

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, CONCERNING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS (LDRs); PROVIDING FOR AMENDMENTS TO CHAPTER 952, TRAFFIC; BY AMENDING SECTION 952.07 TRAFFIC IMPACT STUDY; AND BY PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; CODIFICATION; SEVERABILITY; AND EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT THE INDIAN RIVER COUNTY LAND DEVELOPMENT REGULATIONS (LDRs) CHAPTER 952, TRAFFIC, BE AMENDED AS FOLLOWS:

**SECTION #1:**

**Amend LDR Section 952.07(1) through (8), “Traffic Impact Study”; as follows:**

- (1) *Purpose.*
  - (a) The purpose of a traffic impact study is to identify the potential impacts of new development on the Indian River County transportation system and to provide information which 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 segment and intersection analysis and identify 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 section is to define the requirements, procedures and methodology for the submission of a traffic impact study in Indian River 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 section shall waive any requirement contained elsewhere in the Indian River County Code.
- (3) *Definitions.*
  - (a) The definitions used in this section are included in Chapter 901.
- (4) *Applicability.*
  - (a) The requirements, procedures and methodology for a traffic impact study contained in this section shall apply to all conceptual, initial and final development orders and concurrency determination applications in unincorporated Indian River County.
  - (b) Any municipal jurisdiction within Indian River County opting to have development projects located within its municipal boundaries reviewed under the Indian River County Concurrency Management System for Transportation shall be required to follow the requirements, procedures, and methodology for the submission of a traffic impact study contained in this section.

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(5) *Types of traffic impact studies.*

(a) *Small project (0—~~99399~~ daily trips).*

1. For projects generating less than ~~one~~**four** hundred (~~100~~**400**) average daily trips, trips will be assigned by the director of public works or his designee.
2. It will be the responsibility of the applicant or his engineer to determine and demonstrate to the director of public works that the small project will generate less than ~~one~~**four** hundred (~~100~~**400**) average daily trips. A **signed and sealed** letter **from the applicant's engineer** documenting the appropriate trip generation rate(s) will suffice. Individual single-family residential development is excluded from this requirement.

(b) *Large project (~~100~~**400** daily trips or greater).*

1. A traffic impact study shall be required for every project generating ~~one~~**four** hundred (~~100~~**400**) or greater average daily trips.

- (c) For developments of regional impact or Florida Quality Development projects, the analysis required by Indian River County for the purposes of determining concurrency and level of service compliance may be, at the director of public work's option, the same as the transportation methodology agreed on for preparing the application of development approval required by F.S. § 380.06(10). Otherwise, the required transportation analysis will be the same as that identified for a traffic impact study.

(6) *General requirements.*

- ~~(a) Submission of a traffic impact study is required for a determination of application completeness, data sufficiency in the concurrency review process and identification of needed traffic operations improvements.~~

- ~~(b)~~ **Where a traffic study is required for a large project, and prior to conducting the traffic study, the** The applicant's and/or his engineer is required to attend a **traffic study methodology** pre-application conference to discuss the traffic impact study requirements; and **to discuss the traffic impact study report outline format** as it pertains to **this specific development project, prior to conduct of the study. Upon approval by the director of public works or his designee, a traffic study methodology pre-application conference may be conducted by telephone. The methodology pre-application meeting, conducted either in person or via telephone, shall be held within five (5) business days of a request for a methodology pre-application meeting made in writing or via email. Upon approval of the traffic study methodology, the County shall provide a signed and dated approved methodology to the applicants Traffic Engineer for use to submit the project into the TRC process.**

- ~~(e)~~ Each traffic impact study must meet the following submission requirements in order to receive a determination of **traffic impact study submission** ~~application~~ completeness.

