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CONCURRENCY

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## CHAPTER III CONCURRENCY

### 3.00.00 GENERALLY

#### 3.00.01 Purpose and Intent

The purpose of this Chapter is to describe the requirements and procedures necessary to implement the concurrency provisions of the City of Bonifay's Comprehensive Plan. Specifically, this Chapter is intended to ensure the availability of public facilities and services and the adequacy of those facilities at adopted levels of service concurrent with impacts of development. This intent is implemented by means of a concurrency management system which shall measure the potential impact for a development upon the adopted minimum acceptable level of service for potable water, sewer solid waste, drainage, parks and recreation, and roadways facilities and/or services as provided in the City of Bonifay's Comprehensive Plan.

### 3.01.00 GENERAL RULES

#### 3.01.01 Certificate of Concurrency Required

A Certificate of Concurrency shall be required prior to the issuance of any development permit, with the exception of those listed in Section 3.02.02. If a development will require more than one development permit, the issuance of a Certificate of Concurrency shall occur prior to the issuance of the initial development permit.

#### 3.01.02 Initial Determination of Concurrency

At the request of the applicant or at the discretion of the City of Bonifay, an initial determination of concurrency may be performed for preliminary development orders and a conditional Certification of Concurrency issued for development permits shall be binding.

#### 3.01.03 Expiration of Certificate of Concurrency

A Certificate of Concurrency shall automatically expire simultaneously with the expiration of the development permit to which it applies. In the event that the development permit does not have a specific expiration date, the Certificate of Concurrency shall expire six (6) months from the date of the issuance of the development permit. In the event that a time extension is granted prior to the expiration of the development permit, the accompanying Certificate of Concurrency shall automatically be renewed for the duration of the extension given

to the accompanying development permit. Should the extension exceed one (1) year from the date of the issuance of the original development permit, a new concurrency review shall be performed for which a reasonable fee shall be assessed in order to defray the cost of the new review.

#### 3.01.04 Burden of Proof

The burden of showing compliance with the adopted levels of service and meeting the concurrency evaluation shall be upon the applicant. The City of Bonifay will assist in the preparation of the necessary documentation and information.

#### 3.02.00 DE MINIMIS EXEMPTIONS

##### 3.02.01 Generally

If a proposed Development relates to land use of such low intensity as to have a de minimis effect, if any, upon the level of service standards set forth in the City of Bonifay's Comprehensive Plan, the Development shall be exempt from concurrency review.

##### 3.02.02 De Minimis Activities

The following development activities shall be deemed de minimis:

###### A. The construction of:

1. room additions to residences, pursuant to item (C)(3) below;
2. accessory structures, but not accessory apartments;
3. swimming pools;
4. fences;
5. signs; and
6. communications towers.

###### B. Removal of trees.

Removal of trees, except that tree removal shall not be considered a de minimis activity for the purpose of determining compliance with the stormwater drainage level of service.

###### C. The replacement of 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.

###### D. Limited De Minimis Exemptions for Single Family

Individual single-family dwelling units shall be deemed de minimis for the following facilities and/or services:

1. Roads, providing that the dwelling unit is not located within 1/4 mile of a road segment that is operating below the adopted Level of Service.
2. Stormwater drainage, provided that the single-family up to quadruplex (in this case only) is not part of a larger development.
3. Sewer, provided that construction meets the requirements of the Department of Health and Rehabilitative Services (HRS) related to wastewater systems. Specifically excluded from this exemption are room additions consisting of bedrooms or bathrooms.

The de minimis exemption for single-family dwelling units applies for individual dwelling units only. Developments of more than one single-family dwelling unit shall be evaluated for concurrency.

### 3.03.00 CONCURRENCY REVIEW

#### 3.03.01 Generally

The City of Bonifay shall use the procedures listed below to determine compliance of an application for a development permit with this concurrency management system. At the time of application for a development permit, a concurrency evaluation shall be made to determine the availability of the facilities or services required to be concurrent. An applicant for a development permit shall provide the City with all information required so as to enable the concurrency evaluation to be made. Upon receipt of a complete Concurrency Review Application, the City of Bonifay shall perform the concurrency evaluation for each of the public facilities and services. A Concurrency Review Application shall not be deemed complete until all applicable permits, verification letters or other proof has been submitted pursuant to Section 3.03.02 below.

