

**ARTICLE 5
FACILITIES AND SERVICES:
CONCURRENCY AND DEVELOPMENT EXACTIONS**

Table of Contents

Article History.....2

SECTION 5.01 CONCURRENCY MANAGEMENT SYSTEM 3

 5.01.01 -- Purpose, Intent and Definitions 3

 5.01.02 -- Exemptions 4

 5.01.03 -- Level of Service Standards 4

 Table 5.1 -- Level of Service Standards for Public Facilities and Services.....5

 5.01.04 -- Concurrency Requirements 5

 5.01.05 -- Concurrency Management Review Procedures 7

 5.01.06 -- Options For Achieving Compliance..... 13

 5.01.07 -- Concurrency Management Monitoring 14

SECTION 5.02 DEVELOPMENT EXACTIONS 16

 5.02.01 -- Purpose 16

 5.02.02 -- Development Exactions..... 16

SECTION 5.03 PROPORTIONATE FAIR-SHARE: TRANSPORTATION.....17

 5.03.01 -- Purpose.....17

 5.03.02 -- Proportionate Fair-Share Option.....18

 5.03.03 -- Procedures.....19

 5.03.04 -- Determining Proportionate Fair-Share Obligation.....20

 5.03.05 -- Transportation Impact Fee Credit for Proportionate Fair-Share Mitigation.....22

 5.03.06 -- Proportionate Fair-Share Agreements.....22

 5.03.07 -- Appropriation of Fair-Share Revenues.....23

 5.03.08 -- Intergovernmental Coordination.....23

APPENDIX V 24

Article History								
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**ARTICLE 5
FACILITIES AND SERVICES:
CONCURRENCY AND DEVELOPMENT EXACTIONS**

SECTION 5.01 CONCURRENCY MANAGEMENT SYSTEM

5.01.01 -- Purpose, Intent and Definitions.

- a. This Section is established in order to ensure that adequate public facilities are available to handle the impacts of development and maintain the County's adopted level of service (LOS) standards concurrent with those impacts. This Section establishes standards and procedures to ensure each public facility is available to serve development concurrent with the impacts of development on public facilities, or that final development orders are conditioned upon the availability of public facilities to serve development within a specified time. This Section establishes a monitoring system that enables the County to determine whether it is adhering to the adopted LOS standards and its schedule of capital improvements. This Section establishes a system for implementing the concurrency provisions of the Putnam County Comprehensive Plan by requiring a determination of the anticipated impacts of development on the LOS for potable water, sanitary sewer, solid waste, drainage, parks and recreation and road facilities, and prohibiting the issuance of any development orders where the anticipated impacts would result in a degradation in the LOS below the level approved in the Putnam County Comprehensive Plan. Finally, this Section provides a means for the County to insure that any proposed development pays its fair share of any costs for providing or improving public facilities and services that are, or will be incurred as a result of a need created by that development.
- b. Definitions.
1. "Capital improvements" means land acquisition, site development, equipment or other facilities, used to provide public facilities.
 2. "Level of Service" means an indicator of the extent or degree of service provided by or proposed to be provided by a public facility based on and related to the operational characteristics of the public facility.
 3. "Fair Share" means the cost of public facilities needed to serve a proposed development based on the impact of the development to the public facilities. The fair share shall first be determined by the Director of the County Department responsible for maintaining the facilities and set forth in a final development order or a separate fair share assessment contract. The property owner or developer may provide his own analysis of what should constitute a fair share cost, provided that such analysis is based on generally accepted criteria in this State for fair share assessments.
 4. "Public Facilities" means all sanitary sewer, solid waste, drainage, potable water, park, recreation and road facilities described in the Putnam County Comprehensive Plan.

5.01.02 -- Exemptions

- a. The following development activity is recognized as exempt for purposes of complying with this Section:
 1. Development found to be vested to concurrency pursuant to s. 9.02 of this Code.
 2. The replacement of conforming structures destroyed by fire, hurricanes, tornadoes or other acts of God not exceeding the area and cubic content of the structure prior to its destruction.
- b. *De Minimis* Development: If a proposed development includes land use of such low intensity as to have a *de minimis* effect, if any, upon the LOS standards set forth in the Putnam County Comprehensive Plan, the development shall be exempt from concurrency review. The following development activities shall be deemed *de minimis*:
 1. The construction of accessory structures, except accessory apartments; swimming pools; fences; communications towers; and signs.
 2. The removal of trees.
 3. A single-family residential unit on a single previously platted lot that may be developed without a variance. Previously platted as used herein means a legally created parcel that was created prior to 5:00 pm on December 19, 1991.
 4. For transportation LOS standards only, the proposed development meets all the requirements specified in section 163.3180(6), Florida Statutes, which provides that a *de minimis* impact is an impact that would not affect more than 1 percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the local government. No development activity, including activity described in paragraphs 1 through 3 above, will be *de minimus* if it would exceed the adopted LOS on a designated hurricane evacuation route.
 5. With the exception of paragraphs 1 through 3 above, no impact will be *de minimis* if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility.
- c. Existing Urban Service Area: In order to promote urban infill development, if the proposed development is a redevelopment project located within a defined and mapped existing Urban Service area or Enterprise Zone with public facilities such as sewage treatment systems, roads, schools and recreation areas already in place, it shall be exempt from these concurrency requirements for up to 110% of the impact of the previously existing development [Rule 9J-5.055(3)(c)6, Florida Administrative Code].

5.01.03 -- Level of Service Standards: The level of service (LOS) standards for public facilities and services contained in the Putnam County Comprehensive Plan as identified in Table 5.1 below are hereby adopted.

