

SECTION 3.0 CONCURRENCY ARTICLE XI – LAND DEVELOPMENT CODE

Section 3.01 Introduction

Article XI of the St. Johns County Land Development Code applies to any development order/permit authorizing the development of land within the unincorporated area of St. Johns County. The public facilities that are the subject of concurrency review in St. Johns County are traffic, water, sewer, solid waste, drainage, mass transit, parks and schools.

Applications for Concurrency Determination are submitted to and processed by the Transportation Development Division, Growth Management Department. Applications for School Concurrency are submitted to and processed by the [St. Johns County School District](#).

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Section 3.02 Application Process

- A. Use [Table 1](#) below to determine if the project is “small”, “minor” or “major”. Complete [Application for Concurrency Determination](#) form for minor and major projects and submit to the Transportation Development Division. Application forms are available in the Development Review Division of the County Permit Center or on the [County web page](#).

- B. For Minor Projects, the determination of concurrency will be made simultaneously with the processing of the project’s development review application (rezoning, construction plan, plat, special use permit, etc.), as applicable, and a determination in accordance with Part 11.03.00 and Part 11.05.00 of the Land Development Code will be made by the County Administrator with determinations made by the Evaluating Departments as necessary and upon request by the County Administrator. A separate Application for Concurrency Determination for a Minor Project may be submitted directly to the Transportation Development Division when a development review application is not processed.

- C. Include the following information with the application:
 - 1. Legal Description (attach as Exhibit A).
 - 2. Location Map with subject property clearly outlined (attach as Exhibit B).
 - 3. General Site plan showing all proposed access points.
 - 4. Proof of ownership (Deed or other).
 - 5. [Owner’s authorization](#), if applicable.
 - 6. Water and sewer availability letter from appropriate utility provider, if applicable.
 - 7. Land Development Traffic Assessment (LDTA); for Major projects only.
 - 8. Appropriate filing [fee](#).
 - 9. Submit the original application with exhibits and 2 copies of LDTA.
 - 10. Copy of school concurrency application or school concurrency determination letter, as submitted to or received from the St. Johns County School Board.

- D. An applicant may submit a concurrency application at any time during the development review process, but a Final Certificate of Concurrency is required prior to approval of a Final Development Permit.

Section 3.03 Review Process

- A. Procedures for Projects Requiring a Rezoning
 - 1. Formal submittal of a rezoning application to the Transportation Development Division is required prior to issuance of a Final Certificate of Concurrency. A pre-application review through the Development Review Committee is not considered formal submittal.
 - 2. A non-binding traffic impact analysis will be provided by staff or by the applicant in conjunction with staff to the Planning and Zoning Agency, and the Board of County Commissioners for consideration in the rezoning process.
- B. Procedures for Projects Requiring a Comprehensive Plan Amendment
 - 1. Small Scale Comprehensive Plan Amendments – formal submittal of an application for Small Scale Comprehensive Plan Amendment is required prior to acceptance of any Application for Concurrency Determination on the subject property or portion thereof.
 - 2. Regular Comprehensive Plan Amendments – adoption of a proposed Comprehensive Plan Amendment by the St. Johns County Board of County Commissioners is required prior to acceptance of any Application for Concurrency Determination on the subject property or portion thereof.
- C. Procedures for Developments of Regional Impacts (DRI's) with approved "Pipelined" Transportation Concurrency
 - 1. Developments of Regional Impact (DRI) that have met the transportation concurrency requirements by mitigating for transportation impacts under the provisions set forth in Section 163.3180(12), Florida Statutes (2010), commonly referred to as "Pipelining", and have been approved by the St. Johns County Board of County Commissioners, are subject to concurrency requirements as a Major Project for all other concurrency public facilities and services within St. Johns County.
 - 2. An Application for Concurrency Determination is required to be submitted to the Transportation Development Division for review of these public facilities. A transportation report shall be provided to facilitate the reservation of project trips on the Major Road Network in increments consistent with the DRI transportation review, the DRI Phasing Schedule as stipulated in the adopted DRI Development Order including any adopted changes, and the Traffic Impact Study Methodology and Procedures, [Appendix "A"](#) of the Land Development Code.
 - 3. The Application for Concurrency Determination process for a DRI shall also require a detailed evaluation of traffic circulation within the site, between the site and the

external roads connecting to the site, and originating outside but traveling to or through the site. The scope and nature of the traffic study or studies shall be discussed at a Transportation Methodology Meeting prior to submittal of the Application for Concurrency Determination. Specific requirements for each individual study shall be established based on the size of the project and what types of permit approvals will be required prior to commencement of horizontal and vertical construction within the proposed development. All studies will be based on the Traffic Impact Study Methodology and Procedures, Appendix "A" of this Code and [Article VI](#) Access Management Sec. 6.04.05.H Auxiliary Lanes and Roadway Design Sec. 6.04.07 including the FDOT *Project Traffic Forecasting Handbook* and *Transportation Impact Handbook* by reference of this Code. This study is intended to provide the specific traffic information needed to complete detailed engineering design and subsequently apply for connection permits, site plan approvals and roadway construction plan approvals.

4. The concurrency certificate, if approved, shall be valid consistent with the DRI phasing schedule approved in the DRI Development Order, conditioned upon compliance with all DRI Development Order requirements and conditions related to concurrency public facilities and services.
5. Project trips will be reserved on the Major Road Network in increments consistent with the approved phasing of the project as stipulated in its adopted Development Order, and as further stipulated in Section 3.06.F.6 of this manual. A Concurrency Transportation Report will be required for each DRI project phase in order to update the project trip reservation. One exception to this procedure will apply to roads funded and/or constructed by the Developer as mitigation for the project's regional transportation impacts as identified in an adopted DRI Development Order or as subsequently modified through the Notice of Proposed Change or Substantial Deviation processes. When these roads are either accepted as complete or deemed financially committed by the County such that they are added to the Major Road Network, then project traffic for the development that funded the construction of the road will be reserved on the new or improved road segment for all phases of the project that contributed toward the construction of the road improvement.
6. A Final Certificate of Concurrency cannot be issued until the DRI Development Order and Comprehensive Plan Amendment, if applicable, have been approved by the St. Johns County Board of County Commissioners and the rezoning application has been formally submitted to the Planning Division.

