

1 Introduced by the Council President at the Request of the Mayor and  
2 amended by the Finance Committee:  
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4

5 **ORDINANCE 2022-909-E**

6 AN ORDINANCE AMENDING CHAPTER 655 (CONCURRENCY  
7 AND MOBILITY MANAGEMENT SYSTEM), PART 1 (GENERAL  
8 PROVISIONS), SECTION 655.102 (PURPOSE AND  
9 DECLARATION OF PUBLIC POLICY), SECTION 655.103  
10 (LEGISLATIVE FINDINGS AND INTENT), SECTION  
11 655.105 (DEFINITIONS), SECTION 655.106  
12 (CONCURRENCY AND MOBILITY MANAGEMENT SYSTEM  
13 OFFICE (CMMSO)), SECTION 655.107 (LEVELS OF  
14 SERVICE AND PERFORMANCE STANDARDS), SECTION  
15 655.108 (DE MINIMIS DEVELOPMENT), SECTION  
16 655.109 (EXEMPTIONS; VESTED RIGHTS; PERMITS OR  
17 APPROVALS CONFERRING VESTED RIGHTS; COMMON LAW  
18 VESTED RIGHTS), SECTION 655.110 (PROCEDURES FOR  
19 OBTAINING VESTED PROPERTY AFFIRMATION  
20 CERTIFICATE (VPAC); DEVIATIONS; ANNUAL REPORT;  
21 TRANSFERABILITY; REVOCATION), SECTION 655.111  
22 (CONCURRENCY RESERVATION CERTIFICATE  
23 APPLICATION PROCESS AND REVIEW PROCEDURES),  
24 SECTION 655.112 (MINIMUM REQUIREMENTS FOR CCAS  
25 OR CRC APPROVAL), SECTION 655.114 (APPEALS),  
26 SECTION 655.116 (SCHEDULE OF FEES), AND SECTION  
27 655.122 (CONCURRENCY AND MOBILITY MANAGEMENT  
28 SYSTEM HANDBOOK), *ORDINANCE CODE*, TO UPDATE THE  
29 NOMENCLATURE GENERATED FROM AMENDMENTS TO PART  
30 5, CHAPTER 655, AND ADDING DEFINITIONS; AMENDING  
31 CHAPTER 655 (CONCURRENCY AND MOBILITY MANAGEMENT

1 SYSTEM), PART 2 (JACKSONVILLE DEVELOPMENT  
2 AGREEMENT REGULATIONS), SECTION 655.201  
3 (PURPOSE AND DECLARATION OF PUBLIC POLICY),  
4 SECTION 655.204 (DEFINITIONS), SECTION 655.205  
5 (GENERAL REQUIREMENTS), SECTION 655.208  
6 (SCHEDULE OF FEES), AND SECTION 655.215  
7 (EXISTING CRC AND CCAS NOT SUBJECT TO A  
8 DEVELOPMENT AGREEMENT), *ORDINANCE CODE*, TO  
9 UPDATE THE NOMENCLATURE GENERATED FROM  
10 AMENDMENTS TO PART 5, CHAPTER 655; AMENDING  
11 CHAPTER 655 (CONCURRENCY AND MOBILITY MANAGEMENT  
12 SYSTEM), PART 3 (FAIR SHARE ASSESSMENT  
13 PROCEDURES), SECTION 655.301 (EXISTING VALID  
14 FAIR SHARE CONTRACTS), AND SECTION 655.309  
15 (EXISTING CRC AND CCAS NOT SUBJECT TO A FAIR  
16 SHARE CONTRACT), *ORDINANCE CODE*, TO UPDATE THE  
17 NOMENCLATURE GENERATED FROM AMENDMENTS TO PART  
18 5, CHAPTER 655; REPEALING AND RESERVING SECTION  
19 655.302 (EXTENSION OF FAIR SHARE ASSESSMENT  
20 CONTRACTS), PART 3 (FAIR SHARE ASSESSMENT  
21 PROCEDURES), CHAPTER 655 (CONCURRENCY AND  
22 MOBILITY MANAGEMENT SYSTEM), *ORDINANCE CODE*, IN  
23 ITS ENTIRETY; AMENDING CHAPTER 655 (CONCURRENCY  
24 AND MOBILITY MANAGEMENT SYSTEM), PART 4 (PUBLIC  
25 SCHOOL CONCURRENCY), SECTION 655.401 (PURPOSE  
26 AND DECLARATION OF PUBLIC POLICY), SECTION  
27 655.404 (APPLICABILITY AND EXEMPTIONS), AND  
28 SECTION 655.406 (CONCURRENCY SERVICE AREAS  
29 DEFINED), *ORDINANCE CODE*, TO UPDATE THE  
30 NOMENCLATURE GENERATED FROM AMENDMENTS TO PART  
31 5, CHAPTER 655 AND REPLACE THE THREE POOR

1 QUALITY MAPS DEPICTING THE CONCURRENCY SERVICE  
2 AREAS WITH BETTER QUALITY COLOR MAPS; AMENDING  
3 CHAPTER 655 (CONCURRENCY AND MOBILITY MANAGEMENT  
4 SYSTEM), PART 5 (MOBILITY FEE), SECTION 655.501  
5 (PURPOSE AND DECLARATION OF PUBLIC POLICY),  
6 SECTION 655.502 (DEFINITIONS), SECTION 655.503  
7 (MOBILITY FEE REQUIREMENT, CERTIFICATE,  
8 APPLICATION PROCESS AND CALCULATION), SECTION  
9 655.504 (RE-EVALUATION OF MOBILITY FEE FORMULA  
10 FACTORS), SECTION 655.505 (DEPOSIT OF MOBILITY  
11 FEES; MOBILITY ZONES AND APPROPRIATION OF  
12 MOBILITY FEES), SECTION 655.506 (DURATION OF  
13 MOBILITY FEE CALCULATION CERTIFICATE), SECTION  
14 655.509 (MOBILITY PLAN WORKING GROUP), AND  
15 SECTION 655.510 (PRIVATE PRIMARY AND SECONDARY  
16 EDUCATIONAL SCHOOLS EXEMPTION), *ORDINANCE CODE*,  
17 TO CODIFY THE CHANGES SUGGESTED BY THE MOBILITY  
18 PLAN WORKING GROUP, BASED ON DATA AND ANALYSIS  
19 FROM RESOURCE SYSTEMS GROUP WHICH INCLUDED  
20 ADDITIONAL DEFINITIONS, REPRIORITIZATION OF THE  
21 MOBILITY PROJECTS, RECALCULATION OF THE MOBILITY  
22 FEE, CLARIFICATION OF TRIP REDUCTION  
23 ADJUSTMENTS. THE FINAL REPORT FROM THE WORKING  
24 GROUP IS DATED 12/21/2020; REPEALING SECTION  
25 655.507 (TRANSPORTATION IMPROVEMENT PROJECTS  
26 CONSTRUCTED BY A LANDOWNER OR DEVELOPER) AND  
27 SECTION 655.508 (MOBILITY FEE CONTRACT), PART 5,  
28 (MOBILITY FEE), CHAPTER 655 (CONCURRENCY AND  
29 MOBILITY MANAGEMENT SYSTEM), *ORDINANCE CODE*, IN  
30 THEIR ENTIRETY; CREATING A NEW SECTION 655.507  
31 (MOBILITY FEE CREDIT), AND A NEW SECTION 655.508

