

CONCURRENCY MANAGEMENT ORDINANCE
OF
NASSAU COUNTY, FLORIDA



ORDINANCE NO. 99-06

**CONCURRENCY MANAGEMENT ORDINANCE
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ORDINANCE NO. 99-06

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, TO BE KNOWN AS THE CONCURRENCY MANAGEMENT ORDINANCE ADOPTING A CONCURRENCY MANAGEMENT SYSTEM 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 DEFINITIONS; PROVIDING FOR A DEVELOPMENT REVIEW SYSTEM; PROVIDING FOR THE DETERMINATION OF CONCURRENCY GENERALLY; PROVIDING FOR THE APPROVAL OF DEVELOPMENT ORDERS TO BE CONTINGENT UPON A FINDING THAT ADEQUATE PUBLIC FACILITIES WILL BE AVAILABLE CONCURRENT WITH THE IMPACT OF PROPOSED DEVELOPMENT; PROVIDING CRITERIA FOR THE CONCURRENCY REVIEW OF DEVELOPMENT ORDERS; PROVIDING FOR CONSISTENCY OF PHASED PROJECTS WITH FINAL CERTIFICATES OF CONCURRENCY; PROVIDING FOR A METHODOLOGY FOR THE DETERMINATION OF AVAILABLE PUBLIC FACILITY CAPACITY FOR THE PURPOSE OF EVALUATING DEVELOPMENT ORDERS; PROVIDING FOR MODIFICATION OF APPROVED PROJECTS WITH FINAL CERTIFICATES OF CONCURRENCY; PROVIDING FOR DATA REQUIREMENTS; PROVIDING FOR THE DETERMINATION OF CONCURRENCY; PROVIDING LEVEL OF SERVICE STANDARDS, SPECIFIC DATA REQUIREMENTS AND CONCURRENCY ANALYSIS METHODOLOGY TO DETERMINE THE AVAILABILITY OF ADEQUATE FACILITY CAPACITY FOR TRANSPORTATION, POTABLE WATER, SANITARY SEWER, PARKS, DRAINAGE, SOLID WASTE AND MASS TRANSIT; PROVIDING FOR APPEALS; PROVIDING FOR THE INTERPRETATION AND ADMINISTRATION OF THE CONCURRENCY MANAGEMENT SYSTEM ORDINANCE; PROVIDING FOR THE PROTECTION OF PROPERTY RIGHTS; PROVIDING FOR THE EFFECT OF THIS ORDINANCE ON OTHER ORDINANCES AND REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida, Chapter 125 of the Florida Statutes, and the Local Government Comprehensive Planning and Land Development Regulations Act, Chapter 163, Part II, Florida Statutes, as amended, (The Act), Nassau County is authorized and required to adopt a Comprehensive Plan; and

WHEREAS, the Board of County Commissioners of Nassau County, submitted its Evaluation and Appraisal Report (E.A.R.) in accordance with the provisions of Chapter 163; and

WHEREAS, the Board of County Commissioners of Nassau County, Florida, pursuant to the requirements of the E.A.R., shall establish a concurrency management system; and

WHEREAS, the Board of County Commissioners of Nassau County hereby deems it necessary to adopt and enforce concurrency management system regulations for all lands and waters subject to the jurisdiction of the county for the purpose of achieving the intent of the Florida Legislature as set forth in the Act, such that public facilities and services needed to support development shall be available concurrent with the impact of such development; and

WHEREAS, the Planning and Zoning Board and the Board of County Commissioners have reviewed the proposed Ordinance and have found that it is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, this 25th day of January, 1999, as follows:

SECTION 1. SHORT TITLE

This Ordinance shall be known and may be cited as the "Concurrency Management Ordinance of Nassau County, Florida."

SECTION 2. AUTHORITY

This Ordinance is adopted pursuant to Florida Statutes, Chapters 163 and 125; Florida Administrative Code Rule 9J-5; and the Constitution of the State of Florida, as may be amended from time to time.

SECTION 3. APPLICABILITY/APPLICATION PERIOD

This Ordinance shall apply to any Development Order authorizing the development of land within the unincorporated areas of Nassau County, Florida, and as otherwise provided by law. An applicant may apply for a concurrency review at any time during the development review process, but a Final Certificate of Concurrency shall be obtained prior to any one of the following: the approval of a Final Subdivision Plat; Final Development Plan of a Planned Unit Development; approval of Construction Plans for non-residential projects; approval of a zoning exception when the approval authorizes commencement of construction; approval of a Development of Regional Impact or Florida Quality Development Development Order; or at the time of a building permit for projects not requiring platting. The Concurrency Review requirements of this Ordinance (Section 8) shall not apply to the following, which are presumed to have no impact or de minimus impact on public facilities and services or which have acquired statutory or common law vested rights:

3.1 No Impact Permits. Building permits issued solely for alteration, remodeling reconstruction, or restoration of residential or non-residential units, provided that the building permits do not authorize an increase in the number of permanent dwelling units and non-residential uses, provided that the building permits do not authorize an increase in the square feet of the development or No-Impact Development Permits as defined by Subsection 5.32.

3.2 Single Family Duplexes. Development permits for an individual single family dwelling unit and duplexes not within subdivisions, or Planned Unit Developments shall be exempt from the parks, drainage, solid waste, and transportation concurrency requirements, but shall meet the potable water and sanitary sewer concurrency requirements, as described in Sections 8 and 10 of this Ordinance.

3.3 Categorically Exempt Projects

- a. Projects with final Development permits issued prior to the effective date of the Concurrency Management Ordinance.

- b. Projects or part of Projects within and consistent with current valid development orders for Developments of Regional Impact issued pursuant to Florida Statutes 380.06 prior to the date of adoption.
- c. Planned Unit Developments and portions of Planned Unit Developments that have received final development plan approval and have commenced construction prior to the effective date of the Concurrency Management Ordinance.
- d. Projects with binding Letters of Interpretation from the Florida Department of Community Affairs pursuant to Florida Statutes Section 380.06(20), specifying that the project has vested rights.
- e. Projects with an approved Development Agreement pursuant to Florida Statutes 163, which projects shall be governed by the terms and conditions of the Development Agreement.
- f. Projects with an approved Planning and Regulatory Agreement pursuant to Section 380.032(3), Florida Statutes.

SECTION 4. EFFECT ON OTHER ORDINANCES AND REGULATIONS.

This Ordinance, shall not affect, in any manner, any other aspect of development and improvement standards or requirements, or any other aspect of the development of land or provision of public improvements subject to the County Land Development Regulations or Comprehensive Plan, or other regulations of the County, which shall be operative and remain in full force and effect without limitation with respect to all such development.

SECTION 5. DEFINITIONS.

For the purpose of this Ordinance, the following definitions shall apply:

- 5.1 Adopted Level of Service means the Level of Service (LOS) Policies adopted in the Comprehensive Plan as referenced in Policies 2.01.01, 4.01.01, 4.01.02, 7.01.02, 9.02.01 of the Nassau County Comprehensive Plan 2005, Ordinance No. 91-4, including any amendments thereto. All development order applications shall be evaluated for the purposes set forth in this Ordinance in accordance with these adopted Levels of Service.
- 5.2 Agent means any persons with valid authority provided by the Owner, as evidenced by a notarized document authorizing the Agent to represent the Owner, and acting on behalf of the Owner of land seeking a Concurrency Determination.

- 5.3 Annually Adjusted Background Growth Rate means the estimated growth rate for approved but not built developments within the county based upon population estimates prepared by the University of Florida Bureau of Economic and Business Research, Executive Office of the Governor, or the county. The Annually Adjusted Background Growth Rate may include projected growth rates for Categorically Exempt Developments or developments with a Concurrency Exemption Determination as Defined in the Concurrency Exemption Ordinance and as determined by the County.
- 5.4 Applicant means any person or the person's duly authorized agent who submits plans or other required submittals to any County agency to obtain a Development Order as defined herein.
- 5.5 Application means a verified Concurrency Determination application meeting the requirements of this Ordinance, in the form established and containing such information as required by the Department. (See "Complete" application and "Sufficient" application).
- 5.6 Arterial Road means a roadway that is identified as a principal arterial or a minor arterial on the Future Traffic Circulation Map of the Comprehensive Plan.
- 5.7 Board means the Board of County Commissioners of Nassau County, Florida.
- 5.8 Building Permit means any permit issued by the Building Official for vertical construction for any buildings for occupancy or use, or construction permit issued by the appropriate department for infrastructure or horizontal construction.
- 5.9 Capacity means the maximum demand that can be accommodated by a public facility or service without exceeding the Adopted Level of Service. For roadways, "capacity" means the maximum number of vehicles that can be accommodated by a given roadway during a specified time period under prevailing roadway, traffic and control conditions at that roadway's Adopted Level of Service.
- 5.10 Capital Improvement shall have the same meaning as the same term in the Comprehensive Plan.
- 5.11 Category 1 Criteria means the minimum requirements for sanitary sewer, solid waste, drainage and potable water facilities, consistent with policies of the Comprehensive Plan.
- 5.12 Category 2 Criteria means the minimum requirements for parks and open space acreage, consistent with policies of the Comprehensive Plan.

- 5.13 Category 3 Criteria means the minimum requirements for roadways, roadway intersections, consistent with policies of the Comprehensive Plan.
- 5.14 Certificate of Concurrency means a certification issued for a proposed project that adequate public facilities are available to serve the development or will be available concurrent with the impacts of the development.
- 5.15 Certificate of Concurrency, Adequate means a Concurrency Determination which establishes that the Public Facilities and Services are available at the time of issuance of the Adequate Concurrency Determination but may not be available at the time of any subsequent concurrency determination review.
- 5.16 Certificate of Concurrency, Final means a Concurrency Determination which establishes that adequate Public Facilities and Services are available at the time the Final Certificate is issued or as provided for by Sections 8.2.2 and 8.5 of this Ordinance.
- 5.17 Certificate of Occupancy (CO) means the official certifications that a premise conforms to the provisions of the Nassau County Land Development Regulations, and Building Codes, and may be used or occupied.
- 5.18 Complete means a Concurrency application that includes all of the information required by this Ordinance, the application form, or by the Department, but does not mean that said information is sufficient in comprehensiveness of data or in quality of information provided.
- 5.19 Comprehensive Plan means the document "Nassau County Comprehensive Plan - 2005", Ordinance No. 91-4, as may be amended from time to time, adopted by the Board and filed with the Clerk of said Board.
- 5.20 Concurrency Coordinator - the individual designated by the Nassau County Director of Public Works to coordinate all concurrency issues and to review all new development in respect to the requirements of this Ordinance.
- 5.21 Construction Plans means those detailed engineering plans, specifications and calculations prepared in accordance with County and other applicable regulations, codes and standards, submitted to the County for approval of a Development Plan or Final Subdivision Plat, which sets forth the specific improvements to be made in conjunction with development as they affect the existing site, its boundary conditions, topography, drainage, access, and associated road and other rights-of-way and easements.
- 5.22 County Coordinator, Office of means the County Coordinator.
- 5.23 County Attorney means the Office of the County Attorney.

- 5.24 Density means the number of dwelling units per acre with respect to residential land uses as determined by the calculation methodology in the Comprehensive Plan Ordinance No. 91-4 as amended.
- 5.25 Department means the Nassau County Planning and Zoning Department or its named successor.
- 5.26 Developer means any person, individual, partnership, association, syndicate, firm, corporation, trust or legal entity engaged in developing or subdividing land under the terms of the Nassau County Land Development Regulations. The term "developer" is intended to include the term "subdivider", even though the persons involved in successive stages of a development project may vary.
- 5.27 Development shall include all activities set forth in Section 380.04, Florida Statutes, including but not limited to a subdivision of land pursuant to a subdivision plat or a development plan; a residential mobile home park; and any other construction whether residential, commercial, industrial, office, professional, institutional, or recreational.
- 5.28 Development Agreement means any agreement entered into by the county with any person having a legal or equitable interest in real property located within its jurisdiction as provided for by Sections 163.3220 - 163.3243, Florida Statutes, as may be amended from time to time.
- 5.29 Development Order means any order granting, denying, or granting with conditions, an application for a development permit.
- 5.30 Development Permit means any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of the County having the effect of permitting the development of land.
- 5.31 Development Permit, Final means County approval which authorizes physical construction for a project which has a specific plan of development in terms of the density, intensity, use and timing of the project. A Final Development Permit is approval of: Engineered Construction Plans, a Final Subdivision Plat; approval of a zoning exception when the approval authorizes commencement of construction; approval of a Development of Regional Impact or Florida Quality Development Development Order, and Substantial Deviations to a Development of Regional Impact or Florida Quality Development approved after the effective date of this ordinance; or at the time of application for a building permit for projects not requiring platting or engineered Construction Plan approval.

