

APPENDIX 8-A: CONCURRENCY MANAGEMENT

This appendix is hereby referenced as the City of Fellsmere Concurrency Management System (hereafter CMS).

SECTION 1: PURPOSE AND INTENT

Concurrency is a finding that public facilities and services necessary to support a proposed development are available, or will be made available, concurrent with the impacts of the development. The CMS is intended to provide a systematic process for the review and evaluation of all proposed development for its impact on concurrency facilities and services (as defined in Section 3), as required by the Local Government Comprehensive Planning and Land Development Regulations Act, Chapter 163, Part II, FS, and Rule 9J-5.0055, Florida Administrative Code.

Facilities in Fellsmere that are subject to these regulations include:

- Potable Water
- Recreation
- Sanitary Sewer
- Solid Waste
- Drainage
- Roads
- Public Schools

The purpose of the CMS is to ensure that development orders and permits are conditioned on the availability of concurrency facilities and services to meet adopted level of service requirements identified in this Element. The CMS is also intended to describe the requirements and procedures for determining consistency of proposed development with the City of Fellsmere's Comprehensive Plan.

For purposes of implementing School Concurrency, the governing document shall be the adopted Interlocal Agreement for School Concurrency entered into by the City of Fellsmere, Indian River County, Indian River County School District, Sebastian, Vero Beach, Town of Orchid and Indian River Shores. Where there is a conflict between this appendix and the Interlocal Agreement, the Interlocal Agreement shall prevail.

SECTION 2: CONSISTENCY WITH CITY'S COMPREHENSIVE PLAN

All development applications shall demonstrate compliance with the City of Fellsmere Comprehensive Plan as well as with all applicable provisions of the City Land Development Regulations. Further, development applications shall demonstrate that specified concurrency facilities shall be available at prescribed levels of service concurrent with the development's impact on those facilities.

SECTION 3: DEFINITION OF CONCURRENCY MANAGEMENT TERMS

The following definitions shall apply to concurrency management rules and regulations:

Appeal: A request for a review of an administrative interpretation of any provision of this Policy, or a review of a decision made by any administrative official or board or commission.

Building Permit: For purposes of the CMS, a permit which authorizes the construction of a new building, or the expansion of floor area, or the increase in the number of dwelling units contained in an existing building, or change in use shall qualify as a building permit.

Capacity: Refers to the availability of a public service or facility to accommodate users, expressed in an appropriate unit of measure, such as gallons per day or average daily trips.

Capacity, Available: Capacity which can be reserved or committed to future users for a specific public facility.

Capacity, Committed: The amount of capacity which has been committed to accommodate existing developments, developments which have been issued a final development order, and vested developments.

Capacity, Reserved: Capacity which has been removed from the available capacity pool and allocated to a particular property for a set period of time.

Certificate of Occupancy: A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.

Concurrency Certificate: An authorization to reserve capacity for concurrency facilities.

Concurrency Certificate, Conditional: A conditional authorization to reserve capacity in concurrency facilities demanded for a particular development order.

Concurrency Facilities: Public facilities and services for which a level of service must be met concurrent with the impacts of development or by an acceptable deadline, as mandated in the Comprehensive Plan pursuant to Chapter 163, FS, and 9J-5.0055, Florida Administrative Codes, shall include:

- ❖ Potable Water
- ❖ Recreation
- ❖ Sanitary Sewer
- ❖ •Solid Waste
- ❖ •Drainage
- ❖ •Roads
- ❖ Public Schools

Concurrency Management Monitoring System: The data collection, processing and analysis performed by the City to determine available capacity for concurrency facilities. Data utilized shall be the most current reliable information available to the City.

Concurrency Management System: The procedure and process that the City uses to ensure that no development order or building permit is issued by the City unless the necessary concurrency facilities are available or are assured to be available consistent with the City of Fellsmere Comprehensive Plan. The procedure and process is also intended to ensure that sufficient capacity for concurrency facilities is available to meet and maintain adopted levels of service. As part of the concurrency management system the City shall operate and maintain a concurrency management monitoring system.

Concurrency Review: Evaluation by the City based on adopted level of service standards to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development as defined in the CMS and if such facilities are not available, that the developer of a proposed development bear the cost of providing public services and facilities at the level of service defined by this Comprehensive Plan and concurrent with the impacts of the proposed development.