#### 3.03.02 Evaluation

##### A. Roads

##### 1. Generally

The evaluation for roads shall compare the existing level of service standards to the adopted level of service standards established by the City of Bonifay's Comprehensive Plan for the impacted roads. The level of service 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 section 3.03.03

2. Submittals

The applicant for a development permit shall submit to the City, along with the application for a development permit, the following information:

- a. The legal description of the development site;
- b. The street address of the development site, if applicable;
- c. A written statement indicating the nature and extent of proposed development.

3. City Review

The City of Bonifay will then apply a concurrency check to the subject property based on the following trip generation characteristics:

TRIP CHARACTERISTICS

CODE	LAND DEVELOPMENT ACTIVITY (LDA)	INDEP. VARIABLE	TRIP RATE <i>a day</i>	TRIP LENGTH <i>Miles</i>	NEW TRIPS
1	Single-Family	DW.UNIT	10.1	7.0	100%
2	Multi-Family	DW.UNIT	6.1	7.0	100%
3	Mobile-Home	DW.UNIT	4.8	7.0	100%
4	ACLP	1000 SF	2.8	9.6	74%
5	General Office 0-49,999sf	1000 SF	16.3	9.6	92%
6	Gen'l Office 50-149,999sf	1000 SF	13.7	9.6	92%
7	Gen'l Office 150-299,999sf	1000 SF	11.5	9.6	92%
8	Gen'l Office 300-599,999sf	1000 SF	10.4	9.6	92%
9	Gen'l Office 600-799,999sf	1000 SF	8.4	9.6	92%
10	Gen'l Office >800,000sf	1000 SF	8.2	9.6	92%
11	Medical Office	1000 SF	39.9	9.6	77%
12	Research Center	1000 SF	6.1	9.6	92%
13	General Industrial	1000 SF	7.0	9.6	92%
14	Industrial Park	1000 SF	7.0	9.6	92%
15	Manufacturing	1000 SF	3.8	9.6	92%
16	Warehousing	1000 SF	4.9	9.6	92%
7	Mini-warehousing	1000 SF	2.6	7.0	92%
18	Hospital	BED	11.8	9.1	77%
19	Nursing Home	BED	2.6	7.0	75%
20	Clinic	1000 SF	30.4	7.0	92%
21	Hotel	ROOM	9.0	9.1	71%
22	Motel	ROOM	10.2	9.1	59%
23	Resort Hotel	ROOM	18.4	9.1	75%

*get in a car + make a trip*

TRIP CHARACTERISTICS (continued)

<u>CODE</u>	<u>LAND DEVELOPMENT ACTIVITY (LDA)</u>	<u>INDEP. VARIABLE</u>	<u>TRIP RATE</u>	<u>TRIP LENGTH</u>	<u>NEW TRIPS</u>
24	General Recreation	ACRE	3.6	10.4	90%
25	Racquet Club	1000 SF	15.9	10.4	75%
26	Golf Course	PKG SPACE	6.6	10.4	90%
27	Quality Restaurant	1000 SF	96.8	10.4	82%
28	Sit-down Restaurant	1000 SF	177.4	7.0	79%
29	Drive-in Restaurant	1000 SF	622.0	7.0	54%
30	Discount Store	1000 SF	71.2	7.0	61%
31	Hardware/Paint Store	1000 SF	51.3	7.0	40%
32	New and Used Car Sales	1000 SF	43.0	7.0	79%
33	Car Wash	1000 SF	151.2	7.0	67%
34	Service Station w/Repair and Convenience <800 SF	PUMP	133.8	7.0	23%
35	Super-Supermarket	1000 SF	120.7	7.0	53%
36	Convenience Market >3000 SF	Store	1162.9	7.0	25%
37	Convenience Market >=3000 SF	1000 SF	887.1	7.0	25%
38	Commercial <100,000 SF	1000 SF	94.7	7.0	49%
39	Commercial 100,000-199,999 SF	1000 SF	74.3	7.0	63%
40	Commercial 200,000-299,999 SF	1000 SF	58.9	7.0	75%
41	Commercial 300,000-399,999 SF	1000 SF	48.3	7.0	79%
42	Commercial 400,000-499,999 SF	1000 SF	43.0	7.0	80%
43	Commercial 500,000-999,999 SF	1000 SF	37.7	7.0	81%
44	Commercial >1,000,000 SF	1000 SF	33.4	7.0	81%
45	Bank (walk-in)	1000 SF	190.0	7.0	80%
46	Bank (drive-in)	1000 SF	276.7	7.0	61%
47	Church (without school)	1000 SF	7.7	6.6	90%
48	Library	1000 SF	45.4	6.6	90%
49	Day Care Center	1000 SF	67.0	7.0	74%
50	Elementary School	Student	1.0	6.6	80%
51	High School	Student	1.4	6.6	90%
52	Jr/Community College	Student	1.6	6.6	90%
53	University	Student	2.4	6.6	90%
54	Airport	Flight	8.3	7.0	90%
55	Park	Acre	36.5	10.4	90%
56	Condominium	DW. Unit	5.9	7.0	100%
57	U.S. Post Office	1000 SF	86.8	7.0	25%
58	Movie Theater	Screen	132.0	10.4	85%
59	Budget-Style Motel	Room	4.7	9.1	85%
60	Veterinary Clinic	1000 SF	32.8	9.1	70%
61	Efficiency Apt/Motel	Room	5.0	7.0	59%
62	Auto Repair/Detailing	1000 SF	28.4	7.0	83%