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1. Three (3) copies of the completed traffic impact study shall be submitted to the Indian River County ~~Public Works~~ **Community Development** Department ~~and one (1) copy shall be submitted to the community development department as part of the second TRC submittal~~ **post-TRC resubmittal to the Community Development Department. Failure to submit a traffic impact study will result in the resubmittal being placed on hold until a traffic impact study is submitted.**
2. The format of the traffic impact study shall follow the ~~outline~~ **report format** identified in subsection 952.07(7), Format of Traffic Impact Study.
3. The traffic impact study shall include a concurrency determination network form annotated with each impacted segment's average annual daily project traffic and peak hour, peak direction, peak season project traffic volumes.
4. The traffic impact study shall include a concurrency determination network map illustrating each impacted segment's average annual daily project traffic and peak hour, peak direction and peak season project traffic volumes and associated levels of service.
5. The traffic impact study shall be prepared under the responsible supervision and direction of, and be signed and sealed by a Florida-registered professional engineer whose area of practice is transportation engineering.
- 6. The traffic impact study shall be reviewed in the same time frame allotted to the project development plan review process, County Traffic Engineering comments shall be provided to the engineer of record as part of the staff comment response letter provided by the Community Development Department to the applicant.**
  - (d) ~~The director of public works shall have fifteen (15) days from the date of determination of application completeness to evaluate and determine if roadway capacity is available on each impacted segment as presented in the traffic impact study.~~
  - (e) ~~The following procedure shall be followed if the director of public works determines that additional information concerning the traffic impact study is required.~~
    1. ~~If the additional information can be provided by the applicant no later than the seventh day of the fifteen-day review period, the review will be completed within the fifteen-day time limit.~~
    2. ~~If the additional information is not provided by the seventh day of the review period, the traffic impact study must be resubmitted, along with other required information for determination of application completeness and data sufficiency.~~
  - (f) The appeals process for a traffic impact study shall be governed by the procedure set forth in section 910.11, Appeals Process and Vested Rights Determination.
  - (g) Site access for a **proposed in a** traffic impact study shall be consistent with the requirements identified in section 952.12, Access Control. The applicant or his engineer is required to provide a site access plan at **3 days prior to the traffic study**

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**methodology** pre-application conference **conducted in person or via telephone.** The site access plan is subject to review and approval by the director of public works **or his designee.** This review will be made according to currently accepted traffic engineering principles.

- (he) Once a determination of **traffic study submission** ~~application-completeness and data-sufficiency~~ is made, **by the public works director or his designee,** and the traffic impact study has been reviewed and accepted by the director of public works, the approved study shall be valid for as long as the concurrency review process is active for the specific **development** project being reviewed or one (1) year, whichever is longer.

(7) *Format of traffic impact study.*

- (a) In order to simplify staff review, each large project traffic impact study shall follow the ~~outline-format~~ **format** defined below. Further definition and clarification of the items listed on the ~~outline-format~~ **format** may be found in subsequent **code** sections. Figures and maps are to be used to the maximum extent possible.
1. Traffic Impact Study Executive Summary;
  2. Title page;
  3. Letter of transmittal;
  4. Table of contents:
    - a. List of figures;
    - b. List of tables;
  5. Introduction (includes description and location of project, current and proposed zoning both address and map format, size of the project and any other pertinent information such as phasing and project build-out);
  6. Summary of pre-application conference and traffic impact study methodology;
  7. Inventory of existing conditions (includes listing of all segments within the study area, source of traffic count data, and identification of roadway characteristics);
  8. Trip generation methodology (including daily and peak hour volumes);
  9. Percent new trips;
  10. Internal capture (used for mixed use projects only);
  11. Traffic distribution and assignment methodology;
  12. Area of influence shall consist of those roadway segments assigned eight (8) or more project peak season/peak hour/peak direction trips for a two-lane roadway or fifteen (15) or more project peak season/peak hour/peak direction trips for a four-lane (or wider) roadway (known as "significant" links or segments) that lie within an eight (8) mile radius of the project;