D. Completeness Review

1. Upon receipt of an Application for Concurrency Determination, County Staff shall have 5 working days to review for completeness.
2. For residential projects, an [Application for School Concurrency](#) is required to be submitted to the St. Johns County School District for completeness. Application will be deemed incomplete until application has been submitted to St. Johns County School District.
3. If the application is determined incomplete, the applicant will be notified within 5 working days identifying all additional information needed to complete the application.

4. No further action will be taken on the application until the information is received.

E. Sufficiency Review

1. After an application is determined complete, it will be routed to the evaluating departments for sufficiency review. Sufficiency review is a determination that accurate and complete information has been provided in order for a determination of concurrency to be made.
2. Evaluating departments shall have 15 working days from the determination of completeness to determine whether the application is sufficient.
3. If additional or revised information is required, a letter shall be sent to the applicant identifying all additional or revised information that is required.
4. The applicant shall have up to sixty (60) days from the date the first insufficiency letter is sent to submit all additional or revised information.
5. No further action shall be taken on the application until the required information is received.
6. If the applicant does not submit the requested information within sixty (60) days, the applicant will be notified in writing that the application is deemed withdrawn. The applicant may request an extension upon showing of good cause.
7. The additional or revised information will be routed to the appropriate evaluating departments upon receipt.
8. Evaluating departments shall have 10 working days from receipt of the additional information to determine whether the application is sufficient.
9. If an evaluating department determines that the application is not sufficient, a letter shall be sent to the applicant identifying the additional or revised information that is needed.
10. The applicant shall have up to twenty (20) days from the date the second insufficiency letter is sent to submit all additional or revised information.
11. If the applicant does not submit the requested information within twenty (20) days or the information submitted does not meet the requirements specified in the Land Development Code, the applicant will be notified in writing that the application is deemed withdrawn. The applicant may request an extension upon showing of good cause.
12. Any application that is inactive for a period of three (3) months or more will be deemed withdrawn. The applicant may submit a new application with a new review fee for consideration and will be placed in line from the date the new application is received.

Section 3.04 Type of Concurrency Review (Small, Minor or Major)

The type of concurrency review is determined by the number of average weekday peak hour trips the project is estimated to generate. A small project is defined as any project estimated to generate 10 or fewer average weekday peak hour trips. A minor project is defined as any project estimated to generate 11-50 average weekday peak hour trips. A major project is defined as any project estimated to generate more than 50+ average weekday peak hour trips.

A. Small Project

A small or de minimus project is not required to meet transportation concurrency requirements, but is required to provide adequate public facilities pursuant to all other applicable regulations and is reviewed through the appropriate application process as outlined in this Manual. A formal concurrency application is not required.

B. Minor Project

1. A minor project will be reviewed in conjunction with the applicant's development review application (construction plan, plat, special use permit, Non-DRC Site Plan, etc.), as applicable. A separate Application for Concurrency Determination for a Minor Project may be submitted directly to the Transportation Development Division when a development review application is not proposed. County staff will perform the minor traffic review pursuant to Section 4(b) of the St. Johns County Traffic Impact Study Methodology and Procedures, Appendix A of the Land Development Code.
2. If the staff determination indicates the application is insufficient or that additional analysis is required, the applicant shall provide the additional information or analysis pursuant to the appropriate methodology provided in the Land Development Code.
3. A Final Certificate of Concurrency, Final Certificate of Concurrency with Conditions, or denial of a Final Certificate of Concurrency, as appropriate, shall be issued by staff within ten (10) working days of receipt of the recommendations from the evaluating departments.
4. If the staff determination indicates that a deficiency exists that prevents the issuance of a Final Certificate of Concurrency, the applicant will be notified in writing and given the option of reducing the size, intensity or density of the project or, changing the phasing of the project to achieve available capacity.
5. The applicant shall have fifteen (15) days to respond to the staff notification of deficiency.
6. If an amended application reducing the size, intensity or density of the project, or phasing of the project is not received within fifteen (15) days from the date the notification is sent, staff shall issue a Denial Determination.
7. The Denial Determination shall be provided to the applicant in writing and shall identify the decision reached in each facility category, outline the procedures to be followed in order to appeal the staff Denial Determination, and outline the procedures to be followed in order to enter into a Development Agreement to provide the necessary capacity.

8. An application that is issued a Denial Determination shall be given priority over other applications filed subsequently if the applicant files an Initial Determination request expressing the intent to enter into a Concurrency, Development or Proportionate Fair Share Agreement to provide adequate capacity or files an appeal of the staff decision within thirty (30) days from the date of the staff Denial Determination.
9. If neither an appeal nor an Initial Determination for a Concurrency, Proportionate Fair Share or Development Agreement is filed within thirty (30) days from the date of the Denial Determination, the application shall lose its priority status and a Final Determination will be issued by staff. A new application will be required to proceed with the project.

C. Major Project

1. A major project is required to file an Application for Concurrency Determination including a Land Development Traffic Assessment (traffic study) for staff review. The requirements of an LDTA are detailed in the Traffic Impact Study Methodology and Procedures, [Appendix A](#) of the Land Development Code.
2. If the staff determination indicates the application is insufficient and that additional analysis is required, the applicant shall provide the additional information or analysis pursuant to the appropriate methodology provided in the Land Development Code.
3. If the staff determination indicates that a deficiency exists that prevents the issuance of a Final Certificate of Concurrency, the applicant will be notified in writing and given the option of reducing the size, intensity or density of the project or changing the phasing of the project to achieve available capacity.
4. The applicant shall have fifteen (15) days to respond to the staff notification of deficiency.
5. If an amended application reducing the size, intensity density, or phasing of the project is not received within fifteen (15) days from the date the notification is sent, the County Administrator shall issue a Denial Determination.
6. If adequate capacity exists to accommodate project impacts, the County Administrator shall issue a Final Certificate of Concurrency.
7. Any Denial Determination that is issued by the County Administrator shall be provided to the applicant in writing and shall identify the decision reached in each facility category, outline the procedures to be followed in order to appeal the decision, and outline the procedures to be followed in order to enter into a Concurrency, Development or Proportionate Fair Share Agreement to provide the capacity necessary for approval.
8. An application that is issued a Denial Determination shall be given priority over other applications filed subsequently if the applicant files an Initial Determination request expressing the intent to enter into a Concurrency, Development or Proportionate Fair Share Agreement to provide adequate capacity or files an appeal of the decision within thirty (30) days from the date of the Denial Determination.