Sources: ITE Trip Generations, 4th Edition  
Tindall-Oliver Trip Generation Study, 1989  
U.S. DOT, "Personal Travel in the U.S.," 1986

4. Reconciliation

Should the applicant disagree with the results obtained by the City in its concurrency review, a transportation study pursuant to Section 5 below shall be performed.

5. Transportation Study

a. Application Meeting

An application meeting between the City and the applicant is required. The purpose of this meeting will be to review the methodology and procedure, and to determine the study area and study period. This will usually be a P.M. peak hour analysis; however, other time periods may require analysis. The transportation study shall be signed and sealed by a registered Professional Engineer.

b. Define Study Area

The study area is defined as the primary impact area affected by traffic associated with the site. A radius around the site will be established based on the average trip length associated with the land use, as set forth in the trip characteristics for that land use as approved by the City. The primary impact area will be approved by the City at the application meeting.

c. Existing Conditions

The following existing conditions shall be provided based on the application review:

- (1) Existing peak hour traffic volumes and level of service on all collectors and arterials within the study area.
- (2) Existing turning movement volumes at the impacted intersection(s) and intersection(s) level of service.

d. Sources of Data

- (1) The above required data shall be no older than the previous calendar year. Volumes shall be adjusted to reflect annual conditions using current FDOT seasonal adjustment factors for the City of Bonifay or other adjustment factors approved by the City.

- (2) The above required level(s) of service for roadways shall be determined in accordance with the adopted level(s) of service of the City of Bonifay given in the Traffic Circulation Element of the City of Bonifay's Comprehensive Plan.
- (3) The above required intersection capacity(ies) shall be based on the most recent edition of the Highway Capacity Manual, Special report 209.

e. Projection of Future Roadway Traffic

Roadway volume(s) shall be projected for each development phase including the year of the project completion. Volumes can be determined using one of the following procedures:

- (1) Multiplying existing volumes by the annual growth factor provided by the City. Traffic generated by any major project approved since the traffic counts shall be included as background traffic.
- (2) Multiplying existing volumes by an annual growth factor developed by the applicant and approved by the City. Traffic generated by any major project approved since the traffic counts were conducted shall be included as background traffic.
- (3) Using projections from an area modeling effort.
- (4) Methodology regarding projection of intersection(s) turn movements and level of service shall be established at the application conference.

f. Projection of Traffic Generation

The following procedures and information shall be provided:

- (1) To determine project traffic generation, the Trip Characteristics Table shall be used, or trip rates may be obtained from studies of comparable sites in the City of Bonifay or standards adopted by the City, and are subject to the approval of the City.
- (2) Identify all land use codes, amount of development and trip rates.

(3) 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 application/methodology meeting and approved by the City.

g. Projection of Traffic Distribution/Assignment

Project traffic distribution shall be based on reasonable and acceptable industry assumptions and methodologies as applied to the individual site(s) conditions to be approved by the City in the application meeting.

h. Transportation System Management Strategies

A discussion of any proposed transportation system management strategies shall be included in the study.