Concurrency Status Report: A status report prepared by the City identifying available concurrency facility capacity. The status report shall be produced, modified and adjusted from time-to-time as a result of the reservation of capacity or other act which alters the availability of concurrency facility capacity.

Design Capacity: The rating or ability of a facility to meet the demands upon a concurrency facility.

Developer's Agreement: An agreement between the City and another party associated with the development of land.

Development Order: Any order or permit granting, denying or granting with conditions an application for a preliminary development order, a final development order, a development permit or any other official action of the City having the effect of permitting the development of land, or as defined within the Florida Statutes, Chapter 163.

Development Order, Final: This shall mean the last discretionary act of the City before development can commence. The last discretionary act shall occur through an act of official authorization and with recorded documentation from the City of Fellsmere thereby approving the final development plans for a proposed development project. The issuance of a final development order after the effective date of the ordinance adopting the Comprehensive Plan shall only occur if the final development plan complies with the goals, objectives, and policies established in the Comprehensive Plan.

Final development orders shall include the City's final approval of the following, as applicable:

- Certificate of Completion;

- Construction permit;
- Building permit;
- Developments of Regional Impact (DRI) approval; and
- Site plan approval.

Level of Service: An indicator of the operational efficiency of service provided by a concurrency facility.

Level of Service Standard: The adopted volume of demand required for each concurrency facility in order to achieve acceptable operational efficiency.

Pool, Available Capacity: The total unused capacity of concurrency facilities existing at any point in time.

"Proceeding in Good Faith": Tangible and continuing actions taken by an applicant of an approved final development order to perform actual project construction and implementation leading to completion of a final development plan within a reasonable period of time. More over, a certificate of completion for the development of infrastructure must be received within the time frame established in the applicable final development order. This provision can only be modified through a development agreement approved by the City Council.

Vested Rights: A development order shall be deemed "vested" and not subject to requirements of concurrency management if development circumstances meet criteria for common law or statutory vesting, as defined below. All "non-vested" development or development orders are subject to all requirements of this Element.

Vested Rights, Common Law: A right not created by statute or the provisions of the City of Fellsmere Comprehensive Plan which would authorize the development of real property or the continued development of real property notwithstanding the provisions of the City of Fellsmere Comprehensive Plan. The City may find such vesting to exist whenever the applicant proves by a preponderance of evidence that the real property owner, acting in good faith upon some act or omission of the City has made a substantial change in the position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the right to develop or to continue the development of the real property. The assignment of the particular zoning classification or the assignment of a particular land use designation to a parcel of real property does not guarantee or vest any specific development rights to any person or entity as to said real property.

Vested Rights, Statutory: A statutory right to develop or to continue the development of real property pursuant to the provisions of §163.3187(8), FS, or its successor provisions. Such vesting may be found to exist if a valid and unexpired final development order was issued by the City prior to the effective date of this Code, if construction has commenced on the subject development and the development is in the process of being completed or further development is continuing in good faith. Statutory vesting does not occur unless all material requirements, conditions, limitations and regulations of the development order have been met and are being

maintained. The Land Development Regulations shall not apply to developments which have commenced duly approved construction prior to the effective date of the City's Comprehensive Plan.

SECTION 4: APPLICABILITY AND EXEMPTIONS

All applications for final development orders shall be subject to concurrency review unless specifically exempted below. However, in no case shall a development order be issued for a minimum threshold project which would impact a concurrency facility for which a moratorium or deferral on development has been placed.

A. Projects Below the Minimum Threshold. The following development shall be exempt from concurrency review:

1. Residential projects that entail structural alterations, including room additions to single family structures--which do not change the land use;
2. Construction of residential or non-residential accessory buildings and structures which do not create additional public facility demand.
3. Actions administered through development orders and other developments which do not increase demand on concurrency facilities, such as grading or land excavation or structural alterations which do not include a change of use and satisfy provisions of (1) and (2) above.

