
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:**

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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.
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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.
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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.
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27 **A. Roadways:**

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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.
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33 All State roads in rural Hendry County will have the LOS Standard of “C”
34 at peak hour, with the exception of SR 82 which will have the LOS
35 Standard of “D”.
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37 LOS for all County Roads is “C.”
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39 **Recreation and Parks:**

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41 Regional Parks - 20 acres/1000 population (250 acres minimum)
42 Community Parks - 2 acres/1000 population (20 acres minimum)
43 Neighborhood Parks - 2 acres/1000 population (5 acres minimum)
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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.
- c. Stormwater Management Systems - for development in commercial, urban residential, mixed-use urban land uses districts. Stormwater management systems shall be designed to either retain on-site the runoff generated by a 25-year, 24-hour storm or detain and discharge the runoff from a 25-year, 24-hour storm at peak discharge rates which do not exceed pre-development rates.

- d. Stormwater Management Systems - for development in all other land use districts. Stormwater management systems shall be designed to either retain on-site the runoff generated by a 5-year, 24-hour storm or detain and discharge the runoff from a 5-year, 24-hour storm at peak discharge rates which do not exceed pre-development rates.
- e. Water Quality - Water quality treatment shall be provided for runoff from the first one-inch of rainfall; or as an option, for projects or project sub-units with drainage areas of less than 100 acres, from the first one-half inch of runoff consistent with Chapters 62, F.A.C., and shall be used as the basis for determined the availability of capacity and demand generated by a proposed development project.

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

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

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

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

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

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

- a. All applications for change in zoning and preliminary plat approval, shall be reviewed to determine if the facilities serving the area in which the development is located meets the level of service standards shown herein. The results of this review shall be presented to the applicant, to the Local Planning Agency and/or to the Board of County Commissioners at the time of their consideration of the application for preliminary approval. Where review of an application for approval by the Local Planning Agency or Board of County Commissioners is not required, the results of

127 the concurrency review shall be presented to the applicant and to any other
128 reviewing/approving authority.

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

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

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156 c. Where no change of zoning, subdivision approval, site development plan
157 approval, or other approval is required, the concurrency determination
158 shall be made at the time of building permit review. No Certificate of
159 Occupancy or functional equivalent shall be issued unless the facilities
160 serving the area in which the development is located meet the level of
161 service standards herein.

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163 In the event that the property in question is within an area in which the infrastructure is
164 inadequate to meet the established level of service standards, approval, if granted shall be issued
165 conditioned on the provision that infrastructure is in place or under construction within three
166 years after the local government issues the final permit.

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168 **Policy 1.1.9:** Development orders or permits and building permits issued prior to the
169 adoption of the Comprehensive Plan shall generally be exempt from the
170 Level of Service Standards provisions of this Comprehensive Plan, provided
171 that active development of the project is in accordance with the provisions

of Objective 1.1, Policy1.1.2, of this Element.

OBJECTIVE 1.2:

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

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

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

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

OBJECTIVE 1.3:

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

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

Policy 1.3.2: Hendry County has compiled a master list of infrastructure improvements that may be necessary to support future sustainable growth through the 2040 planning horizon of the Comprehensive Plan.

Policy 1.3.3: Hendry County shall review its infrastructure improvement needs, as required and at a minimum during each Evaluation and Appraisal Report