1 (MEMORIALIZATION OF MOBILITY FEE, CREDIT, AND  
2 TRIP REDUCTION) PART 5, (MOBILITY FEE), CHAPTER  
3 655 (CONCURRENCY AND MOBILITY MANAGEMENT  
4 SYSTEM), *ORDINANCE CODE* TO CODIFY THE CHANGES  
5 SUGGESTED BY THE MOBILITY PLAN WORKING GROUP,  
6 BASED ON DATA AND ANALYSIS FROM RESOURCE SYSTEMS  
7 GROUP WHICH INCLUDED RESTRUCTURING THE GOALS OF  
8 THE MOBILITY SYSTEM TO MAKE SAFETY THE PRIMARY  
9 GOAL, ADDITIONAL DEFINITIONS, REVISION OF  
10 MOBILITY PROJECTS TO CONCENTRATE ON SAFETY AND  
11 BALANCING ALL MODES OF TRAVEL, RECALCULATION OF  
12 THE MOBILITY FEE, CLARIFICATION OF TRIP  
13 REDUCTION ADJUSTMENTS, RECALCULATION OF  
14 MOBILITY FEE CREDIT, AND REDUCING THE NEED FOR  
15 MOBILITY FEE CONTRACTS; REPEALING AND RESERVING  
16 SECTION 655.511 (CREDIT FOR TRIP REDUCTION  
17 ADJUSTMENTS), PART 5 (MOBILITY FEE), CHAPTER 655  
18 (CONCURRENCY AND MOBILITY MANAGEMENT SYSTEM),  
19 *ORDINANCE CODE*, IN ITS ENTIRETY; AMENDING  
20 CHAPTER 111 (SPECIAL REVENUE AND TRUST  
21 ACCOUNTS), PART 5 (PUBLIC WORKS, UTILITIES, AND  
22 INFRASTRUCTURE), SECTION 111.520 (CONCURRENCY  
23 MANAGEMENT SYSTEM FUND), AND SECTION 111.546  
24 (MOBILITY FEE ZONE SPECIAL REVENUE FUND),  
25 *ORDINANCE CODE*, TO REVISE THE APPORTIONMENTS  
26 BETWEEN MOTORIZED AND NON-MOTORIZED MODES OF  
27 TRANSPORTATION; PROVIDING FOR CODIFICATION  
28 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

29  
30 **BE IT ORDAINED** by the Council of the City of Jacksonville:

31 **Section 1. Amending Part 1 (General Provisions), Chapter**

1 **655 (Concurrency and Mobility Management System), Ordinance Code.**  
 2 Section 655.102 (Purpose and declaration of public policy), Section  
 3 655.103 (Legislative findings and intent), Section 655.105  
 4 (Definitions), Section 655.106 (Concurrency and Mobility Management  
 5 System Office (CMMSO), Section 655.107 (Levels of service and  
 6 performance standards), Section 655.108 (De minimis development),  
 7 Section 655.109 (Exemptions; vested rights; permits or approvals  
 8 conferring vested rights; common law vested rights), Section 655.111  
 9 (Concurrency Reservation Certificate application process and review  
 10 procedures), Section 655.112 (Minimum requirements for CCAS or CRC  
 11 approval), Section 655.114 (Appeals), Section 655.116 (Schedule of  
 12 Fees), and Section 655.122 (Concurrency and Mobility Management  
 13 System Handbook), Part 1 (General Provisions), Chapter 655  
 14 (Concurrency and Mobility Management System), *Ordinance Code*, is  
 15 hereby amended to read as follows:

16 **CHAPTER 655 - CONCURRENCY AND MOBILITY MANAGEMENT SYSTEM**

17 \* \* \*

18 **PART 1. - GENERAL PROVISIONS**

19 \* \* \*

20 **Sec. 655.102. - Purpose and declaration of public policy.**

21 The purpose of this Chapter is to ensure the availability of  
 22 public facilities, except ~~traffic circulation and mass transit~~  
 23 Motorized and Non-motorized public transportation facilities, and the  
 24 adequacy of those facilities at adopted levels of service concurrent  
 25 with the impacts of development; and to provide ~~traffic circulation~~  
 26 ~~and mass transit~~ Motorized and Non-motorized public transportation  
 27 facilities ~~public facilities~~ at the adopted performance ~~standards~~  
 28 measures and consistent with the ~~2030 Mobility Plan~~ Mobility System  
 29 as established in the Comprehensive Plan . This purpose is implemented  
 30 by means of a Concurrency and Mobility Management System (CMMS) which  
 31 measures the potential impact of a proposed development on the adopted

1 minimum levels of service for all public facilities, ~~except traffic~~  
 2 ~~circulation and mass transit~~ Motorized and Non-motorized public  
 3 transportation facilities, and manages the collection of  
 4 Mobility ~~mobility~~ fees pertaining to ~~traffic circulation and mass~~  
 5 ~~transit~~ Motorized and Non-motorized public transportation facilities  
 6 ~~public facilities~~ consistent with the ~~2030~~ Mobility Plan System, as  
 7 established in the ~~2030~~ Comprehensive Plan, when an application for  
 8 a final development order or final development permit is submitted.  
 9 The CMMS shall ensure that the adopted level of service standards and  
 10 performance ~~standards~~ measures shall not be degraded by the issuance  
 11 of a final development order or final development permit.

12 \* \* \*

13 The Council further declares that in order to adequately and  
 14 efficiently address the City's mobility needs the City has replaced  
 15 transportation concurrency with the ~~2030~~ Mobility Plan System and  
 16 hereby implements the adopted performance ~~standards~~ measures for  
 17 ~~traffic circulation and mass transit public facilities and~~ Motorized  
 18 and Non-motorized public transportation facilities of the ~~2030~~  
 19 Mobility Plan System through the regulations set forth in this  
 20 Chapter.

21 \* \* \*

22 **Sec. 655.103. - Legislative findings and intent.**

23 \* \* \*

24 (b) It is the intent of the Council to implement the goals,  
 25 objectives, and policies adopted in the ~~2030~~ Comprehensive  
 26 Plan.

27 (c) It is the intent of the Council that necessary public  
 28 facilities and services, except ~~traffic circulation and mass~~  
 29 ~~transit~~ Motorized and Non-motorized public transportation  
 30 facilities, be available concurrent with the impacts of  
 31 development and that ~~traffic circulation and mass transit~~

1 ~~public facilities~~ Motorized and Non-motorized public  
2 transportation facilities are provided at the adopted  
3 performance ~~standards~~ measures and in a manner consistent  
4 with the ~~2030-Mobility Plan~~System.

5 (d) It is the intent of the Council that final development orders  
6 and permits are issued in a manner that does not result in a  
7 reduction of any levels of service below the adopted level of  
8 service standards or reduction below any adopted performance  
9 ~~standards~~ measures in the ~~2030~~ Comprehensive Plan.

10 (e) It is the intent of the Council to adhere to and implement  
11 the Schedule of Capital Improvements in the ~~2030~~  
12 Comprehensive Plan and other capital improvements as  
13 necessary to maintain the adopted level of service standards  
14 and performance ~~standards~~ measures in the ~~2030~~ Comprehensive  
15 Plan.

16 \* \* \*

17 (g) Not all development or development activity impacts are  
18 significant enough to cause the deterioration of the levels  
19 of service or performance ~~standards~~ measures adopted in the  
20 ~~2030~~ Comprehensive Plan. It is therefore found that certain  
21 developments are either deemed a ~~de minimis~~ de minimis impact  
22 or are exempt as not causing an unacceptable degradation of  
23 levels of service or performance standard and is consistent  
24 with the goals, objectives and policies of the ~~2030~~  
25 Comprehensive Plan.

26 \* \* \*

27 **Sec. 655.105. - Definitions.**

28 For the purposes of this Chapter, the following terms, phrases,  
29 words, and their derivations, shall have the meaning contained below,  
30 or as referenced within specific Sections.

