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## Concurrency Management Element

1 **CONCURRENCY MANAGEMENT ELEMENT:**

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3 **GOAL 1** In addition to the basis for the County’s Concurrency Management System  
4 as outlined in this Section, individual Objectives and Policies established to  
5 support and implement the concurrency doctrine are as follows.  
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7 **OBJECTIVE 1.1:**

8  
9 The County, through its staff members, will continue to review all development plans for potable  
10 water, sanitary sewer, solid waste, recreation and open space, drainage, and road concurrency as  
11 a means to ensure that proposed land development, including building construction, does not  
12 impose unacceptable demands on the existing and planned infrastructure of the county such that  
13 established levels of service standards are exceeded.  
14

15 **Policy 1.1.1:** The concurrency test for facilities and services will be determined by  
16 comparing the available capacity of a facility or service to the demand  
17 created by the proposed project. Available capacity will be determined by  
18 adding any capacity demands committed and approved prior to, and  
19 subsequent to, the adoption of the Comprehensive Plan, then subtracting that  
20 total from the design capacity of the facility; the remaining is the capacity  
21 available to serve proposed developments.  
22

23 **Policy 1.1.2:** The public facility level of service standards are listed below. The levels of  
24 service standards pertain to unincorporated Hendry County only unless  
25 otherwise specified.  
26

27 **A. Roadways:**

28  
29 Arterials and collectors located within urban Hendry County shall maintain  
30 a LOS C. This will specifically apply to the roadway segments in the Cities  
31 of LaBelle and Clewiston.  
32

33 All multi-lane segments of State roads in rural Hendry County will have the  
34 LOS Standard of “B” at peak hour. The level of service standard for two-  
35 lane State roadways is as follows:  
36

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Road	Type	LOS at Peak Hour
SR 80	FIHS	C
SR 82	Emerging SIS	C
SR 29	Emerging SIS	C

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42 LOS for all County Roads is “C.”  
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**Recreation and Parks:**

Regional Parks - 20 acres/1000 population (250 acres minimum)  
Community Parks - 2 acres/1000 population (20 acres minimum)  
Neighborhood Parks - 2 acres/1000 population (5 acres minimum)

**Solid Waste:**

6.5 pounds per capita per day

**Policy 1.1.3**

**Potable Water:**

The LOS Standard for determining the availability of adequate treatment capacity for proposed development in areas where a centralized water system is available will be established as follows:

Clewiston:	125 gallons per person per day
LaBelle:	125 gallons per person per day
South Shore Water Association:	125 gallons per person per day
Port LaBelle Utility System:	92 gallons per person per day
Florida Governmental Utility Authority:	125 gallons per person per day
Consolidated Services (Southwest Hendry County Sector Plan):	125 gallons/person/day
Hendry County (unincorporated):	125 gallons per person per day

**Sanitary Sewer:**

115 gallons per capita per day

Private, on-site disposal systems shall meet or exceed the requirements set by the Florida Department of Health, Chapter 62-4, F.A.C.

**Stormwater Management:**

- a. For agricultural uses, the LOS Standard shall be the requirements of the South Florida Water Management District and the standards of the local water management district in which the proposed agricultural use is located.
- b. Conveyance Systems - All drainage swales and ditches shall be designed to convey the runoff generated from a 25-year, 24-hour storm event. On collector roads, culverts and cross-drains shall convey the runoff from a 10-year, 24-hour storm. On local roads and internal subdivision roads, culverts and cross-drains shall be designed to convey the runoff from a 10-year, 24-hour storm.

- 82 c. Stormwater Management Systems - for development in commercial, urban
- 83 residential, mixed-use urban land uses districts. Stormwater management
- 84 systems shall be designed to either retain on-site the runoff generated by a
- 85 25-year, 24-hour storm or detain and discharge the runoff from a 25-year,
- 86 24-hour storm at peak discharge rates which do not exceed pre-
- 87 development rates.
- 88 d. Stormwater Management Systems - for development in all other land
- 89 use districts. Stormwater management systems shall be designed to either
- 90 retain on-site the runoff generated by a 5-year, 24-hour storm or detain
- 91 and discharge the runoff from a 5-year, 24-hour storm at peak discharge
- 92 rates which do not exceed pre-development rates.
- 93 e. Water Quality - Water quality treatment shall be provided for runoff
- 94 from the first one-inch of rainfall; or as an option, for projects or project
- 95 sub-units with drainage areas of less than 100 acres, from the first one-half
- 96 inch of runoff consistent with Chapters 62, F.A.C., and shall be used as the
- 97 basis for determined the availability of capacity and demand generated by
- 98 a proposed development project.
- 99

100 **Policy 1.1.4:** All development and/or redevelopment activities shall be undertaken in a  
 101 manner consistent with adopted level of service standards.