- 5.32 Development Permit, No Impact means a development permit authorizing development or other activities that do not create a demand for public facilities and services. "No Impact Development Permits" include, but are not limited to, an amendment to the Future Land Use Plan; conceptual or sketch plan approval; sign permit or any building permit issued solely for the erection, modification, or relocation of a sign; or the erection, modification, or relocation of a sign.
- 5.33 Development Permit, Preliminary means approval that does not authorize actual construction, alterations to land or structures or other development. A Preliminary Development Permit may authorize a change in the allowable use of land or a building, and may include conceptual approvals where a series of approvals are required before authorization to commence land alteration or construction may be given. A Preliminary Development Permit shall include, but not be limited to: an amendment to the Comprehensive Plan Ordinance 91-4, as amended, which affects land use or development standards; submission of preliminary sketch plans; a subdivision master plan; preliminary subdivision plan; preliminary development plan; zoning variance or exception when approval does not authorize commencement of construction; a written determination of consistency with the Comprehensive Plan.
- 5.34 Evaluating Departments means the departments assigned to review the effect of the issuance of Development Orders on various public facilities and services.
- 5.35 Final Decision means the final decision of the Board on an application for appeal.
- 5.36 Five-Year Schedule of Capital Improvements or Schedule shall have the same meaning as the same term in the Comprehensive Plan Ordinance 91-4, as amended.
- 5.37 Impact(s) of the Development means and refers to the point in time in which a development is authorized to commence construction pursuant to the issuance of a building permit or any other development permit authorizing the erection of a structure intended for human habitation, occupancy, or use.
- 5.38 Individually-Owned Package Treatment Plant means a package treatment plant owned by private investors serving proprietary uses and having a limited and constrained geographic service area.
- 5.39 Individually-Owned Water Supply System means a water supply system owned by private investors serving proprietary uses and having a limited and constrained geographic service area.
- 5.40 Intensity means the number of square feet of development per acre by land use type for non-residential land uses.

- 5.41 Land Development Regulations (LDR), Nassau County means those regulations adopted by the County governing the development of land within the unincorporated areas of the county.
- 5.42 Level of Service shall have the same meaning as the same term in Chapter 9J-5, Florida Administrative Code.
- 5.43 Lot shall have the same meaning as the same term in Florida Statutes, Chapter 177.
- 5.44 Major Road Network means a listing of all existing and planned roadway segments within Nassau County that comprise the roadway network to be used when evaluating the traffic impacts of proposed development.
- 5.45 Minimum Requirements means the criteria for determining whether adequate public facilities are available to accommodate the impacts of the Project, or will be available when the impacts of the Project occur. The minimum requirements refer to the point in time at which facilities must be available at the Adopted Level of Service in order to satisfy the adequate public facilities review in accordance with Section 8.5 of this Ordinance, or, if otherwise provided, the mechanism for ensuring that such facilities will be adequate concurrent with the impacts of development.
- 5.46 Ordinance means the Concurrency Management Ordinance of Nassau County, Florida.
- 5.47 Owner means the owner of the freehold estate, as appears by deed of record, agreement for deed, or properly executed contract for purchase.
- 5.48 Parcel means a tract of land or group of contiguous, compact lots under single ownership, identified as a parcel on the Property Appraiser's maps.
- 5.49 Park, Community means a park designed to serve the needs of more than one neighborhood and may require driving time.
- 5.50 Park, Neighborhood means a park that will serve the population of a neighborhood.
- 5.51 Park Urban means a county-wide park designed to serve the needs of the entire county.
- 5.52 Park, Regional/Open Space means a state park or other large scale facility designed to serve the needs of the entire county, which defines the unique historic and natural character of the county, and which accommodates tourists and other non-residents contributing to the economic development of the county.

- 5.53 Plan, Development includes the site plan, statements of use and unified control, preliminary and/or final engineering plans, specification and calculations; and other required certifications, as-built drawings, performance guarantees, bonds, agreements, approvals and materials for a development phase or the entirety meeting the requirements of the Planned Unit Development and Planned Special Development provisions of the Zoning Ordinance, or the Planned Rural Development provisions of the Future Land Use Element of the Comprehensive Plan.
- 5.54 Plan, Preliminary Subdivision includes the site plan; tree location map or aerial photographic overlay; preliminary engineering plans, specification and calculations; and other necessary materials for a development or project phase or the entirety, meeting the requirements of the Subdivision Regulations for Nassau County.
- 5.55 Plat, Final Subdivision includes the plat to be recorded; final engineering plans, specifications and calculations; certification of improvements, as-built drawings, or performance guarantee; and other required certifications, bonds, agreements, approvals, and materials for a development or project phase or the entirety of a parcel of land, meeting the requirements of the Subdivision Regulations for Nassau County.
- 5.56 Project means the proposed development of a particular parcel or parcels of land involving a land use or group of land uses at a particular density and/or intensity pursuant to a Development Order.
- 5.57 Projected Capacity - means an existing capacity plus future capacity expected after improvement of the facility through a guaranteed improvement.
- 5.58 Proposed Development - see Project.
- 5.59 Public Facilities and Services means the following types of facilities:
- 5.59.1 Roadways and roadway intersections, including arterials and collectors within the jurisdiction of Nassau County, arterials and collectors within the jurisdiction of the Florida Department of Transportation that are located within the boundaries of the unincorporated area.
- 5.59.2 Sanitary sewer facilities, as defined in Florida Administrative Code Section 9J-5.003(87), or any successor provisions thereto, and any central sanitary sewer system.
- 5.59.3 Potable water facilities, as defined in Florida Administrative Code Section 9J-5.003(71) or any successor provisions thereto.

- 5.59.4 Drainage Facilities, as defined in Florida Administrative Code Section 9J-5.003(28) or any successor provisions thereto.
- 5.59.5 Solid Waste Facilities, as defined in Florida Administrative Code Section 9J-5.003(94) or any successor provisions thereto.
- 5.59.6 Parks and open space acreage, including neighborhood, community, and regional/open space parks.
- 5.60 Reserved Capacity means those capacity reserved by a valid, un-expired final certificate of concurrency.
- 5.61 Reservation fee means the impact fee applicable to a public facility or service, which may be paid by an applicant in order to guarantee the issuance of a final Certificate of Occupancy if construction is commenced or permits are obtained within the timeframes specified in Sections 8.2.2.4, and 8.4 of this Ordinance.
- 5.62 Rezoning Petition means a request to amend the Zoning Ordinance.
- 5.63 Roadway means interstate highways, state arterials (principal or minor), state collectors, county arterials (principal or minor), and county collectors.
- 5.64 Sanitary Landfill means the places set aside by the Board for the reception of solid waste or sludge, including the county solid waste complex or any successor or additional facilities needed to attain the solid waste Adopted Level of Service.
- 5.65 Schedule - see Five Year Schedule of Capital Improvements.
- 5.66 Service Volume (Roads) - See Capacity (Roads).
- 5.67 Single Family Dwelling Unit means an individual single family dwelling conforming to existing zoning requirements on a lot of record within: a recorded or legally documented unrecorded subdivision; a Planned Unit Development; a Planned Rural Development; a Development of Regional Impact; or on a tract of land which is not part of a subdivision.
- 5.68 Small Project means projects that generate less than 50 Average Daily Trips or less than 5 peak hour trips.
- 5.69 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.

- 5.70 Subdivision means the division or re-division of a parcel of land (whether improved or unimproved) as defined in the Nassau county Subdivision Regulations.
- 5.71 Sufficient means the Concurrency Application contains the information required by the Evaluating Departments for the technical evaluation of the impacts of development on the Levels of Service Standards and is adequate in comprehensiveness of data and in the quality of information provided.
- 5.72 Sufficient with Conditions means that concurrency applications submitted at the rezoning stage or any time prior to the submission of a Final Subdivision Plat, or Final Development Plan, which authorizes the commencement of construction, and which contain only preliminary drainage information, may be determined sufficient for the purposes of drainage review conditioned upon the submission of the appropriate information at the submission of the Final Subdivision Plat, or Final Development Plan, subject to applicable regulations.
- 5.73 Sworn Statement means an affidavit properly executed and notarized stating that all information, included in the Application or provided by the declarant is true and correct to the best of the declarant's knowledge.
- 5.74 Traffic Impact Area means all roadways and intersections of the Major Road Network in which peak hour traffic attributable to a development is equal to or greater than two percent of the maximum service volume of the adopted level of service standard for any such roadways, up to a maximum radius of five miles from the project site boundaries. The five mile radius may be extended based upon data provided by the Planning and Zoning Department. The data may include market area analysis.
- 5.75 Transportation Disadvantaged shall have the same meaning as the same term in Chapter 9J-5, Florida Administrative Code.
- 5.76 Transportation Disadvantaged Services means passenger vehicles operated by the Nassau County Council on Aging designed to meet the needs of the transportation disadvantaged.
- 5.77 Traffic Impact Study Methodology and Procedures - means a document prescribing the procedures for evaluating the potential impacts of a Project on the Major Road Network,

and for determining whether roadway facilities will be available at the Adopted Levels of Service concurrent with the impacts of the Project consistent with Section 8.5 and 10.1 of this Ordinance. The Traffic Impact Study Methodology and Procedures are attached as Appendix A to this Ordinance and are hereby incorporated by reference.

- 5.78 Urban Service Areas or USA's - means a defined region that defines the geographical limit of government supplied public facilities and services.
- 5.79 Urban Roadways shall have the same meaning as the same term used in the Comprehensive Plan.
- 5.80 Utility means any person, business entity, association or unit of local government owning or operating a water system, wastewater system or stormwater management system, or proposing construction of a system, who is providing, or proposes to provide water, wastewater, or storm water management service to the public within the unincorporated areas of Nassau County.
- 5.81 Volume (Traffic) means the number of vehicles to pass a predetermined location during a specified period of time.
- 5.82 Working Day means any day not including Saturdays, Sundays, or legal holidays recognized by the county.
- 5.83 Zoning Ordinance means the Zoning Ordinance of Nassau County.

SECTION 6. CONCURRENCY PROCEDURES MANUAL.

The manual is the Concurrency Management Ordinance as amended and revised with accompanying forms and instructions.

SECTION 7. DEVELOPMENT REVIEW SYSTEM.

7.1 Applicability.

- 7.1.1 The Concurrency Management Ordinance shall not be applicable to Categorically Exempt Projects or Projects with valid Concurrency Exemption Determinations, or as provided in Section 3.
- 7.1.2 Except as provided in Section 7.1.1, no Final Development Permit shall be granted, approved, or issued unless a Final Certificate of Concurrency has been issued by the county pursuant to this Section.
- 7.1.3 All applications for a Final Development Permit shall be distributed upon receipt by the appropriate Evaluating Department to the Department.

7.1.4 For single-family dwelling units and duplexes which are not in subdivisions, Planned Unit Developments, or Planned Rural Developments, the determination of concurrency for potable water and sanitary sewer facilities shall be made simultaneously with the request for a building permit.

7.1.5 For small projects which generate less than 50 Average Daily Trips or less than 5 peak hour trips, the determination of concurrency shall be made simultaneously with the processing of the applicant's Building Permit Application, and a determination in accordance with Sections 8 and 10 of this Ordinance shall be made by the Department.

7.2 Planning and Zoning Department.

The person in the Planning and Zoning Department, as designated by the Public Works Director, shall be responsible for receiving the Concurrency applications and for coordinating the findings and shall prepare a Concurrency Report. The Department shall: review and approve small projects, as provided in Section 7.1.5.

7.3 Completeness of Application.

7.3.1 Completeness Review. Within ten (10) working days of receiving an application for a Development permit as provided in Section 8.1, the Department shall determine whether the application is complete. Copies of the application shall be provided to the Public Works Director, County Coordinator and County Attorney and Concurrency Coordinator. If the Department finds that the Application is not complete, a letter shall be sent to the Applicant within five (5) working days after the ten (10) day period identifying all additional or revised information which is required; the Department shall take no further action on the application until the information is received. If the Department finds that the application is complete, the review process shall commence.

7.3.2 Completeness Appeal. A determination of incompleteness by the Department can be appealed to the Planning and Zoning Board within twenty (20) calendar days of the Department sending a Letter of Incompleteness pursuant to Section 7.3.1 of this Ordinance. The Planning and Zoning Board shall hear the appeal at a regularly scheduled meeting.