Table 5.1 -- Level of Service Standards for Public Facilities and Services

REQUIRED FACILITIES	COMPREHENSIVE PLAN ELEMENT	COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES
Wastewater (or Sanitary Sewer)	Capital Improvement Element	Policy H.5.1.3
Parks and Recreation	Capital Improvement Element	Policy H.5.1.9
Roads	Capital Improvement Element	Policy H.5.1.11
Storm Water Management (or Drainage)	Capital Improvement Element	Policy H.5.1.5.
Solid Waste	Capital Improvement Element	Policy H.5.1.7
Potable Water	Capital Improvement Element	Policies H.5.1.1 and E.1.2.7

5.01.04 -- Concurrency Requirements

- a. General Requirement: No development approval shall be granted by the County unless adequate public facilities will be available to handle the impacts of the proposed development and maintain the County's adopted LOS Standards concurrent with those impacts. Thus, the County shall not grant a development approval unless the following standards are met:
 - 1. The necessary facilities and services are in place at the time the development approval is issued; or
 - 2. The development approval is subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
 - 3. The necessary facilities are under construction at the time the development approval is issued; or
 - 4. The necessary facilities and services are guaranteed in an enforceable contract, development agreement or development order to insure that the necessary facilities and services will be in place when the impacts of the development occur and that the applicant or developer will pay his fair share of the costs incurred to fulfill the need for the facilities and services created by proposed development.

- b. Potable Water, Sanitary Sewer, Solid Waste, and Storm Water Management: For potable water, sanitary sewer, solid waste and storm water management, the concurrency management requirements may only be satisfied by ensuring that the standards in paragraph a. above are met. Additionally, any minimum lake levels established by the St. Johns River and Suwannee River Water Management Districts shall not be exceeded by surface water withdrawals.
- c. Parks And Recreation: For parks and recreation, the concurrency requirement may be satisfied by ensuring that the standards in paragraph a. above are met or by the following:
 - 1. In lieu of the requirements of paragraph a, concurrency may be satisfied if the development order or permit is issued subject to the condition that Putnam County has dedicated or acquired the acreage for the necessary facilities and services at the time the certificate of occupancy or its equivalent is issued, or the developer's fair share of the funds needed to acquire such facilities and services are committed; and
 - 2. The necessary facilities and services are guaranteed in a binding and enforceable executed contract, development agreement or development order that requires the services to be in place and under construction not more than one year from when the impacts from development occur.
 - 3. In lieu of paying its fair share for upgrading or expanding existing public parks facilities and open space in order to meet the LOS standards of the Comprehensive Plan, an applicant may elect to dedicate land and facilities for parks, recreation and open space, subject to approval by the Board of County Commissioners. Dedicated land and facilities for parks, recreation and open space must be appropriately located, accessible to the general public, suitable for recreational use, and available for use within one (1) year of issuance of the certificate of occupancy for the proposed development.
 - (a) Dedication of land to open space in subdivision developments shall be provided in accordance with Articles 7 and 12 of this Code.
 - (b) All lands dedicated for use as open space or recreation shall be subject to a covenant restricting the use of the dedicated land and taxed in accordance with Article 7 of this Code.
 - (c) Required buffer yards, setbacks and storm water drainage or retention ponds shall not be utilized to fulfill open space and recreational LOS requirements under this Code. However, a significant expansion of any such buffer yard, set back or storm water drainage or retention pond may be considered in evaluating an applicant's attempt to mitigate a proposed development's impact on the LOS for open space and recreational facilities.
- d. Roads: For roads, the concurrency requirement may be satisfied by ensuring that the standards in paragraph a, above, are met or that the following alternative standards are met:
 - 1. For roads included in the Five Year Schedule of Capital Improvements, the concurrency requirement may be satisfied by ensuring that:

- (a) The improvements required to maintain or attain the LOS adopted for the impacted road are scheduled to commence within three (3) years after the issuance of the certificate of occupancy, or its equivalent, pursuant to the County's five (5) year schedule of capital improvements; or
 - (b) The necessary facilities and services are guaranteed in an enforceable, executed contract, development agreement or development order which requires the applicant to pay its fair share of the costs incurred to construct the needed facilities or provide services to maintain the established LOS, and the facilities or services are in place within one (1) year of the issuance of the applicable development permit.
2. The County shall not allow any new development that will have a LOS impact upon a backlogged road to occur, except for properties exempt from these requirements pursuant to section 5.01.02 of this Section, unless a final development order is subject to the adoption and implementation of an Area-wide Traffic Mitigation Plan. An Area-wide Traffic Mitigation Plan may include, but not be limited to the following mitigation measures:
 - (a) Turn lanes;
 - (b) Signalization;
 - (c) Van or car pool programs; or
 - (d) Staggered work hours.
 3. The County may not deny a developer or property owner a building permit or other development permit if the developer or property owner demonstrates a willingness and capability to maintain service levels consistent with the levels established in the Putnam County Comprehensive Plan by entering into an enforceable development agreement including the implementation of an Area-Wide Traffic Mitigation Plan, where the developer has demonstrated compliance with the requirement to ensure one hundred (100) percent mitigation of the impact of such development.
 4. Compliance with these concurrency provisions shall not alleviate the applicant from mitigating any traffic safety concerns created by the project. Traffic safety mitigation shall be at the applicant's expense.

5.01.05 -- Concurrency Management Review Procedures

- a. **Generally:** Prior to the granting of any development approval, the Planning and Zoning staff shall conduct the concurrency management review prescribed in this Section. (See the Code Glossary for definition of Development Approval.)
- b. **Determination Of Exemption:** Upon receipt of the initial application or submittal requesting any development approval, the Planning and Zoning staff shall, within ten (10) working days, make a determination as to whether the development is exempt from concurrency

management requirements under section 5.01.02 above. The applicant shall be informed in writing of the staff's determination.

