

ORDINANCE 15-32

AN ORDINANCE OF THE CITY OF DUNEDIN AMENDING IN ITS ENTIRETY CHAPTER 106, CONCURRENCY, OF THE LAND DEVELOPMENT CODE; PROVIDING FOR THE AMENDMENTS OF SECTION 106-1 TO ELIMINATE THE REQUIREMENT OF OPTIONAL CONCURRENCY COMPONENTS FOR NATURAL GROUNDWATER AQUIFER RECHARGE, TRANSPORTATION, CONSERVATION AND COASTAL MANAGEMENT, RECREATION AND OPEN SPACE, AND PUBLIC SCHOOL FACILITIES, SECTION 106-14 TO DELETE THE PROVISION FOR NATURAL GROUNDWATER AQUIFER RECHARGE CONCURRENCY, SECTION 106-15 TO DELETE THE PROVISION FOR TRANSPORTATION CONCURRENCY, SECTION 106-16 TO DELETE THE PROVISION FOR CONSERVATION AND COASTAL MANAGEMENT CONCURRENCY, SECTION 106-17 TO DELETE THE PROVISION FOR RECREATION AND OPEN SPACE CONCURRENCY, SECTION 106-18 TO DELETE THE PROVISION FOR PUBLIC SCHOOL FACILITIES CONCURRENCY; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, in 2011, the Florida Legislature passed House Bill 7207, removing the provision for concurrency requirements of public facilities and services on a statewide basis for parks and recreation, schools and transportation facilities; and

WHEREAS, Chapter 106, Concurrency, of the Land Development Code of the City of Dunedin provides for procedures and standards for the administration of development and redevelopment as it will affect public facilities and services; and

WHEREAS, upon review of Chapter 163.3180, Florida Statutes, City staff has determined that the application of concurrency to the natural groundwater aquifer recharge, transportation, conservation and coastal management, recreation and open space and public school facilities is no longer warranted and an extension of concurrency to these additional public facilities and services is not a requirement of the State; and

WHEREAS, the application of concurrency will continue to be applied to wastewater, potable water, stormwater and solid waste facilities and services to ensure adopted Levels of Service are not degraded and negative impacts minimized, as required by Chapter 163.180, Florida Statutes; and

WHEREAS, suggested revisions to the Land Development Code are significant enough to amend Chapter 106, Concurrency, of the Land Development Code, in its entirety; and

WHEREAS, the Local Planning Agency of the City of Dunedin has considered the revisions to the Land Development Code and has recommended the changes are necessary; and

WHEREAS, the City Commission has determined that revisions to the Design Review process are merited; now, therefore

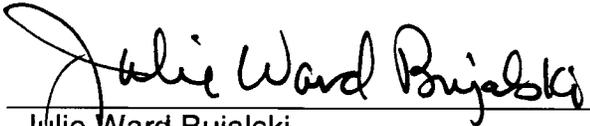
BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That Chapter 106 of the Code of Ordinances of the City of Dunedin is amended in its entirety to read as follows:

See Exhibit "A" attached hereto

Section 2. That this Ordinance shall become effective upon final passage and adoption, and only if Ordinances 15-30 and 15-31 are adopted as well.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 17th day of December, 2015.



Julie Ward Bujalski
Mayor

ATTEST:



Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: December 03, 2015

READ SECOND TIME AND ADOPTED: December 17, 2015

Chapter 106 - CONCURRENCY

106-1 - PURPOSE

The purpose of this chapter is to establish procedures and standards for the administration of development and redevelopment as it will affect public facilities and services as required by Florida Statutes § 163.3180. This chapter furthers implementation of the goals, objectives and policies of the city's comprehensive plan to ensure levels of service are not degraded, and negative impacts are minimized as the result of development and redevelopment with respect to the following concurrency components:

- (A) Wastewater
- (B) Potable Water
- (C) Stormwater
- (D) Solid Waste

106-2 - GENERALLY

Public facilities and services shall meet or exceed established levels of service and must be available when needed for development or redevelopment. In cases where public facilities and services do not meet adopted levels of service, development agreements and permits shall not be approved until those public facilities and services necessary to serve a proposed development are available or:

- (A) At the time the development permit is issued, such permit is granted on the condition that upon issuance of a certificate of occupancy or its functional equivalent, the necessary services are in place and available to serve the new development;
- (B) The developer commits to make the necessary improvements to fully mitigate the impacts of the development, and no certificate of occupancy or functional equivalent will be issued until such improvements are completed.

The provisions of this chapter regarding concurrency are not subject to variance.

106-3 - APPLICABILITY

The provisions of this chapter shall apply to all new development as defined in *Appendix A - Definitions* of this LDC. Individual parcels being considered for one single-family residence, duplex unit or triplex unit shall be exempt from concurrency management requirements. Exemptions shall not apply if the de minimis test as specified in Florida Statute § 163.3180(6) is applicable. Concurrency approval shall be valid for 12 months from the date of issuance. Development not substantially completed within that 12-month period shall be required to obtain a new concurrency approval. For the purpose of this section, "substantially completed" shall mean that all water, wastewater and drainage infrastructure to serve the project is completed and inspected, and that work is proceeding on a daily basis toward completion.