7.3.3 Sufficiency Review by Planning and Zoning Department. If the application is deemed to be complete, the Planning and Zoning Department shall have twenty (20) working days to determine whether the application provides sufficient information. If additional or

revised information is required, the Planning and Zoning Department shall notify the applicants identifying all additional or revised information that is required. The Applicant shall have up to sixty (60) calendar days from the date the letter is sent to submit all additional or revised information. The Department shall take no further action on the application until the requested information is received. If the applicant does not submit the requested information within the described sixty (60) calendar days, the application will be deemed withdrawn.

If the applicant submits additional information within the time limit specified herein, the Department shall then determine whether additional or revised information is required and shall send a letter to the applicant identifying all additional or revised information that is required.

The Applicant shall have up to twenty (20) calendar days from the date the letter is sent to submit all additional or revised information as specified by the Department. If such information does not meet the requirements specified by the Department, the Department shall notify the Applicant in writing that the application is deemed withdrawn. The applicant may appeal to the Planning and Zoning Board pursuant to Section 7.3.2 of this Ordinance.

Upon a final determination by the Planning and Zoning Department that the application is sufficient, a letter will be issued that determines the Level of Service of facilities which will be impacted by the project, the extent of the impact generated by the project and whether those facilities have sufficient capacity to serve the proposed project at or above the adopted Level of Service.

7.4. Concurrency Report.

The Planning and Zoning Department shall be responsible for compiling the level of service evaluations and recommendations for a Concurrency Report. The Concurrency Report shall determine whether Public Facilities and Services are or will be available at the Adopted Level of Service when the impacts of the development occur, and shall include a determination stating the Development Order shall be approved, approved with conditions or deferred. Each Concurrency Report shall be based on Findings of Facts and document:

- 7.4.1 the conditions related to land uses and to public facility availability and capacity upon which the evaluations were based;

7.4.2 the specific public facilities impacted by the project;

7.4.3 the extent of the impact of those facilities generated by the Project; and

7.4.4 conditions or stipulations regarding the timing and phasing of the Project or provision of facility improvements necessary to ensure that adequate facilities will be available concurrent with the impact of the development.

7.5 Issuance of Certificate of Concurrency.

The Adequacy Determination, Final Certificate of Concurrency, a Final Certificate of Concurrency with Conditions, or a Deferral Determination shall be issued by the Department within thirty days of receipt. If the application is approved with conditions or deferred, the Department shall send a letter to the applicant stating that the Final Certificate of Concurrency is approved with conditions or has received a Deferral Determination. The letter shall:

7.5.1 identify the decision reached by the Department and the reason(s) for approval with conditions or deferral;

7.5.2 outline the procedures required to be followed in order to appeal the decision.

7.6 Monitoring and Review of Concurrency for Non-Final Development Orders.

The Department shall be responsible for monitoring and enforcing the conditions and stipulations contained in all Concurrency Determinations that were completed during earlier steps of the development review process and which are related to a particular Development Order. Monitoring will ensure that consistent concurrency review procedures are maintained and that unnecessary duplication is avoided.

7.7 Withdrawal of Application.

The Applicant may withdraw an Application for a Concurrency Determination at any time by submitting a written request to the Department. An application will be deemed withdrawn by the Department due to incomplete or insufficient information pursuant to Section 7.3.3 of this Ordinance. The withdrawal of an Application for Concurrency Determination shall result in the forfeiture of all Administrative Fees paid by the Applicant for the processing of the Application.

SECTION 8. DETERMINATION OF CONCURRENCY

8.1 No Final Development Permit Issued Until Finding of Concurrency is Made. No Final Development Permits shall be approved until the Department has issued a Concurrency Determination finding that adequate public facilities are or will be available at Adopted Levels of Service concurrent with the impact of the Project; and until the Department has issued either a Final Certificate of Concurrency approving the project or approving the project with conditions; or a Determination of Adequacy providing for an interim approval of the project, subject to the project receiving a Final Certificate of Concurrency; or a Deferral Determination. If the determination indicates that there is no available capacity within the applicable traffic impact area or service area, the Department shall:

8.1.1 defer issuance of a Final Certificate of Concurrency until the Public Facilities and Services needed to achieve available capacity are provided as determined in Sections 8.5 and 8.6; or

8.1.2 issue a Final Certificate of Concurrency subject to one or more of the following conditions:

8.1.2.1 reduction of the size, intensity, or density of the project or change the phasing of the project to achieve available capacity; or

8.1.2.2 provision of the Public Facilities and Services necessary to achieve available capacity. The commitment to construct or provide such Public Facilities and Services, pursuant to the requirements of Section 8.6, prior to the issuance of a Final Development Permit shall be included as a condition to the Final Certificate of Concurrency. The county may, at its option, provide for reimbursement to the Applicant for the cost of facilities providing capacity in excess of the capacity necessitated by the demands created by the Project.

8.2 Categories of Concurrency Review.

In order to ensure that adequate Public Facilities and Services are available concurrent with the impact of the Project, the binding effect of a concurrency determination shall be limited as follows:

8.2.1 Adequate Concurrency Determination. The Department may issue an Adequate Concurrency Determination which shall establish that the Public Facilities and

Services are available at the time of issuance of the adequate Concurrency Determination but may not be available at the time of any subsequent concurrency determination review. A finding of concurrency based upon an Adequate Concurrency Determination shall not be construed to guarantee the availability of adequate facilities at the time that subsequent development permit applications are submitted. An Adequate Concurrency Determination shall include a traffic impact analysis per the Traffic Impact Methodology (Appendix A of this Ordinance) and a statement of any conditions which must be fulfilled prior to the issuance of a Final Certificate of Concurrency.

8.2.2 Final Concurrency Determination. A Final Concurrency Determination shall be obtained prior to the approval of any Final Development Permit. A Final Concurrency Determination shall establish that:

8.2.2.1 the Public Facilities and Services are available at the time of issuance of the Certificate of Concurrency; and

8.2.2.2 the Certificate of Concurrency is issued for the same amount of development for all public facilities; and

8.2.2.3 the Certificate of Concurrency and, if applicable, an extended reservation of capacity per Section 8.2.2.4.1, has not expired; and

8.2.2.4 that Public Facilities and Services will be available at all subsequent stages of the development approval process up to the date of expiration of the Certificate of Concurrency or the extended capacity reservation, subject to the following conditions and time limits set:

8.2.2.4.1 Transportation, Solid Waste, Drainage, Parks and Recreation. For transportation solid waste, drainage, parks and recreation, the final concurrency determination shall guarantee that there will be a finding of concurrency at subsequent steps in the development approval process for a given property or a Project for a period of two (2) years following the issuance of the Final Certificate of Concurrency. If the applicant with a valid, unexpired Final Certificate of Concurrency obtains construction plan approval or a building permit, as applicable, for horizontal or vertical

construction within the two (2) year period, the Final Certificate of Concurrency shall remain in effect until the expiration of the building permit or construction plan approval to which it applies.

8.3 Zoning Exceptions or Variances.

Unless accompanied by a specific plan for development, including the densities and intensities of the Project, an applicant for a zoning exception or variance shall not be subject to concurrency review; provided, however, that an applicant for a zoning exception or variance may apply for an Adequate Concurrency Determination but not a Final Concurrency Determination.

8.4 Effect of Final Determination of Concurrency for Final Development Permits.

In order to receive approval for a Final Development Permit, the applicant must have a valid Final Certificate of Concurrency. If an applicant with a valid, unexpired Final Certificate of Concurrency obtains engineering construction plan or building permit approval for horizontal or vertical construction, as applicable, within the time limit specified in Section 8.2.2.4, the Final Certificate of Concurrency shall remain in effect as long as the project continues in compliance with the phasing schedule approved in the Final Certificate of Concurrency. If the applicant fails to obtain a Final Development Permit within the time frame specified in Section 8.2.2.4 and the applicant obtains a new Final Certificate of Concurrency, the Final Certificate of Concurrency shall expire within two (2) years of the issuance of the Final Certificate of Concurrency.

8.4.1 If the underlying Development Permit to the Final Certificate of Concurrency is revoked or denied, the reserve capacity is released for use.

8.5 Minimum Requirements.

In order to ensure that adequate Public Facility and Service capacity is available concurrent with the impact of a project, the following minimum requirements shall apply:

8.5.1 Category 1 Criteria. For sanitary sewer, potable water, solid waste and drainage facilities, at a minimum, a proposed project shall meet the following standards to satisfy the concurrency requirements:

8.5.1.1 if a development order or permit is issued subject to the condition that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the necessary facilities and services are in place and available to serve the proposed development; or

8.5.1.2 if at the time the development order or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, as presently provided in Section 163.3220 F.S. and as may be provided in future updates to Florida Statutes, or an agreement or development order issued pursuant to Chapter 380.06, F.S., to be in place and available to serve the proposed project at the time of the issuance of a certificate of occupancy or its functional equivalent. (Section 163.3180(2)(a), F.S.)

8.5.2 Category 2 Criteria. For parks and recreation facilities, at a minimum, a proposed project shall meet the following standards to satisfy the concurrency requirement:

8.5.2.1 if at the time the development order or permit is issued, the necessary facilities and services are in place or under construction; or

8.5.2.2 if a development order or permit is issued subject to the condition that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the acreage for the necessary facilities and services to serve the proposed project is dedicated or acquired by the county, or funds in the amount of the developer's fair share are committed; and

8.5.2.2.1 a development order or permit is issued subject to the conditions that the necessary facilities and services needed to serve the proposed project are scheduled to be in place or under actual construction not more than one year after the issuance of a certificate of occupancy or its functional equivalent as provided in the Five Year Schedule of Capital Improvements; or

8.5.2.2.2 at the time the development order or permit is issued, the necessary facilities and services are the

subject of a binding executed agreement which requires the necessary facilities and services to serve the proposed project to be in place or under actual construction not more than one year after the issuance of a certificate of occupancy or its functional equivalent; or

8.5.2.2.3 at the time the development order or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., as may be amended from time to time, or an agreement or development order issued pursuant to Chapter 380, F.S., to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent. (Section 163.3180(2)(b), F.S.)

8.5.3 Category 3 Criteria. For transportation facilities (roads), at a minimum, a proposed project shall meet the following standards to satisfy the concurrency requirement, except as otherwise provided in Subsections 8.5.3.3 and 8.5.3.4 of this Section:

8.5.3.1 if at the time development order or permit is issued, the necessary facilities and services are in place or under construction; or

8.5.3.2 if a development order or permit is issued subject to the conditions that the necessary facilities and services to serve the new development are scheduled to be in place or under construction not more than three years after the issuance of a certificate of occupancy or its functional equivalent as provided in the county's Five Year Schedule of Capital Improvements. The Schedule of Capital Improvements may recognize and include transportation projects included in the first three years of the applicable, adopted Florida Department of Transportation Five Year Work Program. The Capital Improvements Element must include the following policies:

8.5.3.2.1 the estimated date of commencement of actual construction and the estimated date of project completion; and

8.5.3.2.2 a provision that a plan amendment is required to eliminate, defer, or delay construction of any road facility or service which is needed to maintain the adopted level of service standard and which is listed in the Five Year Schedule of Capital Improvements; or

8.5.3.3 if at the time a development order or permit is issued, the necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and services to serve the new development to be in place or under actual construction no more than three years after the issuance of a certificate of occupancy or its functional equivalent; or

8.5.3.4 if at the time a development order or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., as may be amended from time to time, to be in place or under actual construction not more than three years after issuance of a certificate of occupancy or its functional equivalent. (Section 163.3180(2)(c), F.S.); and one of the following criteria is met:

8.5.3.4.1 the proposed project is located in an area in which a community water system and central sanitary sewerage system is presently available to serve, and will serve, the proposed development; or

8.5.3.4.2 a community water system and central sanitary sewerage system will be provided to the proposed development pursuant to a binding written agreement or an enforceable Development Agreement.

8.5.4 Intergovernmental Coordination.

The Minimum Requirements shall apply only to those facilities within the unincorporated areas of the county. If part of the applicable service area or Traffic Impact Area lies within an adjacent county or a local government within Nassau County, only those facilities lying within the unincorporated county shall be evaluated; provided, however, that the Public Facilities and Services lying within the adjacent county or local government of Nassau County may be evaluated if the county has entered into an

interlocal agreement with such county or local government providing for concurrency review. If the county has entered into an interlocal agreement providing for concurrency review, the Adopted Level of Service standard for those facilities lying within the adjacent county or local government shall be those adopted by such county or local government. A certification from the adjacent county or local government that the issuance of the Development Permit will not cause a reduction in the level of service standards for those facilities lying within the adjacent county or local government shall be required prior to the issuance of a Final Certificate of Concurrency.

