

**City of Milton
Comprehensive Plan
Volume 1**

SECTION V
CONSISTENCY DETERMINATION AND CONCURRENCY MANAGEMENT

3/08/05

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5.00.0 GENERAL

5.00.01 Purpose

The purpose of this Section is to describe the requirements for determining the consistency of proposed development projects with the City of Milton Comprehensive Plan, in addition to meeting the concurrency requirements.

5.00.02 Intent

It is the intent of this section to ensure the availability of facilities and services necessary to serve the proposed development, at the adopted level of service standard, concurrent with the impacts of the development. It is further the intent to ensure that a concurrency determination is made by the City prior to the issuance of a development order.

5.00.03 Definitions

Concurrency - a condition where specified facilities and/or services have or will have the necessary capacity to meet the adopted level of service standard at the time of impact of the development.

Consistency – A condition where the development proposal complies with and fulfills the intent of the Comprehensive Plan

5.00.04 Presumption of General Consistency

A development proposal shall be presumed to be consistent with the City of Milton Comprehensive Plan if the proposal is found to meet all the requirements of this Section,

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excepting those aspects of the development addressed by the Comprehensive Plan but not covered by this Section.

5.00.05 Challenging the Consistency of a Development Proposal

Any public official or citizen may question the consistency of a development proposal with the Comprehensive Plan. If a question of consistency is raised, the Planning and Development Department shall make a determination of consistency. The determination will be made prior to final approval of the development plan by the City. The determinations shall be supported with written findings.

5.00.06 No Presumption in Favor of Concurrency

Notwithstanding the presumption created in Section 5.00.04, all applications for development approval within the City of Milton shall demonstrate that specified public facilities will be available at the prescribed levels of service concurrent with the impact of the development on those facilities. Determination of compliance with the concurrency requirement shall be through procedures described in the following sections.

5.01.00 CONCURRENCY MANAGEMENT SYSTEM

5.01.01 General

The following method of ensuring concurrency shall be known as the Concurrency Management System (CMS) for the City of Milton. The CMS is based upon the City of Milton Comprehensive Plan, especially the Capital Improvements Element and adopted level of service standards. The system is designed to ensure that the issuance of a development order, city

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development permit or building permit by the City of Milton or by the Santa Rosa County Building Official will not result in a degradation of the adopted levels of service for specified public facilities and services. The CMS also includes an annual monitoring system for determination of the availability of adequate capacity of public facilities and services to meet the adopted level of service standards.

5.01.02 Adopted Levels of Service Shall Not Be Degraded

A. General Rule

1. All applications for development approval shall demonstrate that the proposed development does not degrade adopted levels of service in the City. The adopted levels of service imply that sufficient treatment, collection and distribution systems must be available and must be adequate to accommodate the additional demands imposed by the proposed development. Any new collection and distribution lines shall be sized in accordance with the requirements contained in the City of Milton Public Works Policy Manual.
2. The latest point at which concurrency is determined is prior to final development order approval by the appropriate development approval authority. In the case of new subdivisions, the latest point at which concurrency is determined is prior to preliminary plat approval.

B. Exception

Notwithstanding the foregoing, the adopted levels of service may be degraded during the actual construction of new facilities, if upon completion of the new

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facilities the adopted levels of service will be met, unless otherwise prohibited by local, state, or federal requirements.

5.01.03 Determination of Available Capacity

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

A. Adding Together

1. The total capacity of existing facilities operating at the required level of service; and
2. The total capacity of 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. Necessary facilities are in place, or are under construction, at the time the development order or permit is issued;
 - b. The development order issued contingent upon the availability of the facility and/or service being in place when the impacts of development occur. In the case of residential subdivisions, the time at which the impacts of development occur may be considered to be up to three (3) years from final plat approval;
 - c. The necessary facilities are guaranteed in an enforceable development agreement which ensures that the necessary facilities and/or services will be in place when the impacts of the development occurs, or within one year for roads and recreational

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facilities, which ensures that actual construction will commence within three years of development order issuance.

- d. The necessary facilities are the subject of a binding executed contract for construction at the time of issuance of the development order or development permit, for roads and for parks and recreational facilities. Actual construction or provision of service must commence within three years of issuance of the development order or permit.

B. Subtracting From That Number the Sum Of

1. The demand for the service or facility created by existing development as documented in the City of Milton Comprehensive Plan or as updated based on related state agency data; and
2. The demand for the service or facility created by the anticipated completion of other approved developments, redevelopment, or other development activity for which a development order has been issued.

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 the adopted level of service. In such case, the application shall include appropriate plans for improvements, documentation that such improvements are designed to provide the capacity necessary to achieve or

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maintain the level of service, and recordable instruments guaranteeing the construction, consistent with calculations of capacity above.

2. The proposed project may be altered such that projected level of service is no less than the adopted level of service.