106-4 - AMENDMENTS TO MODIFY LEVEL OF SERVICE

Any amendments adopted to modify level of service standards or objectives and policies of the city's comprehensive plan that affect the concurrency management system shall require concurrent

amendment of this chapter. Modified level of service standards shall become effective immediately, even if the adoption process has not been fully completed.

DIVISION 1: - COMPONENT REQUIREMENTS

106-10 - WASTEWATER

The city shall not approve any development in which such development shall cause any one of the following conditions to occur:

- (A) The city's wastewater treatment plant to exceed its permitted design capacity of 6,000,000 gallons per day, average daily flow;
- (B) Greater than five percent of cumulative circuit wastewater collection lines and lift stations to carry in excess of their design capacity from the development to the wastewater treatment plant;
- (C) An increased adverse impact on a collection pipe which is identified by the department of public works and utilities as highly deteriorated and subject to failure;
- (D) Degradation in the city's wastewater treatment plant to adequately treat wastewater as the result of toxic or hazardous substance intrusion; and
- (E) Any other condition that would have a negative impact on the city's wastewater system.

The city shall not approve any development under an individual or collective septic tank system. Where existing collection circuits are not readily available to serve a development, it shall be the responsibility of the developer to provide connection to the city's collection system.

106-11 - POTABLE WATER

The city shall not approve any development in which such development shall cause any one of the following conditions to occur:

- (A) The city's well fields, raw water main, water treatment plant or distribution system to provide a capacity of less than 150 gallons per capita per day and a minimum fire flow volume of 3,500 gallons per minute (gpm) to the development site;
- (B) The city's potable water storage capacity to fall below the average daily demand on the system;
- (C) A decrease in the average water pressure below 40 pounds per square inch (psi) throughout the system and a residual fire flow pressure of 20 pounds per square inch (psi);
- (D) An increased adverse impact on distribution pipe which is identified by the department of public works and utilities as highly deteriorated and subject to failure; and
- (E) Any other condition that would have a negative impact on the city's potable water system.

The city shall not approve any development using individual or collective deep or shallow wells for potable water. Where existing distribution circuits are not readily available to serve a development, it shall be the responsibility of the developer to provide connection to the city's distribution system.

106-12 - STORMWATER

The city shall not approve any development in which such development shall cause a significant deterioration of existing stormwater aggregate drainage capacities or substantially and negatively impact

future year level of service standards set forth in this section. Stormwater drainage capacities shall include, but not be limited to, sheet runoff, street flows, collection inlets, collection lines, retention and detention areas, and watershed channels.

- (A) For the purposes of this section, current and accepted professional engineering standards and methodologies shall be applied in calculating flow hydraulics and capacities. The city's master drainage plan establishes primary drainage basin characteristics which the proposed development may impact.
- (B) Table 106-10.1 establishes level of service standards for primary watershed channel's maximum capacities relevant to ten-year and 25-year, six-hour storm events:

Table 106-10.1

Watershed Basin	Channel	Existing	2015 LOS	2025 LOS
Spring Branch	A	<10-year	25-year	25-year
Spring Branch	B	<10-year	25-year	25-year
Spring Branch	C	10-year	25-year	25-year
Spring Branch	F	25-year	25-year	25-year
Curlew Creek	A	10-year	25-year	25-year
Curlew Creek	B	10-year	25-year	25-year
Cedar Creek	A	25-year	25-year	25-year
Cedar Creek	B	25-year	25-year	25-year
Cedar Creek	C	25-year	25-year	25-year
Cedar Creek	D	25-year	25-year	25-year
Cedar Creek	E	10-year	25-year	25-year
Cedar Creek	F	25-year	25-year	25-year
Coastal	President	<25-year	25-year	25-year
Coastal	Orangewood	<25-year	25-year	25-year

Coastal

Paloma

25-year

25-year

25-year

- (C) Secondary stormwater collection elements are established to have a maximum capacity level of service of a 25-year, six-hour storm event which shall include street flows, collection inlets, collection lines and retention/detention areas.
- (D) Where information regarding existing drainage conditions is not available from the city, the developer shall be responsible to inventory such conditions in that portion of the system which the development will impact. City staff shall determine for the developer those conditions in which level of service impact is applicable for the purposes of granting, denying or conditioning a development permit.
- (E) No development permit shall be issued to a development that does not comply with the city's stormwater management regulations in *Chapter 105 - Design Standards*.

106-13 - SOLID WASTE

The city shall not approve any development in which such development shall cause any one of the following conditions to occur:

- (A) The sanitation division exceeds its capacity to collect up to 1.301 tons per year per capita;
- (B) A decrease in the city's programmed capabilities to recycle 30 percent of its annual solid waste volume;
- (C) The city to exceed its capabilities to adequately handle, store, treat, transport or dispose of hazardous or non-biodegradable waste materials; and
- (D) Any other condition that would have a negative impact on the city's sanitary sewer system.

Where solid waste collection is found inadequate to serve a development, it shall be the responsibility of the developer to provide to the city such remedies to correct deficiencies prior to the issuance of a development permit. It shall further be the responsibility of the developer to provide, through site plan approval, those facilities and vehicle traffic circulation to facilitate the timely and safe collection of the development's generated solid waste.