31 ~~(a)~~ Capacity means a maximum and quantifiable ability for a public

1 facility, except ~~traffic circulation and mass transit~~  
2 Motorized and Non-motorized public transportation facilities,  
3 to provide service to its users, calculated relative to a  
4 level of service infrastructure standard. It includes the  
5 following:

6 \* \* \*

7 ~~(b)~~ *Capital improvement* means a permanent addition, construction  
8 or fixture to real property or structures thereon which has  
9 a useful life of more than five years and an estimated  
10 purchase or construction cost of more than \$25,000.

11 ~~(e)~~ *Capital improvement element* means that element of the 2030  
12 Comprehensive Plan adopted pursuant to Chapter 650, Ordinance  
13 Code and F.S. Ch. 163, Pt. II, which evaluates the need for  
14 public facilities as identified in the other 2030  
15 Comprehensive Plan elements and as defined in the applicable  
16 definitions for each type of public facility, which estimates  
17 the cost of improvements for which the local government has  
18 fiscal responsibility, which analyzes the fiscal capability  
19 of the local government to finance and construct  
20 improvements, which adopts financial policies to guide the  
21 funding of improvements, and which schedules the funding and  
22 construction of improvements in a manner necessary to ensure  
23 that capital improvements are provided when required based on  
24 needs identified in the other adopted 2030 Comprehensive Plan  
25 elements.

26 ~~(d)~~ *Commenced* means that point in the evolution of a project when  
27 a reasonable amount of funds have been expended for  
28 development, when judged in relation to the intensity or type  
29 of development, by the developer can be demonstrated, or that  
30 point at which actual physical construction of the project  
31 begins in concert with the provision of necessary support



1 infrastructure, when judged in relation to the intensity or  
 2 type of development, whether such infrastructural  
 3 improvements are off-site or on-site.

4 ~~(e)~~ *Comprehensive plan or plan* means the most recent version of  
 5 the City of Jacksonville's 2030 Comprehensive Plan adopted  
 6 pursuant to Chapter 163, Part II, Florida Statutes. Ordinance  
 7 ~~2009-791-E on November 10, 2009 by the City Council, with an~~  
 8 ~~effective date of February 4, 2010, as such plan may be~~  
 9 ~~amended from time to time.~~

10 ~~(f)~~ *Concurrency* means that the necessary public facilities and  
 11 services, other than Motorized and Non-motorized public  
 12 transportation facilities, to maintain the adopted level of  
 13 service standards are available when the impacts of  
 14 development occur.

15 ~~(g)~~ *Concurrency and mobility management system automated data*  
 16 *base* means the data collection, processing and analysis  
 17 performed by the City to determine impacts on the adopted  
 18 level of service standards for potable water, public schools,  
 19 sanitary sewer, solid waste, drainage and recreation and  
 20 performance standards measures for ~~traffic circulation and~~  
 21 ~~mass transit~~ Motorized and Non-motorized public  
 22 transportation facilities.

23 ~~(h)~~ *Concurrency and Mobility Management System (CMMS)* means the  
 24 procedures and/or processes utilized by the City to assure  
 25 that final development orders and final development permits  
 26 are not issued unless the necessary facilities to support the  
 27 development, except ~~traffic circulation and mass transit~~  
 28 Motorized and Non-motorized public transportation facilities,  
 29 are available concurrent with the impacts of the development  
 30 and the ~~traffic circulation and mass transit public~~  
 31 ~~facilities~~ Motorized and Non-motorized public transportation

1 facilities meet the performance ~~standards~~ measures as  
2 provided in a manner consistent with the ~~2030~~ Mobility Plan  
3 System. These procedures and/or processes are specified in  
4 Part 5 of this Chapter and in the Concurrency and Mobility  
5 Management System Handbook for Jacksonville, Florida.

6 ~~(i)~~ *Concurrency Reservation Certificate (CRC)* means the official  
7 document issued by the City through the CMMSO upon finding  
8 that an application for the certificate in reference to a  
9 specific final development order or final development permit  
10 for a particular development will not result in the reduction  
11 of the adopted level of service standards for impacted potable  
12 water, sanitary sewer, recreation, public schools, drainage  
13 and solid waste facilities and services, as set forth in the  
14 ~~2030~~ Comprehensive Plan.

15 ~~(j)~~ *Conditional Capacity Availability Statement (CCAS)* means the  
16 official document issued by the City through the CMMSO which  
17 precedes the review of an application for a CRC and which  
18 constitutes the issuance of reserve capacity or a statement  
19 of those conditions which must be fulfilled prior to the  
20 issuance of reserve capacity as to the public facilities,  
21 except ~~traffic circulation and mass transit~~ Motorized and  
22 Non-motorized public transportation facilities, listed in  
23 Section 655.112, Ordinance Code.

24 CMMS Handbook means the Concurrency and Mobility Management  
25 System Handbook available at the CMMS Office, 214 N. Hogan  
26 St., Second Floor, Jacksonville, FL 32202, and on the CMMSO  
27 webpage on [www.coj.net](http://www.coj.net).

28 CMMSO means the Concurrency and Mobility Management System  
29 Office.

30 ~~(k)~~ *Development* means the carrying out of any building activity  
31 or mining operation, the making of any material change in the

1 use or appearance of a structure or land, or the dividing of  
2 land into three or more parcels according to a plat of record.  
3 The following activities or uses shall be taken to involve  
4 development:

5 \* \* \*

6 Development Area means an area depicted on the Future Land Use  
7 Map ("FLUM") series which controls the density, development  
8 characteristics, and other variables within plan categories.  
9 The City is organized by five tiers of Development Areas  
10 including: the Central Business District (CBD); the Urban  
11 Priority Area (UPA); the Urban Area (UA); the Suburban Area  
12 (SA); and the Rural Area (RA), as shown in the Map Series  
13 Section of the Comprehensive Plan.

14 ~~(l)~~ *Developer* means any person, or his authorized agent, including  
15 a governmental agency, who undertakes the development of land  
16 as described ~~in subsection (k) of~~ above in this Section.

17 ~~(m)~~ *Development order* means any order issued by the City granting,  
18 denying or granting with conditions an application for  
19 approval of a development project or activity. The term  
20 development order encompasses the following:

21 \* \* \*

22 (2) *Preliminary development permit* means an official document  
23 issued by the City which authorizes certain types of  
24 preliminary development which either would not have an  
25 impact on levels of service or performance ~~standards~~  
26 measures or would occur at a stage in the development  
27 process when the proposed project has not been precisely  
28 defined and where the density, intensity and type or use  
29 of the ultimate development is not known. A CRC or payment  
30 of a Mobility~~mobility~~ fee is not required prior to the  
31 issuance of a preliminary development permit, which term

1 shall include, but not be limited to: a site clearing  
2 permit, a demolition permit, a tree removal or relocation  
3 permit, a swimming pool permit, a septic tank permit, a  
4 sign permit, a fence permit, and an awning permit.

5 (3) *Final development permit* means an official document  
6 issued by the City which authorizes the commencement of  
7 construction which would be expected to have an impact on  
8 levels of service or performance ~~standards~~ measures or  
9 would occur at a stage in the development process when  
10 the proposed project has been precisely defined and where  
11 the density, intensity and type or use of the ultimate  
12 development is known. A CRC and the payment of the  
13 Mobility~~mobility~~ fee is required prior to the issuance of  
14 a final development permit, which term shall include, but  
15 not be limited to: a building permit, for any new  
16 building, addition, or accessory building, new mobile  
17 home move on, or trailer, park and camps, and converting  
18 use not found to be ~~de minimis~~ de minimis by the CMMSO;  
19 a building permit for any nonresidential alterations and  
20 repairs, foundation only, or other type of improvement  
21 not found to be ~~de minimis~~ de minimis or exempt.