217 update process, to be consistent with projected growth rates and demand
218 associated with approved development.
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220 **Policy 1.3.4:** Hendry County shall utilize public and private sources of funding to ensure
221 the financial feasibility of infrastructure improvements, as they become
222 necessary to accommodate future development.
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- 224 a. Hendry County shall not assume sole responsibility for funding
225 infrastructure improvements.
226 b. Hendry County shall prioritize infrastructure improvements funded by
227 developer contributions and other non-County sources.
228 c. Hendry County shall commit to funding infrastructure improvements
229 only when public resources are available and the improvements are
230 required to ensure public health, safety and welfare.
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232 **Policy 1.3.5:** As specific infrastructure improvements become required to support
233 approved development, and a determination of financial feasibility has been
234 made by Hendry County based on a developer agreement or other
235 acceptable mechanism, the County shall amend its CIP to include the
236 infrastructure improvement. The improvement also shall be programmed
237 into the CIE during the next feasible CIE-amendment cycle.
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239 **Policy 1.3.6:** All new development and redevelopment shall be subject to concurrency
240 review. Final permits for any proposed developments under the
241 development permitting jurisdiction of Hendry County shall not be issued
242 until it is demonstrated that the Level of Service Standards are met prior
243 to the impacts on the systems from the proposed development. Final
244 permits shall be specifically conditioned on the availability of the facilities
245 and services necessary to serve the proposed development. The specific
246 means for such demonstration of the ability to meet the Standards shall be
247 specified within the procedures of the Concurrency Management System
248 Element.
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250 **Policy 1.3.7:** The County shall utilize a traffic monitoring system for County roads for the
251 Concurrency Management System and develop a common methodology for
252 measuring impacts on transportation facilities with the Cities of Clewiston
253 and LaBelle.
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255 **Policy 1.3.8:** Upon issuance of a final permit for a new school, the necessary public
256 facilities such as, but not limited to, sanitary sewer, solid waste, potable
257 water, drainage, and roads are to be in place to serve the proposed use.
258 Furthermore, the School Board shall obtain a written agreement from the
259 service provider assuring adequate capacity is available.
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- 261 **Policy 1.3.9:** Public facilities should be in close proximity, and operated at the adopted
262 level of service, before a final permit can be issued for a new school.
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- 264 **Policy 1.3.10:** Coordination with the Hendry County Water Supply Plan is required to
265 ensure that building permits are issued based on adequate potable water
266 availability and an adopted level of service.
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- 268 **Policy 1.3.11:** Prior to the approval of a building permit or its functional equivalent, the
269 local government shall consult with the applicable water supplier to
270 determine whether adequate water supplies to serve the new development
271 will be available no later than the anticipated date of issuance by the local
272 government of a Certificate of Occupancy or its functional equivalent. The
273 determination of adequate water supply prior to approval of a building
274 permit or its functional equivalent shall require a demonstration that an
275 existing consumptive use permit has been issued to the supplier with
276 sufficient allocation still available to serve the new development, given all
277 other commitments for that allocation.
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- 279 **Policy 1.3.12:** Prior to the approval of a Certificate of Occupancy or its functional
280 equivalent, Hendry County shall consult with the applicable water supplier
281 to determine whether adequate water supply to serve the new development
282 will be available. The determination of adequate water supply prior to
283 approval of a Certificate of Occupancy or its functional equivalent shall
284 require a demonstration that an existing consumptive use permit has been
285 issued to the supplier with sufficient allocation still available to serve the
286 new development, given all other commitments for that allocation.
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- 288 **Policy 1.3.13:** In cooperation with the School Board and the Cities of LaBelle and
289 Clewiston, the County will implement the Interlocal Agreement for Hendry
290 County, the City of LaBelle, the City of Clewiston, and the School Board of
291 Hendry County, as required by Section 1013.33, Florida Statutes.
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- 293 **Policy 1.3.14:** The County shall take into consideration the School Board comments and
294 findings on the availability of adequate school capacity when considering
295 the decision to approve comprehensive plan amendments and other land use
296 decisions as provided for in Paragraph 163.3177(6)(a), Florida Statutes.
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- 298 **Policy 1.3.15:** Where capacity will not be available to serve students from the property
299 seeking a land use change, the County and /or the Cities will coordinate with
300 the School Board to ensure adequate capacity is planned and funded. Where
301 feasible, in conjunction with the plan amendment, early dedications of
302 school sites shall be encouraged.
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- 304 **Policy 1.3.16:** In reviewing petitions for future land use, rezoning, or final subdivision and
305 site plans for residential development, which may affect student enrollment

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or school facilities, the County will consider the following:

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

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

Policy 1.3.18: Public transit facilities are exempt from concurrency.

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