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**ARTICLE VII
CONSISTENCY AND CONCURRENCY DETERMINATIONS**

- 7.00.00 GENERAL**
- 7.00.01 Purpose**

The purpose of this Article is to describe the requirements and procedures for determination of consistency of proposed development projects with adopted Comprehensive Plan of the City of Wewahitchka, including meeting the concurrency requirements of the Plan.

- 7.00.02 Presumption Of General Consistency**

A development proposal shall be presumed to be consistent with the Comprehensive Plan if the proposal is found to meet all the requirements of this Code, excepting those aspects of the development addressed by the Comprehensive Plan, but not covered by this Code.

- 7.00.03 No Presumption In Favor Of Concurrency**

Notwithstanding the presumption created in Section 7.00.02, all applications for preliminary and final development orders shall demonstrate that specified public facilities will be available at adopted level of service standards concurrent with the impact of the development on those facilities. Determination of compliance with the concurrency requirement shall be through procedures described in Section 7.02.00.

- 7.00.04 Challenging The Consistency Of A Development Proposal**

The City Manager, other public official or any citizen may question the consistency of a development proposal with the Comprehensive Plan. If a question of consistency is raised, the City Manager, Technical Advisory Committee (TAC), or the Planning and Development Review Board (PDRB), whichever is responsible for approving the issuance of the Development Order or Development Permit, shall make a determination of consistency prior to approving the request for a Development Order or Development Permit. The determination shall be supported with written findings.

7.00.05 Definition

CONCURRENCY: A condition where specified facilities and services have or will have the necessary capacity to maintain adopted level of service standards at the time of impact of the development project.

7.01.00 SYSTEM FOR THE MANAGEMENT OF CONCURRENCY

7.01.01 General

The following method of ensuring concurrency shall be known as the System for the Management of Concurrency (SYMCON). The SYMCON is based upon the City of Wewahatchka Comprehensive Plans, especially the respective Capital Improvements Element and adopted level of service standards. The system is designed to ensure that the issuance of a Final Development Order will not result in a degradation of the operating conditions to below adopted level of service standards for specified public facilities and services. The SYMCON also includes a monitoring system for determination of the availability of adequate capacity of public facilities and services to meet the adopted level of service standards.

7.01.02 Adopted Levels Of Service Shall Not Be Degraded

A. General Rule

- proposed
1. All applications for development orders shall demonstrate that the development does not result in degradation of operating conditions below adopted level of service standards in the City.
 2. The latest point at which concurrency is determined is prior to the approval of an application for a development order or permit which contains a specific site plan for development, including densities or intensities of development.

B. Exception

Notwithstanding the foregoing, operating conditions may be degraded to below adopted level of service standards during the actual construction of new facilities, if upon completion of the new facilities the adopted level of service standards will be met and maintained.

7.01.03 Determination of Available Capacity

For purposes of these regulations, the available capacity for a facility shall be determined by:

A. Adding Together

1. The total capacity for existing facilities operating at the adopted level of service standards; and
2. The total capacity for new facilities, if any, that will become available on or before the date of occupancy of the development. The capacity of new facilities may be counted only if one or more of the following is shown:
 - a. Construction of the new facilities is underway at the time of issuance of the final development order.
 - b. A development permit is issued subject to the conditions that the necessary facilities will be in place when the impacts of development occur.
 - c. The new facilities are guaranteed, by an enforceable development agreement to be in place when the impacts of development occur. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order pursuant to Chapter 380, Florida Statutes. Such facilities shall be consistent with the Capital Improvements Element of the local government Comprehensive Plan.
 - d. For recreation and roads, new facilities may also be counted if the enforceable development agreement requires commencement of construction of the facilities within one year of the issuance of the applicable development permit, or if the facilities are the subject of a binding executed contract which provides for the commencement of construction of the facilities within one year of the issuance of the applicable development permit.

B. Subtracting From That Number the Sum of

1. The total existing demand for the service or facility as documented in the local government Comprehensive Plan; and
2. The demand for the service or facility created by the anticipated completion of other approved developments, redevelopment, or other development activity.