22 (4) *Preliminary development order* means a preliminary  
23 approval given by the City which does not authorize actual  
24 construction, alterations to land or structures or other  
25 development. A preliminary development order may  
26 authorize a change in the allowable use of land or a  
27 building, and may include conceptual approvals where a  
28 series of approvals are required before authorization to  
29 commence land alteration or construction may be given by  
30 the City. A CRC or the payment of a Mobility~~mobility~~ fee  
31 is not required prior to the issuance of a preliminary

1 development order, which term shall include, but not be  
2 limited to: an order granting an administrative appeal,  
3 an amendment to the ~~Future Land Use Map~~ FLUM series of  
4 the ~~2030~~ Comprehensive Plan, an amendment to the ~~2030~~  
5 Comprehensive Plan which affects land use or development  
6 standards, approval of preliminary sketch plans under  
7 Section 654.107, Ordinance Code, approval of site plans  
8 under Section 656.404, Ordinance Code, an order granting  
9 a zoning variance or exception, a rezoning and a written  
10 determination of consistency with the ~~2030~~ Comprehensive  
11 Plan.

12 (5) *Final development order* means a final approval given by  
13 the City for a development project which has been  
14 precisely defined in terms of the intensity and use of  
15 the project. The final development order authorizes the  
16 project, whereas the preliminary development order or  
17 permit authorizes specific components of the project,  
18 such as, parking lot installation, landscaping, etc. A  
19 CRC is required prior to the issuance of a final  
20 development order, which term shall include, but not be  
21 limited to: approval of final construction plans for  
22 required improvements under Chapter 654, Ordinance Code,  
23 final plat approval under Chapter 654, Ordinance Code,  
24 approval of final construction and/or engineering plans  
25 under Chapter 320, Ordinance Code, and a local development  
26 order approving a Development of Regional Impact or  
27 Florida Quality Development. The payment of a ~~mobility~~  
28 Mobility fee shall be required prior to approval of final  
29 construction and/or engineering plans under Chapter 320,  
30 Ordinance Code or building permits for single family  
31 residential construction or as otherwise provided in Part

1           5.

2       Existing Use means the actual, present use or the most recent  
3           lawful use on the property. Documentation may include Duval  
4           County Property Appraiser Tax Record Cards, building permits,  
5           demolition permits, advertising (e.g. number of hotel rooms),  
6           real estate listings, internet search on business address,  
7           phone listings, Sanborn maps, and other reliable information  
8           sources.

9       ~~(n)~~ *Letter of certificate of completion* means a letter issued by  
10           the Planning and Development Department indicating that a  
11           building, structure, or development has reached a degree of  
12           completion which warrants the appropriate withdrawal of  
13           existing capacity within the CMMS.

14       Lot includes the words *plot* or *parcel*. A lot or plot is a parcel  
15           of land of at least sufficient size to meet the minimum  
16           requirements of the Zoning Code as to use, lot coverage and  
17           area and to provide the yards required by the Zoning Code. A  
18           lot is also defined as a single unit in a subdivision.

19       ~~(o)~~ *Level of Service (LOS)* means an indicator of the extent or  
20           degree of service provided by, or proposed to be provided by,  
21           a facility based on and related to the operational  
22           characteristics of the facility. Level of service shall  
23           indicate the capacity per unit of demand for each public  
24           facility or service, except for Motorized and Nonmotorized  
25           public transportation facilities.

26       ~~(p)~~ *Memorandum of agreement* means an informal agreement entered  
27           into by the developer and the Director of Planning and  
28           Development setting forth the terms which will serve as the  
29           basis of a future formal development agreement entered into  
30           pursuant to Part 2, Chapter 655.

31       Mobility fee means a monetary charge on new development based

1 upon the transportation impacts, both motorized and non-  
 2 motorized, created by the new development. For purposes of  
 3 this fee, "new development" also includes the renovation or  
 4 conversion of an Existing Use, or the expansion of an Existing  
 5 Use if there will be an increase in the amount of traffic  
 6 generated.

7 Mobility System means a process for calculating and collecting a  
 8 fee from landowners or developers for a specified  
 9 development; and for applying this fee to motorized and non-  
 10 motorized transportation projects in order to mitigate the  
 11 effects of increased demand due to growth.

12 Motorized public transportation facility means a roadway/corridor  
 13 or mass transit facility that accommodates cars, trucks or  
 14 other types of motorized vehicles.

15 Non-motorized public transportation facility means a facility  
 16 including but not limited to a sidewalk, multi-purpose path,  
 17 bike path, sharrows, cycle track, or other facility for the  
 18 use of pedestrians or non-motorized bicycles.

19 ~~(q) Reserved.~~

20 ~~(r) Public facilities or services means those facilities and~~  
 21 ~~services specified in the 2030 Comprehensive Plan for which~~  
 22 ~~level of service standards or other performance standards~~  
 23 ~~measures have been adopted: Motorized and Non-motorized~~  
 24 ~~public transportation facilities traffic circulation, potable~~  
 25 ~~water, sanitary sewer, solid waste, drainage, recreation, and~~  
 26 ~~Duval County public schools, excluding charter schools.~~  
 27 ~~public schools and mass transit.~~

28 ~~(s) Lot includes the words plot or parcel . A lot or plot is a~~  
 29 ~~parcel of land of at least sufficient size to meet the minimum~~  
 30 ~~requirements of the Zoning Code as to use, lot coverage and~~  
 31 ~~area and to provide the yards required by the Zoning Code. A~~

1 ~~lot is also defined as a single unit in a subdivision.~~

2 ~~(t)~~ Reserve capacity means that capacity for public facilities,  
3 except for ~~traffic circulation and mass transit~~ Motorized and  
4 Non-motorized public transportation facilities, demanded by  
5 the impacts of CRC or CCAS applications on a "first come-  
6 first served" basis for:

7 \* \* \*

8 (6) In the instance of a CCAS, the reserve capacity for public  
9 facilities, except for ~~traffic circulation and mass~~  
10 ~~transit~~ Motorized and Non-motorized public transportation  
11 facilities, shall apply on a "first come-first served"  
12 basis only as to those public facilities for which there  
13 is free capacity on the date of acceptance of the  
14 application.

15 ~~(u)~~ Reserve priority capacity means those capacities demanded by  
16 Developments of Regional Impact (DRI), Florida Quality  
17 Developments (FQD) or development capacities negotiated in a  
18 development agreement pursuant to Part 2, Chapter 655,  
19 Ordinance Code, and F.S. § 163.3202.

20 ~~(v)~~ Reviewing divisions mean those specific divisions within the  
21 City agencies and departments affected by the provisions of  
22 this CMMS which have the responsibility to develop and utilize  
23 methods and procedures to assess a proposed development's  
24 impact on public facilities, except ~~traffic circulation and~~  
25 ~~mass transit~~ Motorized and Non-motorized public  
26 transportation facilities, and which must approve or deny the  
27 proposed development based on the ability of each public  
28 facility, except ~~traffic circulation and mass transit~~  
29 Motorized and Non-motorized public transportation facilities,  
30 to absorb such impacts without decreasing the established  
31 level of service for that facility.



1 ~~(w)~~ *Substantial deviation* means any proposed change from a final  
2 development order or final development permit for which a  
3 VPAC or CRC is required and which meets the criteria set forth  
4 in Section 655.113(a).

5 ~~(x)~~ *Vested capacity* means the quantifiable impacts on public  
6 facilities by development authorized pursuant to finalized  
7 building permits approved for proposed developments which  
8 have been issued VPACs.

9 ~~(y)~~ *Vested Property Affirmation Certificate (VPAC)* means the  
10 official document issued by the City through the CMMSO which  
11 waives all concurrency and Mobility~~mobility~~ fee requirements  
12 for a final development permit or final development order  
13 issued prior to September 21, 1990 for a development which  
14 has commenced prior to the dates set forth in Section  
15 655.109(a), provided such development does not substantially  
16 deviate, under the criteria set forth in Section 655.113,  
17 from the terms of the original development permit or  
18 development order, and further provided that such development  
19 continues in good faith toward completion.