9. If neither an Initial Determination for a Concurrency, Development or Proportionate Fair Share Agreement or an appeal is filed within thirty (30) days from the date of the Denial Determination, the application will be withdrawn by the County Administrator and shall lose its priority status. A new application will be required to proceed with the project.
10. The review of a Concurrency, Development or Proportionate Fair Share Agreement shall follow the appropriate procedures in this Manual for the type of agreement proposed. An appeal of a decision shall follow the procedures outlined in Part 11.06.00 of the Land Development Code.

D. Appeal of Staff Determinations

1. An applicant who had an application determined incomplete, or withdrawn by staff due to insufficient information, or has received a staff Denial Determination due to inadequate capacity, may appeal the determination to the Board of County Commissioners. An [Application for Appeal](#) of a Concurrency Determination must be filed with the Growth Management Department within thirty (30) days from the date the action was taken.
2. The Board of County Commissioners shall consider the determination of staff and shall adopt the staff determination with or without modification or conditions, or reject the staff determination.
3. The Board of County Commissioners is not authorized to modify or reject the staff determination unless it finds that the determination is not supported by substantial competent evidence or that the staff determination is contrary to the criteria established in Article XI of the Land Development Code.

Section 3.05 Reserved

Section 3.06 Approval Process

- A. Approval of a Final Certificate of Concurrency for a Minor or Major project shall result in a reservation of capacity for transportation, recreation and schools, as applicable.
- B. Reservation of water and sewer capacity occurs when the applicant pays all applicable connection fees to the appropriate utility.
- C. Actual drainage approval occurs with the approval of engineered Construction Plans through the Construction Plan Application process as identified in this Manual.
- D. Solid waste capacity is monitored by the St. Johns County Solid Waste Department based on the design capacity of the County's Tillman Ridge Transfer Station and appropriate contracts for the disposal of solid waste outside of St. Johns County.
- E. Mass Transit involves only the Council on Aging Public Transportation, which is a state and federally funded organization.
- F. Traffic Reservation

1. Upon approval of a Final Certificate of Concurrency, actual vehicle trips are reserved on the appropriate road segment(s) pursuant to the approved traffic study.
2. The County maintains a [Transportation Analysis Spreadsheet](#) (TAS) to provide applicants with the current status of all roadways on the County's Major Road Network. The spreadsheet is available on the County web page.
3. Trips shall be released for use by other applicants if the Final Certificate of Concurrency expires.
4. The TAS is updated once a year with new traffic counts.
5. Upon receipt of new traffic counts, the trips associated with development that has been built prior to the new traffic count will be released for each project, as appropriate. The release of trips based on development that has been built will occur when the TAS is updated with new traffic counts.

Irrespective of the above procedure, on May 18, 2010, the Board of County Commissioners approved a release of up to 50% of the concurrency trip reservation on each roadway segment on an annual basis using the following criteria:

- a. Maintain a minimum 10 year reservation based on the annual growth factor, which will be updated on an annual basis. The annual growth rate may be capped by the average growth rate as evaluated in the Transportation Element of the St. Johns County Comprehensive Plan, but a minimum 2% shall be used for segments experiencing negative growth or less than 2% growth annually.
- b. The traffic congestion level (v/C) for each roadway segment cannot exceed 80% of the segment capacity.
- c. If the traffic congestion level exceeds 80% on any segment, no trips will be released on that segment.
- d. In order to maintain a minimum 10 year reservation, on each roadway segment, less than 50% of the reserved trips may be released.
- e. The total approved concurrency trip reservation will be maintained and tracked by the Transportation Development Division. All trip reservations will be accounted for and included in the annual review/update.

G. Recreation Reservation

1. Recreation facilities are impacted by residential projects only.
2. The County shall use the most recent population estimate available to determine the available capacity in each park category.
3. The impact of any proposed project shall be based on the most recent estimate of persons per household for St. Johns County.
4. The number of acres required to meet the adopted level of service standard for each project shall be reserved, as appropriate.

5. Park categories and adopted levels of service include:

Neighborhood Parks	(2 acres/1000 population)
Community Parks	(3 acres/1000 population)
Regional/Open Space	(20 acres/1000 population)

6. Upon receipt of a new population estimate, the reservation for each portion of a project that has been built will be released from reservation

H. School Concurrency

1. School facilities are impacted by residential projects only.
2. The St. Johns County School District determines the availability of school capacity for facility type.
3. The St. Johns County School District maintains the reservation of capacity for school facilities.

Section 3.07 Validity of Final Certificate of Concurrency

A. A Final Certificate of Concurrency shall be valid for two (2) years from the date of approval.

B. A Multi-phase project may have a Final Certificate of Concurrency effective for up to two (2) years for each phase not to exceed a total of five (5) years for all phases for all public facilities except schools. School concurrency is valid for only two (2) years regardless of the number of phases, but can be extended as provided in Section 3.06.D below.

C. The project must obtain Construction Plan approval, Final Plat approval or a Building Permit, as applicable, for horizontal or vertical construction within the two (2) year period or the concurrency certificate will expire. If the concurrency certificate expires for any phase, then, upon expiration, the reserved capacity for the expired phase and any subsequent phases is released for use by other Applicants. A project will not be allowed to shift development from one phase to another phase and there can be no increase in project traffic in any phase or for the overall project.

