

ARTICLE FIVE

CONCURRENCY MANAGEMENT SYSTEM

5.00.00 **CONCURRENCY MANAGEMENT SYSTEM**

5.00.01 This Concurrency Management System (CMS) ensures that facilities and services needed to support development are available concurrent with the impacts of such development. Prior to the issuance of a development order or land development certificate, the system shall ensure that the adopted level of service standards in this Ordinance for roadways, potable water, sanitary sewer, solid waste, drainage, recreation and open space will be maintained. The County Planning Director, County Engineer, or Navarre Beach Director, or their designees, shall be responsible for ensuring developer compliance with the Concurrency Management System. Periodic reports on such compliance shall be provided the LPA, BCC as appropriate.

(Modified: Ord. No. 93-22, 11-24-93; Ord. No. 2004-10, 3-29-04)

5.01.00 **(Reserved)**

5.02.00 **GENERAL REQUIREMENTS**

A. Under any of the following criteria, the burden of demonstrating concurrency compliance shall be upon the developer or applicant. Such information shall be compiled and quantified prior to requesting a Subdivision or Site Plan Review described in Article Four of this ordinance:

1. The planned activity involves combined land and water area (to include submerged land leased area) exceeding three (3) acres unless the application is for the construction of a single family house or residential duplex;
2. The development is a residential project including ten (10) or more dwelling units;
3. Development involves more than one thousand five hundred (1,500) square feet of non-residential floor space;
4. When development in aggregate with other requests for a development order (permit) exceeds any of the above limits; or

B. Capacity Allocation

1. Capacity shall be allocated on a first come-first served basis, i.e. reservation of capacity goes to the developer that first obtains approval to perform construction on the site. The allocation of capacity, however, shall be subject to the following sunset provisions:
 - a. Capacity approved and assigned to development project, but not reserved by the payment of impact fees (i.e., water, sewer, tap fees), shall be withdrawn if the development order for the project has expired in accordance with the provision of

Article 4 of this Code.

- b. Capacity that has been purchased by a developer or a private individual and is recorded with the County may be vested in seven (7)-year increments regardless of when construction on a development site commences. To prevent hoarding of capacity, purchased but unused capacity shall be renewed at least once each seven (7) years. For the purposes of renewal, any addition in the cost of purchasing capacity shall be paid to the purveyor of the facility or service at the then-prevailing rate. For purposes of computation, the amount paid for reserved capacity that has not been used shall be deducted from the prevailing rate and the applicant shall pay the difference to the public facility or service provider.
 - c. If a development order expires for reasons beyond the control of the developer, capacity assigned may be retained by the developer for a period not to exceed any time period extension of a development order as approved by the Zoning Board of Adjustments, in accordance with Article 4 of this Code.
2. In cases where construction is phased by the developer over a period of time exceeding one year, reserved capacity for any, or all phases, shall be retained by the developer so long as construction has proceeded in accordance with the schedule on which capacity allocation was originally based. If construction activity ceases, or if phased development falls behind scheduled phases by a period of one-year following the issuance of a final development order, capacity allocation for succeeding phases, if any, shall be withdrawn and made available to other developers on a first come-first served basis.
 3. In the event of withdrawal of capacity following the issuance of a final development order or a building permit, it shall be incumbent upon the developer to reapply for capacity allocation if a continuation of the project is desired.

C. The County Planning Director, Navarre Beach Director or County Engineer, or their designees, shall not require concurrency findings when the planned activity is less than the limits provided in subpart (A) above.

(Modified: Ord. No. 98-06, 5-14-98; Ord. No. 2004-10, 3-29-04; Ord. No. 09-04, 02-26-09)

5.03.00 **MAINTAINING LEVELS OF SERVICE:** In no case shall any part of the planned activity such as lot/plat improvement or building foundation commence without a finding of concurrency which establishes that levels of service will not be degraded, unless degradation is allowed pursuant to a policy in the adopted Comprehensive Plan.

5.03.01 **Exceptions:** Notwithstanding the foregoing, the LOS may be degraded during the actual construction of new facilities if upon completion the prescribed standards will be met.

5.03.02 **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.