20 ~~(z)~~ *Vested Property Annual Status Report* means the complete and  
21 detailed report required to be submitted to the Concurrency  
22 and Mobility Management System Office by the holder of a VPAC  
23 on each anniversary of a development's VPAC issuance which  
24 demonstrates and documents the development's progress and  
25 continuance in good faith according to its original  
26 development permit or order.

27 ~~(aa) Existing Use means the actual, present use or the last lawful~~  
28 ~~use on the property.~~

29 **Sec. 655.106. - Concurrency and Mobility Management System Office**  
30 **(CMMSO) .**

31 There is hereby established a Concurrency and Mobility Management

1 System Office for the City of Jacksonville located in the Planning  
2 and Development Department.

3 (a) *Functions and responsibilities.* The CMMSO shall perform the  
4 following functions:

5 (1) It shall provide to the public, upon request, information  
6 on existing capacities and levels of service for potable  
7 water, sanitary sewer, solid waste, drainage, recreation  
8 and public schools and performance ~~standards~~ measures for  
9 ~~traffic circulation and mass transit~~ Motorized and Non-  
10 motorized public transportation facilities. Such  
11 information shall include existing facility and service  
12 capacities, planned and committed facility and service  
13 capacity increases or extensions, and existing and  
14 committed service demands.

15 \* \* \*

16 (5) It shall review the record of CCASs and CRCs kept by the  
17 Concurrency and Mobility Management System Automated Data  
18 Base to determine the impacts, if any, on approved final  
19 development orders and final development permits as a  
20 result of amendments, whether actual or proposed, to level  
21 of service standards, performance ~~standards~~ measures,  
22 capital improvement program funds, budgets, contracts and  
23 development agreements.

24 (6) It shall maintain records of all CCASs and CRCs as input  
25 into the Concurrency and Mobility Management System  
26 Automated Data Base and shall develop and maintain  
27 procedures to monitor cumulative concurrency capacity  
28 reservations for reviewing divisions and to maintain  
29 system security.

30 (7) It shall issue an annual capacity statement on April 25,  
31 1991, and on the same date annually thereafter indicating

1 capacity information for each public facility or service,  
 2 except ~~traffic circulation and mass transit~~ Motorized and  
 3 Non-motorized public transportation facilities. The  
 4 annual statements shall include the following for each  
 5 component of the level of service:

6 \* \* \*

7 (8) It shall manage the collection of Mobility~~mobility~~ fees  
 8 pertaining to ~~traffic circulation and mass transit~~  
 9 Motorized and Non-motorized public transportation  
 10 facilities ~~public facilities~~ consistent with ~~the 2030~~  
 11 ~~Mobility Plan and~~ Part 5 of this Chapter.

12 (b) *Administration.* It shall be the responsibility of the  
 13 Planning and Development Department to enforce the provisions  
 14 of this Chapter. The Director of Planning and Development  
 15 shall have the duty and authority to interpret the provisions  
 16 of the CMMS and to promulgate the rulings, regulations and  
 17 procedures found necessary for the implementation of the  
 18 CMMS. In addition, the Director of Planning and Development  
 19 is specifically delegated the authority to enter into  
 20 memorandums of agreement on behalf of the City in order to  
 21 carry out the provisions of Section 655.111(b) (5) (iv)  
 22 regarding reserve capacity. Where a Memorandum of Agreement  
 23 consistent with the basic template provided in the Handbook  
 24 has been executed by the Director and the developer, and the  
 25 developer has submitted an application for a development  
 26 agreement which has been determined to be sufficient and  
 27 accepted by the CMMSO and has commenced negotiations with the  
 28 City, the CMMSO may extend reserve capacity by one or more  
 29 periods of up to 30 days each, provided the negotiations are  
 30 continuing in good faith. Where it is alleged there is error  
 31 in any decision of the Director of Planning and Development,

1 an appeal may be made pursuant to the provisions of Section  
2 655.114.

3 ~~(c) Aggregation Standard. Two or more developments represented by~~  
4 ~~their owners or developers to be separate developments shall~~  
5 ~~be aggregated and treated as a single development under~~  
6 ~~Chapter 655, Ordinance Code, when they are determined to be~~  
7 ~~part of a unified plan of development and are physically~~  
8 ~~proximate to one another.~~

9 ~~(1) A "unified plan of development" exists if the criteria of~~  
10 ~~two of the following subparagraphs are met:~~

11 ~~(i) The same person has retained or shared control of the~~  
12 ~~developments;~~

13 ~~The same person has ownership or a "significant legal~~  
14 ~~or equitable interest" as defined herein below;~~

15 ~~There is common management of the developments~~  
16 ~~controlling the form of physical development or~~  
17 ~~disposition of parcels of the development.~~

18 ~~(ii) There is a "reasonable closeness in time," as defined~~  
19 ~~herein below, between the completion of 80 percent or~~  
20 ~~less of one development and the submission to a~~  
21 ~~governmental agency of a master plan or series of~~  
22 ~~plans or drawings for the other development which is~~  
23 ~~indicative of a common development effort.~~

24 ~~(iii) A master plan or series of plans or drawings exists~~  
25 ~~covering the developments sought to be aggregated~~  
26 ~~which have been submitted to the City, the St. Johns~~  
27 ~~River Water Management District, the Florida~~  
28 ~~Department of Environmental Protection, or the~~  
29 ~~Division of Florida Land Sales, Condominiums, and~~  
30 ~~Mobile Homes for authorization to commence~~  
31 ~~development. The existence or implementation of a~~

1 utility's master utility plan required by the Public  
2 Service Commission or the City or a master drainage  
3 plan shall not be the sole determinant of the  
4 existence of a master plan.

5 ~~(iv) The voluntary sharing of infrastructure that is~~  
6 ~~indicative of a common development effort or is~~  
7 ~~designated specifically to accommodate the~~  
8 ~~developments sought to be aggregated, except that~~  
9 ~~which was implemented because it was required by the~~  
10 ~~City, the St. Johns River Water Management District,~~  
11 ~~the Florida Department of Environmental Protection,~~  
12 ~~the Division of Florida Land Sales, Condominiums, and~~  
13 ~~Mobile Homes or the Public Service Commission.~~

14 ~~(v) There is a common advertising scheme or promotional~~  
15 ~~plan in effect for the developments sought to be~~  
16 ~~aggregated.~~

17 ~~(2) "Physically proximate" means that any portion of two or~~  
18 ~~more developments is located:~~

19 ~~(i) No more than one-fourth mile apart in areas designated~~  
20 ~~as urbanized areas.~~

21 ~~(ii) No more than one-half mile apart in areas that are~~  
22 ~~not designated as urbanized areas. Notwithstanding~~  
23 ~~anything in this Section to the contrary, two or more~~  
24 ~~developments, will be considered physically proximate~~  
25 ~~when they are separated by property contiguous to the~~  
26 ~~developments that are owned or controlled by the same~~  
27 ~~person or entity who owns or controls a significant~~  
28 ~~legal or equitable interest in those developments~~  
29 ~~sought to be aggregated, so long as the distance~~  
30 ~~between the developments does not exceed two miles.~~

31 ~~(3) "Reasonable closeness in time" means that which occurs~~

1           ~~within five years.~~

2           ~~(4) "Significant legal or equitable interest" means that the~~  
 3           ~~same person has an interest or an option to obtain an~~  
 4           ~~interest of more than 25 percent in each development for~~  
 5           ~~the following types of interests:~~

6           ~~1. A fee simple estate;~~

7           ~~2. A leasehold estate of more than 30 years duration;~~

8           ~~3. A life estate;~~

9           ~~4. Mineral rights in mining developments; or~~

10          ~~5. Similar equitable, beneficial or real property~~  
 11          ~~interests in the development.~~

12   **Sec. 655.107. - Levels of service and performance standards measures.**

13          The adopted level of service standards and performance ~~standards~~  
 14   measures for public facilities and services and Motorized and Non-  
 15   motorized public transportation facilities, as stated in the 2030  
 16   Comprehensive Plan, are hereby adopted and incorporated by reference  
 17   into this Chapter.