D. Extension of Final Certificate of Concurrency

1. A valid, non-expired Final Certificate of Concurrency may be extended for up to an additional three (3) year period from the date of original expiration, provided the applicant pays the applicable reservation fee prior to expiration using one of the following options.

a. The applicant may pay 100% of the applicable impact fee in consideration of a three (3) year extension; or

b. The applicant may pay one-third (1/3) of the applicable impact fee in consideration of a one (1) year extension. For each subsequent one-third

payment, an additional one year extension may be granted, not to exceed a total of three (3) years extension.

2. The reservation fee is the current impact fee for roads, parks and schools as applicable to each project.
3. The applicant is required to provide an updated letter of availability from the utility provider verifying that water and sewer capacity is available for the additional three (3) years for the amount of development approved in the concurrency certificate.
4. The applicant is required to sign a waiver of rights for refund of the impact fees paid in consideration for the extension of the Final Certificate of Concurrency.
5. An Impact Fee Credit for the amount of impact fees paid in advance is recorded for the project.
6. Upon applying for a Building Permit, the applicant provides a voucher for the credit and pays the difference, if any, between the reservation fee paid in advance to extend the Final Certificate of Concurrency and the total impact fee, as determined at the time of permit application.
7. In the event, the applicant does not obtain Construction Plan approval, Final Plat approval or a Building Permit within the three (3) year extension period, the Final Certificate of Concurrency shall expire and the applicant will not be refunded the impact fees paid.
8. A Multi-phase project may extend the Final Certificate of Concurrency by phase. The reservation fee shall be paid prior to the expiration date of the phase being extended. Under no circumstances can a phased project extend the validity of the Final Certificate of Concurrency beyond five (5) years from the date of original approval.

Section 3.08 Modification of Approved Final Certificate of Concurrency

An [Application for Concurrency Modification](#) to an existing Final Certificate of Concurrency is required prior to approval of a modification to a Development Permit where a change in use, intensity, or density of the approved project, which either individually or cumulatively with other changes, results in increased impacts to public facilities and services.

A. Change in Use, Intensity or Density

1. A change in use, intensity or density of a project that generates less than 4.0 average total weekday peak hour trips and does not increase impacts to other public facilities and services cumulatively with other changes, can be approved by staff as a modification.
2. Any modification that results in an increase of 4.0 or more average total weekday peak hour trips cannot be approved by modification of the existing Final Certificate of Concurrency. A new concurrency application and review are required.

B. Change in Legal Description or Acreage

1. A change in the legal description and acreage that does not result in additional impacts or impact different public facilities and services can be approved by staff as a modification.
2. A new concurrency application and review are required if the new project boundary or change in acreage results in additional impacts or impacts different public facilities and services.
3. A Final Certificate of Concurrency is attached to the land parcel upon which the proposed project was reviewed and approved to be built. A Final Certificate of Concurrency is not transferable to another parcel except under provision of Section 3.08.B.4.
4. Only under reasonable and specific circumstance as provided below, the County Administrator may allow a one-time transfer of transportation concurrency between two Major Project developments holding valid final certificate of concurrency. The transferred concurrency shall remain with and be valid consistent with the validity of the final certificate of concurrency of the beneficiary parcel of development. The following criteria must all be met and strictly adhered to:
 - a. The two parcels of developments must be contiguous, adjacent and under same ownership. A road or public right of way and/or public easement or other similar public features as determined by the County Administrator are the only boundaries that do not constitute a separation between two parcels; and,
 - b. The donor and beneficiary parcels of developments must share one primary point of access; and,
A traffic analysis submitted by the applicant and approved by the County must demonstrate acceptable findings that the transfer does not degrade the directly accessed segment(s) and/or other impacted segments below the adopted level of service (LOS).

Section 3.09 Concurrency Agreements

A. Introduction

The County may, but under no circumstances is it required to, enter into a Concurrency Agreement. No Concurrency 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 Administrator and the Clerk of Courts, as appropriate. Any funds or contributions received by the County pursuant to a Concurrency Agreement shall be applied towards or spent solely on the projects specified in the Concurrency Agreement.

Applications for Concurrency Agreement are submitted to and processed by the Transportation Development Division, Growth Management Department.

B. Application Process

1. Initial Determination – NO FEE REQUIRED

- a. The purpose of the Initial Determination is to avoid time being wasted on Concurrency Agreements which clearly are not in the interests of the County. This advance review of the feasibility of entering into a Concurrency Agreement will be based on the impacts and benefits of the Development.
 - b. All Developers wishing to initiate a Concurrency Agreement shall provide the following information, prior to formal application, to enable the Initial Determination to be made:
 - 1) Generalized description of the development, the impacts and benefits of the project.
 - 2) General information such as the name and address of the owner, applicant and agent; site area; location and legal description.
 - 3) Any Developer commitments and anticipated special benefits of the development.
 - 4) Any anticipated approvals, waivers, variances, exceptions or government commitments sought by the Developer.
 - 5) This is an informal procedure. The information requested should be very general in nature and the format may be as simple as a letter.
2. Formal Application – [FEE](#) REQUIRED
- a. The Applicant has the right to submit an application after the Initial Determination regardless of the conclusion of the Initial Determination.
 - b. The [Concurrency Agreement Application](#) form is available from the Development Review Division or on the County web page. The following information is required to be submitted with a completed Concurrency Agreement Application:
 - 1) Proposed Concurrency Agreement meeting the minimum requirements in this Section.
 - 2) Legal Description (attach as Exhibit A to the Concurrency Agreement).
 - 3) Proof of ownership (copy of deed or purchase agreement, and land title report); land title report shall be considered valid for 3 months and will need to be updated thereafter.
 - 4) General location map with subject property clearly identified.
 - 5) Traffic Analysis (from Concurrency Application), as applicable; Traffic Analysis will need to be updated if data used is updated.
 - 6) Conceptual design for all proposed infrastructure improvements (attached as Exhibit B to the Concurrency Agreement).