- c. Preliminary Concurrency Determinations: Any person may request a Preliminary Concurrency Determination at any time subject to payment of a fee established by resolution of the Board of County Commissioners. A Preliminary Concurrency Determination is simply a quick determination by staff as to whether capacity for a particular development activity appears to exist. It reserves no capacity and is in no way binding upon the Putnam County. All persons requesting a Preliminary Concurrency Determination shall complete the required forms provided by the County.
- d. Required Information: Where any type of development approval is sought, the following information shall be provided along with the initial application or submittal:
 1. Traffic Impact Studies For Larger Developments. Where the requested development approval would authorize development that would generate five hundred (500) or more trip ends per day, the applicant shall provide the County with a traffic impact study. The number of trip ends shall be determined by reference to the most current edition of Institute of Traffic Engineers *Trip Generation Manual*, or to locally derived trip generation rates accepted as accurate. The study shall be prepared by a qualified traffic engineer and shall be signed and sealed by the professional engineer and shall include the following:
 - (a) Projected average daily trip ends for the development.
 - (b) Design capacity of the accessed roads and impact of the development on the LOS of the accessed roads and of the arterial and collector roads, and intersections thereof, within one (1) mile of the project. All such roads and intersections within two (2) miles shall be analyzed for developments generating more than two thousand (2,000) trip ends per day.
 - (c) Average generated peak-hour trip ends.
 - (d) Analysis of projected on-site and off-site traffic patterns and turning movements.
 - (e) Projected percentage of truck and bus traffic.
 - (f) Recommended improvements made necessary by the development. These improvements shall be designed to maintain or improve the existing LOS within the study area provided in paragraph (b) above and to improve the efficiency of the streets and intersections impacted by the development.

This requirement may be waived by Planning and Zoning for developments impacting upon road facilities with twenty (20) percent or more excess capacity and which are expected to use no more than five (5) percent of said excess capacity.

2. Traffic Impact Studies For All Other Developments. Except where a Traffic Impact Study is submitted pursuant to paragraph 1 above, the County shall conduct the following transportation impact analysis.

- (a) The analysis shall compare the existing LOS to the adopted LOS established by the Putnam County Comprehensive Plan for the affected roads. The LOS shall be determined for conditions on the existing roads, to include any committed or funded improvements to those roads, meeting the minimum requirements for concurrency set forth in Subsection 5.01.04 d. At the request of the applicant, the Public Works Director shall review with the applicant the methodology and procedure used in determining compliance with the concurrency management requirement, and in determining the primary impact area and study period. This will usually be a P.M. peak hour analysis; however, other time periods may require analysis. Any proposed reduction factors for internal capture of trips between land uses of a mixed use project or for passerby trips shall be provided by the applicant at the meeting and considered by the Public Works Director.
 - (b) For development proposals impacting on roadway facilities which are within two (2) percent of the established LOS and for which the preliminary analysis undertaken pursuant to the provisions contained in 5.01.05 d.2 of this Section indicates the proposed development will result in a lower LOS than the adopted standard for the roadway, the County may require that a traffic study be undertaken fulfilling the requirements of 5.01.05 d.1.
 - (c) The study area of impact shall be determined by County staff using the Trip Characteristics Table found in Table 5.2 of Appendix V to this Code.
3. Potable Water. Proof that sufficient capacity exists as demonstrated by one of the following:
- (a) Documentation from the Putnam County Public Works Department indicating that a well or water treatment facility regulated by the Department has the capacity to serve the project as proposed, at or above the adopted LOS. If the ability to serve a proposed project is contingent upon planned facility expansion, details regarding such planned improvements shall also be submitted. Prior to the issuance of a final development order by the County, the applicant may be required to enter into a utility service agreement with the County confirming the County's commitment and ability to serve the proposed project.
 - (b) A notarized statement or affidavit that there is an existing potable water well on the site and documentation that the well has sufficient capacity to meet all the demand for the development including necessary fire flow without resulting in a violation of any minimum lake levels established by the St. Johns River and Suwannee River Water Management Districts.
 - (c) Documentation by Department of Health or Department of Environmental Protection indicating that a well or water treatment facility regulated by the Department has the capacity to serve the project as proposed, at or above the adopted LOS.

4. Wastewater. Proof that sufficient capacity exists as demonstrated by one of the following:
 - (a) Documentation from the Putnam County Public Works Department indicating that it has the capacity to serve the project as proposed, at or above the adopted LOS. If the ability of the Putnam County Public Works Department to serve a proposed project is contingent upon planned facility expansion, details regarding such planned improvements shall also be submitted. Prior to the issuance of a final development order by the County, the applicant may be required to enter into a utility service agreement with the County confirming the County's commitment and ability to serve the proposed project.
 - (b) For proposed residential development that is to be serviced by an on-site sewage disposal system, the applicant must provide documentation from the Department of Health that the onsite treatment and disposal system meets Department of Health standards and is eligible for permits.
 - (c) Documentation by the Department of Environmental Protection indicating that a sanitary sewer facility regulated by the Department has the capacity to serve the project as proposed, at or above the adopted LOS.
5. Storm Water Management: An affidavit from the property owner or developer, or both, acknowledging that all storm water quality and quantity requirements of this Code, the Florida Department of Environmental Protection, and the St. Johns River and Suwannee River Water Management Districts can and must be met prior to the issuance of a certificate of occupancy for the proposed development.

e. Review Procedure

1. Completeness Of Submittal. Any concurrency-related submittal required by paragraph d. above shall be subject to a review for completeness as other permit submittals.
2. Determination Of Compliance. Upon a finding that the submittals are complete, the determination whether the proposed development meets the concurrency management standards in this Section shall be made in the same manner and by the same decision-maker(s) as other determinations of compliance with this Code.
3. Presumptions. In making the determination of compliance with the provisions of this Section, the following presumptions shall apply:
 - (a) In the case of potable water, wastewater, and storm water management, a presumption of available capacity shall be created upon the receipt by the complete and properly prepared submittal required for each under section 5.01.05 d.3-5, above.
 - (b) Based upon the data and analysis provided by the Putnam County Sanitation Department, adequate capacity exists for estimated demand for solid waste services through July 15, 2007. Therefore, a presumption of available capacity for all

development shall be rendered by the Planning and Zoning staff for the period beginning July 15, 2000, through July 15, 2007. The Concurrency Management System Annual Report for 2007 shall reassess the available capacity for solid waste, and a determination made as to whether the presumption of available capacity is to be continued. Absent amendment to this provision, future presumptions of capacity shall be based on the Concurrency Management System Annual Reports beginning in 2007.

