

Adequate Public Facilities Ordinances (aka Concurrency Requirements) in a Nutshell

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- **What is an Adequate Public Facilities or Concurrency Requirement?** A set of land use regulations that ensure that new development does not outstrip local government's ability to handle it.¹ "Concurrency is a growth management tool that ties development to the availability of public facilities, assuring that growth can occur only where the infrastructure needed to support it exists."²
- **Purpose:** (1) To protect existing residents from the negative impacts of growth on existing public facilities; (2) to ensure there are adequate public facilities to support growth; (3) to balance the timing of private development with the provision of public facilities; (4) to encourage smart growth.³ "APF regulations promote planned, rational, affordable growth and ensure that a community is not left playing "catch-up" to provide necessary infrastructure or services that are not within the community's means."⁴
- **Major Structural Components of an APFO:**
 1. The areas within which the APFO will apply.
 2. The public facilities and services that will be included in the APFO.
 3. The Level of Service (LOS) standard for each public facility or service to be included in the APFO⁵
 4. Current and projected public facility and service capacities, e.g., an assessment of the current adequacy of open space in the community.
 5. The types of developments/land uses to which the APFO will apply.
 6. The types of development approvals/permits to which the APFO will apply.
 7. The point in the development approval process when adequacy of public facilities will be determined.
 8. The effect of failing to meet an LOS standard.
 9. The conditions and mitigation requirements that may follow from a finding adequate public facilities do not currently exist.
 10. The reservation of facility capacity – how long does a debit against existing capacity last?⁶
- **Requirements for an APFO to Work:**
 1. A comprehensive plan showing the location and timing of future growth and specifics on infrastructure needed to achieve the desired pattern of growth.
 2. A financially feasible capital improvement plan to support the infrastructure costs. "Feasibility is the foundation of concurrency; it is the responsibility that local governments must accept in exchange for the power they are granted."
 3. Consistency between the comprehensive plan and the capital improvement plan.
 4. Timing: Where facilities are inadequate, they are constructed concurrent with the onset of growth.⁷

¹ City of Tallahassee, Fla. Concurrency FAQ. Available at: <https://www.talgov.com/growth/growth-confaq.aspx>. All local governments in the State of Florida are required to meet concurrency standards for public parks, among other facilities.

² Delaware Valley Regional Planning Commission. *Managing Growth: Infrastructure Concurrency*. (Feb. 2002, p. iii). Available at: <https://www.dvrpc.org/reports/02006.pdf>.

³ Center for Land Use Education, University of Wisconsin. *Planning Implementation Tools: Adequate Public Facilities Regulations*. (Nov. 2009). Available at: <https://studylib.net/doc/11957764/planning-implementation-tools-adequate-public-facilities-...>

⁴ Ibid.

⁵ "Setting inappropriate level of service standards can doom a concurrency ordinance to failure." Delaware Valley Regional Planning Commission.

⁶ S.M.White & Elisa L.Paster. *Creating Effective Land Use Regulations through Concurrency*. 43 Nat. Resources J. 753 (2003). Available at:

<https://digitalrepository.unm.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1436&context=nrl>. In Florida, every local jurisdiction has a database showing where there is adequate capacity within existing public facilities.

⁷ Delaware Valley Regional Planning Commission, pp. 2-3.