listed below. An additional concurrency fee shall not be collected for applications where a concurrency review fee Was collected for the subject development within the previous 30 days and said remain unchanged.

The fees shall apply to the following types of applications for development orders:

<u>Building Permits</u>		<u>Description</u>
01	Commercial	New, Addition Attached, Addition Detached Alteration Interior
02	Residential	New
18	Fence	New Commercial only
56	Tennis	New Tennis/Recreational Center only
86	Trailer	New

Subdivision Platting

All types except change in owner.

Zoning

All except administrative variances.

Concurrency Information Letters may be requested from the Concurrency Information Center. These non-binding letters are issued to provide concurrency information, project status information, and/or Level of Service requirements pursuant to the Comprehensive Development Master Plan. The letters shall be completed on a timely basis.

Fees for Concurrency Information Letters shall cover the cost of preparing informational letters.

The established fees are:

Minor Letter - \$100.00

These require routine to moderate research and analysis, standard preparation and processing time.

Major Letter - \$200.00

These require extraordinary research and analysis, and/or special preparation and handling.

No letter shall be issued until the appropriate fee is paid.

At the discretion of the applicant Chapter 163 Development Agreements may be proffered to the Concurrency Information Center. The cost for initial review and annual monitoring for the duration of the development agreement shall be \$1,000.00.

Distribution of Fee

Concurrency Management Program fees shall be recorded separately from other fees and shall be allocated to the designated general fund revenue code on a monthly basis.