B. Potable Water

1. Submittals

The applicant for a development permit shall submit, along with the application for a development permit, proof that sufficient capacity exists as demonstrated by one of the following:

- a. If the service provider is other than an on-site potable water well, documentation will be required from the provider that the project is within its service area and that it has the capacity to serve the project as proposed, at or above the adopted level of service. If the ability of a provider 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 development order by the City, the applicant may be required to provide evidence of a contract with the service provider, indicating the provider's commitment and ability to serve the proposed project; or
- b. Permits issued by the Northwest Florida Water Management District for a potable water well to serve the development.
- c. A notarized statement or affidavit that there is an existing functioning potable water well on the site.

## 2. Presumption of Available Capacity

A presumption of available capacity shall be rendered by the City of Bonifay upon receipt of one of the above.

### C. Wastewater

#### 1. Submittals

The applicant for a development permit shall submit, along with the application for a development permit, proof that sufficient capacity exists as demonstrated by one of the following:

- a. If the proposed service provider is other than an on-site septic system, documentation will be required from the provider that the project is within its service area and that it has the capacity to serve the project as proposed, at or above the adopted level of service. If the ability of a provider 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 City, the applicant may be required to provide evidence of a contract with the service provider indicating the provider's commitment and ability to serve the proposed project; or
- b. All applicable HRS permits for an on-site septic system, pursuant to 10D-6, F.A.C., are obtained; or
- c. Proof the City impact fees for the provision of a wastewater system have been paid.

## 2. Presumption of Capacity

A presumption of available capacity shall be rendered by the City of Bonifay upon receipt of one of the above.

### D. Drainage

#### 1. Submittals

The applicant for a development permit shall submit, along with the application for the development permit, proof that sufficient capacity exists as demonstrated by one of the following:

- a. All applicable Department of Environmental Regulation (DER) permits for stormwater management systems, pursuant to 17-25, F.A.C., are obtained; and/or

- b. All applicable Department of Transportation (DOT) permits for drainage connections, pursuant to 14-86, F.A.C., are obtained; and/or
- c. All applicable Northwest Florida Water Management District (NFWFMD) permits, pursuant to 373.451-373.4595, F.S. (the Surface Water Improvement "SWIM" Act) are obtained.

## 2. Presumption of Available Capacity

A presumption of available capacity shall be rendered by the City of Bonifay upon receipt of the applicable DER, DOT, and/or NFWFMD permits.

### E. Solid Waste

#### 1. Submittals

The applicant for a development permit shall submit, along with the application for the development permit, proof that sufficient capacity exists as demonstrated by one of the following:

- a. Documentation will be required from the provider that the project is within its service area and that it has the capacity to serve the project as proposed, at or above the adopted level of service. If the ability of a provider 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 development order by the City, the applicant may be required to provide evidence of a contract with the service provider, indicating the provider's commitment and ability to serve the proposed project; or
- b. Applicants shall submit a signed affidavit stating their intention to remove household garbage to the Springhill Regional Landfill in Jackson County.

## 2. Presumption of Capacity

A presumption of available capacity shall be rendered by the City of Bonifay upon receipt of one of the above.

### F. Recreation and Open Space

#### 1. Citywide Presumption of Available Capacity

Based upon the data and analysis contained in the City of Bonifay's Comprehensive Plan, adequate capacity exists for an

estimated demand for park and open space facilities through the planning period (1990-2000). Therefore, a presumption of available capacity for all development shall be rendered by the City of Bonifay for the period beginning September 1, 1991, through the submission of the first Concurrency Management System Annual Report. At such time, the available capacity for park and open space shall be re-assessed, and a determination made to as whether the presumption of available capacity is to be continued.

### 3.03.03 Minimum Requirements for Concurrency (Determination of Availability)

In order to obtain a Certificate of Concurrency, one of the following conditions must be satisfied for each of the public facilities and services, and such condition given in the Certificate of Concurrency:

#### A. For Potable Water, Sewer, Solid Waste and Drainage

At a minimum, provisions in the City of Bonifay's Comprehensive Plan that ensure the following standards will be met to satisfy the concurrency requirement:

1. The necessary facilities and services are in place at the time a development order is issued; or
2. A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of development occur; or
3. The necessary facilities are under construction at the time a permit is issued; or
4. The necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of Section (A)(1-3) above. An enforceable development agreement may include, but is not limited to, development agreement pursuant to section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S. The agreement must guarantee that the necessary facilities and services are in place when the impacts of development occur.