- (c) Based upon the data and analysis contained in the Putnam County Comprehensive Plan, adequate capacity exists for estimated demand for park and open space facilities through 2005. Therefore, a presumption of available capacity for all development shall be rendered by the Planning and Zoning staff for the period beginning January 1, 2002 through January 1, 2006. At such time, the available capacity for park and open space facilities shall be re-assessed and a determination made as to whether the presumption of available capacity is to be continued.
- 4. Certificate of Concurrency Determination. The Planning and Zoning staff shall issue a Certificate of Concurrency Determination prior to issuing a Final Development Order. Such certificate shall be in letter format and shall indicate a temporary commitment of capacity of necessary public facilities for a period not to exceed six (6) months or until a Final Development Order is issued, whichever occurs first.
 - 5. Certificate of Concurrency Reservation.
 - (a) The Planning and Zoning staff shall issue a Certificate of Concurrency Reservation as part of the Final Development Order issued pursuant to Article 10 or normal permitting procedures, whichever may apply. Such certificate shall constitute a commitment of capacity of necessary public facilities for a period not to exceed the one of the following:
 - (1) For a residential subdivision, or phase, or unit thereof, including residential subdivision phases of planned unit developments, the Certificate of Concurrency Reservation shall remain in effect for a period of sixty (60) months from the date of the construction permit's approval; provided that both a valid permit is obtained and maintained, and the work proceeds in a timely manner as prescribed by a resolution of the Board of County Commissioners. A Certificate of Concurrency Reservation shall not remain valid if necessary permits are not obtained and work is not substantially underway within twenty-four (24) months from the date that the Certificate is issued.
 - (2) For an individual single-family lot or parcel, the Certificate shall remain in effect for a period of twenty-four (24) months for the purpose of obtaining a valid construction permit. If a permit is obtained within that 24-month period, the Certificate shall remain in effect as long as the permit is maintained and construction proceeds in a timely manner. Lots included within subdivisions that have not passed a concurrency evaluation, or where the concurrency or vesting period has expired are included in this category.

- (3) For commercial, industrial or multifamily developments, the Certificate shall remain valid for thirty-six (36) months for purpose of obtaining a construction permit. If the needed permits are obtained within the 36-month period, the Certificate shall remain in effect for as long as the work authorized proceeds in a timely manner as provided for by resolution of the Board of County Commissioners.
 - (4) Where any of the applicable time periods in paragraphs (a)(1) through (3) above expire, a new concurrency evaluation, with payment of all applicable fees, must take place in order for the project to proceed.
- (b) A period of time other than those prescribed in paragraph a above may be agreed upon by the County and the applicant, provided that the period of time is explicitly set forth in a binding development agreement or development order and the applicant provides one or more of the following assurances, acceptable to the County in form and amount, to guarantee the applicant's pro rata share of the cost of completing or providing any public facilities and services that may be necessary to maintain the adopted LOS standards for the subject property:
- (1) Cash escrow;
 - (2) Irrevocable letter of credit;
 - (3) Prepayment of capacity/connection charges.

The pro rata share shall be defined by the development agreement or development order at the time this customized Certificate of Concurrency is issued.

- (c) Whenever an applicant's pro rata share of a public facility is less than the full cost of the facility, the County shall do one of the following:
- (1) Contract with the applicant for the full cost of the facility, including terms regarding reimbursement of the applicant for costs in excess of the applicant's pro rata share; or
 - (2) Require the applicant to establish a cash escrow, or commit to an irrevocable letter of credit or prepay capacity/connection charges, and have the County commit to providing such facilities with a specified time period not to exceed three (3) years after the issuance of the Certificate of Occupancy, or its equivalent, pursuant to the County's five (5) year schedule of capital improvements; or
 - (3) Amend the Comprehensive Plan to modify the adopted LOS standard so as to reduce the required facility to equal the applicant's needs.
- (d) No further determination of capacity for the subject property shall be required before the expiration of the Certificate of Concurrency Reservation except that any change in the density, intensity or land use which requires additional public facilities or capacity shall be subject to review and approval or denial by the County.

6. **Appealing County's Concurrency Determination:** A developer may challenge any concurrency determination made by the Planning and Zoning Staff by appealing the decision to the Zoning Board of Adjustment following the procedures in Article 12 of this Code. If the appeal is to be successful, it shall be required to demonstrate through substantial, competent evidence that sufficient capacity does exist by virtue of the following:
 - (a) The impacts of the proposed development will differ from the impacts estimated by the County as a result of special circumstances of that development;
 - (b) Based on the County's own information the analysis being used has an error in its base data;
 - (c) In the case of roads, the applicant presents evidence through travel speed, distance and time studies that impacted roadway links actually operate at higher levels than indicated by the County. Methodology for such travel speed/distance/time studies shall be developed by Public Works before the commencement of such a study. In the event the travel time/distance/time studies are warranted, the County or its agent shall conduct such a study after receiving a fee from the applicant to cover the costs of conducting and analyzing the study. The applicant shall have the opportunity to review the methodology prior to the commencement of the study.