B. Vested Projects. Projects which have valid final development orders or building permits prior to the effective date of this Code, shall be considered to be vested and therefore exempt from concurrency management. This shall include the following:

1. Any project for which a valid building permit has been issued and has not expired; and
2. All vacant lots in single-family subdivisions which were lawfully platted in accordance with the City Land Development Regulations and recorded prior to the effective date of this Element; and
3. Approved developments of regional impact with a development order that has not expired; and
4. Any project which has obtained a determination of vested rights upon appeal to the Fellsmere City Council.

C. Redevelopment Projects. Proposed redevelopment shall be credited for the existing demand on available capacity. If a redevelopment project generates demand in excess of the existing demand which it is replacing, a concurrency review shall be required; however, the concurrency review shall only address the amount by which the proposed demand generated exceeds the demand of existing development. The development plan for

redevelopment must be submitted no more than one (1) year after the prior use is discontinued in order to qualify for a concurrency credit. If the proposed redevelopment generates equal or less demand than the existing project, the applicant shall be given a concurrency credit enabling the applicant to reserve the unused capacity. The concurrency credit will expire within five (5) years of the change or discontinuance of the use. The applicant's submission of an application for a demolition permit shall also initiate a concurrency review for the express purpose of issuing credits for redevelopment.

- D. **Public Facilities.** Public facilities necessary to ensure the protection of the health, safety and general welfare of the citizens of the City of Fellsmere, , shall be exempt from concurrency review. This shall include all public facility construction projects included in the City's Capital Improvements Program required to meet any adopted level of service standard.

SECTION 5: CRITERIA FOR CONCURRENCY AND FINAL DEVELOPMENT ORDERS

A final development order shall not be granted for a proposed development unless the City finds that adequate capacity for concurrency facilities exists at or above adopted level of service in order to accommodate the impacts of the proposed development, or that improvements necessary to bring concurrency facilities up to their adopted level of service will be in place concurrent with the impacts of the development.

- A. **Sanitary Sewer, Potable Water, Solid Waste, and Drainage.** For sanitary sewer, potable water, solid waste, and drainage facilities, the City shall find that the following criteria have been met in order for a proposed development to be found in compliance with concurrency management requirements:

1. A final development order 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
2. At the time the final development order is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to §163.3220, FS, or an agreement or development order issued pursuant to Chapter 380, FS, to be in place and available to serve new development at the time of the issuance of a certificate of occupancy.

- B. **Parks and Recreations.** For parks and recreation facilities, at a minimum, the City shall find that the following criteria have been met in order for a proposed development to be found in compliance with concurrency management requirements:

1. At the time the final development order is issued, the necessary facilities and services are in place or under actual construction; or
2. A final development order is issued subject to the condition that, at the time of the issuance of a certificate of occupancy, the acreage for the necessary facilities and

services to serve the new development is dedicated or acquired by the City, or funds in the amount of the developer's fair share are committed; and

- a. A final development order 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 as provided in the City's adopted Five Year Capital Improvements Program; or
- b. At the time the final development order 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
- c. At the time the final development order is issued, the necessary facilities and services are guaranteed in an enforceable development agreement pursuant to §163.3220, FS, or are guaranteed in an agreement or development order issued pursuant to Chapter 380, FS, and shall be in place or under actual construction not more than one year after issuance of a certificate of occupancy.

C. Transportation Facilities. For transportation facilities, the City shall find that the following criteria have been met in order for a proposed development to be found in compliance with concurrency management requirements:

1. At the time the final development order is issued, the necessary facilities and services are in place or under actual construction; or
2. A final development order 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 three years after issuance of a certificate of occupancy as provided in the City's adopted Five Year Capital Improvements Program (CIP). The CIP may recognize and include transportation projects included in the first three years of the adopted Florida Department of Transportation Five Year work program. The Capital Improvements Program, as set forth in Table VIII-1, must include the estimated fiscal year of commencement of actual construction and the estimated fiscal year the project will be completed. A plan amendment is required to eliminate, defer, or delay construction of any road or mass transit facility or service which is needed to maintain the adopted level of service standard and which is listed in the Five Year Capital Improvements Program.
3. At the time the final development order 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 three years after issuance of a certificate of occupancy; or
4. At the time the final development order is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to §163.3220, FS, or are guaranteed by an agreement or development order issued pursuant to Chapter 380,

FS, to be in place or under actual construction not more than three years after issuance of a certificate of occupancy; or