5.04.00 **MINIMUM REQUIREMENTS:** As a minimum, at least one (1) of the following standards will be met prior to issuance of a development order or land development certificate:

- A. The necessary facilities and services are in place at the time a building permit is issued; or
- B. A building permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of development occur; or
- C. The necessary facilities are under construction at the time a development order, land development certificate or building permit is issued.
- D. The necessary facilities and services as they relate to parks and recreational facilities 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.
 - 1. Construction of the facilities and services shall commence within one (1) year of the issuance of the building permit.
- E. 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 subparts A, B, or C above.

5.05.00 **QUANTITATIVE METHODS FOR SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER, RECREATION AND OPEN SPACE:** For purposes of these regulations, ensuring that minimum standards are maintained requires calculation of existing capacity and planned new capacity or facilities less demand imposed by the planned development.

5.05.01 **Adding Capacity**

- A. Add total capacity of existing facilities (sanitary sewer, solid waste, drainage, potable water, recreation and open space).
- B. Add to the above, total capacity of new facilities, or facility expansions that will result from planned activity. Capacity of new facilities shall be counted only under one or more of the following conditions:
 - 1. Construction of the new facilities is underway at the time of the issuance of a final development order.
 - 2. The new facilities are the subject of a binding contract for the Construction of the facilities or the provision of services at the time of issuance of the final development order.

C. If the development application is for the redevelopment of improved property, add to the above the capacity created by the change in demand created by the redevelopment activity. Capacity credit shall be given for reduction in demand on facilities.

5.05.02 Subtracting Capacity: From the sum calculated above, subtract the following:

A. The demand for the service or facility created by existing development as documented by the provider of such facility or in the foundation documents of the Comprehensive Plan plus the demand upon any new facility, expansions, or improvements anticipated as a result of the planned activity.

B. Demand shall be calculated using the following adopted LOSs (all are minimum standards):

1. Sanitary Sewer - 90 gallons per capita per day.
2. Solid Waste - 6 pounds per capita per day
3. Drainage - retain the first inch of run-off on site; post development runoff shall not exceed the pre-developed run-off rate for all storm events, up to and including an event with a 24-hour duration, 100 year return frequency; post development run-off in constrained basins shall not exceed the pre-development run-off rate for a 10-year storm event during all storm events, up to and including an event with a 24-hour duration, 100 year return frequency; and post development run-off in closed basins shall be retained on-site for all storm events, up to and including the 24 hour duration, 100 year return frequency storm event.
4. Potable Water - 100 gallons per capita per day (average).
5. Recreation and Open Space - 20 acres per 1000 population.

5.05.03 Deficient Capacity: Where capacity is shown to be deficient, the following methods may be used to maintain adopted levels of service.

A. The developer may agree to provide necessary capacity improvements to maintain levels of service.

B. The planned activity may be reduced in scope so that demand does not exceed capacity.

C. The developer may petition the County or service provider to provide required infrastructure to maintain LOS. THIS IS TO PROVIDE ONLY AN OPTION FOR CONSIDERATION BY THE COUNTY COMMISSION AND SERVICE PROVIDERS AND THE DECISION TO APPROVE SUCH PETITION RESTS SOLELY WITH THE BOARD OF COUNTY COMMISSIONERS AND/OR THE OFFICERS OF ANY INFRASTRUCTURE PROVIDER. Such a request, if financed from the Santa Rosa County General Fund, can be granted only under the following conditions:

1. Planned activity will result in multiple benefits for the community whether economic,

cultural, recreational or social.

2. If such expenditure is authorized, the resulting capacity improvement shall be available to any other developer who may have been previously denied a development order for an identical capacity deficiency (or deficiencies).

5.06.00 **DETERMINATION OF CONCURRENCY**: Determination of concurrency in all measurable categories by the County must occur prior to the issuance of a final development order or land development certificate unless otherwise specified by Section 5.04.00.

- A. Sanitary Sewer - 90 gallons/capita day.
- B. Solid Waste - 6.0 lbs./capita day.
- C. Drainage - Retain the first one inch of run-off on site; post development run-off shall not exceed the pre-development run-off rate for all storm events, up to and including an event with a 24-hour duration, 100 year return frequency; post development run-off in constrained basins shall not exceed the pre-development run-off rate for a 10-year storm event during all storm events, up to and including an event with a 24-hour duration, 100 year return frequency; and post development run-off in closed basins shall be retained on-site for all storm events, up to and including the 24 hour duration, 100 year return frequency storm event.
- D. Potable Water - 100 gallons per capita per day (average).
- E Recreation and Open Space - 20 acres per 1,000 population.