8.6 Determination of Available Capacity for Applications for Concurrency Determination. For the purpose of evaluating the available capacity of Public Facilities and Services for proposed projects, the following calculation methodology shall apply:

8.6.1 Ascertain total capacity:

8.6.1.1 the method to individually determine total capacity of sanitary sewer, solid waste, drainage, and portable water facilities will be consistent with the Category 1 Criteria;

8.6.1.2 the method to individually determine total capacity of parks and recreation facilities will be consistent with Category 2 Criteria; and

8.6.1.3 the method to individually determine total capacity of road facilities will be consistent with Category 3 criteria.

8.6.2 Ascertain available capacity by subtracting from the total capacity the sum of:

8.6.2.1 the demand for the Public Facilities and Services created by existing development; and

8.6.2.2 the demand for the Public Facilities and Services created by the anticipated completion of approved developments based upon the annually adjusted background growth rate; and

8.6.2.3 the demand for the Public Facilities and Services created by the anticipated completion of the project under consideration for concurrency determination.

SECTION 9. DATA REQUIREMENTS

9.1 Developer Submissions. All applications for Development Orders shall provide sufficient information to determine the impact of

such development pursuant to the concurrency evaluation procedures. The application shall be made on a form established by the Department. Such information shall include, but shall not be limited to:

- 9.1.1 the total number and type of dwelling units for residential and development applications;
 - 9.1.2 the type and intensity of non-residential use, where appropriate, at a level of detail consistent with the type of development application; the location of the project and the identification of facilities impacted by the project pursuant to the provisions of Section 10 of this Ordinance;
 - 9.1.3 the identification of project phasing, where applicable; and
 - 9.1.4 any other appropriate information as required pursuant to Section 10 of this Ordinance.
- 9.2 Concurrency Information Base. The county shall develop and maintain an inventory of existing land uses and projected land uses, based upon Final Development Permit approvals, in order to monitor the impact of final Development permit approvals on the availability of public facilities. This data will be updated annually and will be designed to provide incremental data pertaining to existing, approved and planned development.
- 9.3 Relationship to Information Base. The Planning and Zoning Department shall be responsible for developing and maintaining the County's Concurrency Information Base. The concurrency Information Base shall be designed to provide support to appropriate county departments engaged in development order review and monitoring, Concurrency reviews, Plan updates and in the planning and/or provision of public facilities.

SECTION 10. MEASUREMENT OF LEVEL OF SERVICE STANDARDS

10.1 Transportation

- 10.1.1 Level of Service Standards. Consistent with the Comprehensive Plan Adoption Document, Traffic Circulation Policies and Capital Improvement Level of Service Policies, the level of service standards shall serve as the minimum criteria for determining whether available capacity exists on arterial and collector roads within a Traffic Impact Area impacted by a Proposed Development and which are maintained by either the county or the Florida Department of Transportation.
- 10.1.2 Data Requirements and Concurrency Evaluation. The data requirements and concurrency evaluation shall be performed in accordance with Section 8.6 of this Ordinance and the Traffic Impact Study

Methodology and Procedures, which is attached as Appendix A to this Ordinance and hereby incorporated by reference. The traffic analysis shall be submitted simultaneously with the Concurrency Application.

10.1.2.1 A traffic impact study for a multi-phase project shall be submitted in conjunction with the first Application for Concurrency Determination for the project and shall include all future development phases. The traffic study shall remain valid and in effect for a two year period. Subsequent development phases seeking a Final Concurrency Determination shall be required to update the traffic impact study with current data if the Application for Concurrency Determination for said development phases is submitted more than two years from the project's original application for Concurrency Determination.

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 10.1.2.2 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.

10.2 Potable Water.

10.2.1 Level of Service Standard. The adopted Level of Service standard shall be the standard identified in the Capital Improvements Element of the Comprehensive Plan.

10.2.2 Conditions. A finding of concurrency with respect to the Adopted Level of Service standard shall not preclude the placement of conditions on Development Orders regarding potable water service including, but not limited to, fire flow standards, sizing of distribution and transmission lines, and peak capacity.

10.2.3 Availability of Adequate Capacity. Applications for Concurrency Determinations shall be analyzed with respect to the availability of adequate potable water which shall be determined pursuant to the following information:

10.2.3.1 An inventory of all community water systems serving the unincorporated areas of the county, which includes, at a minimum, the following data for each system:

10.2.3.1.1 system capacity;

10.2.3.1.2 capacity of wellfield, or other source of raw water supply;

10.2.3.1.3 historical average flow of potable water;

10.2.3.1.4 historical peak flow of potable water;

10.2.3.1.5 number of hookups and the estimated potable water demand per hook-up; and

10.2.3.1.6 number of hook-ups for which contractual commitments have been made.

10.2.3.2 Project data pertaining to the proposed Development Order under consideration which shall be provided by the Applicant, subject to verification by the County Public Works Department, and which shall, at a minimum, contain the following:

10.2.3.2.1 the specific location of the project, including the identification of the entity expected to provide service to the project;

10.2.3.2.2 the proposed land uses and land use intensities;

10.2.3.2.3 total potable water demand and peak demand projected to be generated by the proposed development; and

10.2.3.2.4 project phasing information, if applicable.

10.2.3.3 Prior to the issuance of a Final Certificate of Concurrency by the county, as provided in Section 3, the applicant shall be required to provide evidence of the reservation of capacity through the payment of water and sewer connection fees for publicly owned utilities and non-franchised community water systems or a letter from a franchised utility verifying that a Utility Agreement has been executed. The Department of Environmental Protection Permit Number shall be provided if applicable.

10.3 Sanitary Sewer.

10.3.1 Level of Service Standard. The adopted Level of Service standard shall be the standard identified in Objective No. 4.01, of the Nassau County Comprehensive Plan.

10.3.2 Availability of Adequate Capacity. Development Orders shall be analyzed with respect to the availability of adequate sanitary sewer capacity.

10.3.2.1 Certification.

10.3.2.1.1

Projects within the Service Area of a Publicly Owned Wastewater Treatment Plant. If the project is within the service area of an individually-owned or franchised wastewater system, the applicant shall submit a letter and information from that entity verifying that adequate capacity is available to satisfy the demand for water created by the proposed development and to satisfy the Adopted Level of Service Standard for wastewater as identified in the Comprehensive Plan. Such information shall include, at a minimum, if applicable, the Florida Department of Environmental Protection permit number issued pursuant to a completed Notice of Intent to Use General

Permit for Wastewater
Collection/Drinking Water
Distribution System (Form No. 17-
555.910(7)) and a copy of the latest
applicable Operation and Maintenance
Performance Report and, if
applicable, Capacity Analysis Report
prepared pursuant to Florida
Administrative Code Chapter 17-
600.405 or any successor
regulations(s).

10.3.2.1.2 Projects Served by Septic Tanks or
Package Treatment Plants. Projects
served by septic tanks or package
treatment plants shall comply with
and provide all applicable permits or
approvals from the Nassau County
Health Department or a Florida
Department of Environmental
Protection Package Sewer Treatment
Plant permit.

10.3.2.2 Prior to the issuance of a Final
Certificate of Concurrency by the County,
the applicant shall be required to
provide evidence of the reservation of
capacity through the payment of water and
sewer connection fees from a franchised
utility verifying a Utility Agreement has
been executed. The Department of
Environmental Protection permit number
shall be referenced as provided in
Section 10.3.2.3.1.

10.3.2 Concurrency Analysis for Sanitary Sewer
Facilities. Relying upon the data provided
pursuant to Section 10.3.2 above, the Planning
and Zoning Department shall evaluate the impacts
of the proposed development to determine whether
the sanitary sewer facilities within the service
area of the proposed development have available
capacity to accommodate the proposed development.
In the event that the data described in Section
10.3.2 are not available in their entirety, the
required data may be provided by the applicant
subject to the verification by the Planning and
Zoning Department.

10.4 Parks/Open Space

10.4.1 Level of Service Standard. Consistent with
Objective 7.01 of the Comprehensive Plan, the
following Adopted Level of Service standard
shall serve as the minimum criteria for
determining whether available parks/open space
acreage and recreation capacity exists.

<u>Parkland and Open Space</u>	<u>LOS:Acres per 1000 Population</u>
Play Area/Tot Lot	0.5 Ac/1000
Neighborhood Park/Play field	2.0 Ac/1000
Community Park	2.0 Ac/1000
Community Passive Space	1.0 Ac/1000
District/Metro Area Parks	5.0 Ac/1000
Regional/State Parks	20.0 Ac/1000
Beach Access w/ parking	0.5 Ac/1000
Total	31.0 Ac/1000

10.4.2 Availability of Adequate Parks/Open Space Acreage. Adequate capacity of parks and recreational facilities shall apply only to Development Permits, or those portions of Development Permits, which propose residential development. Applications for Concurrency Determinations shall be analyzed with respect to the availability of adequate parks/open space acreage which shall be determined pursuant to the following information:

10.4.2.1 An inventory of all parks and open space acreage, including undeveloped park land, owned by the county, and including, at a minimum the following data for each facility, to be developed by the County:

10.4.2.1.1 type of park (i.e. Neighborhood, Community, urban or Regional Park/Open Space);

10.4.2.1.2 the demand for park/open space acreage, calculated by multiplying the existing population by the Adopted Level of Service Standard for each park type; and

10.4.2.1.3 the acreage of each park facility, by type.

10.4.2.2 Project data pertaining to the Applications for Concurrency Determinations under consideration which shall be provided by the Applicant, subject to verification by the Department shall, at a minimum, contain the following:

10.4.2.2.1 the specific location of the project;

10.4.2.2.2 the total number of residential dwelling units proposed, by type;

10.4.2.2.3 the total estimated residential population of the Proposed Development consistent with the average household size established by the Department, based on latest census information or population estimates prepared by the University of Florida Bureau of Economic and Business Research; and

10.4.2.2.4 project phasing information, if applicable.

10.4.3 Concurrency Analysis for Parks/Open Space Acreage. Relying upon the data provided pursuant to Section 10.4.2 above, the Department shall evaluate the impacts of the proposed development to determine whether the park and open space acreage within the county have sufficient acreage to accommodate the proposed development. In the event that the data described in Section 10.4.2 are not available in their entirety, the required data may be provided by the applicant subject to verification by the Department.

10.5 Solid Waste.

10.5.1 Level of Service Standard. Consistent with Policy J.1.2.1 of the Capital Improvements Element of the Comprehensive Plan, the following Adopted Level of Service Standard shall serve as the minimum criteria for determining whether available solid waste collection and disposal capacity exists:

10.5.1.1 The ability of the county to provide facilities sufficient to accommodate 4.91 pounds of solid waste per capita per day.

10.5.2 Availability of Adequate Capacity. Applications for Concurrency Determinations shall be analyzed with respect to the availability of adequate solid waste collection and disposal system capacity which shall be determined pursuant to the following information:

10.5.2.1 Documentation prepared by the Solid Waste Department projecting annual usage rates of solid waste disposal through the expected life of the County Solid Waste Facility, using population projections consistent with those developed by the

University of Florida Bureau of Economic
and Business Research;

10.5.2.2 Project data pertaining to the
Applications for Concurrency
Determinations under consideration which
shall be provided by the Applicant,
subject to verification by the Solid
Waste Department, in sufficient detail to
determine the annual impact of the
project on the solid waste facilities,
including at a minimum:

10.5.2.2.1 the number and type of residential
dwelling units proposed and the
estimated generation of solid waste
from such units;

10.5.2.2.2 the type and intensity of non-
residential uses and the estimated
generation of solid waste from such
uses; and

10.5.2.2.3 project phasing information, if
applicable.

10.5.3 Concurrency Analysis for Landfill Capacity.
Relying upon the data provided pursuant to
Section 10.5.2 above, the Solid Waste
Department shall annually prepare a statement
that available landfill capacity exists to meet
existing and projected solid waste disposal
requirements through the activation date of the
county solid Waste Facility. This statement
will serve as the finding of concurrency for
all Final Development Orders issued during the
subsequent year.

SECTION 11. FAIR SHARE

11.1 Pursuant to Florida Statutes 163.3180, Nassau County may
allow a landowner to proceed with development of a specific
parcel of land if the Board of County Commissioners has
established, by ordinance, a means by which the landowner
will be assessed a fair share of the cost of providing
transportation facilities necessary to serve the proposed
development.