102  
 103 **Policy 1.1.5:** The County shall issue final permits only when there is enough capacity  
 104 from all the facilities to serve the project at the adopted level of service  
 105 standards.

106  
 107 **Policy 1.1.6:** Prohibit the installation of septic tanks or individual well systems where  
 108 unsuitable soil exists and require all new developments that are located  
 109 within an urban service area to be served by the central wastewater system  
 110 and central potable water.

111  
 112 **Policy 1.1.7:** The County Engineer will inform applicants concerning the items necessary  
 113 for an assessment of the proposed development to meet concurrency  
 114 standards. Services that are within a municipality’s jurisdiction will be  
 115 coordinated with the County to ensure available services. In no way shall  
 116 proposed developments be approved if capacity is insufficient.

117  
 118 **Policy 1.1.8:** The County shall conduct a capacity and supply and demand analysis when  
 119 a facility has reached ninety percent (90%) of its capacity. When this occurs,  
 120 engineering for the new facility shall be prepared.

121  
 122 The following standards shall apply to the use of the infrastructure deficiency map in reviewing  
 123 development applications:

- 124
- 125 a. All applications for change in zoning and preliminary plat approval, shall
- 126 be reviewed to determine if the facilities serving the area in which the

127 development is located meets the level of service standards shown herein.  
128 The results of this review shall be presented to the applicant, to the Local  
129 Planning Agency and/or to the Board of County Commissioners at the  
130 time of their consideration of the application for preliminary approval.  
131 Where review of an application for approval by the Local Planning  
132 Agency or Board of County Commissioners is not required, the results of  
133 the concurrency review shall be presented to the applicant and to any other  
134 reviewing/approving authority.  
135

136 The purpose of the concurrency review and report at the preliminary  
137 review stage shall be: (1) to explicitly place the applicant and the  
138 reviewing/approving authority on notice as to the status of the proposed  
139 development vis-a-vis concurrency, and; (2) to explicitly advise the  
140 applicant that no Certificate of Occupancy or functional equivalent  
141 approval may be issued if the concurrency requirement is not met. Failure  
142 of the proposed development to meet the concurrency requirement at the  
143 time of preliminary review or approval shall not prevent the submission of  
144 final plans for approval, but no preliminary approval shall be interpreted  
145 as creating any right to obtain final approval unless the application for  
146 final approval meets all requirements of this Plan, including the  
147 concurrency requirement.  
148

149 b. All applications for final approval, including applications for final  
150 subdivision plat approval, site development plan and site improvement  
151 plan approval, construction plan approval, change of zoning where a  
152 specific enforceable plan of development is included, and/or a final  
153 development order for a Development of Regional Impact or other final  
154 approval which constitutes specific approval of uses and densities shall be  
155 reviewed to determine if the facilities serving the area in which the  
156 development is located meet the level of service standards herein.  
157 Approvals may be subject to an enforceable agreement guaranteeing that  
158 necessary facilities for potable water, sanitary sewer, solid waste, and  
159 roads are in place to ensure LOS are met prior to Certificate of Occupancy  
160 or functional equivalent.  
161

162 c. Where no change of zoning, subdivision approval, site development plan  
163 approval, or other approval is required, the concurrency determination  
164 shall be made at the time of building permit review. No Certificate of  
165 Occupancy or functional equivalent shall be issued unless the facilities  
166 serving the area in which the development is located meet the level of  
167 service standards herein.  
168

169 In the event that the property in question is within an area in which the infrastructure is  
170 inadequate to meet the established level of service standards, approval, if granted shall be issued  
171 conditioned on the provision that infrastructure is in place or under construction within three

172 years after the local government issues the final permit.

173

174 **Policy 1.1.9:** Development orders or permits and building permits issued prior to the  
175 adoption of the Comprehensive Plan shall generally be exempt from the  
176 Level of Service Standards provisions of this Comprehensive Plan, provided  
177 that active development of the project is in accordance with the provisions  
178 of Objective 1.1, Policy 1.1.2, of this Element.