#### B. For Parks and Recreation

The concurrency requirement may be satisfied by complying with the standards in (A)(1-4) above or by including in the City of Bonifay's Comprehensive Plan that ensure that the following standards will be met:

1. At the time the development permit is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities or the provision of services within one year of the issuance of the development permit; or
2. The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities or the provision of services within one year of the issuance of the applicable development permit. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S.

#### C. For Roads

The concurrency requirement may be satisfied by complying with the standards of Sections (A)-(B) above. In addition, in areas in which the City of Bonifay has committed to provide the necessary public facilities and services in accordance with its 5-year schedule of capital improvements, the City of Bonifay may satisfy the concurrency requirement for roads by basing this concurrency management system upon an adequate capital improvements program and schedule which, at a minimum, includes the following provisions:

1. A capital improvements element and a 5-year schedule of capital improvements which, in addition to meeting all of the other statutory and rule requirements, must be financially feasible. The capital improvements element and schedule of capital improvements may recognize and include transportation projects included in the first three years of the applicable adopted Florida Department of Transportation five-year work program.
2. A 5-year schedule of capital improvements which must include both necessary facilities to maintain the adopted level of service standards to serve the new development proposed to be permitted and the necessary facilities required to eliminate those portions of existing deficiencies which are a priority to be eliminated during the 5-year period under the City of Bonifay's Comprehensive Plan's schedule of capital improvements.
3. A realistic, financially feasible funding system based on currently available revenue sources which must be adequate to fund the public facilities required to

serve the development authorized by the development order and development permit and which public facilities are included in the 5-year schedule of capital improvements.

4. A 5-year schedule of capital improvements which must include the estimated date of commencement of actual construction and the estimated date of project completion.
5. A 5-year schedule of capital improvements which must demonstrate that the actual construction of the road must be scheduled to commence in or before the third year of the 5-year schedule of capital improvements.
6. A provision that a plan amendment would be required to eliminate, defer or delay construction of any road which is needed to maintain the adopted level of service standard and which is listed in the 5-year schedule of improvements.

#### 3.03.04 Strategies to Rectify Lack of Concurrency

Should a development not pass the above concurrency evaluation, several strategies may be used to rectify this , including the following:

- A. A plan amendment which lowers the adopted level of service standards for the affected facilities.
- B. A enforceable development agreement between the City and the developer which may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S.
- C. A change in the funding source.
- D. A reduction in the scale or impact of the proposed development.
- E. Phasing of the proposed development.

#### 3.04.00 ADOPTED LEVELS OF SERVICE

The adopted Level of Service (LOS) standards for public facilities and services as contained in the City of Bonifay's Comprehensive Plan are hereby adopted by reference.

3.05.00 MONITORING

3.05.01 Annual Report

The purpose of the annual report is to provide monitoring of public facilities and services to ensure maintenance of the adopted levels of service in a format which is accessible to the public.

3.05.02 Contents

The City of Bonifay shall prepare an annual report as part of the Concurrency Management System 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;
  - c. The quantity of development represented by the outstanding building permits;
  - d. Those that result from the 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 are valid at the time of the report; and
  - c. The phases and quantity of development represented by the outstanding development permits.
3. A summary of development permits issued, indicating:
  - a. Those that expired without subsequent building permits;
  - b. Those that were completed during the period;

- c. Those that are valid at the time of the report but do have associated building permits or construction activity; and
  - d. The phases and quantity of development represented by the outstanding development permits.
5. 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 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 City of Bonifay's Comprehensive Plan.
  - e. A forecast of the capacity for each based on the most recently updated schedule of capital improvements in the Capital Improvements Element of the Comprehensive Plan.

### 3.05.03 Prima Facie Evidence

The Concurrency Management System Annual Report shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing development permits during the twelve (12) months following completion of the annual report. The first annual report shall be presented to the City at a public hearing no later than June 1, 1992, of every year. Successive reports will be presented annually after this date.

### 3.05.04 Assurances

The City shall make available suitable land for the building and expansion of service facilities, and shall require that future land uses be assured of adequate infrastructure and services. The City shall conduct an ongoing review and analysis of the infrastructure and services to meet the needs of future land uses adopted in the City of Bonifay's Comprehensive Plan. Development shall be required to provide such lands by dedication where appropriate.

3.06.00 APPEALS

Appeals related to determinations of concurrency shall be made pursuant to the provisions in Section 10.11.00.