- 7) Cost estimates for all proposed infrastructure improvements, and/or Proportionate Fair Share calculations as applicable (attached as Exhibit C to the Concurrency Agreement).
 - 8) Filing fee.
 - 9) [Owner's Authorization](#) for Agent(s), if applicable.
 - 10) Submit the original application and all exhibits.
- c. Only a qualified applicant may file an application to enter into a Concurrency Agreement. A qualified applicant is a person who has legal or equitable interest in the real property that is the subject of the Concurrency Agreement.

C. Review Process

1. The application shall be routed to the appropriate evaluating departments for sufficiency review.
2. If the application is determination insufficient, the applicant shall be provided a statement of any additional information required within twenty (20) working days of the application submittal or resubmittal.
3. The time limits established above may be extended upon agreement by both the applicant and St. Johns County when necessary to facilitate the preparation and review of the Concurrency Agreement.

D. Approval Process

1. Administrative Review
 - a. The Concurrency Agreement shall be reviewed by County Staff simultaneously with the Application for Concurrency Determination, as applicable.
 - b. Approval of the Concurrency Agreement shall be included as a condition to the Final Certificate of Concurrency.
 - c. The County Administrator shall review the Concurrency Agreement and recommend approval, approval with changes, or denial to the Board of County Commissioners.
2. Board of County Commission Hearing
 - a. The Concurrency or Proportionate Fair Share Agreement will then be scheduled as a Business Item on the first available Board of County Commissioners Meeting as determined by the County Administrator.
 - b. The Board of County Commissioners shall approve, approve with modifications, or deny the application.

E. Term/Extension

1. The term of a Concurrency Agreement shall not exceed the term of the companion Final Certificate(s) of Concurrency.
2. A Concurrency Agreement may be extended if the companion Final Certificate of Concurrency is extended pursuant to Sections 11.03.02.B and 11.03.04 of the Land Development Code.

F. Post-Approval

1. Within fourteen (14) days after St. Johns County enters into a Concurrency Agreement, the Clerk to the Board of County Commissioners shall have the agreement recorded in the public records of St. Johns County.
2. The Agreement shall become effective after it has been recorded in the public records of St. Johns County.
3. A Concurrency Agreement may be amended or cancelled by mutual consent of the parties to the Agreement or by their successors in interest. An amendment to a Concurrency Agreement determined to be minor in nature, such as, but not limited to, a change in name of parties that is recommended approval by the County Administrator can be placed on the Board of County Commissioners Consent Agenda for consideration. All other amendments to a Concurrency Agreement will require one (1) public hearing by the Board of County Commissioners on the proposed amendment.
4. If the Agreement is amended, cancelled, modified, extended, or revoked, the Clerk shall record such action in the public records.

G. Periodic Review

1. The County shall review the Development(s) subject to the Concurrency Agreement every twelve (12) months.
2. Beginning one year after the effective date of a Concurrency Agreement, Developers shall each provide the County a written and accurate status report which shall include all information necessary for the County to conduct its periodic review.

Section 3.10 Proportionate Fair Share Agreement.

Proportionate Fair Share Agreements shall comply with the requirements of Part 11.09 of the Land Development Code and follow the procedures in Section 3.09 Concurrency Agreements of the Development Review Manual.