179 **OBJECTIVE 1.2:**

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181 Hendry County shall coordinate land use decisions with its financial capability to meet level of  
182 service standards, manage the land development process so that facility needs created by  
183 permitted development do not exceed the financial ability of the County, and identify the extent  
184 to which future development will be required to contribute to its proportional cost of facilities  
185 necessary to meet LOS standards through the accomplishment of the following policies:

186

187 **Policy 1.2.1:** The Future Land Use Map is developed to coincide with the availability of  
188 public facilities and/or natural resources such that new facilities are not  
189 necessarily required for new development. The Land Development Code,  
190 includes provisions to ensure that such policy is continued with the zoning  
191 map and regulations, and related land use decisions, such as in the review of  
192 special exceptions and zoning changes.

193

194 **Policy 1.2.2:** The County shall assess the impacts of land use changes on bicycle and  
195 pedestrian use.

196

197 **Policy 1.2.3:** The Land Development Regulations and the Concurrency Management  
198 System shall require that any proposed developments requiring public  
199 facilities not available concurrent with the impacts from the development, or  
200 which impacts would cause performance of a facility to fall below the Level  
201 of Service Standards, shall not be permitted unless facilities meeting the  
202 Level of Service Standards are provided by the developer.

203

204 **OBJECTIVE 1.3:**

205

206 To ensure that future growth is supported by adequate infrastructure, identify a master list of  
207 infrastructure improvements that may be required through the planning horizon of the  
208 Comprehensive Plan, and to provide a process by which infrastructure improvements are added  
209 to the Capital Improvement Program (CIP) and Capital Improvement Element (CIE).

210

211 **Policy 1.3.1:** Hendry County shall prioritize those infrastructure improvements that  
212 support and promote sustainable development. Hendry County shall  
213 continue to use the infrastructure planning, comprehensive planning, and  
214 development review processes to establish and maintain a master list of  
215 infrastructure improvements necessary to support sustainable growth.

216

- 217 **Policy 1.3.2:** Hendry County has compiled a master list of infrastructure improvements  
 218 that may be necessary to support future sustainable growth through the 2040  
 219 planning horizon of the Comprehensive Plan.  
 220
- 221 **Policy 1.3.3:** Hendry County shall review its infrastructure improvement needs, as  
 222 required and at a minimum during each Evaluation and Appraisal Report  
 223 update process, to be consistent with projected growth rates and demand  
 224 associated with approved development.  
 225
- 226 **Policy 1.3.4:** Hendry County shall utilize public and private sources of funding to ensure  
 227 the financial feasibility of infrastructure improvements, as they become  
 228 necessary to accommodate future development.  
 229
- 230 a. Hendry County shall not assume sole responsibility for funding
  - 231 infrastructure improvements.
  - 232 b. Hendry County shall prioritize infrastructure improvements funded by
  - 233 developer contributions and other non-County sources.
  - 234 c. Hendry County shall commit to funding infrastructure improvements
  - 235 only when public resources are available and the improvements are
  - 236 required to ensure public health, safety and welfare.  
 237
- 238 **Policy 1.3.5:** As specific infrastructure improvements become required to support  
 239 approved development, and a determination of financial feasibility has been  
 240 made by Hendry County based on a developer agreement or other  
 241 acceptable mechanism, the County shall amend its CIP to include the  
 242 infrastructure improvement. The improvement also shall be programmed  
 243 into the CIE during the next feasible CIE-amendment cycle.  
 244
- 245 **Policy 1.3.6:** All new development and redevelopment shall be subject to concurrency  
 246 review. Final permits for any proposed developments under the  
 247 development permitting jurisdiction of Hendry County shall not be issued  
 248 until it is demonstrated that the Level of Service Standards are met prior  
 249 to the impacts on the systems from the proposed development. Final  
 250 permits shall be specifically conditioned on the availability of the facilities  
 251 and services necessary to serve the proposed development. The specific  
 252 means for such demonstration of the ability to meet the Standards shall be  
 253 specified within the procedures of the Concurrency Management System  
 254 Element.  
 255
- 256 **Policy 1.3.7:** The County shall utilize a traffic monitoring system for County roads for the  
 257 Concurrency Management System and develop a common methodology for  
 258 measuring impacts on transportation facilities with the Cities of Clewiston  
 259 and LaBelle.  
 260
- 261 **Policy 1.3.8:** Upon issuance of a final permit for a new school, the necessary public

262 facilities such as, but not limited to, sanitary sewer, solid waste, potable  
263 water, drainage, and roads are to be in place to serve the proposed use.  
264 Furthermore, the School Board shall obtain a written agreement from the  
265 service provider assuring adequate capacity is available.  
266