SECTION 12. APPEALS

12.1 General Requirements. An applicant who has received a
Determination of Deferral, A Final Certificate of Concurrency which has
been conditioned upon a reduction in the proposed density or intensity
of the project, or the provision of public facilities pursuant to a
Final Certificate of Concurrency/Development Agreement, may file an
appeal with the Board of County Commissioners within fifteen (15)

calendar days of such deferral or conditional approval after receipt from the Department.

12.1.1 Form: The appellant shall file the appeal form established for such purpose by the Department.

12.1.2 Additional Information: Nothing herein shall be construed as a limitation on the authority of the Board to require additional relevant information to be provided by the Appellant.

12.2 Grounds for Appeal to the Board of County Commissioners. An appeal may be taken to the Board in a de novo hearing only where the appellant claims that the criteria for evaluating the impact of the proposed project on Public Facilities and Services as set forth in Section 8 and 10 of this ordinance were incorrectly applied, that the deferral, pursuant to this Ordinance, of an Application for Concurrency Determination was based upon incorrect data, or where the appellant claims that the application of the Concurrency Management Ordinance to the project would result in a taking of private property. The filing of an appeal on the basis of one of the grounds for appeal set forth herein shall not preclude the consideration of any additional grounds for appeals as prescribed in this section.

12.3 Completeness of Application. Within ten (10) days after initial submission of an Appeal, the Department shall determine whether it is complete and shall notify the County Attorney. The County Attorney shall notify the Appellant within five (5) days of receipt of the determination of the Department. If the County Attorney disagrees with the Department, he/she shall notify the Department in writing and the Department and the County Attorney shall meet within five (5) days of the County Attorney's notification to resolve any differences. If there is no agreement, the entire package will be sent to the Board of County Commissioners and a copy to the Appellant.

12.3.1 Complete Application for Appeal. If the Appeal is found to be complete pursuant to Section 11.3, the County Attorney shall schedule the appeal for consideration by the Board.

12.3.2 Incomplete Application for Appeal. If the Appeal is determined to be incomplete, written notice shall be sent by the Department to the Appellant identifying all additional or revised information required, which shall be submitted by the Appellant within sixty (60) calendar days from the date of mailing of the notice. Within ten (10) working days after receipt of such additional information, the Department shall determine whether the additional information submitted by the Appellant allows for a determination of completeness and submit the determination to the County Attorney.

If then determined to be complete, the Department shall so notify the Appellant and the County Attorney shall schedule the appeal for a hearing by the Board. If still determined to be incomplete, the Department shall send notice in writing to the Appellant indicating whether initially required information has not yet been provided or whether the additional information provided has raised additional questions. The appellant may, within thirty (30) calendar days from the date of mailing of the notice, elect to submit additional information and/or respond to questions, or to submit the Appeal to the Board. If the appellant chooses to submit additional information, the Department shall review the information for completeness within ten (10) working days after receipt of the additional information and notify the County Attorney and he/she shall then schedule the appeal for a hearing by the Board. If the appellant chooses to submit the appeal to the Board, the County Attorney shall schedule the Appeal for a hearing by the Board.

- 12.4 Decision of the Board of County Commissioners. The Board shall approve in whole or in part or deny the Appeal based upon the criteria set forth in this Ordinance and, if applicable, the report of the County Attorney; or the Board may postpone the matter for submission of additional information. If the matter is postponed for the submission of additional information, the Appellant shall have sixty (60) calendar days from the date of postponement to submit all additional or revised information specified by the County Attorney. If the appeal claims that the Appellant's property has been taken, the County Attorney shall consider the criteria set forth in Section 11.6 of this Ordinance and shall issue a written recommendation to the Board within fifteen (15) working days of the date complete information, as determined by the Board, has been submitted. A Decision shall be made by the Board within the later of thirty (30) working days of the hearing or the issuance of the report of the County Attorney. The Decision of the Board shall be in writing, shall contain findings of fact and conclusions of law, and shall refer specifically to the Property or portion of Property to which it applies. The Decision may contain reasonable conditions necessary to effect the purposes of this Ordinance and the Concurrency Requirements of the Plan. The Decision shall state that it is subject to expiration in accordance with this or subsequent ordinances. The Decision shall be filed with the Department and a copy shall be provided to the Appellant. The Decision of the Board shall be considered final for purposes of judicial appeal. Review of the decision or order of the Board shall be initiated by filing a petition for writ of certiorari

with the Clerk of Courts in accordance with applicable Rules of Appellate Procedures.

12.5 Application for Concurrency Management System Criteria. If the grounds for appeal are that the criteria for evaluating the impact of the Project on Public Facilities and Services as set forth in Section 8 and 10 of this Ordinance were incorrectly applied, or that the denial or deferral of an Application for A Concurrency Determination was based upon incorrect data, the Board shall consider only the concurrency report and the reports of the Evaluating Departments and no additional evidence may be considered or received.

12.6 Takings.

12.6.1 Criteria. In acting upon an appeal claiming that the Deferral Determination or conditional approval of a Final Certificate of Concurrency would result in a taking of private property, the Board shall consider the concurrency report, the reports of the Evaluating Departments, the standards specified in this Ordinance or in the Comprehensive Plan and shall determine whether the enforcement of the Concurrency Management Ordinance would result in a taking of private property in violation of the federal and Florida Constitutions. In making its determination, the County Attorney and the Board may consider all relevant state and federal case law concerning regulatory takings.

12.6.2 Any appellant challenging a decision, determination or result made under this Ordinance as a temporary or permanent taking of private property must exhaust the appeal process provided by this section and any other subsequently enacted administrative procedures for appeal or relief before proceeding with judicial review.

12.7 Vested Rights or Exemptions. This Section shall not apply to any claim based upon vested rights, equitable estoppel, or an exemption from the Concurrency Management System Ordinance.

SECTION 13. DEVELOPMENT AGREEMENTS.

Development Agreements. No development agreement may be entered into by the county unless the Public facilities and Services to be constructed by the Developer pursuant thereto are secured and guaranteed by such security as approved by the County Coordinator and the Clerk of Courts as appropriate. Any funds or contributions received by the County pursuant to a Development Agreement shall be applied towards or spent solely on the projects specified in the Development Agreement.

SECTION 14. ADMINISTRATIVE FEES AND FORMS

The forms for Application for Concurrency Determination and fee schedules are set forth in Appendix "B" and said appendix is hereby incorporated by reference.

SECTION 15. AMENDMENTS

To the extent permitted by law, any portion of this Ordinance may be amended by Resolution of the Board.


SECTION 16. SEVERABILITY

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

SECTION 17. EFFECTIVE DATE

This Ordinance shall become effective upon receipt of official acknowledgement by the Office of the Department of State of the State of Florida to the Clerk of the Board of County Commissioners that this Ordinance has been filed with that office.

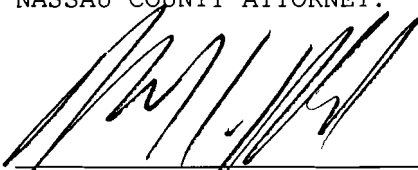
BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


J. H. COOPER
ITS: CHAIRMAN

ATTEST:


J. M. "CHIP" OXLEY, JR.
ITS: EX-OFFICIO CLERK

APPROVED AS TO FORM BY THE
NASSAU COUNTY ATTORNEY:


MICHAEL S. MOLLIN

APPENDIX A
NASSAU COUNTY TRAFFIC IMPACT STUDY
METHODOLOGY AND PROCEDURES

1. Purpose

- (a) The purpose of a traffic impact study is to identify the potential impacts of new development on the Nassau County transportation system and to provide information that will allow a concurrency determination to be made on each impacted segment. The traffic impact study will identify development traffic volumes on each impacted segment, identify those segments on which the adopted level of service cannot be maintained, include link and intersection analysis, and recommend potential solutions for those segments and intersections on which the adopted level of service is not being met.

2. Intent

- (a) The intent of this document is to define the requirements, procedures and methodology for the submission of a traffic impact study in Nassau County and to provide an equitable, consistent and systematic means of determining the future impact of proposed developments while maintaining the adopted service levels on all roadways.
- (b) Nothing contained in this document shall waive any requirement contained elsewhere in the Nassau County code.

3. Definitions

- (a) Average Daily Traffic Volume - Seasonally adjusted average number of vehicles that pass a point on a roadway segment on a daily basis.
- (b) Backlogged Segments - Backlogged Segments means those roadways operating below the Adopted Level of Service which do not have prohibitive financial or environmental constraints, but which are not scheduled to major capacity improvement within the first three years of the adopted Florida Department of Transportation's Five-Year Work Program or the County's Five-Year Schedule of Capital improvements.
- (c) Background Traffic - Existing traffic plus traffic from vested and reserved development that is estimated to travel on segments of the Major Road Network.
- (d) Concurrency Coordinator - the individual designated by the Nassau County Director of Public Works to coordinate all concurrency issues and review all new development in respect to the requirements of the Concurrency Ordinance.
- (e) Concurrency Review Process - The procedures, review time frames, and appeals process defined by the Concurrency Management Ordinance of the Nassau County Code.

- (f) Constrained Facility - A roadway segment on the Major Road network that cannot feasibly be widened by at least two through lanes due to physical, environmental, or policy reasons.
- (g) Critical Transportation Location - Any location where the existing or projected peak hour traffic volume (existing traffic plus vested development traffic plus reserved development traffic plus project traffic) exceeds 90 percent of the maximum service volume of the adopted level of service standard, or other calculated segment capacity as approved by the Concurrency Coordinator.
- (h) Department - The County Planning and Zoning Department.
- (i) Directly Accessed Segment - The first road segment on the Major Road Network on which traffic from the project's site is expected to travel. If a development has more than one access point, it may be possible for two or more Directly Accessed Segments to exist.
- (j) Generalized Planning Maximum Service Volumes - The generalized daily, peak hour or peak hour/peak directional service volumes as defined in the Florida Department of Transportation publication entitled Florida's Level of Service Standards and Guidelines Manual for Planning, as updated from time to time, and/or as supplemented by Nassau County by Resolution.
- (k) Impacted Segment - Any segment on the Major Road Network on which peak hour traffic generated by a development contributes two percent or more of the maximum service volume of the adopted level of service standard for any such roadway up to a maximum radius of five miles from the project site boundaries. The five-mile radius may be extended based upon data provided by the Planning and Zoning Department. The data may include market analysis.
- (l) Internal Capture - Trips generated by a mixed-use project which travel to another on-site land use.
- (m) Internal Capture Factor - The percentage of the total trips generated by a mixed use project that travel from one on-site land use to another on-site land use.
- (n) Intersection Analysis - A mathematical analysis of two intersecting roadways to determine its vehicular capacity and level of service.
- (o) Land Development Traffic Assessment - A traffic impact study that is required for all major developments generating more than 400 average daily trips. The Land Development traffic Assessment summarizes existing conditions in the development's impact area; estimates the traffic that will be generated by the proposed development; projects the future traffic conditions with the proposed

development traffic; and outlines roadway improvements which are needed to maintain the adopted level of service standards on the Major Road Network.

- (p) Level of Service - A qualitative measure describing the operational conditions within a traffic stream, and their perception by motorists and/or passengers. This qualitative description describes the roadway operating conditions in terms of such factors as speed, travel time, freedom to maneuver, traffic interruptions, delay, comfort, convenience, and safety. The six levels of service are defined for each type of facility with letter designations "A" through "F". Level of Service "A" represents the best operating conditions and Level of Service "F" the worst operating conditions. These level of services may be further defined by a specific volume to capacity ratio, or measures of delay, density, or travel speed.
- (q) Link - A portion of a roadway segment located on the Major Road Network, defined by two consecutive intersecting roadways.
- (r) Link Improvement - A change in the physical or operating characteristics of a portion of a roadway segment that results in increased capacity and/or improvements to the general quality, level of service and safety characteristics of the link.
- (s) Major Intersection - The location at which two roadway segments located on the Major Road Network crosses or intersect each other.
- (t) Major Road Network - A listing of all existing and planned roadway segments within Nassau County that comprise the roadway network to be used when evaluating the traffic impacts of proposed development.
- (u) Major Road Network Map - A map illustrating all existing and planned roadway segments within Nassau County that comprise the roadway network to be used when evaluating the traffic impacts of proposed development.
- (v) Origin/Destination Survey - The collection of data at a land use resulting from an on-site interview to determine characteristics about travel to and from the land use.
- (w) Passerby Trips - Trips that enter and exit a site that would have been traveling on the street adjacent to the site regardless of whether they enter or exit the site.
- (x) Peak Hour Volume - The number of vehicles that pass a point on a roadway segment during the highest one hour of traffic volume on a typical day in the peak season.
- (y) Percent New Trips Factor - A factor by which the trip rate is multiplied in order to calculate only those new trips that are added to the roadway by new development. This

factor is calculated by the formula $[1 - (\text{passerby trips} / \text{total trips generated by the land use})]$. Factors for each land use are contained in the Nassau County Trip Rate and Percent New Trips Data Table.