5.01.06 -- Options For Achieving Compliance. Where it appears, or it has been determined, that there is a lack of capacity to service a proposed development, the developer should consider a variety of methods for achieving compliance. Some possibilities are as follows.

- a. **Plan Amendment:** The developer may propose a plan amendment that lowers the adopted LOS standard for the affected facilities and/or services.
- b. **Reduce Impact Of Development:** The developer may propose a reduction in the scale or impact of the proposed development.
- c. **Phasing Of Development:** The developer may propose a phasing of the proposed development to match the availability of capacity with the timing of each phase of the development. Specific conditions for permitting each phase to proceed shall be included in an enforceable development agreement or development order to ensure that necessary public facilities and services will be in place when the impacts of the development occur.
- d. **Development Agreement:** The developer may propose a development agreement with the County that assures the County that the developer will provide required public facility capacity. Any development agreement must provide one or more of the following assurances, acceptable to the County in form and amount, to guarantee that the applicant will provide the needed public facilities or services, or provide its pro rata share of the cost of completing or providing any public facilities and services which may be necessary to maintain the adopted levels of service standards for the subject property:
 1. Cash escrow;
 2. Irrevocable letter of credit;
 3. Prepayment of capacity/connection charges.

- e. Whenever an applicant's pro rata share of a public facility is less than the full cost of the facility, the County shall do one of the following:
 - 1. Contract with the applicant for the full cost of the facility, including terms regarding reimbursement of the applicant for costs in excess of the applicant's pro rata share; or
 - 2. Obtain assurances from other sources similar to those described above in this Section; or
 - 3. Amend the Comprehensive Plan to modify the adopted LOS standard so as to reduce the required facility to equal the applicant's needs.
- f. Alternative Transportation Study: Where a developer disagrees with the results obtained by the County in its concurrency review regarding transportation, a transportation study pursuant to subsection 5.01.05 d. 1 of this Section may be performed at the option and expense of the developer. The results of the study shall be considered by the County in subsequent determinations regarding the development's compliance with concurrency requirements. The transportation study shall be signed and sealed by a registered professional engineer.
- g. Other Transportation Studies: For those roadway facilities which indicate a lower LOS than the adopted standard of the Putnam County Comprehensive Plan, the County may consider an applicant's operating LOS assessment based upon procedures recognized in the transportation analysis profession and approved by the Florida Department of Transportation. A discussion of any proposed transportation system management and/or mitigation strategies shall be included in the study. The transportation study shall be signed and sealed by a registered professional engineer. The cost of this assessment shall be borne by the applicant. The results of the study shall be considered by the County in making its recommendations to the Development Review Committee and the Zoning Board of Adjustment.

5.01.07 -- Concurrency Management Monitoring

- a. Generally: In order to ensure that adequate necessary public facilities are available concurrent with the impacts of development on public facilities, the County shall establish and maintain the following monitoring practices.
- b. Annual Capital Improvements Element Update: As provided in the Putnam County Comprehensive Plan, the Capital Improvement Element shall be updated annually during the budget review process. A report shall be prepared annually by Planning and Zoning in conjunction with the budget review process detailing the existing conditions of the public facilities, including their available capacities based upon their LOS, and a forecast of the capacity of existing and planned capital improvements identified in the Five Year Capital Improvement Schedule for each of the five (5) succeeding years. The forecast shall be based on the most recently updated schedule of capital improvements for each public facility. The County shall also revise relevant population projections, update public facility inventories, update unit costs, and update revenue forecasts. The findings of Planning and Zoning shall be fully considered in preparing any proposed amendments to the Capital Improvement Element, and proposed amendments to the County's annual budget for public facilities, and the review of and issuance of final development orders or permits during the

next year.

- c. Recommendation of Amendments to Capital Improvements Element And Annual Budget: Based upon the report described in paragraph b. of this Subsection, Planning and Zoning shall annually propose to the County Commission any amendments to the Capital Improvements Element and the County's annual budget for capital improvements made necessary by circumstances described in the report.
- d. Annual Report: Planning and Zoning shall prepare an annual concurrency management report containing the following information:
 1. A summary of actual development activity, including a summary of certificates of occupancy, indicating the quantity of development represented by type and square footage.
 2. A summary of building permit activity, indicating:
 - (a) Those that expired without commencing construction;
 - (b) Those that are active at the time of the report;
 - (c) The quantity of development represented by the outstanding building permits;
 - (d) Those resulting from development permits issued prior to the adoption of this Code; and
 - (e) Those that result from development permits issued pursuant to the requirements of this Code.
 3. A summary of development permits issued, indicating:
 - (a) Those that expired without subsequent development permits;
 - (b) Those that were completed during the period;
 - (c) Those that are valid at the time of the report;
 - (d) Those that are valid at the time of the report but do not have associated building permits or construction activity; and
 - (e) The phases and quantity of development represented by the outstanding development permits.
 4. An evaluation of each facility and service indicating:
 - (a) The capacity available for each at the beginning of the reporting period and the end of the reporting period;

- (b) The portion of the available capacity held for valid final development permits.
- (c) A comparison of the actual capacity to calculated capacity resulting from approved development orders and development permits.
- (d) A comparison of actual capacity and levels of service to adopted levels of service from the Putnam County Comprehensive Plan.
- (e) A forecast of the capacity for each facility based upon the most recently updated schedule of capital improvements in the Capital Improvements Element of the Comprehensive Plan.

SECTION 5.02 DEVELOPMENT EXACTIONS

5.02.01 -- Purpose: The County recognizes that even when a proposed development will not exceed the adopted LOS standards for a given facility or service, certain development can have a significant impact on existing facilities and services. Such impacts can shorten the anticipated life span of a facility or stretch the limits of a given public service and create a need for repairs and improvements to protect the health, safety and general welfare of the public. In order to mitigate these impacts, the County is hereby authorized to require certain development exactions in accordance with this Section.