Table 1
St. Johns County P.M. Peak Hour Trip Rate and Percent New Trips Data

ITE Land Use Code	Land Use Description	Independent Variable	P.M. Peak Hour Trip End Estimation Method	Land Use Maximum Size Threshold By Unit			Percentage New Trips
				Small <= 10.00 PHT Trips	Minor > 10.00 to <= 50.00 PHT Trips	Major (LDTA) > 50.00 PHT Trips	
022	General Aviation Airport	Average Flights Per Day	0.30	33	166	> 166	90%
110	General Light Industrial < 150,000 sf GFA	1,000 sf GFA	0.97	10,309	51,546	> 51,546	92%
110	General Light Industrial > or = 150,000 sf GFA	1,000 sf GFA	T = 1.43 (X) - 157.36	N/A	N/A	>	92%
130	Industrial Park	1,000 sf GFA	T=0.77(X)+42.11	N/A	10,246	> 10,246	92%
140	Manufacturing	1,000 sf GFA	T = 0.78 (X) - 15.97	33,294	84,576	> 84,576	92%
150	Warehousing	1,000 sf GFA	Ln(T)=0.64*Ln(X)+1.14	6,150	76,042	> 76,042	92%
151	Mini-Warehousing	1,000 sf GFA	Ln(T)=1.02*Ln(X)-1.49	41,191	199,557	> 199,557	92%
210	Single Family Detached Housing	Dwelling Units	Ln(T)=0.90*Ln(X)+0.51	7	43	> 43	100%
220	Apartment	Dwelling Units	T = 0.55 (X) + 17.65	N/A	58	> 58	100%
230	Residential Condominium/Townhouse	Dwelling Units	Ln(T)=0.82*Ln(X)+0.32	11	79	> 79	100%
240	Mobile Home Park	Occupied Dwelling	T=0.57(X)+2.06	13	84	> 84	100%
253	Congregate Care Facility	Occupied Dwelling	0.17	58	294	> 294	74%
254	Assisted Living	Beds	0.22	45	227	> 227	100%
310	Hotel	Occupied Rooms	Ln(T)=1.20*Ln(X)-1.55	24	94	> 94	71%
311	All-Suites Hotel	Occupied Rooms	0.55	18	90	> 90	71%
320	Motel	Occupied Rooms	T = 0.53 (X) + 5.95	7	83	> 83	59%
330	Resort Hotel	Occupied Rooms	Ln(T)=1.13*Ln(X)-1.52	29	122	> 122	75%
412	County Park	Acres	0.06	166	833	> 833	90%
416	Campground/Recreational Vehicle Park	Occupied Camp Sites	0.37	27	135	> 135	90%
417	Regional Park	Acres	0.20	50	250	> 250	90%
420	Marina	Berths	0.19	52	263	> 263	90%
430	Golf Course	Acres	T = 0.13 (X) + 31.30	N/A	143	> 143	90%
432	Golf Driving Range	Driving Positions	1.25	8	40	> 40	75%
437	Bowling Alley	1,000 sf GFA	3.54	2,824	14,124	> 14,124	75%
444	Movie Theatre with Matinee	Movie Screens (Friday)	45.91	N/A	1	> 1	85%
492	Health/Fitness Club	1,000 sf GFA	Ln(T)=0.95*Ln(X)+1.43	2,505	13,635	> 13,635	75%
520	Elementary School	1,000 sf GFA	1.21	8,264	41,322	> 41,322	80%
530	High School	1,000 sf GFA	0.97	10,309	51,546	> 51,546	90%
540	Junior/Community College	1,000 sf GFA	2.54	3,937	19,685	> 19,685	90%
550	University/College	Students	T = 0.19 (X) + 118.58	N/A	N/A	>	90%
560	Church (without school) up to 100,000 sq. ft.	1,000 sf GFA	0.55	18,181	90,909	> 90,909	90%
565	Day Care Center	1,000 sf GFA	12.46	802	4,012	> 4,012	74%
590	Library	1,000 sf GFA	7.30	1,369	6,849	> 6,849	90%
610	Hospital	1,000 sf GFA	1.14	8,771	43,859	> 43,859	77%
620	Nursing Home	1,000 sf GFA	0.74	13,513	67,567	> 67,567	75%
630	Clinic	1,000 sf GFA	5.18	1,930	9,652	> 9,652	92%
640	Animal Hospital/Veterinary Clinic	1,000 sf GFA	4.72	2,118	10,593	> 10,593	70%
710	General Office Building < 33,557 sf GFA	1,000 sf GFA	1.49	6,711	33,557	> 33,557	92%
710	General Office Building > or = 33,557 sf GFA	1,000 sf GFA	T = 1.12 (X) + 78.81	N/A	N/A	>	92%
720	Medical/Dental Office Building	1,000 sf GFA	Ln(T)=0.88*Ln(X)+1.59	2,247	13,994	> 13,994	77%
732	United States Post Office	1,000 sf GFA	11.12	N/A	4,496	> 4,496	25%
750	Office Park	1,000 sf GFA	T = 1.22 (X) + 95.83	N/A	N/A	>	92%
760	Research and Development Centers	1,000 sf GFA	Ln(T)=0.82*Ln(X)+1.09	4,387	31,233	> 31,233	92%
770	Business Park	1,000 sf GFA	Ln(T)=0.92*Ln(X)+0.78	5,232	30,095	> 30,095	92%
813	Free-Standing Discount Superstore	1,000 sf GFA	4.61	2,169	10,845	> 10,845	72%
814	Specialty Retail Center	1,000 sf GLA	T = 2.40 (X) + 21.48	N/A	11,883	> 11,883	50%
815	Free-Standing Discount Store	1,000 sf GFA	5.00	2,000	10,000	> 10,000	83%
816	Hardware/Paint Store	1,000 sf GFA	T = 3.31 (X) + 27.59	N/A	6,770	> 6,770	74%
820	Shopping Center	1,000 sf GLA	Ln(T)=0.67*Ln(X)+3.37	N/A	N/A	>	Equation
823	Factory Outlet Center	1,000 sf GFA	Ln(T)=0.43*Ln(X)+3.68	N/A	N/A	>	Equation
843	Automobile Parts Sales	1,000 sf GFA	T = 7.87 (X) - 14.86	3,158	8,241	> 8,241	72%
848	Tire Store	Service Bays	3.54	2	14	> 14	72%
849	Tire Superstore	Service Bays	3.17	3	15	> 15	72%
850	Supermarket	1,000 sf GFA	Ln(T)=0.61*Ln(X)+3.95	N/A	939	> 939	64%
851	Convenience Market (Open 24 Hours)	1,000 sf GFA	52.41	N/A	954	> 954	39%
853	Convenience Market with Gasoline Pumps	Vehicle Fueling Positions	19.07	N/A	2	> 2	34%
857	Discount Club	1,000 sf GFA	4.24	N/A	11,792	> 11,792	83%
862	Home Improvement Superstore	1,000 sf GFA	2.37	N/A	21,097	> 21,097	52%
863	Electronics Superstore	1,000 sf GFA	4.99	N/A	10,020	> 10,020	60%
880	Pharmacy/Drugstore without Drive-Through Window	1,000 sf GFA	8.42	1,187	5,938	> 5,938	47%
881	Pharmacy/Drugstore with Drive-Through Window	1,000 sf GFA	10.35	966	4,830	> 4,830	51%
890	Furniture Store	1,000 sf GFA	0.45	22,222	111,111	> 111,111	47%
896	Video Rental Store	1,000 sf GFA	Ln(T)=0.93*Ln(X)+2.61	718	4,055	> 4,055	70%
911	Walk-In Bank	1,000 sf GFA	12.13	824	4,122	> 4,122	80%
912	Drive-In Bank	Drive-In Windows	27.41	N/A	1	> 1	53%
931	Quality Restaurant	1,000 sf GFA	7.49	1,335	6,675	> 6,675	56%
932	High-Turnover (Sit-Down) Restaurant	1,000 sf GFA	11.15	896	4,484	> 4,484	57%
933	Fast-Food Restaurant without Drive-Through Window	1,000 sf GFA	26.15	382	1,912	> 1,912	57%
934	Fast-Food Restaurant with Drive-Through Window	1,000 sf GFA	33.84	295	1,477	> 1,477	50%
935	Fast-Food Restaurant with Drive-Through & No Indoor Seating	1,000 sf GFA	153.85	N/A	324	> 324	50%
936	Coffee/Donut Shop with Drive-Through Window	1,000 sf GFA	42.93	232	1,164	> 1,164	50%
941	Quick Lubrication Vehicle Shop	Servicing Positions	5.19	1	9	> 9	72%
945	Gasoline/Service Station with Convenience Market	Vehicle Fueling Positions	13.38	N/A	3	> 3	44%
947	Self-Service Car Wash	Wash Stalls	5.54	1	9	> 9	67%
N/A	Auto Repair/Detailing Center (a)	1,000 sf GFA	2.75	3,636	18,181	> 18,181	83%