5. For the purpose of issuing a final development order, a proposed development may be deemed to have a de minimis impact and may not be subject to the transportation concurrency requirements, only if all the following conditions are met:
 - a. The development proposal is for an increase in density or intensity of less than or equal to twice the density or intensity of the existing development, or for the development of a vacant parcel of land at a residential density of less than four dwelling units per acre or, for non-residential uses, at an intensity of less than 0.1 floor area ratio. Isolated vacant lots in predominantly built residential areas where construction of a single family house would be the most suitable use, may be developed for single family residential under the de minimis exception even if smaller than one quarter acre in size.
 - b. The transportation impact of the proposed development alone does not exceed 0.1 percent of the maximum service volume at the adopted level of service standard for peak hour of the affected transportation facility.
 - c. The cumulative total transportation impact from the de minimis exemptions does not exceed three percent (3%) of the maximum service volume at the adopted level of service standard of the affected transportation facility if the facility does not meet the minimum level of serve standard.
 - d. The City has adopted within its Comprehensive Plan policies for granting such exemptions.

D. Public Schools. For public school facilities, the City shall follow the principles adopted in the Interlocal Agreement entered into by the City, the School District, and other Indian River County municipalities. The agreement specifies procedures, exemptions, mitigation, proportionate fair share, and administrative requirements that will govern school concurrency implementation. Using Indian River County Public Schools Facilities Element Policy 3.6, the City's concurrency process will be adopted and implemented through the Land Development Regulations.

SECTION 6: CONCURRENCY ADMINISTRATION

- A. **Application for Concurrency Review.** Concurrency review shall be initiated upon submission and acceptance of an application for a site plan approval, subdivision construction permit, subdivision plan, certificate of occupancy, or a building permit, whichever first occurs. At the request of the applicant and pursuant to payment of a concurrency review fee as may be established by resolution of the City Council, the City shall render concurrency findings.
- B. **Project Impact Assessment.** The applicant shall use the best available information to establish and evaluate existing capacities for concurrency facilities. The applicant shall be responsible for supplying the anticipated land uses, densities and/or intensities, of a

proposed development together with the anticipated date of completion of the proposed development, and provide an analysis of the impacts on concurrency management facilities. The City shall review the anticipated impacts of the proposed development on concurrency facilities.

- C. **Project Phasing/Timing of Improvements.** Concurrency facilities associated with a phased development may also be phased. However, all concurrency facilities necessary to accommodate the impacts of each phase must be available or a schedule for the acquired improvements must be approved prior to the issuance of a final development order. The schedule of facility improvements shall ensure that all facility improvements necessary to accommodate the impacts of the development (or portion thereof) for which a certificate of occupancy has been requested shall be in place prior to the issuance of the certificate. Under no circumstances shall the final certificate of occupancy be issued for a project unless all facility improvements required by the development order or development agreement have been completed.

- D. **Development Agreements.** If the minimum requirements for concurrency cannot be met, concurrency may be achieved by guaranteeing necessary facility improvements in an enforceable development agreement. Said development agreement may include guarantees to construct required facility improvements or to provide funds equivalent to the cost of providing such facility improvements.

- E. **Concurrency Review Determination.** Upon the conclusion of the concurrency review, the City shall prepare a written determination concerning the proposed development. This determination shall address, but is not limited to:
 - 1. The anticipated public facility impacts of the proposed development;
 - 2. The ability of existing facilities to accommodate the proposed development at the adopted level of service standards;
 - 3. Any existing facility deficiencies that will need to be corrected prior to the completion of the proposed development;
 - 4. The facility improvements or additions necessary to accommodate the impact of the proposed development at the adopted level of service standards and the entities responsible for the design and installation of all required facility improvements or additions; and
 - 5. The date such facility improvements or additions will need to be completed to be concurrent with the impacts on such facilities created by the proposed development.

- F. **Actions by the City.** In the event that the City's concurrency review reveals that the proposed development would generate public facility impacts which can be absorbed by the existing available capacity with or without developer funded improvements, the City Council

or its designee shall issue a certificate of concurrency or a conditional certificate of concurrency as may be applicable.