5.02.02 -- Development Exactions

- a. Roads. Where a proposed development is determined by the Department of Public Works to create a safety hazard, whether it is due to ingress and egress from the development or due to accelerated deterioration of the road, the Department of Public Works shall notify the property owner or developer in writing that the proposed project is a safety hazard and may require certain exactions from the applicant to mitigate these hazards, including but not limited to installation, expansion or improvements to the following:
 - 1. Turn lanes;
 - 2. Acceleration/deceleration lanes;
 - 3. Additional right-of-way;
 - 4. Signalization or signage;
 - 5. Shoulder; or
 - 6. Road reconstruction.

Public Works shall establish general, written guidelines for establishing when exactions will be required and determining the nature and extent of the development exactions.

- b. Potable Water, Sanitary Sewer and Storm Water Management. The County does not provide potable water, sanitary sewer or storm water management facilities and services on a countywide basis. For any development that will use or impact such facilities or services,

where provided, the applicant shall pay its fair share costs for hook up and utilization of such facilities and services, including any costs associated with installation, expansion or improvements that may be required due to the proposed development. Fair share is defined in s. 5.01.01.b. above.

- c. Solid Waste. Solid Waste impacts are mitigated by a County-wide MSBU for residential services and tipping fees for non-residential services.
- d. Recreation. Recreation facility impacts may be mitigated pursuant to the concurrency provisions in s. 5.01 above.

SECTION 5.03 PROPORTIONATE FAIR-SHARE: TRANSPORTATION

5.03.01 Generally

- (a) The purpose of this Section is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program, as required by and in a manner consistent with §163.3180(16), Florida Statutes.
- (b) The County Commission finds and determines that transportation capacity is a commodity that has a value to both the public and private sectors and the County Proportionate Fair-Share Program:
 - (1) Provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors;
 - (2) Allows developers to proceed under certain conditions, notwithstanding the failure of transportation concurrency, by contributing their proportionate fair-share of the cost of a transportation facility;
 - (3) Contributes to the provision of adequate public facilities for future growth and promotes a strong commitment to comprehensive facilities planning, thereby reducing the potential for moratoria or unacceptable levels of traffic congestion;
 - (4) Maximizes the use of public funds for adequate transportation facilities to serve future growth, and may, in certain circumstances, allow the County to expedite transportation improvements by supplementing funds currently allocated for transportation improvements in the Capital Improvement Element (CIE).
 - (5) Is consistent with §163.3180(16), Florida Statutes, and with the Putnam County Comprehensive Plan.
- (c) The Proportionate Fair-Share Program shall apply to all developments in the County that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the County Concurrency Management System (CMS), including transportation facilities maintained by the Florida Department of Transportation or another jurisdiction that are relied upon for concurrency determinations, pursuant to the

requirements of 5.03.02.

- (d) The Proportionate Fair-Share Program shall not apply to developments of regional impact using proportionate fair-share under §163.3180(12), Florida Statutes, or to developments exempted from concurrency by state or county law.

5.03.02 Proportionate Fair-Share Option

- (a) An applicant may choose to satisfy the transportation concurrency requirements of the County by making a proportionate fair-share contribution, pursuant to the following requirements:
 - (1) The proposed development is consistent with the comprehensive plan and applicable land development regulations.
 - (2) The five-year schedule of capital improvements in the County Capital Improvement Element or the long-term schedule of capital improvements for an adopted long-term CMS includes a transportation improvement that, upon completion, will satisfy the requirements of the County transportation CMS. The provisions of (b) below may apply if a project or projects needed to satisfy concurrency are not presently contained within the local government CIE or an adopted long-term schedule of capital improvements.
- (b) The County may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Program by contributing to an improvement that, upon completion, will satisfy the requirements of the County transportation CMS, but is not contained in the five-year schedule of capital improvements in the CIE or a long-term schedule of capital improvements for an adopted long-term CMS, where the following apply:
 - (1) The County adopts, by resolution or ordinance, a commitment to add the improvement to the five-year schedule of capital improvements in the CIE or long-term schedule of capital improvements for an adopted long-term CMS no later than the next regularly scheduled update. To qualify for consideration under this section, the proposed improvement must be reviewed by the County and determined to be financially feasible pursuant to §163.3180(16) (b) 1, Florida Statutes, consistent with the comprehensive plan, and in compliance with the provisions of this ordinance. Financial feasibility for this section means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.
 - (2) If the funds allocated for the five-year schedule of capital improvements in the County CIE are insufficient to fully fund construction of a transportation improvement required by the CMS, the County may still enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair-share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted

transportation system.

- (c) The improvement or improvements funded by the proportionate fair-share component must be adopted into the five-year capital improvements schedule of the comprehensive plan or the long-term schedule of capital improvements for an adopted long-term concurrency management system at the next annual capital improvements element update.
- (d) Any improvement project proposed to meet the developer's fair-share obligation must meet design standards of the County for locally maintained roadways and those of the FDOT for the state highway system.

5.03.03 Procedures

- (a) Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the Proportionate Fair-Share Program pursuant to the requirements of 5.03.02.
- (b) Prior to submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the SIS, then the FDOT will be notified and invited to participate in the pre-application meeting.
- (c) Eligible applicants shall submit an application to the County that includes an application fee as established by resolution and the following:
 - (1) Name, address and phone number of owner(s), developer and agent;
 - (2) Property location, including parcel identification numbers;
 - (3) Legal description and survey of property;
 - (4) Project description, including type, intensity and amount of development;
 - (5) Phasing schedule, if applicable;
 - (6) Description of requested proportionate fair-share mitigation method(s); and
 - (7) Copy of concurrency application.
- (d) The Planning Director shall review the application and certify that the application is sufficient and complete within 10 business days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share Program as indicated in 5.03.02, then the applicant will be notified in writing of the reasons for such deficiencies within 10 business days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application will be deemed abandoned. The County Commission may, in its discretion, grant an extension of time

not to exceed 60 days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.