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13. Impacted segments traffic volumes;
14. Internal site circulation and access needs;
15. Intersection analysis (required at collector and arterial intersections on significant links, where links are operating at eighty (80) percent or greater of Level-of-Service "D" and an approach link assigned eight (8) or more project peak season/peak hour/peak direction trips for a two-lane roadway or fifteen (15) or more project peak season/peak hour/peak direction trips for a four-lane (or wider) roadway);
16. Segment analysis (optional traffic study of impacted segments which will operate below FDOT adopted capacity)
17. Roadway needs (identification of proposed improvements and cost);
18. Appendix (as applicable to the specific traffic impact study):
  - a. Methodology agreements;
  - b. Traffic count worksheets;
  - c. Trip generation, internal and adjacent street capture worksheets;
  - d. Trip distribution and assignment worksheets;
  - e. Computerized travel time study printouts;
  - f. Intersection capacity analysis using the latest highway capacity analysis "Highway Capacity Manual" and worksheets accepted by the public works director or his designee;
  - g. Link analysis/computerized modeling (if performed);
  - h. Other analysis worksheets.

(8) **Traffic Study Methodology** *Pre-application conference.*

- (a) The purpose of the mandatory **traffic study methodology** pre-application conference is to provide guidance and direction to the applicant or his engineer concerning the ~~conduct of traffic impact statements and analysis~~ **approved methodology for conducting the traffic study. The applicant's traffic engineer shall provide a preliminary traffic study methodology 3-days prior to the pre-application conference conducted in person or by telephone. Upon approval of the traffic study methodology by the Public Works Director, the County shall provide a signed and dated approved methodology to the applicant's traffic engineer for use to submit the project into the TRC process.**
- (b) At a minimum, the following topics shall be discussed and ~~approval from~~ **approved by** the director of public works **or his designee,** obtained at the **traffic study methodology** pre-application conference:
  1. ~~The applicant or its engineer will provide a s~~Site access and internal circulation plan;
  2. ~~Review of the f~~Format of **at**the traffic impact study;

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3. ~~The e~~Concurrence determination network form will be provided to the applicant or his engineer;
  4. Procedure to track the project's traffic will be defined;
  5. Availability and use of county data as identified in subsection 952.07(11) county data;
  6. Procedures for traffic counts, the location of current traffic count stations, and the identification of possible additional locations;
  7. Source of trip generation for project traffic;
  8. Selection of origin destination survey sites for determination of percent new trips factor;
  9. Traffic distribution and assignment technique and approach;
  10. Justification of internal capture factor if different than those presented in subsection 952.07(17)(b);
  11. Methodology and approach for intersection analysis;
  12. Methodology and approach for segment analysis.
- (c) Failure by the applicant or his engineer to discuss and obtain resolution to the above topics may result in disapproval of the traffic impact study or request for additional information.

## **SECTION #2: SEVERABILITY**

If any clause, section or provision of this Ordinance shall be declared by a court of competent jurisdiction to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this Ordinance and the remaining portion of this Ordinance shall be in full force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.

## **SECTION #3: REPEAL OF CONFLICTING ORDINANCES**

The provisions of any other Indian River County ordinance that are inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

## **SECTION #4: INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Indian River County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

## **SECTION #5: EFFECTIVE DATE**

This Ordinance shall take effect upon filing with the Department of State.

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ORDINANCE 2018-\_\_\_\_

This ordinance was advertised in the Press-Journal on the \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2018, for a public hearing to be held on the \_\_rd day of \_\_\_\_\_, 2018, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

Chairman Peter D. O’Bryan \_\_\_\_\_

Vice Chairman Bob Solari \_\_\_\_\_

Commissioner Susan Adams \_\_\_\_\_

Commissioner Joseph E. Flescher \_\_\_\_\_

Commissioner Tim Zorc \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY

The Chairman there upon declared the ordinance duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

BY: \_\_\_\_\_  
Peter D. O’Bryan, Chairman

ATTEST: Jeffrey R. Smith, Clerk of Court and Comptroller

BY: \_\_\_\_\_  
Deputy Clerk

This ordinance was filed with the Department of State on the following date: \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

\_\_\_\_\_  
Dylan Reingold, County Attorney

APPROVED AS TO PLANNING MATTERS

\_\_\_\_\_  
Stan Boling, AICP; Community Development Director

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