18   **Sec. 655.108. - ~~De minimis~~ De minimis development.**

19          Not all development or development activity impacts are  
 20   significant enough to cause deterioration in the levels of service  
 21   or be subject to a Mobility~~mobility~~ fee as adopted in the 2030  
 22   Comprehensive Plan.

23          (a) The following development shall be deemed ~~de minimis~~ de  
 24          minimis and not subject to a Mobility~~mobility~~ fee or CMMS  
 25          review, except as set forth within this section:

26          (1) A change in use of a structure completed as of ~~Ordinance~~  
 27          ~~2011-536-E,~~ September 19, 2011, without addition of  
 28          square footage, from a lawful use within a presently  
 29          applicable zoning district to a similar permitted use  
 30          within the same zoning district shall be exempt from all  
 31          CMMS review.

1 (2) A development that solely consists of a development  
2 activity that has no vehicle trip generation.

3 (3) All public facilities provided by the City of Jacksonville  
4 necessary to ensure the protection of the health and  
5 safety of the citizens of the City of Jacksonville.

6 ~~(4) Any building used principally as a place wherein persons~~  
7 ~~regularly assemble for religious worship, including~~  
8 ~~sanctuaries, chapels and cathedrals and on-site buildings~~  
9 ~~adjacent thereto, such as parsonages, friaries, convents,~~  
10 ~~fellowship halls, Sunday schools and rectories, but not~~  
11 ~~including day care centers, community recreation~~  
12 ~~facilities, and private and/or secondary educational~~  
13 ~~facilities.~~

14 ~~(5) Any permits for outside retail sales of holiday items.~~

15 (b) An applicant for any final development order or final  
16 development permit for such a development shall be required  
17 to file an application for a CRC pursuant to Section 655.111  
18 hereof. The CMMSO shall process the application for a CRC in  
19 an expeditious manner and shall stamp the building permit  
20 with a stamp indicating "~~De Minimis~~ De minimis Approved."  
21 Such a building permit shall be exempt from the payment of  
22 the Mobility~~mobility~~ fee and any further concurrency review.

23 **Sec. 655.109. - Exemptions; vested rights; permits or approvals**  
24 **conferring vested rights; common law vested rights.**

25 The following development or development activity shall be exempt  
26 from CMMS review and the payment of the Mobility~~mobility~~ fee.

27 (a) ~~Requirements for vested rights.~~ Requirements for vested  
28 rights. The provisions of this Chapter shall not affect the  
29 validity of any lawfully issued and effective final  
30 development orders or final development permits which were  
31 issued prior to April 25, 1991, provided that such development

1 activity as is authorized by the order or permit has commenced  
2 prior to April 25, 1991, and is continuing in good faith  
3 towards completion. A proposed development shall be vested  
4 for purposes of this Chapter and therefore exempt from the  
5 CMMS requirements of this Chapter if it has received one of  
6 the following:

7 \* \* \*

8 (b) ~~DRI and FQD approvals~~ DRI and FQD approvals. Nothing  
9 contained in this Chapter shall limit or modify the rights of  
10 any person to complete any development that has been  
11 authorized as or vested as a Development of Regional Impact  
12 (DRI), or a Florida Quality Development (FQD) pursuant to  
13 F.S. Ch. 380, prior to April 25, 1991 ~~the effective date of~~  
14 ~~this Chapter~~, unless the development order authorizing such  
15 development contains provisions wherein the development is  
16 required to meet concurrency requirements or other local  
17 zoning, subdivision or growth management laws adopted  
18 subsequent to the development order; provided, however, that  
19 verification of the issuance of the development order shall  
20 be made by the CMMSO. An owner or developer of property which  
21 is subject to a DRI or FQD shall be required to comply with  
22 the procedures set forth in Section 655.110 in order to obtain  
23 a VPAC, but shall not be required to pay the application fee  
24 which would otherwise be charged for filing an application  
25 for a VPAC.

26 (c) ~~Prior concurrency approvals~~ Prior concurrency approvals.  
27 Concurrency approvals for Conditional Capacity Availability  
28 Statements (CCAS), Concurrency Reservation Certificates  
29 (CRCs), Vested Property Affirmation Certificates (VPACs),  
30 Development Agreements and Redevelopment Agreements that have  
31 not expired shall be recognized and accepted until



1 expiration. Development authorized by a fair share assessment  
 2 contract may be completed in reliance upon and pursuant to  
 3 the fair share assessment contract as set forth in Section  
 4 655.301 of this Chapter.

5 \* \* \*

6 (e) ~~Requirements for common law vested rights~~ Requirements for  
 7 common law vested rights. Nothing in this Chapter shall be  
 8 construed to abrogate validly existing vested rights.  
 9 However, it shall be the duty and responsibility of the person  
 10 alleging vested rights to demonstrate affirmatively the legal  
 11 requisites to establish such vested rights. The City shall  
 12 recognize validly existing vested rights by the issuance of  
 13 a VPAC, even if such rights are inconsistent with the 2030  
 14 Comprehensive Plan or the requirements of this Chapter, upon  
 15 a determination by the CMMSO that the person alleging vested  
 16 rights:

- 17 (1) Has acted in good faith and in reasonable reliance;  
 18 (2) Upon a valid, unexpired act or omission of the government;  
 19 (3) Has made such a substantial change in position or incurred  
 20 extensive obligations and expenses; and  
 21 (4) That it would be highly inequitable or unjust to destroy  
 22 the rights he or she has acquired.

23 The following shall not be considered development  
 24 expenditures or obligations in and of themselves:  
 25 expenditures for legal or other professional services which  
 26 are not related to the design or construction of improvements,  
 27 taxes paid, or expenditures related to the acquisition of  
 28 land. Furthermore, the mere existence of a particular zoning  
 29 classification or a development permit or development order  
 30 issued prior to the effective date of this Chapter shall not  
 31 be determined to vest rights under this subsection ~~(e)~~ (e) of

1 this Section.

2 (f) All public educational and on-site ancillary plants as  
 3 defined in Chapter 1013, Florida Statutes, or charter schools  
 4 governed by F.S. § 1002.33, and private primary and secondary  
 5 educational schools that have been accredited by the Florida  
 6 Department of Education, as well as their on-site ancillary  
 7 plants.

8 \* \* \*

9 (i) Any building used principally as a place wherein persons  
 10 regularly assemble for religious worship, including  
 11 sanctuaries, chapels and cathedrals and on-site buildings  
 12 adjacent thereto, such as parsonages, friaries, convents,  
 13 fellowship halls, Sunday schools and rectories, but not  
 14 including day care centers or community recreation  
 15 facilities.

16 **Sec. 655.110. - Procedures for obtaining Vested Property Affirmation**  
 17 **Certificate (VPAC); deviations; annual report; transferability;**  
 18 **revocation.**

19 \* \* \*

20 (b) *Deviations not permitted.* All development subject to a  
 21 VPAC shall be consistent with the terms of the original  
 22 development order or development permit upon which the  
 23 VPAC is based. Any proposed change from the original  
 24 development order or development permit, except for a  
 25 deviation required by governmental action, if determined  
 26 to be a substantial deviation from such prior development  
 27 order or development permit by the CMMSO pursuant to the  
 28 criteria set forth in Section 655.113, shall cause the  
 29 proposed change to be subject to all of the goals,  
 30 objectives and policies of the ~~2030~~ Comprehensive Plan  
 31 and the requirements of this Chapter.