In the event that the City's concurrency review reveals that the proposed development would generate public facility impacts beyond that which can be absorbed by available capacity, the City Council shall determine whether there is a financial or other legally binding commitment to ensure that public facilities necessary to correct the anticipated deficiency will be in place concurrent with the impacts of the proposed development. If the City and/or a developer are unable to provide such assurances, the project shall be denied.

- G. **Concurrency Resolution.** If the City determines that an application for concurrency review cannot be supported by sufficient concurrency facility capacity, the applicant may file an application for concurrency resolution and pay the requisite filing fee as shall be established by resolution of the City Council. The purpose for the concurrency resolution process shall be to enable an applicant to negotiate a development agreement which identifies terms for resolving the capacity deficiency. The development agreement shall be consistent with §163.3220, FS, and applicable City ordinances.

If the applicant successfully resolves capacity deficiencies, the applicant may reserve capacity pursuant to the terms of the development agreement. If the issues cannot be resolved, the application shall be deemed to be denied and, at any time, the applicant may resubmit the concurrency review application to the City.

SECTION 7: CAPACITY RESERVATION

- A. **Reservation of Capacity.** Following receipt of an approved final development order and payment of impact fees, the capacity demand of the approved development shall be considered to be reserved for a period of 1 year. The City Council may extend this approval for 1 additional year. County concurrency management regulations for transportation shall apply to county roadways
- B. **Conditional Concurrency Certificate.** A conditional concurrency certificate shall not vest the applicant for concurrency facility capacity; rather the applicant shall provide any required concurrency facility improvements or insure that the requisite improvements either are in place or shall otherwise be in place compliant with the provision of Section 5.
- C. **First-Come-First-Served.** Capacity shall be reserved on a first-come-first-served basis by the City. Such reservation shall be valid only for the specific final development order and for the specified land uses, densities, intensities, construction and improvement schedules contained in the approved final development order. Reservation of capacity runs with the land and is transferable to a successor in ownership. Reservation of capacity for concurrency shall expire if the underlying final development order or development agreement expires or is revoked. The final development order shall state the terms of the concurrency reservation, including the allocation of available capacity, the time-frame for the allocation, and other appropriate legal assurances.

D. **Project Deferrals/Development Moratoriums.** The City will maintain an inventory of the available capacity for each concurrency facility. If at any time this inventory indicates that concurrency facilities do not satisfactorily meet a concurrency facility’s adopted level of service standard, the City shall cease to issue development orders for projects which would impact the deficient facilities or the area impacted by the deficient concurrency facilities, as defined within this policy. Such a suspension or moratorium on the issuance of development orders shall continue until such time as the adopted level of service standard is re-established, the Comprehensive Plan is amended to reflect an acceptable level of service standard for the facilities in question, or alternative arrangements are made to ensure capacity will be available, consistent with Section 5 of the CMS.

SECTION 8: ADOPTED LEVEL OF SERVICE STANDARDS

Prior to issuing a development order the City shall review all proposed development to ensure consistency with adopted LOS standards. No development shall be approved that is projected to decrease the existing LOS below the adopted standard, unless the developer mitigates those. Level of service standards for those public facilities for which concurrency is required are set forth in Policy CIE.5.1.

SECTION 9: METHODOLOGY FOR DETERMINING DEMANDS ON CONCURRENCY FACILITIES

A. **Roads.** In determining demand for available capacity for roads, the following criteria shall be used:

1. **Residential Development.** For proposed residential development (except within mixed use developments), the following trip generation rates shall be used to calculate the impact of the proposed development, unless the ITE Trip Generation Manual is different.

<u>Land Use Type</u>	<u>Trips Per Day Per Unit</u>
Single-Family	10
Multiple-Family	8

2. **Non-Residential Development and Mixed-Use Development.** For all other development categories allowed within the Future Land Use Element, the impacts of development shall be measured by utilizing the average peak trip generation rate associated with the land use designation in which the proposed development shall occur, using the most recent published edition of the Institute of Traffic Engineers' Trip Generation Manual. Internal capture rates may be considered in determining traffic volumes for mixed use developments; however, the applicant shall bear the burden of demonstrating any internal capture rates of the total nonresidential trips.