5.01.04 Burden of Showing Compliance on Developer

The burden of showing compliance with the level of service requirements shall be upon the developer. In order to be approvable, applications for development approval shall provide sufficient information to indicate that adequate facilities and/or services are available at the adopted LOS standards at the time of development impact. This information shall include, but is not limited to the following:

- Statements or letters of available capacity from local utility providers (i.e.: sanitary sewer and potable water);
- Statement of demand generated by the development for solid waste disposal and recreational activities;
- Copies of FDEP permits for Stormwater Management in compliance with Chapter 17-25 FAC or letters of exemption thereof;
- Statements relating to the number of vehicle trips generated by the proposed development and identification of related roadway impacts.

A detailed Traffic Impact Study (TIS) shall be required for any development contributing more than five percent of the adopted level of service maximum roadway volume, or any development significantly altering access to or traffic flow on arterial and collector roadways. The purpose of such Traffic Impact Study shall be to assess roadway level of service given

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projected traffic volumes and to determine traffic improvements needed to accommodate development impacts.

5.01.05 Determination of Concurrency

The determination of concurrency occurs prior to the review of the application for development approval and shall include compliance with the level of service standards as adopted by the City of Milton.

5.01.06 Annual Report

A. Contents

The City of Milton shall monitor the concurrency provision through the preparation of an Annual Report on the CMS. The initial year of concurrency monitoring, however, shall be based on data contained in the relevant elements of the 1990 Milton Comprehensive Plan. Each Annual Report shall contain:

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 issued by Santa Rosa County within the City of Milton, 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.

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3. A summary of 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 but do have associated building permits or construction activity; and
 - d. the phases and quantity of development represented by the outstanding 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 development orders;
 - 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 Milton Comprehensive Plan; and
 - e. a forecast of the capacity for each based upon the most recently updated schedule of capital improvements in the City of Milton Capital Improvements Element.

B. Use of the Annual Report

The CMS Annual Report shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing development

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approvals and development permits during the 12 months following completion of the annual report.

5.02.0 ADOPTED LEVELS OF SERVICE

5.02.0 1 Potable Water

Development activity shall not be approved unless there is sufficient available capacity to sustain a level of service for potable water of 100 gallons per day per capita as established in the Potable Water Sub-Element of the City of Milton Comprehensive Plan.

The design and construction of proposed potable water facilities and/or modification to existing facilities shall comply with accepted engineering standards and practices.

5.02.02 Sanitary Sewer

Development activities shall not be approved unless there is sufficient available capacity to sustain a level of service for wastewater treatment of 117 gallons per day per capita as established in the Sanitary Sewer Sub-Element of the City of Milton Comprehensive Plan.

Where existing sanitary sewer facilities are not in place to service proposed developments, required septic tank system permits must be obtained. Septic tank systems will not be permitted in areas of the City with soil types identified by the U.S. Department of Agriculture, Soil Conservation Service as having severe limitations for septic tank suitability (as discussed in Section III-D of the Sanitary Sewer Sub-Element), or within 150 feet of the Blackwater River, regardless of soil type.

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The design and construction of proposed wastewater treatment facilities and/or modifications to existing facilities shall comply with accepted engineering standards and practices.

5.02.03 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 transportation systems as established in the Traffic Circulation Element of the City of Milton Comprehensive Plan:

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

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. The area of impact of the development shall be determined by the developer subject to review and approval by the City.
2. The projected level of service for roads within the traffic impact area shall be calculated based upon estimated trips to be generated by the project utilizing the Institute of Traffic Engineers trip generation rates by land use

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type. Where the development will have access to more than one road, the calculations shall show the split in generated traffic and state the assumptions used in the assignment of traffic to each facility.

5.02.04 Stormwater Management System

Development activities shall not be approved unless there is sufficient available capacity to sustain a level of service which specifies the design storm as a 100-year critical duration storm, and to treat the first one inch of runoff for sites less than 100 acres in size and the first one and one-half inches of runoff for sites 100 acres or greater in size as established in the Drainage Sub-Element of the City of Milton Comprehensive Plan. Additionally, development activities must comply with the stormwater management provisions as contained in the City of Milton Land Development Regulations.

The design and construction of proposed drainage facilities and/or improvements to existing facilities shall comply with accepted engineering standards and practices.

5.02.05 Solid Waste

Development activities shall not be approved unless there is sufficient available capacity to sustain a level of service of 4.4 pounds per day per capita for solid waste as established in the Solid Waste Sub-Element of the City of Milton Comprehensive Plan.

The design and construction of proposed solid waste facilities and/or improvements to existing facilities shall comply with accepted engineering standards and practices.

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5.02.06 Recreation

Development activities shall not be approved unless there is sufficient available capacity to sustain a level of service of five acres per 2,000 people for recreational facilities as established in the Recreation and Open Space Element of the City of Milton Comprehensive Plan.