- (e) Pursuant to §163.3180(16) (e), Florida Statutes, proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrency of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement. Facilities designated as emerging SIS shall not be subject to this part.
- (f) When an application is deemed sufficient, complete, and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the County or the applicant with direction from the County and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a SIS facility, no later than 60 days from the date at which the applicant received the notification of a sufficient application and no fewer than 14 days prior to the County Commission meeting when the agreement will be considered.
- (g) The County shall notify the applicant regarding the date of the County Commission meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the County Commission.

5.03.04 Determining Proportionate Fair-Share Obligation

- (a) Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.
- (b) A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.
- (c) The methodology used to calculate an applicant’s proportionate fair-share obligation shall be as provided for in Section 163.3180 (12), Florida Statutes, as follows:

“The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS.”

OR

$$\text{Proportionate Fair-Share} = \sum [[(\text{Development Trips}_i) / (\text{SV Increase}_i)] \times \text{Cost}_i]$$

Where:

Development Trips_i = Those trips from the stage or phase of development under review that are assigned to roadway segment “i” and have triggered a deficiency per the CMS.

SV Increase_i = Service volume increase provided by the eligible improvement to roadway segment “i” per section E.

Cost_i = Adjusted cost of the improvement to segment “i”. Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

- (d) For the purposes of determining proportionate fair-share obligations, the County shall determine improvement costs based upon the actual cost of the improvement as obtained from one of the following:
- (1) CIE;
 - (2) MPO/TIP (if applicable);
 - (3) FDOT Work Program;
 - (4) An analysis by the County of costs by cross section type that incorporates data from recent projects and is updated annually and approved by the County Commission. In order to accommodate increases in construction material costs, project costs shall be adjusted by an inflation factor; or
 - (5) The most recent issue of FDOT *Transportation Costs*, as adjusted based upon the type of cross-section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT Work Program shall be determined using this method in coordination with the FDOT District.
- (e) If the County has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one of the methods provided in this section.
- (f) If the County has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication:
- (1) At 120 percent of the most recent assessed value by the County property appraiser or;
 - (2) By fair market value established by an independent appraisal, performed by an MAI designated appraiser, approved by the County and at no expense to the County. Where the fair market value is believed to be in excess of \$500,000, the County shall have the option to require a second appraisal.

The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the County at no expense to the County. If the estimated value of the right-of-way dedication proposed by the applicant is less than the County estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share, public or private partners should contact the FDOT for essential information about

compliance with federal law and regulations.

5.03.05 Transportation Impact Fee Credit for Proportionate Fair-Share Mitigation

- (a) Proportionate fair-share contributions shall be applied as a credit against transportation impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by the local government's transportation impact fee ordinance.
- (b) Transportation impact fee credits for the proportionate fair-share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. Transportation impact fees owed by the applicant will be reduced per the Proportionate Fair-Share Agreement as they become due per the County Transportation Impact Fee Ordinance. If the applicant's proportionate fair-share obligation is less than the development's anticipated transportation impact fee for the specific stage or phase of development under review, then the applicant or its successor must pay the remaining transportation impact fee amount to the County pursuant to the requirements of the County Transportation Impact Fee Ordinance.
- (c) Major projects not included within the local government's impact fee ordinance or created under 5.03.02 (b) (1) and (2) which can demonstrate a significant benefit to the impacted transportation system may be eligible at the local government's discretion for transportation impact fee credits.
- (d) The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any transportation impact fee credit based upon proportionate fair-share contributions for a proposed development cannot be transferred to any other location unless provided for within the local Transportation Impact Fee Ordinance.

5.03.06 Proportionate Fair-Share Agreements

- (a) Upon execution of a proportionate fair-share agreement (Agreement) the applicant shall receive a County certificate of concurrency approval. Should the applicant fail to apply for a development permit within 12 months of the execution of the Agreement, then the Agreement shall be considered null and void, and the applicant shall be required to reapply.
- (b) Payment of the proportionate fair-share contribution is due in full prior to issuance of the final development order or recording of the final plat and shall be non-refundable. If the payment is submitted more than 12 months from the date of execution of the Agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to 5.03.04 and adjusted accordingly.
- (c) All developer improvements authorized under this ordinance must be completed prior to issuance of a development permit, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. It is the intent of this section that any required improvements be completed at the time of the occurrence of any adverse transportation impact requiring mitigation. No building permits or certificates of occupancy will be issued on any phase

or stage of a development causing the adverse transportation impact until completion of any required improvements or other approved mitigation.

- (d) Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to issuance of the final development order or recording of the final plat.
- (e) Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.
- (f) Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs to the County will be non-refundable.

5.03.07 Appropriation of Fair-Share Revenues.

- (a) Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the County CIE, or as otherwise established in the terms of the proportionate fair-share agreement. At the discretion of the local government, proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. Proportionate fair-share revenues may also be used as the 50% local match for funding under the FDOT TRIP.
- (b) In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development pursuant to the requirements of 5.03.02(b)(2).
- (c) Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in Section 339.155, Florida Statutes, and then the County may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT TRIP. Such coordination shall be ratified by the County through an inter-local agreement that establishes a procedure for earmarking of the developer contributions for this purpose.

5.03.08 Intergovernmental Coordination

- (a) Pursuant to policies in the Intergovernmental Coordination Element of the County comprehensive plan and applicable policies in the Northeast Florida regional plan, the County shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the local government receiving the application for proportionate fair-share mitigation.
- (b) An inter-local agreement may be established with other affected jurisdictions for this

purpose.