- (z) Pre-Application Conference - A meeting between the applicant and/or its engineer and the Concurrency Coordinator that occurs prior to conducting a traffic impact study for the purpose of identifying key issues, unique considerations, review of assumptions and procedures to be used in a traffic impact study.
- (aa) Reserved Development - All development projects approved after the effective date of the Concurrency Management Ordinance for which a Certificate of Concurrency has been issued.
- (bb) Segment - A series of sequential links identified on the major Road Network in which the beginning and ending points are defined by the Department using criteria that includes changes in roadway operating characteristics, locations of signalized intersections and municipal boundaries.
- (cc) Traffic Analysis Zone - A geographic sub-area of the County used to tabulate socio-economic and trip characteristic information used in transportation modeling and traffic impact studies.
- (dd) Traffic Assignment - The procedure of estimating the extent to which trips to a specific segment on the Major Road Network as travel occurs from a proposed development to other locations.
- (ee) Traffic Count Station - A location established by the Department where periodic traffic counts are recorded by the Florida Department of Transportation, Nassau County, or local jurisdiction; and where additional traffic counts may be required as part of the submission requirements of a traffic impact study.
- (ff) Trip Generation Rate - The number of vehicular trips generated by a unit of land use as defined in the Nassau County Trip Rate and Percent New Trips Data Table, the most recent edition of the Institute of Transportation Engineers, Trip Generation Manual, site specific data collected according to the procedures in Section (11), or other professionally accepted methodology.
- (gg) Turning Movement Count - The collection of data at an intersection which determines the volume and direction of vehicles entering and exiting the intersection during the peak periods of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., or as otherwise specified by the Department.
- (hh) Vested Development - Development projects which are exempt pursuant to the provisions of the Concurrency Exemption Ordinance.

4. Applicability

- (a) The requirements, procedures, and methodology for a traffic impact study contained in this section shall apply to all development orders in unincorporated areas of Nassau County. In all cases, it will be the responsibility of the applicant to demonstrate to the Concurrency Coordinator that a proposed development will not unduly impact the road system.
- (b) A traffic impact study for a multi-phase project shall be submitted in conjunction with the first Application for Concurrency Determination for the project and shall include all future development phases. The traffic study shall remain valid and in effect for a two year period. Subsequent development phases seeking a Final Concurrency Determination shall be required to update the traffic impact study with current data if the Application for Concurrency Determination for said development phases is submitted more than two years from the project's original Application for Concurrency Determination. All applications for development phases seeking a Final Concurrency Determination shall be required to submit intersection and segment capacity analyses prescribed under Sections (15) and (16) notwithstanding the time limits specified above.

5. Types of Traffic Impact Studies

(a) Small Projects

Developments generating less than 50 average daily trips or 5 average weekday peak hour trips will be considered to have a negligible impact on the Major Road Network. No further review of the transportation impacts of Small Projects will be required and a Final Concurrency Determination may be issued subject to other provisions in the Concurrency Management Ordinance.

(b) Minor Traffic Review

- 1. Developments generating 50 or more average daily trips, or 5 or more average weekday peak hour trips, but less than or equal to 400 average daily trips will be required to submit a Minor Traffic Review.
- 2. The Minor Traffic Review will include: a description and location of the project, land use category and number of units from the Trip Rate and Percent New Trips Data Table, an estimate of the number of daily and p.m. peak hour trips generated, the number of net external trips that will impact the public road system (e.g. after internal capture and/or adjacent street capture is considered), the existing vested and reserved traffic peak hour volumes on each Directly Accessed Segment, the Generalized Planning Maximum Service Volume of the Directly Accessed Segment, and identification of any improvements to

Directly Accessed Segments and their schedule. If the project does not access a Directly Accessed Segment, then the impact of the project traffic on the first directly Accessed Segment on the Major Road Network minimum, shall be evaluated relative to its adopted level of service. Based upon this information, a determination shall be made by the Concurrency Coordinator whether or not the road facilities are adequate to maintain adopted service levels upon build-out of the proposed development and a recommendation prepared for the Concurrency Coordinator. A Certificate of Concurrency may then be issued according to the procedures identified in the Concurrency Management Ordinance.

3. A site access plan for the proposed development shall be submitted by the applicant. The site access plan is subject to review and approval by the Concurrency Coordinator.
4. If the information submitted pursuant to Section (5)(b)2, above indicates the level of service will fall below the adopted standard, then the applicant may undertake a more detailed evaluation of future roadway operating conditions to demonstrate acceptable operating conditions, or, the applicant may propose roadway improvements to restore acceptable conditions.
5. The appeals process for a Minor Traffic Review shall be governed by the procedure set forth in the Concurrency Management Ordinance.

(c) Land Development Traffic Assessment (LDTA)

1. A Land Development Traffic Assessment shall be required for all developments generating more than 400 average daily trips.
2. Submission of a Land Development Traffic Assessment is required for a Determination of Application Completeness in the Concurrency Review Process.
3. The applicant and/or his engineer is required to attend a pre-application conference to discuss the traffic study requirements, and report outline as it pertains to his specific development prior to conduct of the study.
4. Each Land Development Traffic Assessment must meet the following submission requirements in order to receive a Determination of Application Completeness.
 - a. Three copies of the completed Land Development Traffic Assessment must be submitted to the Department at the time of the submittal of the Concurrency Determination Application.

- b. The format of the Land Development Traffic Assessment must follow the outline identified in Section 8. Format of Land Development Traffic Assessment.
 - c. A Land Development Traffic Assessment which indicates total daily traffic less than or equal to 1000 trips must be submitted by an individual with an engineering or planning degree with responsible transportation planning experience, acting as the designated representative of the owner. A Land Development Traffic Assessment which indicates total daily traffic greater than 1000 trips must be signed and sealed by a registered professional engineer whose area of practice is transportation engineering, acting as the designated representative of the Owner.
- 5. The Concurrency Coordinator shall determine if all required data has been submitted and is acceptable. This determination, as well as the determination that additional data is necessary, will be made according to the procedures and timeframes identified in the Concurrency Management Ordinance.
 - 6. The appeals process for a Land Development Traffic Assessment shall be governed by the procedure set forth in the Concurrency Management Ordinance.
 - 7. Site access for a proposed development shall be consistent with the requirements identified in the Nassau County Code. The applicant or its engineer is required to provide a site access plan at the pre-application conference. The site access plan is subject to review and approval by the Concurrency Coordinator. This review will be made according to currently accepted traffic engineering principles.
 - 8. Format of Land Development Traffic Assessment-In order to simplify staff review, each Land Development Traffic Assessment will be required to follow the outline below. Further, definition and clarification of the items listed in the outline may be found in subsequent sections. Figures and maps are to be used to the maximum extent possible.
 - a. Letter of transmittal
 - b. Title page
 - c. Table of Contents
 - List of Figures
 - List of Tables

- d. Introduction (includes description and location of project, current and proposed zoning, both address and map format, size of the project, summary of methodologies agreed to in pre-application conference and statement of types of approval sought)
- e. Area of influence (determination of impacted road segments to be included on study network, based on criteria (8)(a))
- f. Inventory of existing conditions (includes listing of all segments within the study areas, existing traffic volumes and identification of roadway characteristics)
- g. Trip generation estimate (from Trip Rate and Percent New Trips Data Table, the most recent edition of the Institute of Transportation Engineers, Trip Generation manual, or other professionally accepted methodology)
- h. Percent new trips and internal capture estimates (from Trip Rate and Percent New trips Data Table and Section (14))
- i. Traffic distribution and assignment methodology
- j. Projected traffic volumes within the study area
- k. Intersection analysis (required when the peak hour traffic volume on one or more links forming a leg of a major intersection exceed 90% of the maximum service volume of the adopted level of service standard)
- l. Roadway needs (identification of proposed improvements and cost)
- m. Internal site circulation and access needs
- n. Appendix (as applicable to the specific traffic impact study)
 - Traffic count data
 - Trip generation, internal and adjacent street capture worksheets
 - Trip distribution and assignment worksheets
 - Intersection capacity analysis worksheets using the 1985 Highway Capacity Manual or latest edition
 - Link capacity analyses
 - Computerized modeling documentation (if performed)
 - Other analysis worksheets

- (d) Developments of Regional Impact/Florida Quality Developments - For Developments of Regional Impact or Florida Quality Developments, the analysis is required by Nassau County for the purposes of determining concurrency and level of service compliance shall be the methodology agreed on for preparing the application of development approval required by 380.06(10), Florida Statutes.

6. Pre-Application Conference

- (a) The purpose of the mandatory pre-application conference for a Land Development Traffic Assessment is to provide guidance and direction to the applicant or its engineer concerning the conduct of the study. For a Minor Traffic Review, it is strongly recommended that the applicant or its representative request a pre-application conference to discuss submission requirements.
- (b) The applicant shall request a pre-application conference, and shall transmit a general description of the proposed development and study methodologies to the Concurrency Coordinator at least five working days prior to the meeting.
- (c) At a minimum, the following topics will be discussed and approved from the Concurrency Coordinator at the pre-application conference.
 - 1. The applicant or its engineer will provide a site access and internal circulation plan.
 - 2. Review of the format of a traffic impact study.
 - 3. Vested developments in the vicinity of the proposed development will be identified and procedures to estimate their associated traffic volumes shall be identified.
 - 4. The Major Road Network form will be provided to the applicant or its engineer.
 - 5. Procedure to track the project's traffic will be defined.
 - 6. Availability and use of county data.
 - 7. Procedures for traffic counts, the location of current traffic count stations, and the identification of possible additional locations.
 - 8. Source of trip generation for project traffic.
 - 9. Selection of origin-destination survey sites for determination of percent new trips factor.
 - 10. Traffic distribution and assignment technique.

11. Justification of an internal capture factor if different than those presented in Section (14)(b).
 12. Methodology and approach for intersection analysis.
 13. Methodology and approach for segment analysis.
- (d) Failure by the applicant or its engineer to discuss and obtain resolution to the above topics may result in disapproval of the traffic impact study or a request for additional information.
- (e) The methodologies and assumptions agreed upon at the pre-application conference will be valid for a period of 90 days from the date of the pre-application conference. If the Concurrency Determination Application is not submitted to the Department within 90 days of the pre-application conference, the applicant or its engineer must obtain approval from the Concurrency Coordinator for the continued use of these methodologies and assumptions, or revise the methodologies and assumptions as necessary with updated information.

7. Level of Service Standards

- (a) The level of service used for concurrency determination shall be consistent with Section 2.01.01 of the Nassau County Traffic Circulation Element.
- (b) The level of service standard for backlogged segments shall be the operating level of service of the date of adoption of the Concurrency Management Ordinance.
- (c) When two roads of differing classification or performance standards intersect and an intersection analysis is required, the lower level of service performance standard shall govern the intersection.
- (d) Notwithstanding the above, if the road segment is determined to operate at an acceptable level of service, then it is permissible for individual intersections to operate one-letter grade worse than the overall road segment.

8. Traffic Impact Area

- (a) The following procedures will be used to determine the extent of the road network to be studied:
1. Peak hour traffic attributable to the development will be assigned on all segments on the Major Road Network that are impacted to a level equal to or greater than two percent of the maximum service volume of the adopted level of service standard for any such roadways, up to a maximum radius of five miles from the project site boundaries. The five mile

radius may be extended based upon data provided by the Planning and Zoning Department. The data may include market analysis.

2. Additional impacted segments, over and above those required by Section (8)(a)1., may be added to the study network when, as determined by the Concurrency Coordinator, that it would be in the best interest of Nassau County to do so in order to maintain the adopted level of service standards.
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.
 - b. Projects that consist of an expansion or an addition to existing development will be analyzed based upon the cumulative impact of all development for which a Concurrency Determination has been issued.
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.

