

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE CONCURRENCY MANAGEMENT ORDINANCE 95-15 WHICH WAS ENACTED PURSUANT TO THE REQUIREMENTS OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, CHAPTER 163, PART II, FLORIDA STATUTES, AND CHAPTER 125; PROVIDING FOR APPLICABILITY; PROVIDING FOR REVISIONS TO CERTAIN DEFINITIONS; PROVIDING FOR REVISIONS TO THE CONCURRENCY ANALYSIS METHODOLOGY TO DETERMINE THE AVAILABILITY OF ADEQUATE PUBLIC FACILITY CAPACITY FOR TRANSPORTATION FACILITIES FOR THE PURPOSE OF EVALUATING DEVELOPMENT ORDERS; PROVIDING FOR THE EFFECT OF THIS ORDINANCE ON OTHER ORDINANCES AND REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, certain clarifications are desirable in order to explain the original provisions and intent of Ordinance 95-15; and

WHEREAS, certain revisions to Ordinance 95-15 are desirable in order to provide a more practicable Traffic Impact Area in which traffic concurrency is to be addressed; and

WHEREAS, these revisions and clarifications pertain to Certain Definitions; the Measurement of Level of Service Standards; and Exhibit A - Traffic Impact Study Methodology and Procedures; and

WHEREAS, the Planning and Zoning Agency and the Board of County Commissioners have reviewed the proposed amendment to Ordinance 95-15 and have found that it is consistent with the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA as follows:

Section 1. Findings. The above Recitals are incorporated herein by reference and are hereby adopted as Findings in support of this amending ordinance.

Section 2. Amendment to Section 5 of Ordinance 95-15. St. Johns County Ordinance 95-15 is hereby amended by deleting subparagraph 5.91 and by substituting and adding the following subparagraphs 5.91 and 5.105:

5.91 "Traffic Impact Area" means all Roadways and intersections on the Major Road Network in which peak hour traffic attributable to a development is equal to or greater than one percent of the maximum service volume of the adopted Level of Service standard for any such Roadway, up to a maximum radius of four miles from the project site boundaries. The four mile radius will be extended to include the next major intersection if an intersection analysis is required under the provisions of Section (15)(a) of the Traffic Impact Methodology, Appendix A.

5.105 "Study Area" means a geographical area analyzed through the Land Development Traffic Assessment which assesses the transportation needs of a development project. For single phase projects, the Study Area and Traffic Impact Area are equivalent. For multi-phase projects, the Study Area is defined by the Traffic Impact Area for the total build out of the project. However, the phase(s) of the project seeking a Certificate of Concurrency will be evaluated for transportation concurrency based only on the Traffic Impact Area for the phase(s) seeking a Certificate of Concurrency and shall include the development for which a Certificate of Concurrency is being sought and the cumulative development within the project for which a Certificate of Concurrency has been issued subsequent to March 4, 1991.

Section 3. Amendment to Section 10 of Ordinance 95-15. St. Johns County Ordinance 95-15 is hereby amended by deleting subparagraphs 10.1.2.2 and 10.1.2.2.1 and by substituting the following subparagraphs 10.1.2.2 and 10.1.2.2.1 in their stead:

10.1.2.2. Phased projects will be required to perform a traffic study which analyzes both the impact of the phase(s) seeking a Certificate of Concurrency and the ultimate build out of the entire project. The analysis of the total build out of the project will be performed as part of the concurrency application for the first phase of the project in order to assess the ultimate transportation needs of the entire project, but shall not be used as a basis for a determination of transportation concurrency or for issuance of a Certificate of Concurrency. The methodology for performing the analysis shall be based on the following:

10.1.2.2.1. The Study Area of the total build out of the project will be determined by the extent of all impacted segments for the total project, including future phases and phases which have previously received a Certificate of Concurrency or Concurrency Exemption. The phase(s) of the project seeking a Certificate of Concurrency will be evaluated for transportation concurrency based only on the Traffic Impact

Area using the criteria contained in Section (8)(a)1. above for the phase(s) seeking the Certificate of Concurrency and shall include the development for which a Certificate of Concurrency is being sought and the cumulative development within the project for which a Certificate of Concurrency has been issued subsequent to March 4, 1991.

(Note: Subparagraph 10.1.2.2.2 is not deleted or altered.)