3. **Other Methods and Procedures.** If the preliminary level of service information indicates a deficiency in capacity based on adopted level of service standards (for adopted level of

service standards for roads), the developer may at his option, prepare a more detailed alternative Highway Capacity Analysis as described in the Highway Capacity Manual (Special Report 209, Transportation Research Board, National Research Council, 1985); or conduct a travel time and delay study following professional standards and procedures contained in the Florida Department of Transportation, Traffic Engineering Office in its Manual for Uniform Traffic Studies.

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

- a. **Required Traffic Analysis.** The City shall determine through its Land Development Regulations which projects shall be required to submit a traffic analysis which identifies the development's impact on the City's transportation system. The City may also require the submission of a traffic analysis for developments if the site location, anticipated total trip generation, circulation patterns or other such factors warrant a more extensive review of traffic impacts.
- b. **Traffic Analysis Methodology.** The impact area for the traffic analysis shall include adjacent and connected roadway segments as determined by the City. The applicant may apply alternative trip allocations together with a statement of trip allocation methodology consistent with professional standards established in one (1) or more of the following documents (most recent edition unless otherwise stated):
 - Highway Capacity Manual, Transportation Research Board, National Research Council.
 - Florida Highway System Plan, "Traffic Analysis Procedures," Florida Department of Transportation, Bureau of Multi-Modal Systems Planning.
 - Florida Highway System Plan, "Level of Service Standards and Guidelines Manual," Florida Department of Transportation.
 - Trip Generation, Institute of Transportation Engineers.
 - Transportation and Land Development, Stover, Virgil G., Institute of Transportation Engineers, 1988.
- c. **Traffic Analysis Requirements.** The traffic analysis, to be conducted by professionals in the transportation field may include, but not be limited to shall include the following:
 - i. Total projected average weekday trips for the proposed development.
 - Pass-by capture rate (commercial land uses only);
 - Internal capture rate (planned development only);

- Peak external trips based on ITE Trip Generation Manual, and
- Peak hour directional projected vehicle trips on all segments of the arterial and collector street system which are adjacent to the development project or as determined necessary by the Planner.
- ii. Design capacity of the accessed road(s).
- iii. Analysis of traffic distribution on the road network including all links impacted by more than ten percent (10%) of project traffic. The trip distribution shall be consistent with the "presets" contained in the approved trip generation model. The City shall determine the approved trip generation model.
- iv. Necessary operational improvements to the City, County, or State maintained transportation system in order to maintain the adopted level of service for the roadway.
- v. Other related information as required by the City.
- vi. Justification, including appropriate references, for the use of any trip generation rates, adjustments factors or traffic assignment methods not previously approved by the City.
- vii. The latest edition of the Institute of Transportation Engineers (ITE) Trip Generation manual shall be used to calculate these estimates. Adjustments to these estimates may be made, based on special trip generation information supplied by the applicant.

B. **Other Facilities.** The level of service standards for all concurrency facilities are found in the plan..

SECTION 10: DETERMINATION OF AVAILABLE CAPACITY

For purposes of these regulations, the available capacity of a facility shall be determined by adding the cumulative total capacity for each public facility component as cited in Step 1 below and subtracting cumulative total demand for each infrastructure component as cited in Step 2.

A. **Step 1: Add the Indicators of Available Facility Capacity:**

1. **Capacity of Existing Facilities.** The total capacity of existing facilities operating at the required level of service; and
2. **Capacity of Committed Potable Water, Sewer, Solid Waste and Drainage Facilities.** The total capacity of committed new facilities, if any, that will become available on or before the date a certificate of occupancy is issued for the development. The capacity of concurrency facilities may be counted and deemed concurrent only if the following standards are met:
 - a. **For Potable Water, Sewer, Solid Waste and Drainage:** The standards identified in Section 5(A) of the CMS shall be met.
 - b. **For Parks and Recreation Facilities:** The standards identified in Section 5(B) of the CMS shall be met.
 - c. **For Roads:** The standards identified in Section 5(C) of the CMS shall be met.

B. Step 2: Subtract the Committed Capacity:

1. **Existing Demand Based on Existing Development.** The demand for services or facilities created by existing development as provided by the City.
2. **Demand to be Generated by Vested Development, Valid Capacity Reservation Certificates, and Valid Certificates of Concurrency.** The demand for the service or facility created by the anticipated completion of other vested and/or approved developments.