5. For the purposes of the LDTA project traffic will be assigned only to those roadways and future roadways:
 - a. shown on the Major Roadway Network;
 - b. proposed for inclusion as part of the Major Road Network and scheduled for initiation of construction within the first three years of the FDOT, Nassau County, or other responsible jurisdiction's financially feasible adopted five-year work program, or
 - c. scheduled for completion prior to the initial date of project impact on the roadway, if such roadway or improvement is to be completed pursuant to a local government development agreement or binding contract and proposed for inclusion as part of the Major Road Network.
6. Where an improvement based on a local government development agreement or order is relied upon to achieve the acceptable levels of service, default on any such agreement by any party other than Nassau County shall be identified as a basis for reconsideration and, if necessary, invalidation of the development order and certificate of concurrency.

9. County Data

- (a) The Nassau County Planning and Zoning Department shall maintain and update several types of data. These types of data are described below:
 1. Traffic Count Data - Nassau County maintains traffic count data on all segments of the Major Road Network. New traffic counts as well as traffic count data from approved traffic impact analyses will be used to update the traffic counts in the concurrency management database on an annual basis. The applicant or engineer may be required to supplement the traffic count data where needed, such as locations where data is not currently available, or counts conducted on weekends, holidays, or other time periods in which the project's peak trip generation does not coincide with the average weekday peak hour.
 2. Trip Rate and Percent New Trips Data Table - A Trip Rate and Percent New Trips Data Table shall be available for use in traffic impact studies. This table will be updated periodically with trip rate and percent new trips information from traffic studies as approved by the Department and from information contained in the most recent edition of the ITE Trip Generation manual or other published studies as approved by the Concurrency Coordinator.

3. Development Size Data Table - A Development Size Data Table will be maintained by the Department. This table will provide examples of the maximum size of development by land use category for Small Projects, and for those which a Minor Traffic Review is required. Development sizes greater than those indicated by land use category for a Minor Traffic Review will be required to submit a Land Development Traffic Assessment.
4. Roadway Characteristics Inventory - A Roadway Characteristics Inventory will be maintained on each link in the transportation links database. The inventory will include road link identification (name of street, state or county road number and termini), existing road and group type, jurisdictional responsibility, performance standard, length, right-of-way type and width, date of traffic count, counted volume, adjusted average daily volume, average peak hour volume, vested development volume, existing maximum service volume, future maximum service volume, and the link specific available capacity. This inventory will be updated with new information as approved by the Department on a semi-annual basis.
5. Major Road Network Map - A Major Road Network Map will be maintained by the Department that illustrates all roads on the Nassau County traffic impact study network. This Map will include road improvements scheduled for completion within the first three years of the FDOT, Nassau County, and local jurisdictions five year capital improvement programs, and those roads scheduled for completion within three years that will be built pursuant to a local government development agreement. All future roads added to the map must be approved by the Department. Additionally, the map will illustrate those segments that are backlogged and/or constrained as well as those critical transportation segments in which the peak hour traffic volume exceeds 90 percent of the maximum service volume of the adopted level of service standard.
6. Traffic Impact Study File - The Department shall maintain a file of approved Minor Traffic Reviews, LDTA's and DRI/FQD reports. The County shall provide information and data, when available, in order to prevent duplication of efforts and unnecessary costs. It will be the responsibility of the Concurrency Coordinator to approve the use of a prior study.

10. Procedures for Traffic Counts

- (a) The Concurrency Management Database will contain an inventory of all current traffic count locations and the most recent peak hour traffic count.

- (b) The applicant or engineer may use available traffic count information for all impacted segments from the concurrency management database. If traffic count information is unavailable for the current calendar year on an impacted segment, the applicant or engineer may elect to conduct a current traffic count according to the procedures identified in Section (10)(c) and (d). Traffic counts not collected in the current calendar year will be factored by the approved annual growth rate to determine the current year traffic volume.
- (c) The applicant or his engineer will provide segment traffic counts by direction for at least 48 consecutive hours between 12:00 p.m. Monday and 12:00 p.m. Friday. Legal holidays or other days as specified by the Department shall be excluded. Friday, weekend, or holiday counts may be required for land uses active on weekends, as determined by the Concurrency Coordinator. The data will include a summary of traffic volumes by direction in 15 minute increments. The a.m., p.m., and other peak hours should be identified as well as the peak hour to daily traffic ratio and peak hour directional split. The average daily traffic counts will be adjusted to Annual Average Daily Traffic (AADT) using appropriate FDOT seasonal adjustment factors and truck axle adjustment factors. The peak hour segment volume will be determined by applying the approved K-factor for that segment to the AADT volume. All data will be subject to review and acceptance by the Concurrency Coordinator.
- (d) The applicant or his engineer will provide intersection turning movement counts as required by the Concurrency Coordinator. These turning movement counts shall be made on one typical weekday from 7:00 a.m. to 9:00 a.m., and 4:00 p.m. to 6:00 p.m., excluding the Monday a.m. and Friday p.m. time periods, or as otherwise specified by the Concurrency Coordinator. Legal holidays or other days as specified by the Department shall be excluded. Friday, weekend, or holiday turning movement counts may be required for development proposals for land uses active on weekends, as determined by the Concurrency Coordinator. The data will include a summary of traffic volume in 15 minute increments, with a.m., p.m., and other peak hours being identified. All data will be subject to review and acceptance by the Concurrency Coordinator.

11. Trip Generation

- (a) Each traffic impact study will list all land uses, applicable ITE land use code, size and/or dwelling units.
- (b) Allowable sources for trip generation rates for each land use listed in (a) above are identified below:
 - 1. The trip generation rate for the specific land use as identified in the Nassau County Trip Rate and Percent New Trips Data Table.

2. The trip generation rate from a previously approved Nassau County traffic impact study of a similar land use.
3. The trip general equations contained in the most recent version of the ITE Trip Generation manual as approved for use by the Concurrency Coordinator.
4. A site specific trip generation study of the same type or similar land use approved by the Concurrency Coordinator at the pre-application conference. Such site specific study will be conducted at three separate sites. The survey data will be collected for at least the continuous 72 hour period between Tuesday 6:00 a.m. to Thursday 6:00 p.m. or as otherwise determined by the Concurrency Coordinator. Legal holidays or other days specified by the Department will be excluded. Selection of other trip generation study times will be made when it is determined that collection of the data between the above times will not result in a reasonable estimation of the trip generating characteristics of the studied land use. The data will include a summary of traffic count data by 15 minute increments, average daily volume, volume during the a.m. and p.m. peak hours of the adjacent street, and peak hour of the generator, if different from the a.m. and p.m. peak hours of the adjacent street. The accuracy of the traffic counts will be verified by performing manual counts and comparing them to machine count volumes twice daily; once in the a.m. and once in the p.m. for each different day of the traffic counts. All data will be subject to review and acceptance by the Concurrency Coordinator. This review will be based on currently accepted traffic engineering principles.

12. Percent New Trips

- (a) The percent new trips factor represents the percent by which the trip rate is multiplied in order to obtain only those new trips that are added to the roadway by new development. Thus, those trips going to a new development that would have been on the roadway anyway and are included in the trip rate must be deducted from the total trips.
- (b) Each traffic impact study will list all land uses, applicable ITE land use code, size, and/or number of dwelling units.
- (c) Allowable sources for the percent new trips factor for each land use identified in (b) above are listed below.
 1. The percent new trips factor identified in the Nassau County Trip Rate and Percent New Trips Data Table.

2. Percent new trips factor from a previously approved study of a similar land use or a published study as approved by the Concurrency Coordinator.
3. A site specific origin/destination survey of an identical or similar land use as approved by the Concurrency Coordinator.
4. The origin/destination survey shall collect, at a minimum, the following information:
 - Date
 - Location
 - Time of interview
 - From where did the interviewee trip begin immediately prior to arriving? (1) home (2) work (3) retail (4) other
 - The city, area or zip code where the trip began
 - The nearest intersecting streets closest to the location of where the trip began
 - Transportation mode - (1) car (2) walk or bike (3) bus (4) taxi drop off
 - Where the interviewee trip will end immediately upon leaving (1) home (2) work (3) retail (4) other
 - The nearest intersecting streets closest to final destination
- a. The location of each origin and destination will be plotted graphically on a map and the trip lengths calculated. To determine whether the trip is to be considered a new trip, a rectangle will be drawn on the map in such a manner so as to locate the origin of the trip in one corner and the destination of the trip in the opposite corner. If the interview location is outside the rectangle, the trip is considered to be a new trip and if the interview site is inside the rectangle, then the trip is not classified as a new trip. The percent new trips is computed by dividing the number of new trips by the total number of trips generated by the site.
- b. Copies of the original survey and maps
- c. indicating trip ends will be submitted as part of the study. All data will be subject to review and acceptance by the Concurrency Coordinator. This review will be based on currently accepted traffic engineering principles.

13. Traffic Distribution and Assignment

- (a) The distribution and assignment of project traffic shall be made in accordance with the following procedures and in conformity with accepted traffic engineering principles, such as those documented in NCHRP Report 187, "Quick Response Urban Travel Estimation Techniques and Transferable Parameters-Users Guide".
 - 1. Use of a gravity model as approved by the Department.
 - 2. Observations of similar developments in the vicinity of the proposed development.
 - 3. Traffic distribution may be based upon a previously approved traffic study of a similar land use in the vicinity of the proposed development. Such use of a prior study must be justified, based upon sound traffic engineering principles and techniques and approved for use by the Concurrency Coordinator.
- (b) The Department will make available a summary listing of previously approved traffic impact studies within the Planning Area of the project.
- (c) The traffic distribution and assignment technique must be presented by the applicant or engineer at the pre-application conference, and reviewed and approved by the Concurrency Coordinator. This review will be based on currently accepted traffic engineering principles.

14. Internal Capture

- (a) The use of an internal capture factor will be allowed for certain types and sizes of mixed use developments.
- (b) The following table identifies the internal capture factors that may be applied to mixed use developments and the corresponding land use percentages.

<u>Land Use combination</u>	<u>Range in S.F.</u>	<u>Internal Capture Factor</u>
Office/Retail (greater than 20% & less than 80% each land use)	between 250,000 % 1,000,000	10%
Office/Retail (greater than 20% & less than 80% each land use)	greater than 1,000,000	15%
Office/Retail/Hotel (greater than 10% & less than 80% each land use)	between 250,000 & 1,000,000	15%

Office/Retail/Hotel
(greater than 10% & less
than 80% each land use) greater than 1,000,000 20%

15. Intersection Analysis

- (a) An intersection must be performed on each major intersection, currently signalized and those proposed to be signalized, where the total peak hour traffic volume on one or more links forming a leg of the intersection is projected to exceed 90% of the maximum service volume of the adopted level of service standard for any phase of the project for which a Final Concurrency Determination is being sought.
- (b) The procedure for performing an intersection analysis will be based upon the methodology contained in the Highway Capacity Manual, Special Report 209, or most recent edition, or other professionally accepted methodologies. Any questions, issues or methodology other than that referenced in the above publication must be submitted at the pre-application conference and will be subject to the review and approval of the Concurrency Coordinator.
- (c) For each intersection at which the total traffic results in a level of service below the acceptable adopted level of service, the applicant and/or engineer will identify improvements to the intersection that will restore the intersection to an acceptable level of service.
- (d) The applicant and/or engineer will be required to provide the following information relative to each intersection analysis:
 - 1. Printouts and worksheets for all highway capacity analysis performed on the intersections of roadway links.
 - 2. Copies of any traffic counts performed or used in the analysis, including the source of count data.
 - 3. Documentation of any assumptions used in the analysis including trip generation data, if not already specified for the analysis.
 - 4. Turning movement volumes and documentation of methodology used to project existing, prior vested and project traffic.
 - 5. Any other applicable data or information.
- (e) At each development access location, a turn lane analysis will be conducted by the applicant's engineer to determine access requirements for turning vehicles.

16. Segment Analysis

- (a) If the peak hour traffic on an impacted segment is projected to exceed the maximum service volume of the adopted level of service standard for any phase of the project for which a Final Concurrency Determination is being sought, a transportation analysis must be performed to determine if the actual roadway segment operating characteristics are such that additional capacity is available.
 - 1. The applicant or engineer will submit in writing the methodology and approach of each segment analysis prior to conducting the analysis, and will be subject to review and approval by the Concurrency Coordinator. This review will be based on currently accepted traffic engineering principles.
- (b) A segment capacity analysis may be performed to review signal spacing and timing, as well as signal coordination. Such segment analysis shall be performed in accordance with accepted traffic engineering principles and techniques using such computer programs as the Highway Capacity Software, ART_TAB, ART_PLAN, Transyt-7F, Passer II, or Traf-Netsim.
- (c) A travel time study may be performed to determine the operating speed and corresponding level of service at which the roadway is operating. All data and analyses from each travel time study must be submitted as part of the report. The methodology for conducting a travel time study, including the number of sample runs, time periods, and length of the relevant section of roadway, must be submitted in writing and receive approval by the Department prior to conducting the study.