Sources:

Institute of Transportation Engineers, Trip Generation, Eighth Edition, 2008.
 Institute of Transportation Engineers, Trip Generation, Seventh Edition, 2003.
 Institute of Transportation Engineers, Trip Generation, Sixth Edition, 1997.
 Institute of Transportation Engineers, Trip Generation, Fifth Edition, 1991.
 Institute of Transportation Engineers, Trip Generation Handbook, 1998.
 Tindale, Oliver & Associates, Inc.

Notes:

a Land Use 843 peak hour rate (5.98) divided by daily rate (61.91) produces a peak-to-daily ratio of 0.097. Auto Repair/Detailing Center daily rate (28.40) multiplied by 0.097 produces a 2.75 peak hour average rate.



**St. Johns County Growth Management Department
4040 Lewis Speedway
St. Augustine, FL 32084
(904) 209-0690**

Application For Concurrency Determination

Date _____ Project Name _____

Staff Use Only	
<p>(check)</p> <p>_____ Minor Review (Projects generating 11 - 50 Average Weekday Peak Hour Trips (PHTs))</p> <p>_____ Major Review (Projects generating 50+ Average Weekday Peak Hour Trips (PHTs))*</p> <p align="center">*Requires Pre-application meeting and Land Development Traffic Assessment</p>	
File # _____	Receipt # _____

1. Type of Determination Requested (list which phase(s) applies to each item)
 Final _____ Informational _____
2. Applicant Name, Address, and Phone # _____
3. Agent Name, Address, and Phone # _____
4. Property Owner(s) Name, Address, and Phone # _____
5. Property Location/Street Address _____
6. Present Use of Property _____
7. Parcel #(s) _____ Total Acres _____ Land Use Designation _____
8. Present Zoning _____ Proposed Zoning (if applicable) _____
9. Subdivision Name (if applicable) _____ Resolution Number _____
 PUD/PSD/PRD Name (if applicable) _____ Ordinance Number _____
10. Brief Description of Proposed Development _____

11. Traffic/Trip Generation and Phasing Schedule - Provide the type, amount and trip generation of development by Phase
(Refer to Table 1, attached, the ITE Trip Generation Manual, latest edition, or Planning Department staff for trip generation rates)

Residential

Phase No.	Type of Residential (e.g. SF, MF, Condo)	DU's	Date Phase to Begin	Date Phase to End	Total PHTs Generated

Non-Residential

Phase No.	Type of Commercial (e.g. office, retail)	Sq. Ft.	Date Phase to Begin	Date Phase to End	Total PHTs Generated

12. **Water/Sewer**- Availability of capacity *(check to signify if attached)*:
- If within the service area of [St. Johns County Utilities](#), City of St. Augustine, or Town of Hastings, attach a letter certifying there is available capacity for each development phase covered by this application.
 - If within a private utility service area, attach a letter certifying there is available capacity for each development phase covered by this application.
 - If a private well or septic tank will be used, applicant understands permits will be required by the Environmental Health Unit and/or the St. Johns River Water Management District, as applicable.

13. Name of utility providing service to the development (obtain water and sewer demand from utility provider)
- Water _____ Total water demand (gallons/day) _____
- Sewer _____ Total water demand (gallons/day) _____
14. Drainage - State that the project will comply with all federal, state, regional and local regulations _____
15. Solid Waste - Provide solid waste generation (pounds/day) by phase; for items a and b use this formula: Number of units x 2.75 persons/unit x 5.7 lbs./day); for items c-f 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	_____	_____	_____

16. Mass Transit (residential uses only) - Determine mass transit demand by using the following formula:

Number of units x 2.75 persons per unit x 1.5%

Phase 1 Phase 2 Phase 3

_____ _____ _____

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

Phase 1 Phase 2 Phase 3

a. Neighborhood Park (#DUs x 2.75 x 2 acres/1000 pop.) _____ _____ _____

b. Community Parks (#DU x 2.75 x 3 acres/1000 pop.) _____ _____ _____

c. Regional/Open Space (#DU x 2.75 x 20 acres/1000 pop.) _____ _____ _____

18. Schools (residential uses only)
An application for School Concurrency is submitted directly to the St. Johns County School District. Submittal of an application to the St. Johns County School District is required before this application can be reviewed by the County.

19. Does the property access a roadway within the boundaries of the City of St. Augustine, the City of St. Augustine Beach, or the Town of Hastings

Attach the following to the Application:

- a. Legal Description (attach as Exhibit A)
- b. Location Map. Clearly outline the boundaries of the property included in this application. (attach as Exhibit B)
- c. Owner's authorization if applicable
- d. Proof of Ownership (Deed or other)
- e. General Site Plan showing all access point(s)
- f. Water/Sewer availability letter, if applicable
- g. Land Development Traffic Assessment (LDTA), if Major Project
- h. Include the original application and 2 copies of LDTA
- i. Copy of School Concurrency application or School Concurrency Determination Letter (residential only)

Please list below any applications currently under review or recently approved which may assist in the review of this application:

I/We HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT:

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

Signature

Printed or typed name(s) _____

ADDRESS & TELEPHONE NUMBER OF PERSON TO RECEIVE ALL CORRESPONDENCE REGARDING THIS APPLICATION:

Name _____

Phone _____ Fax _____

E-mail _____

Mailing Address _____

Note: If the application is determined incomplete, the applicant will be notified within 5 days of submission.