C. Action Upon Failure to Show Available Capacity

Where available capacity cannot be shown, the following methods may be used to maintain adopted level of service:

1. The project owner or developer may provide the necessary improvements to maintain adopted level of service standards. These improvements shall be concurrent with the impacts of development. In such cases, the application shall include appropriate plans for improvements, documentation that such improvements are designed to provide the capacity necessary to achieve and maintain the adopted level of service standards, and recordable instruments guaranteeing the construction, consistent with calculations of capacity above.
2. The proposed project may be altered such that the projected level of service is no less than the adopted level of service.

7.01.04 Burden of Showing Compliance On Developer

The future of showing compliance with these level of service requirements shall be upon the developer. In order to be approvable, applications for development approval shall provide sufficient information showing compliance with these standards.

7.01.05 Initial Determination Of Concurrency

The initial determination of concurrency occurs during the review of the Preliminary Development Plan, and shall include compliance with the level of service standards adopted by the City .

7.01.06 Annual Report

A. Contents

The City of Wewahitchka shall prepare an Annual Report on the SYMCON that includes:

1. A summary of actual development activity, including a summary of certificates of occupancy, indicating 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; and,
 - c. the quantity of development represented by the outstanding building permits,
3. A summary of final development orders approved, indicating:
 - a. those that expired without subsequent building permits;
 - b. those that were completed during the reporting period;
 - c. those that are valid at the time of the report and have associated building permits or construction activity; and
 - d. the phases and quantity of development represented by the outstanding

final development orders.

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 preliminary and final development orders;
 - c. a comparison of the actual capacity to calculated capacity resulting from approved preliminary development orders and final development orders;
 - d. a comparison of actual capacity and levels of service to adopted levels of service from the City of Wewahitchka Comprehensive Plan.
 - e. a forecast of the capacity for each based upon the most recently updated schedule of capital improvements in the Capital Improvements Element of the respective local government Comprehensive Plan.

B. Use of the Annual Report

For the purpose of issuing development orders, the SYMCON Annual Report shall constitute prima facie evidence of the public facility capacity available at the beginning of the 12-month period following completion for the annual report. Demand for facilities shall be subtracted from available capacity incrementally as individual developments are permitted throughout the year.

7.02.00 ADOPTED LEVELS OF SERVICE

7.02.01 Infrastructure (Sanitary Sewer, Solid Waste, Drainage, And Potable Water)

Development activity shall not be approved unless there is sufficient available capacity to sustain the following levels of service for sanitary sewer, solid waste, drainage, and potable water facilities:

<u>FACILITY</u>	<u>LEVEL OF SERVICE STANDARD</u>
Solid Waste Facilities	8 pounds per capita per day
Potable Water Facilities	110 gpcpd
Sanitary Sewer facilities septic tanks will not be permitted in areas of the City with unacceptable soil conditions as determined by the U.S. Dept. of Agriculture, Soil Conservation Service.	110 gpcpd
Drainage Facilities	25 yr. frequency, 24-hr. duration storm inch of run-off on sites less than 100

acres, and treatment of the first inch on sites greater than 100 acres.

Development activities must additionally comply with the stormwater management provisions as contained in the Code.

The design and construction of all infrastructure facilities shall comply with accepted engineering standards and practices.

7.02.02 Transportation System

A. Level of Service

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for roadways as established in the Traffic Circulation Element of the local government Comprehensive Plan.

CITY OF WEWAHITCHKA

<u>Type of Facility</u>	<u>Peak Hour Level of Service</u>
Minor Arterials	D
Major Collectors	D
Minor Collectors	D

The design and construction of roads and/or roadway improvements shall comply with accepted engineering standards and practices.

B. Determination Of Project Impact

The impact of proposed development activity on available capacity shall be determined as follows:

1. For proposed developments generating less than 500 new trips per day (according to Appendix B in the Concurrency Management Procedures Manual), the City of Wewahitchka shall determine the project impact area, the number of trips assigned to each impacted roadway, and the post-development level of service.
2. For proposed developments generating 500 or more new trips (according to Appendix B), the developer shall be responsible for conducting a Traffic Impact Analysis. The project impact area shall include all roadways located within a radius equal to the average trip length (given in Appendix B) from the project site. The analysis shall include the number of trips assigned to each impacted roadway and the post-development level of service. All assumptions used in the assignment of traffic shall be stated.

7.02.03 Recreation Facilities

Development activities shall not be approved unless there is sufficient available capacity to sustain a level of service of five (5) acres per 1,000 people for recreational facilities as established in the Recreation and Open Space Elements of the City of Wewahitchka Comprehensive Plan.