Section 4. Amendment to Appendix A of Ordinance 95-15, Traffic Impact Study Methodology and Procedures. St. Johns County Ordinance 95-15 is hereby amended by deleting Sections (3)(j), (8)(a)1, (8)(a)3 and (8)(a)4 of the Traffic Impact Study Methodology and Procedures attached and incorporated into the Ordinance as Appendix A and by adding the following Sections in their stead:

(3) Definitions

- (j) Impacted Segment - Any segment on the Major Road Network on which peak hour traffic generated by a development contributes one percent or more of the maximum service volume of the adopted level of service standard, up to a maximum radius of four miles from the project site boundaries.

(8) Traffic Impact Area

- (a) The following procedures will be used to determine the extent of the Traffic Impact Area.
 - 1. Peak hour traffic attributable to the development will be assigned to all segments on the Major Road Network that are impacted by the development traffic at a level equal to or greater than one percent of the maximum service volume of the adopted level of service standard up to a maximum radius of four miles from the project site boundaries. The four mile radius will be extended to include the next major intersection if an intersection analysis is required under the provisions of Section (15)(a).
 - 3. Phased projects will be required to perform a traffic study which analyzes both the impact of the phase(s) seeking a Certificate of Concurrency and the ultimate build out of the entire project. The analysis of the total build out of the project will be performed as part of the concurrency application for the first phase of the project in order to assess

the ultimate transportation needs of the entire project, but shall not be used as a basis for a determination of transportation concurrency or for issuance of a Certificate of Concurrency. The methodology for performing the analysis shall be based on the following:

- a. The Study Area of the total build out of the project will be determined by the extent of all impacted segments for the total project, including future phases and phases which have previously received a Certificate of Concurrency or Concurrency Exemption. The phase(s) of the project seeking a Certificate of Concurrency will be evaluated for transportation concurrency based on the Traffic Impact Area using the criteria contained in Section (8) (a) 1. above for the phase(s) seeking the Certificate of Concurrency and shall include the development for which a Certificate of Concurrency is being sought and the cumulative development within the project for which a Certificate of Concurrency has been issued subsequent to March 4, 1991.
 - b. Projects that consist of an expansion or an addition to existing development constructed or permitted prior to March 4, 1991, will be analyzed based upon the cumulative impact of all development for which a Concurrency Determination has been issued subsequent to March 4, 1991.
4. When a project's impacts are such that no roadways are impacted at the threshold defined in Section (8)(a)1, then the impact of the project traffic on the first Directly Accessed Roadway Segments shall be evaluated for ensuring the maintenance of the adopted level of service standard on those roadways.

Section 5. Severability. It is declared to be the intent of the Board of County Commissioners that if any provision, paragraph, or section of this amending ordinance is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision, paragraph, or section shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions.

Section 6. Other than as specifically set forth above, no other provisions or portions of St. Johns County Ordinance 95-15 are amended by this ordinance.

Section 7. Relation to Other Ordinances. The regulations set forth in this amending ordinance supersedes all other ordinances of St. Johns County, except in those cases where the limitations of other ordinances (other than Ordinance 95-15) are more stringent, in which case the more stringent limitations shall apply. All provisions in such other ordinances, as now existing and as later amended, that are not in conflict with this amending ordinance as now existing and as later amended shall apply.

Section 8. Effective Date. This ordinance shall take effect upon its being filed with the Secretary of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 6th day of January, 1998.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Moses A. Floyd
Moses A. Floyd, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland
Clerk

Effective Date: January 8, 1998

COPY OF ADVERTISEMENT

The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared _____
Sandra D. Oliver _____ who on oath says that she is

Accounting Clerk _____ of the St. Augustine Record, a
daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a _____
Display Ad _____

in the matter of _____ Public Hearing _____

in the _____ Court, was published in said newspaper in the
issues of _____ Dec 16, 1997 _____

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this _____ 17 _____ day of _____ Dec _____, 19 _____ 97 _____,
by _____ Sandra D. Oliver _____ who is personally

known to me or who has produced _____ Personally Known _____ as
(Type of Identification)

(Signature of Notary Public) _____ (Seal)
Zoe Ann Moss

(Print, Type or Stamp Commissioned Name of Notary Public)



Zoe Ann Moss
MY COMMISSION # CC641814 EXPIRES
August 22, 2001
BONDED THRU TROY FAIR INSURANCE, INC.