\* \* \*

1  
2 **Sec. 655.111. - Concurrency Reservation Certificate application**  
3 **process and review procedures.**

4 (a) *Concurrency Reservation Certificate* ("CRC")—when required.

5 The latest point at which concurrency is determined is the  
6 final development order. A Concurrency Reservation  
7 Certificate (CRC) shall be required prior to the issuance of  
8 all final development permits and final development orders,  
9 other than permits for ~~de minimis~~ de minimis development or  
10 exempt development as provided in Section 655.108 and Section  
11 655.109, but not for preliminary development orders or  
12 preliminary development permits. The payment of the ~~mobility~~  
13 Mobility fee per Part 5 of this Chapter, if applicable, shall  
14 be required prior to approval of final construction and/or  
15 engineering plans under Chapter 320, Ordinance Code or  
16 building permits for single family residential construction  
17 (or as otherwise provided in Part 5), unless the proposed  
18 development is ~~de minimis~~ de minimis or exempt as provided in  
19 Section 655.108 and Section 655.109. No final development  
20 order or final development permit shall be issued or granted  
21 by any board, commission, department or agency of the City of  
22 Jacksonville without a CRC unless in accordance with the  
23 provisions of this Chapter. No approval of final construction  
24 and/or engineering plans under Chapter 320, Ordinance Code or  
25 building permits for single family residential construction  
26 shall be issued or granted by any board, commission,  
27 department or agency of the City of Jacksonville without the  
28 payment of the ~~mobility~~ Mobility fee per ~~part~~ Part 5 of this  
29 Chapter unless in accordance with the provisions of this  
30 Chapter.

31 (b) *Conditional Capacity Availability Statement* (CCAS)

1        *application procedures and review process.* An applicant may  
2        make an application for a CCAS. An applicant for a CCAS shall  
3        file a completed application with the CMMSO on the form  
4        provided by that office. The applicant shall provide all the  
5        information requested on the application, to the extent  
6        applicable. The application shall be accepted by the CMMSO  
7        only if the application is completed in full and submitted  
8        with all supplementary information required. Prior to filing  
9        the application, the applicant is encouraged to meet with the  
10       CMMSO staff or the staff of any reviewing division to discuss  
11       the application. Upon the payment of the application fee to  
12       the Tax Collector, copies of the application shall be  
13       transmitted immediately to each reviewing division. The  
14       acceptance of an application for a CCAS shall constitute the  
15       issuance of reserve capacity as to those public facilities,  
16       except for ~~traffic circulation and mass transit~~ Motorized and  
17       Non-motorized public transportation facilities, for which  
18       there is free capacity on the date of acceptance of the  
19       application. Each reviewing division shall review the  
20       application for compliance with level of service standards  
21       according to the methodologies and criteria set forth in the  
22       Concurrency and Mobility Management System Handbook for  
23       Jacksonville, Florida.

24       (1) Reviews shall be performed as follows:

25                (i) JEA: potable water and sanitary sewer;

26                (ii) Solid Waste Division, Public Works Department: solid  
27                        waste;

28                (iii) Development Services Division, Planning and  
29                        Development Department: drainage;

30                (iv) Recreation and Community Programming Division,  
31                        Recreation and Parks Department: recreation.

1 (v) Duval County Public Schools: ~~public schools~~. All  
2 public educational and ancillary plants as defined in  
3 Chapter 1013, Florida Statutes. Charter schools are  
4 not considered for the purpose of determining if there  
5 is public school capacity for a development.

6 \* \* \*

- 7 (3) Each reviewing division shall compare the proposed  
8 development's impact against free capacities, consider  
9 committed improvement capacities, reduce the proposed  
10 development's impact by the impact of the existing use,  
11 if applicable, of the property, determine the available  
12 capacity based upon the level of service standards adopted  
13 in the ~~2030~~ Comprehensive Plan, and, within 30 days after  
14 the date of acceptance of the application, issue to the  
15 CMMSO a written approval, denial, or approval with  
16 conditions for its portion of the application. As to any  
17 public facilities, except for ~~traffic circulation and~~  
18 ~~mass transit~~ Motorized and Non-motorized public  
19 transportation facilities, for which there was not  
20 sufficient free capacity on the date of acceptance of  
21 payment for the application, the appropriate reviewing  
22 division's approval shall include any and all conditions  
23 which must be fulfilled prior to the issuance of the CRC.
- 24 (4) A final written decision shall be issued by the CMMSO  
25 within 45 days from the date the application is accepted  
26 by that office.
- 27 (5) If the application is denied or is approved with  
28 conditions, the written notification shall:
- 29 (i) Identify the decision reached by each reviewing  
30 division and the reason for denial or approval with  
31 conditions by any reviewing division;

- 1 (ii) Outline the procedures required to be followed in  
2 order to appeal the decision;
- 3 (iii) Outline the procedures required to be followed in  
4 order to enter into a development agreement, binding  
5 executed contract or other negotiating process which,  
6 upon agreement by the City, would permit the approval  
7 of the application or amendment or deletion of the  
8 disputed conditions;
- 9 (iv) Notify the applicant that the application shall  
10 continue to constitute the issuance of reserve  
11 capacity as to the applicable public facilities,  
12 except for ~~traffic circulation and mass transit~~  
13 Motorized and Non-motorized public transportation  
14 facilities, for a period of: (i) 30 days after the  
15 date of the final written decision if the applicant  
16 gives written notice to the CMMSO, within ten days of  
17 such decision, of the applicant's intent to negotiate  
18 within such 30-day period modifications to the  
19 application which, upon agreement by the CMMSO, would  
20 permit the approval of the application or amendment  
21 or deletion of the disputed conditions, or (ii) 120  
22 days after the date of the final written decision if  
23 the applicant, within 30 days of such decision, either  
24 executes a memorandum of agreement, a basic template  
25 of which is provided in the Handbook, expressing the  
26 applicant's intent to enter into a development  
27 agreement pursuant to Part 2, Chapter 655, Ordinance  
28 Code, and F.S. § 163.3202, within such 120-day period,  
29 or files an appeal on the form provided by the CMMSO.  
30 If the memorandum of agreement is not executed or the  
31 appeal is not filed within the time frames set forth

1           above, or if the applicant fails to negotiate  
2           modifications to the application or enter into a  
3           development agreement within the time frames set  
4           forth above, the application shall automatically lose  
5           its reserve capacity and shall be treated as any other  
6           new application in the event the applicant wishes to  
7           proceed with the proposed development at a later date.

8                           \* \* \*

9           (c) *Concurrency Reservation Certificate (CRC) application*  
10           *procedures and review process.* An applicant may make an  
11           application for a CRC. In the event the applicant has not  
12           previously obtained a CCAS, the applicant shall follow the  
13           procedures set forth in subsections (c)(1) through (4) of  
14           this Section. In the event the applicant has previously  
15           obtained a CCAS, the applicant shall follow the procedures  
16           set forth in subsections (c)(5) through (10) of this Section.  
17           All CRCs, whether or not preceded by a CCAS, are governed by  
18           the provisions in subsections (c)(10) through (15) of this  
19           Section.