267 **Policy 1.3.9:** Public facilities should be in close proximity, and operated at the adopted  
268 level of service, before a final permit can be issued for a new school.  
269

270 **Policy 1.3.10:** Coordination with the Hendry County Water Supply Plan is required to  
271 ensure that building permits are issued based on adequate potable water  
272 availability and an adopted level of service.  
273

274 **Policy 1.3.11:** Prior to the approval of a building permit or its functional equivalent, the  
275 local government shall consult with the applicable water supplier to  
276 determine whether adequate water supplies to serve the new development  
277 will be available no later than the anticipated date of issuance by the local  
278 government of a Certificate of Occupancy or its functional equivalent. The  
279 determination of adequate water supply prior to approval of a building  
280 permit or its functional equivalent shall require a demonstration that an  
281 existing consumptive use permit has been issued to the supplier with  
282 sufficient allocation still available to serve the new development, given all  
283 other commitments for that allocation.  
284

285 **Policy 1.3.12:** Prior to the approval of a Certificate of Occupancy or its functional  
286 equivalent, Hendry County shall consult with the applicable water supplier  
287 to determine whether adequate water supply to serve the new development  
288 will be available. The determination of adequate water supply prior to  
289 approval of a Certificate of Occupancy or its functional equivalent shall  
290 require a demonstration that an existing consumptive use permit has been  
291 issued to the supplier with sufficient allocation still available to serve the  
292 new development, given all other commitments for that allocation.  
293

294 **Policy 1.3.13:** In cooperation with the School Board and the Cities of LaBelle and  
295 Clewiston, the County will implement the Interlocal Agreement for Hendry  
296 County, the City of LaBelle, the City of Clewiston, and the School Board of  
297 Hendry County, as required by Section 1013.33, Florida Statutes.  
298

299 **Policy 1.3.14:** The County shall take into consideration the School Board comments and  
300 findings on the availability of adequate school capacity when considering  
301 the decision to approve comprehensive plan amendments and other land use  
302 decisions as provided for in Paragraph 163.3177(6)(a), Florida Statutes.  
303

304 **Policy 1.3.15:** Where capacity will not be available to serve students from the property  
305 seeking a land use change, the County and /or the Cities will coordinate with  
306 the School Board to ensure adequate capacity is planned and funded. Where



307 feasible, in conjunction with the plan amendment, early dedications of  
308 school sites shall be encouraged.

309  
310 **Policy 1.3.16:** In reviewing petitions for future land use, rezoning, or final subdivision and  
311 site plans for residential development, which may affect student enrollment  
312 or school facilities, the County will consider the following:

- 313
- 314 1. Providing school sites and facilities within planned neighborhoods;
  - 315 2. Insuring the compatibility of land uses adjacent to existing schools and  
316 reserved school sites;
  - 317 3. The co-location of parks, recreation and community facilities with  
318 school sites.
  - 319 4. The linkage of schools, parks, libraries and other public facilities with  
320 bikeways, trails, and sidewalks;
  - 321 5. Insuring the development of traffic circulation plans to serve schools and  
322 the surrounding neighborhood;
  - 323 6. Providing off-site signalization, signage, access improvements and  
324 sidewalks to serve all schools;
  - 325 7. The inclusion of school bus stops and turnarounds in new developments;
  - 326 8. Encouraging the private sector to identify and implement creative  
327 solutions to developing adequate school facilities in residential  
328 developments;
  - 329 9. School Board staff comments and findings of available school capacity  
330 for comprehensive plan amendments and other land-use decisions;
  - 331 10. Available school capacity or planned improvements to increase school  
332 capacity and correct existing deficiencies; and
  - 333 11. Whether the proposed location is consistent with school design and  
334 planning policies.

335  
336 **Policy 1.3.17:** On an annual basis the County will review the School Board’s 5 Year Work  
337 Program (a/k/a Work Plan) for deficiencies in existing school facilities, for  
338 school facilities required to meet future needs, and for consistency with  
339 County planning.

340  
341 **Policy 1.3.18:** Public transit facilities are exempt from concurrency.

342  
343 **Policy 1.3.19:** The County shall adhere to the timing in the Schedule of the Capital  
344 Improvements, and any proposed developments requiring the facilities will  
345 not be permitted unless the facilities included in the Schedule are provided  
346 by the developer or are otherwise complete.