ADOPTED THIS 25th day of January, 1999.

**Nassau County Planning Department
2290 State Road 200
Fernandina Beach, Florida 32034-3056**

APPLICATION FOR CONCURRENCY DETERMINATION

Staff use Only	
(check)	(fee)
Minor Review (Projects generating 51-399 Average Daily Trips (ADTs))	\$250.00
Major Review (Projects Generating 400+ Average Daily Trips (ADTs))*	\$940.00
*Requires Pre-application meeting and Land Development Traffic Assessment	
File # _____	Receipt # _____

Date _____ Project Name _____

1. Type of determination requested(list which phase(s) applies to each item)

Final _____ Adequate _____

2. Applicant/Agent Name, Address, Phone No. _____

3. Property Owner(s) Name, Address, Phone No. _____

4. Property Location/Street Address _____

5. Present use of Property _____

6. Property I.D. No.(s) _____ Total Acres _____

7. Present Zoning _____ Proposed Zoning (if applicable) _____

8. Subdivision name (if applicable) _____ Ordinance No. _____

PUD Name (if applicable) _____ Ordinance No. _____

9. Brief Description of Proposed Development _____

10. Trip Generation and Phasing Schedule: Provide the type, amount and trip generation of the development by Phase
(Refer to Table 1, attached, ITE Trip Generation (latest edition) or the Concurrency Coordinator for trip generation rates)

Residential

Phase Number	Type of Residential (e.g. SF, MF, Condo)	DUs	Date Phase to Begin	Date Phase to End	Total ADTs Generated

Non-Residential

Phase Number	Type of Development (e.g. Retail, Office, Restaurant)	SQ. FT.	Date Phase to Begin	Date Phase to End	Total ADTs Generated

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11. **Water/Sewer** availability of capacity (check if attached):

- _____ If within service area of Fernandina Beach, Hilliard or Callahan, attach a letter certifying available capacity for each development phase.
- _____ If within a private service area, attach a letter certifying available capacity for each development phase.
- _____ If a private well or septic tank will be used, permits will be required by the Nassau County Health Department, the St. Johns River Water Management District or the Florida Department of Environmental Services, as applicable.

12. Name of utility providing service to the development (*obtain water and sewer demand from utility provider*)

Water _____ Total water demand (gal./day) _____

Sewer Total sewage demand (gal./day) _____ Total sewage demand (gal./day) _____

13. **Drainage** - State that the project will comply with all federal, state, regional and local regulations14. **Solid Waste** - Provide solid waste generation (pounds/day) by phase for items a and b use this formula: Number of units X 2.68 persons/unit X 4.01 lbs./day: refer to Planning Department staff for generation rates for non-residential uses.

	Phase 1	Phase 2	Phase 3		Phase 1	Phase 2	Phase 3
a. Single Family	_____	_____	_____	d. Industrial	_____	_____	_____
b. Multi-Family	_____	_____	_____	e. Office	_____	_____	_____
c. Commercial	_____	_____	_____	f. Other	_____	_____	_____

15. Provide the type(s) of solid waste which will be generated by the development: _____

16. Will any hazardous waste be generated? If yes, Provide type(s) and quantity. _____

17. **Recreation** - (residential uses only) - Determine recreation demand by using the following formulas:

	Phase 1	Phase 2	Phase 3
a. Play Area/ Tot Lot (DUs X 2.68 X 0.5 acres / 1000 pop.)	_____	_____	_____
b. Neighborhood Park/Play Field (DUs X 2.68 X 2.0 acres / 1000 pop.)	_____	_____	_____
c. Community Park (DUs X 2.68 X 2.0 acres / 1000 pop.)	_____	_____	_____
d. Community Passive Space (DUs X 2.68 X 1.0 acres / 1000 pop.)	_____	_____	_____
e. District/Metro Area Parks (DUs X 2.68 X 5.0 acres / 1000 pop.)	_____	_____	_____
f. Regional/State Parks (DUs X 2.68 X 20 acres / 1000 pop.)	_____	_____	_____
g. Beach Access w/ parking (DUs X 2.68 X 0.5 acres / 1000 pop.)	_____	_____	_____
Total	_____	_____	_____

18. Does the property access a roadway within the boundaries of the City of Fernandina Beach, Hilliard or Callahan? _____

19. Attach the following to this application:

- Legal Description (Attach as Exhibit A)
- Nassau County Tax Assessors Map. (Clearly outline the boundaries of the property included in this application) (Attach as Exhibit B)
- Owner's authorization, if applicable.
- Appropriate Traffic Study.
- Water/ Sewer availability letter, if applicable.

I/WE HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT:

Signature of all owners or authorized person if letter of authorization is attached:

Printed or typed name(s): _____

Signature(s): _____

ADDRESS AND TELEPHONE NUMBER OF PERSON TO RECEIVE ALL CORRESPONDENCE REGARDING THIS APPLICATION: Name: _____ Phone: _____ Fax: _____

Note: If the application is determined incomplete, the applicant will be notified within 10 days of submission.

Nassau County
Concurrency Determination Application
Minor Traffic Sufficiency Review Form
(For Projects Generating 51-399 Average Daily Trips)

Project Name _____
 File no. _____ Tax Assessment/Location Map(s) _____

	Link I.D. No.	Planning District	Road Type	Traffic Count (ADT)	Date of Count
<u>Directly Accessed Segment</u>	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____

Link I.D. No. _____

Current Year Traffic Count _____

Projected Traffic Count _____

Land Use Category(s)* _____

Trip Generation Rate(s) (ADT)* _____

Trip Generation Rate(s) (Peak Hour)* _____

	ADTs	Peak Hour Trips
<u>Number of Gross Trips Generated</u>	_____	_____
<u>Number of New Trips Generated**</u>	_____	(% New Trips _____)

Link I.D. No. _____

Approved Peak Hour Service Vol. _____

Total Committed Peak Hour Traffic _____

Total Project Peak Hour Traffic _____

Remaining Capacity with Project
Buildout _____

*Refer to Table 1, attached, ITE Trip Generation, latest edition, or Concurrency Coordinator for trip generation rates.

**The number of passer-by trips should not exceed 10% of the adjacent street peak hour traffic. The peak hour passer-by trip percentages are usually 10% greater than in other times during the day.

TABLE 1
TRIP RATES AND PERCENTAGE NEW TRIPS

ITE CODE	LAND DEVELOPMENT ACTIVITY	INDEP. VARIABLE	DAILY TRIP RATE	NEW TRIPS (PERCENT)
022	General Aviation Airport	FLIGHT	1.97	100%
110	General Light Industrial	1000 SF	6.97	100%
120	General Heavy Industrial	1000 SF	1.5	100%
130	Industrial Park	1000 SF	6.96	100%
140	Manufacturing	1000 SF	3.82	100%
150	Warehousing	1000 SF	4.96	100%
151	Mini-Warehouse	1000 SF	2.5	100%
210	Single-Family Detached Housing	DU	9.57	100%
220	Apartments	DU	6.63	100%
230	Residential Condominium/Townhouse	DU	5.86	100%
240	Mobile Home Park	DU	4.81	100%
252	Congregate Care Facility	DU	2.15	100%
310	Hotel	ROOMS	8.92	71%
320	Motel	ROOMS	9.11	59%
330	Resort Hotel	ROOMS	10.16	75%
412	Park	ACRES	2.28	90%
416	Campground	ACRES	74.38	100%
420	Marina	BERTHS	2.96	90%
430	Golf Course	ACRES	5.04	90%
444	Movie Theater	SCREENS	220	85%
492	Racquet Club	COURTS	40.53	75%
494	Bowling Alley	1000 SF	33.33	75%
495	Recreational Community Center	1000 SF	22.88	75%
520	Elementary School	STUDENTS	1.02	80%
522	Middle School	STUDENTS	1.45	80%
530	High School	STUDENTS	1.79	90%
540	Community College	STUDENTS	1.54	90%
550	University	STUDENTS	2.38	90%
560	Church (Without School)	1000 SF	9.11	90%
565	Day Care Center	STUDENTS	4.52	74%
590	Library	1000 SF	54	90%
610	Hospital	BEDS	11.77	77%
620	Nursing Home	BEDS	3.24	75%
630	Clinic	1000 SF	31.45	92%
710	General Office (<50,000 s.f.)	1000 SF	15.59	92%
710	General Office (50,000 - 149,999 s.f.)	1000 SF	13.27	92%
710	General Office (150,000 - 299,999 s.f.)	1000 SF	11.3	92%
710	General Office (300,000 - 399,999 s.f.)	1000 SF	9.92	92%
710	General Office (400,000 - 499,999 s.f.)	1000 SF	8.45	92%
710	General Office (500,000 - 799,999 s.f.)	1000 SF	8.19	92%
710	General Office (>800,000 s.f.)	1000 SF	8.19	92%
720	Medical Office	1000 SF	36.13	77%
730	U.S. Post Office	1000 SF	108.19	25%
780	Research Center	1000 SF	8.11	92%
820	Commercial (< 100,000 s.f.)	1000 SF	87.3	49%
820	Commercial (100,000 - 199,999 s.f.)	1000 SF	58.98	63%
820	Commercial (200,000 - 299,999 s.f.)	1000 SF	49.15	75%
820	Commercial (300,000 - 399,999 s.f.)	1000 SF	43.58	79%
820	Commercial (400,000 - 499,999 s.f.)	1000 SF	39.85	80%
820	Commercial (500,000 - 999,999 s.f.)	1000 SF	33.2	81%
820	Commercial (> 1,000,000 s.f.)	1000 SF	29.96	81%
831	Quality Restaurant	1000 SF	89.95	82%
832	Sit-Down Restaurant	1000 SF	130.34	79%
834	Fast Food Restaurant W/Drive-thru	1000 SF	496.12	54%
841	New Car Sales	1000 SF	37.5	79%
845	Service Station With Convenience Mkt.	FUELING POSITIONS	162.78	25%
847	Self-Service Car Wash	STALLS	108	67%
850	Supermarket	1000 SF	111.51	53%
851	Convenience Market	1000 SF	737.99	25%
881	Pharmacy w/Drive-thru	1000 SF	88.16	75%
912	Bank (Drive-in)	1000 SF	265.21	61%

The Number of Passer-by Trips should not exceed 10% of the adjacent street peak-hour traffic or 25% of the project's external trip generating potential.
The peak-hour passer-by trip percentages are usually 10% greater than in other times of the day.

APPROVED *Correction*

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DATE 3/8/99 *gmb*

**Nassau County
Concurrency Determination Application
Owner's Authorization for Agent**

_____ is hereby authorized to act on behalf of _____

_____, owner(s) of the property described in the foregoing application,
and as described in the attached deed or other proof of ownership, in applying to Nassau County, Florida,
for a Zoning Hearing: _____ Rezoning _____ Variance

_____ Exception _____ Concurrency
_____ Other _____

and in making representations to Nassau County related to the application. In authorizing the agent names above to represent me, or my company. I attest the application is made in good faith and that my information contained herein is accurate and complete to the best of my knowledge and belief.

BY:

Signature of Owner(s)

Signature of Owner(s)

Print Name(s)

Address

Telephone _____
Fax _____

State of _____
County of _____

Signed and sworn to before me on _____ day of _____, 1999.

By _____

Identification Presented: _____

Oath taken: _____ Yes _____ No

Notary Signature

My commission expires: _____

CONCURRENCY REVIEW FEE SCHEDULE**Exhibit A to Resolution No. _____**

TYPE OF CONCURRENCY REVIEW	AVERAGE DAILY TRIPS	REVIEW FEE
Final Concurrency Determination	1-50	\$0.00
Binding	51-399	\$250.00
CMO Section 8.2.2	400+	\$840.00
Adequate Concurrency Determination	1-50	\$0.00
Non-Binding	51-399	\$250.00
CMO Section 8.2.1	400+	\$840.00
Appeal to Concurrency Review Committee	N/A	\$300.00
Concurrency Exemption Determination (Other than Categorical Exemptions)	N/A	\$895.00
Concurrency Exemption Determination (Staff Verification of Categorical Concurrency Exemption)	N/A	\$66.00
Appeal of Concurrency Exemption to the Board of County Commissioners	N/A	\$200.00
Appeal of Concurrency Determination to the Board of County Commissioners CEO Section 11	N/A	\$300.00

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