Owner's Authorization Form

_____ is hereby authorized TO ACT ON BEHALF OF

_____ the owners(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to St. Johns County, Florida, for an application related to a development Permit or other action pursuant to a: application for:

[Empty rectangular box for application details]

By signing, I affirm that all legal owners(s), as listed on the Recorded Warranty Deed on file with the St. Johns County Clerk of Courts or otherwise stated (_____), have been notified of the _____ (Identify what document)

I further understand incomplete or false information provided on this form may lead to revocation of permits, termination of development activity.

Signature of Owner

Print Name

Signature of Owner

Print Name

Telephone Number

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____, 20____, by _____ as _____ for _____.

Notary Public, State of Florida
Name: _____
My Commission Expires: _____
My Commission Number is: _____

Personally Known ____ OR Produced Identification ____



St. Johns County
 Growth Management Department
 4040 Lewis Speedway
 St. Augustine, FL 32084
 (904) 209-0609

Agreement Application

Date:

This application, together with ALL REQUIRED EXHIBITS and application fee, should be complete and filed with the Growth Management Department. An Initial Determination is required prior to application

Owner
 (or Owner representing group of owners)

Phone Number

Fax Number

Address

e-mail _____

City State Zip Code

Agent

Phone Number

Address

Fax Number

City State Zip Code

e-mail _____

Project Location

Future Land Use Designation

Current Zoning

Proposed Zoning

Property Tax ID No

Statement of Reasons for the Request:

Results of Initial Determination:

Brief Description of Proposed Mitigation:

I HEREBY CERTIFY THAT ALL INFORMATION IS PROVIDED HEREIN IS CORRECT TO THE BEST OF OUR KNOWLEDGE:

Signature of all owners or person authorized to represent this application:

Signed By _____

Printed or typed name(s)

Person to receive all correspondence regarding this application:

Name

Phone Number

Address

Fax Number

City State Zip Code

e-mail _____



**Application for Concurrency Modification
 (as allowed by Section 11.03.08 of LDC)
 St. Johns County Growth Management Department
 4040 Lewis Speedway
 St. Augustine, FL 32084
 (904) 209-0609**

One (1) copy of the following items must be included with a Concurrency Modification Application

- 1. Legal Description (if acreage or project boundaries have changed)**
- 2. Location map**
- 3. Proof of ownership (Deed or other)**
- 4. Owners Authorization, if applicable**
- 5. Updated water & sewer availability letter if applicable**
- 6. Updated School Concurrency letter, if applicable (residential only)**

Note: If the application is determined incomplete, the applicant will be notified within 5 days of submission

Date _____ Concurrency Certificate (file # being modified) _____

Project Name _____

Parcel #s _____

Total Acres _____ Present Zoning _____ Future Land Use _____

Applicant Name _____ Email _____

Address _____ Phone Number _____

City _____ State _____ Zip Code _____

Agent Name _____ Email _____

Address _____ Phone Number _____

City _____ State _____ Zip Code _____

Property Owner(s) Name _____ Email _____

Address _____ Phone Number _____

City _____ State _____ Zip Code _____

Brief Description of Request _____

Please list below any applications currently under review or recently approved which may assist in the review of this application:

I/WE HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT

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

Signature _____

Signed By Print or Type _____

ADDRESS & TELEPHONE NUMBER OF PERSON TO RECEIVE ALL CORRESPONDENCE REGARDING THIS APPLICATION

Name _____ Email _____

Address _____ Phone Number _____

City _____ State _____ Zip Code _____



**St. Johns County
Growth Management Department
4040 Lewis Speedway
St. Augustine, FL 32084
(904) 209-0609**

Modification Application Date:

This application, together with ALL REQUIRED EXHIBITS and application fee, should be complete and filed with the Growth Management Department. An Initial Determination is required prior to application

Owner Phone Number
(or Owner representing group of owners)

Address Fax Number
e-mail _____

City State Zip Code

Agent Phone Number

Address Fax Number

City State Zip Code e-mail _____

Project Location

Property Tax ID No

Statement of Reasons for the Request:

Provide File Number or other reference for Agreement being modified:

Brief Description of Proposed Modification:

I HEREBY CERTIFY THAT ALL INFORMATION IS PROVIDED HEREIN IS CORRECT TO THE BEST OF OUR KNOWLEDGE:
Signature of all owners or person authorized to represent this application:

Signed By _____
Printed or typed name(s)

Person to receive all correspondence regarding this application:
Name Phone Number
Address Fax Number
City State Zip Code e-mail _____



Application for Appeal of a Concurrency Determination

St. Johns County Growth Management Department
4040 Lewis Speedway
St. Augustine, FL 32084
(904) 209-0609

Date Concurrency File Number

Project Name

Appellant's Name Phone

Address Fax

City State Zip Code Email

Decision to be considered as an Appeal. (Attach a copy of the decision being appealed)

Parcel ID Number

Administrative official whose decision is being appealed

The specific error alleged as the grounds for the Appeal

Describe what interest the person filing this Appeal has in the issue(s) being appealed

I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT AND REQUEST AN APPEARANCE BEFORE THE BOARD OF COUNTY COMMISSIONERS ON THE ABOVE MENTIONED APPEAL

Printed Name _____

Signature _____

ADDRESS AND CONTACT INFORMATION OF PERSON TO RECEIVE ALL CORRESPONDENCE REGARDING THIS APPLICATION

Name Phone

Address Fax

City State Zip Code Email

Pursuant to Part 11.06 of the St. Johns County Land Development Code, any decision of the County Administrator, or designee of the County Administrator with regard to concurrency review, may be appealed to the Board of County Commissioners. Appeals must be filed with the Growth Management Department within thirty (30) days from the date the action was taken. An Application must include the completed application form and the filing fee. Any supporting documentation should be included by attachment. The person identified to receive all correspondence related to this request will be notified in writing once the Appeal has been scheduled for public hearing. When filing an appeal of a concurrency decision refer to Part 11.06.00 of the LDC for specific criteria.

When a person decides to appeal a decision made by any St. Johns County Board or Committee, with respect to any matter considered at a public meeting, he may need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Revised March 29, 2012