

CHAPTER 6

CONCURRENCY MANAGEMENT SYSTEM

Section 6.01 Concurrency Management: The City of Niceville has adopted a Concurrency Management System in compliance with Chapter 9J-5.005, F.A.C. within the LDC to ensure that facilities and services needed to support development are available concurrent with the impacts of such development. Prior to the issuance of a development permit (order), the system shall ensure that the adopted level of service standards in this Ordinance for roadways, potable water, sanitary sewer, solid waste, stormwater and recreation will be maintained. The Niceville City Planning Official shall be responsible for ensuring compliance with the Concurrency Management System, maintaining the concurrency management database and updating the annual report.

The Planning Official, or his designee, will be responsible for the four (4) primary tasks which are described below. The four tasks are:

- 1) Maintain an inventory of existing public facilities and capacities or deficiencies, to be known as the Concurrency Management Database;
- 2) Determining concurrency of proposed development;
- 3) Providing advisory concurrency assessments and recommending conditions of approval to the City Council for those applications for development orders which require City Council approval; and
- 4) Reporting the status of all public facilities covered under this system to the City Council and recommending a schedule of improvements for those public facilities found to have existing deficiencies.

The City administration will collect and make available to the public information on various facilities. The information shall be updated on an annual basis consistent with the reports required by Section 14.06 of this ordinance. The information will contain data such as: design capacity for roadways and roadway types; existing and adopted levels of service for all roadways; improvements to be made to the roadway system in the current year by the City and improvements to be made to the roadway system by the private sector; design capacity of wastewater and potable water facilities and the identification of any deficiencies within such systems; the existing and adopted levels of service standards for water and sewer systems; any programmed improvements to the facilities either by the City or the private sector; the design capacity for solid waste facilities including transfer stations and landfills; existing and proposed level of service standards for stormwater management systems; and existing and proposed provisions of recreation and open space facilities by the City or the private sector. It should be noted that this is not an all inclusive list of guidelines for use in the concurrency management system; rather it is indicative of the types of information to be contained within the LDC and the method and manner of ad-

ministering the LDC.

Section 6.02 Coordination: The City will coordinate establishing LOS standards for the above-named facilities with State, regional or local entities having operational and maintenance responsibility for such facilities in accordance with Chapter 9J-5.015(3) (b)3, F.A.C.

Section 6.03 Consistency with Comprehensive Plan: No development activity may be approved unless it is found that the development is consistent with the Comprehensive Plan and that the provision of the public facilities enumerated in Section 6.01 above, will be available at prescribed levels of service concurrent with the impact of the development on those facilities.

Section 6.04 Minimum Requirements: As a minimum, the concurrency management system will ensure that at least one (1) of the following standards will be met prior to issuance of a development order:

(1) The necessary facilities and services are in place at the time a development permit 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 the subject of a binding executed contract for the construction of the facilities or the provision of the services at the time that the development permit is issued; or NOTE: This provision only relates to parks and recreation facilities and roads. The LDC will include a requirement that the provision or construction of a facility or service must commence within one (1) year of the issuance of the development order or permit.

(5) The necessary facilities and services are guaranteed in an enforceable development agreement. 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. Any such agreement shall include provisions pursuant to paragraphs 1, 2 or 3 above.

Section 6.05 Levels of Service During Construction: The provisions of 6.04 above notwithstanding, the prescribed levels of service for any system or systems may be degraded during construction of new facilities if, upon completion of the new facilities, the prescribed LOS will be met and maintained.

Section 6.06 Phased Construction: The construction of any development project may be

phased or staged so as to coincide with the phased or staged construction of infrastructure facilities so that the levels of service for such facilities are maintained upon completion of each phase or stage of the development project.

Section 6.07 Administration:

(1) The Land Development Code (LDC) shall designate the appropriate City official(s) having responsibility for determining that levels of service are met and will be maintained prior to issuance of a development permit. The City may place the burden of demonstrating compliance upon the developer or applicant. In order to be approved, applications for development approval shall provide sufficient information showing compliance with LOS standards.

(2) The LDC shall include quantitative methods for determining levels of service that exist and which may be impacted by any particular development application. In addition, the LDC will fully describe the process necessary for a finding of compliance with levels of service.

(3) The LDC shall include standardized quantitative data which is to be used in determining the impact of any proposed development upon the public facilities and services within the City (roads, stormwater, potable water, sanitary sewer, solid waste and recreation and open space). Applications for development approval shall include the projected impact upon public facilities and services upon occupancy or use of the proposed development. Any deviation from the standardized criteria within the LDC must have the prior approval of the City Council before such data may be used for determining or projecting impacts of the proposed development.