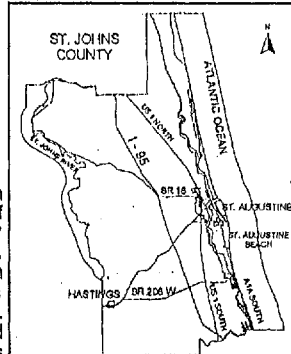
**NOTICE OF PUBLIC HEARINGS OF
THE ST. JOHNS COUNTY BOARD
OF COUNTY COMMISSIONERS ON
ESTABLISHMENT OR CHANGE OF
A REGULATION AFFECTING THE
USE OF LAND, AMENDING
CONCURRENCY MANAGEMENT
ORDINANCE 95-15**

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at special meetings on Tuesday, December 23, 1997 at 9:00 a.m. and on Tuesday, January 6, 1998 at 5:30 P.M., in the County Auditorium at the County Administration Building, 4020 Lewis Speedway (County Road 16-A and U.S. #1 North), St. Augustine, Florida, will hold public hearings to consider passage of the following ordinance.

ORDINANCE NO. 97-

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE CONCURRENCY MANAGEMENT ORDINANCE 95-15 WHICH WAS ENACTED PURSUANT TO THE REQUIREMENTS OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, CHAPTER 163, PART II, FLORIDA STATUTES, AND CHAPTER 125; PROVIDING FOR APPLICABILITY; PROVIDING FOR REVISIONS TO CERTAIN DEFINITIONS, PROVIDING FOR REVISIONS TO THE CONCURRENCY ANALYSIS METHODOLOGY TO DETERMINE THE AVAILABILITY OF ADEQUATE PUBLIC FACILITY CAPACITY FOR TRANSPORTATION FACILITIES FOR THE PURPOSE OF EVALUATING DEVELOPMENT ORDERS; PROVIDING FOR THE EFFECT OF THIS ORDINANCE ON OTHER ORDINANCES AND REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida, and may be examined by parties interested prior to the said public hearings. Please take note that the ordinance is subject to revision prior to the hearings or adoption of the ordinance.



*Excluding the Incorporated municipalities of:
City of St. Augustine
City of St. Augustine Beach
Town of Hastings
That portion of the Town of Marineland within St. Johns County

All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearings. If a person decides to appeal any decision made with respect to any matter considered at these hearings, he/she will need a record of the proceeding, and for such purposes he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in these proceeding should contact ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida 32085. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): 823-2501 or Florida Relay Service 1-800-955-8770, no later than 5 days prior to the dates of these hearings.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS CLERK

By: *Irma Pacetti*
Irma Pacetti, Deputy Clerk

COPY OF ADVERTISEMENT

The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared _____
Sandra D. Oliver _____ who on oath says that she is

Accounting Clerk _____ of the St. Augustine Record, a
daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a _____
Display Ad _____

in the matter of _____ Notice of Hearing _____
Amending Concurrency Management Ord. 95 15 _____

in the _____ Court, was published in said newspaper in the
issues of _____ Dec 29, 1997 _____

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 29 day of Dec, 19 97,
by Sandra D. Oliver who is personally
known to me or who has produced _____ Personally Known _____ as
(Type of Identification)
identification.

Zoe Ann Moss _____
(Signature of Notary Public) (Seal)
Zoe Ann Moss
(Print, Type or Stamp Commissioned Name of Notary Public)



Zoe Ann Moss
MY COMMISSION # CCB41814 EXPIRES
August 22, 2001
BONDED THRU TROY FAIR INSURANCE, INC.

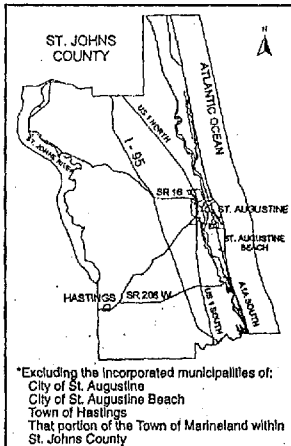
NOTICE OF PUBLIC HEARINGS OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ON ESTABLISHMENT OR CHANGE OF A REGULATION AFFECTING THE USE OF LAND, AMENDING CONCURRENCY MANAGEMENT ORDINANCE 95-15

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BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS CLERK

By: *Irma Pacetti*
Irma Pacetti, Deputy Clerk