

ARTICLE VII

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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 respective local governments, 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 requirements shall be through procedures described in Section 7.02.00.

7.00.04 Challenging The Consistency Of A Development

The Building Inspector, 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 Building Inspector, 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 shall 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

To ensure concurrency management is consistent with the current Comprehensive Plain, the following comprehensive plan elements or chapter shall be referenced for concurrency compliance as applicable:

Chapter 2: Traffic Circulation Element

Chapter 4: Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element

Chapter 10: School Facilities Element

Chapter 12: Level of Service Concurrency Summaries