APPENDIX V

TABLE 5.2: TRIP CHARACTERISTICS FOR PUTNAM COUNTY

Source: Table 1-14 in "Putnam County Comprehensive Impact Fee Study", April, 1994, by Planning Research Services, Inc. Trip generation rates are from the Institute of Transportation Engineers (ITE) Trip Generation, 5th Edition, 1991; new trips are based on the ITE report and studies for Lake County and St. Johns County; and trip lengths are based on studies for Lake County and Flagler County (see pages 1-25 and 1-28 of the Putnam County Study).

ITE LUC	Land Use	Unit	Trip Generation Rate	% New Trips	Avg. Mi. Trip Length
Residential					
210	Single Family	dwelling unit	9.550	100.00	6.0
221	Low-Rise Apt.	dwelling unit	6.590	100.00	6.0
222	High-Rise Apt.	dwelling unit	4.198	100.00	6.0
240	Mobile Home Park	dwelling unit	4.814	100.00	6.0
252	Congregate Care Facility	dwelling unit	2.150	100.00	6.0
310	Hotel	Room	8.700	71.00	6.0
320	Motel	Room	10.190	59.00	6.0
Commercial					
416	Campground/RV Park	Acre	74.380	90.00	3.0
420	Marina	Berth	2.960	90.00	3.0
430	Golf Course	Holes	37.590	90.00	3.0
443	Movie Theater w/o matinee	Screen	153.330	85.00	3.0
444	Movie Theater w/ matinee	Screen	220.000	85.00	3.0
492	Racquet Club	Courts	42.900	75.00	3.0
710	General Office under 50,000 sq. ft.	1000 sq. ft.	16.618	92.00	5.0
710	General Office 50,000 to 99,999 sq. ft.	1000 sq. ft.	14.032	92.00	5.0
710	General Office	1000 sq. ft.	11.849	92.00	5.0

ITE LUC	Land Use	Unit	Trip Generation Rate	% New Trips	Avg. Mi. Trip Length
	100,000 to 199,999 sq. ft.				
710	General Office 200,000 to 299,999 sq. ft.	1000 sq. ft.	10.733	92.00	5.0
710	General Office 300,000 to 499,999 sq. ft.	1000 sq. ft.	9.475	92.00	5.0
710	General Office 500,000 sq. ft. or more	1000 sq. ft.	8.728	92.00	5.0
720	Medical-Dental Office	1000 sq. ft.	34.170	77.00	5.0
760	Research & Development Center	1000 sq. ft.	7.700	92.00	5.0
815	Discount Store	1000 sq. ft.	70.130	61.00	3.0
816	Hardware/Paint Store	1000 sq. ft.	51.289	40.00	3.0
820	Shopping Center under 50,000 sq. ft.	1000 sq. ft.	91.652	38.56	3.0
820	Shopping Center 50,000 to 99,999 sq. ft.	1000 sq. ft.	70.673	43.06	3.0
820	Shopping Center 100,000 to 299,999 sq. ft.	1000 sq. ft.	46.809	55.05	3.0
820	Shopping Center 300,000 to 499,999 sq. ft.	1000 sq. ft.	38.649	69.09	3.0
820	Shopping Center 500,000 to 569,999 sq. ft.	1000 sq. ft.	36.796	74.03	3.0
820	Shopping Center 570,000 to 999,999 sq. ft.	1000 sq. ft.	32.089	75.17	3.0
820	Shopping Center 1,000,000 sq. ft. or more	1000 sq. ft.	30.693	79.50	3.0
831	Quality Restaurant	1000 sq. ft.	96.510	82.00	3.0
832	Sit-Down Restaurant	1000 sq. ft.	200.895	79.00	2.0
834	Drive-in Restaurant	1000 sq. ft.	632.120	50.14	1.5
841	New Car Sales	1000 sq. ft.	47.910	79.00	3.0
844	Service Station	Pump	133.000	23.00	2.0

ITE LUC	Land Use	Unit	Trip Generation Rate	% New Trips	Avg. Mi. Trip Length
850	Supermarket	1000 sq. ft.	87.820	48.83	3.0
851	Convenience Market	1000 sq. ft.	737.990	34.15	1.5
860	Wholesale Market	1000 sq. ft.	6.728	75.00	3.0
890	Furniture Store	1000 sq. ft.	4.345	50.00	5.0
911	Walk-In Bank	1000 sq. ft.	140.610	80.00	3.0
912	Drive-In Bank	1000 sq. ft.	265.210	55.00	2.0
913	Walk-In Savings & Loan	1000 sq. ft.	61.000	80.00	3.0
914	Drive-In Savings & Loan	1000 sq. ft.	74.170	55.00	2.0
Industrial					
110	General Light Ind.	1000 sq. ft.	6.967	92.00	6.0
120	General Heavy Ind.	1000 sq. ft.	1.496	92.00	6.0
130	Industrial Park	1000 sq. ft.	3.340	92.00	6.0
140	Manufacturing	1000 sq. ft.	3.846	92.00	6.0
150	Warehousing	1000 sq. ft.	4.882	92.00	6.0
151	Mini-Warehouse	1000 sq. ft.	2.606	92.00	6.0
Institutional					
520	Elementary School	1000 sq. ft.	10.720	80.00	5.0
530	High School	1000 sq. ft.	10.900	90.00	5.0
540	Community College	1000 sq. ft.	12.870	90.00	5.0
550	University/College	Student	2.370	90.00	5.0
560	Church	1000 sq. ft.	9.320	90.00	5.0
565	Day Care Center	1000 sq. ft.	79.260	74.00	5.0
610	Hospital	1000 sq. ft.	16.780	77.00	5.0
620	Nursing Home	Bed	2.600	75.00	5.0