20           (1) In the event the applicant has not previously obtained a  
21           CCAS, the applicant shall file a completed application  
22           for a CRC with the CMMSO on the form provided by that  
23           office. The applicant shall provide all the information  
24           requested on the application, to the extent applicable.  
25           The application shall be accepted by the CMMSO only if  
26           the application is completed in full and submitted with  
27           all supplementary information required. Prior to filing  
28           the application, the applicant is encouraged to meet with  
29           the CMMSO staff or the staff of any reviewing division to  
30           discuss the application. Upon the payment of the  
31           application fee to the Tax Collector, copies of the

1 application shall be transmitted immediately to each  
2 reviewing division. The acceptance of the fee by the Tax  
3 Collector for a CRC shall initiate the issuance of reserve  
4 capacity as to those public facilities, except for ~~traffic~~  
5 ~~circulation and mass transit~~ Motorized and Non-motorized  
6 public transportation facilities, for which there is free  
7 capacity on the date of acceptance of the application.  
8 Each reviewing division shall review the application for  
9 compliance with level of service standards according to  
10 the methodologies and criteria set forth in the  
11 Concurrency and Mobility Management System Handbook for  
12 Jacksonville, Florida. Reviews shall be performed in  
13 accordance with subsections (b)(1) and (2) of this  
14 Section.

- 15 (2) Each reviewing division shall compare the proposed  
16 development's impact against free capacities, consider  
17 allowable improvement capacities, reduce the proposed  
18 development's impact by the impact of the existing use,  
19 if applicable, of the property, determine the available  
20 capacity based upon the level of service standards adopted  
21 in the ~~2030~~ Comprehensive Plan, and, within 30 days after  
22 the date of acceptance of payment for the application,  
23 issue to the CMMSO a written approval or denial for its  
24 portion of the application. In issuing a final written  
25 decision, the CMMSO shall follow the procedures set forth  
26 in subsections (b)(4) and (5) of this Section as  
27 applicable to the approval or denial of an application.

28 \* \* \*

- 29 (4) In the event the applicant has previously obtained a CCAS  
30 and the CCAS has not expired, within ten days after filing  
31 an application for the final development order or



1 development permit for which a CCAS has been issued the  
2 applicant shall notify the CMMSO of such application on  
3 forms provided by the CMMSO which notification, together  
4 with the CCAS, shall constitute a completed application  
5 for CRC. This completed CRC application shall be reviewed  
6 only by the reviewing divisions responsible for reviewing  
7 for those public facilities, except ~~traffic circulation~~  
8 ~~and mass transit~~ Motorized and Non-motorized public  
9 transportation facilities, for which reserve capacity was  
10 not previously issued for compliance with level of service  
11 standards according to the methodologies and criteria set  
12 forth in the Concurrency and Mobility Management System  
13 Handbook for Jacksonville, Florida. Reviews shall be  
14 performed in accordance with subsections (b) (1) and (2)  
15 of this Section.

16 (5) In the event the development proposed in the applicant's  
17 subsequent application for a final development order or  
18 development permit substantially deviates, under the  
19 criteria set forth in Section 655.112, from the  
20 development proposed in the application for CCAS, then  
21 the CMMSO may transmit the application for CRC to other  
22 reviewing divisions for review or require the applicant  
23 to apply for a CRC in accordance with subsections (c) (1)-  
24 (3) of this Section.

25 (6) The JEA, the ~~Streets and Drainage Division~~, Public Works  
26 Department and any other reviewing divisions as required  
27 pursuant to subsection (c) (5) of this Section shall  
28 compare the proposed development's impact as to the  
29 appropriate public facilities, except ~~traffic circulation~~  
30 ~~and mass transit~~ Motorized and Non-motorized public  
31 transportation facilities, against free capacities,

1 consider allowable improvement capacities, determine the  
 2 available capacity based upon the level of service  
 3 standards adopted in the ~~2030~~ Comprehensive Plan, and,  
 4 within 30 days after the date of acceptance of payment  
 5 for the application, issue to the CMMSO a written approval  
 6 or denial for that reviewing division's portion of the  
 7 application.

8 \* \* \*

9 (9) The issuance of a CRC, whether or not preceded by the  
 10 issuance of a CCAS, constitutes the issuance of reserve  
 11 capacity as to all public facilities, except for ~~traffic~~  
 12 ~~circulation and mass transit~~ Motorized and Non-motorized  
 13 public transportation facilities. At such time as a  
 14 development which has been issued a CRC receives a letter  
 15 of certificate of completion, the reserve capacity issued  
 16 to the development through the CRC shall (i) to the extent  
 17 demanded by the completed development, be deemed used  
 18 capacity and (ii) to the extent not demanded by the  
 19 completed development, be deemed available capacity. If  
 20 the CRC expires prior to a letter of certificate of  
 21 completion being issued to the development, then, upon  
 22 expiration of the CRC, the reserve capacity issued through  
 23 the CRC shall be deemed available capacity.

24 \* \* \*

25 **Sec. 655.112. - Minimum requirements for CCAS or CRC approval.**

26 Minimum requirements for a CCAS or CRC approval for each of the  
 27 following public facilities and services are as follows:

28 (a) For potable water, sanitary sewer and solid waste, one of the  
 29 following must be met:

30 \* \* \*

31 (b) For recreation, one of the following must be met:

1 (1) Compliance with ~~subsections (a)~~ paragraphs (1), (2), (3)  
2 or (4) of subsection (a) of this Section;

3 \* \* \*

4 (c) For drainage, one of the following must be met:

5 (1) Compliance with ~~subsections (a)~~ paragraphs (1), (2), (3)  
6 or (4) of subsection (a) of this Section; or

7 \* \* \*

8 **Sec. 655.114. - Appeals.**

9 \* \* \*

10 (c) The applicant, departmental or any other appropriate City  
11 staff, and public and witnesses with relevant testimony shall  
12 appear and may be heard at the hearing. Testimony shall be  
13 limited to matters directly relating to the standards and  
14 measures set forth in this Chapter and in the Concurrency and  
15 Mobility Management System Handbook. To the maximum extent  
16 practicable, the hearing shall be informal. Reasonable cross-  
17 examination of witnesses shall be permitted, but questioning  
18 shall be confined as closely as possible to the scope of  
19 direct testimony.

20 (d) The appellant shall have the burden of proof to establish by  
21 a preponderance of the evidence:

22 (1) That there was an error in the decision or technical  
23 determination made by the Director of Planning and  
24 Development, the CMMSO, or any of the reviewing divisions;

25 (2) That one or more of the requirements of Section 655.112  
26 of this Chapter are satisfied, such that the necessary  
27 public facilities and services shall be available  
28 concurrent with the impacts of the development;

29 (3) That the requirements of Section 655.109(a) or (e) have  
30 been met or

31 (4) That there was an error in the calculation of the ~~mobility~~

Mobility fee.

(e) In the instance of an appeal alleging an error in the calculation of the Mobility~~mobility~~ fee, an appellant may request that the hearing officer receive and consider findings of fact by a licensed professional traffic engineer (P.E.), provided by the appellant at his sole cost and expense, in reviewing the calculation of the Mobility~~mobility~~ fee and application of the standards and measures in the Concurrency and Mobility Management System Handbook. Such a request shall be filed with the notice of appeal. If such a request is filed, then, in conjunction with appointing the hearing officer as provided in subsection (g) of this Section, a traffic engineer ("appointed advisor") shall be appointed by the Office of the General Counsel from among the members of the Technical Advisory Committee appointed pursuant to Section 655.122. The provisions applicable to the hearing officer set forth in subsection (g) of this Section regarding ~~ex parte~~ ex parte communications and compensation also shall apply to the appointed advisor. The appointed advisor shall be privy to all filings of the parties in the appeal, shall attend the hearing, and may question witnesses. Within 15 days after the hearing, the appointed advisor shall distribute to the hearing officer and the parties a report regarding the facts presented by the parties, including factual findings. The hearing officer shall consider the report of the appointed advisor, and, in issuing the decision in the appeal, the hearing officer may overturn the findings of fact of the appointed advisor only upon concluding that the record contains no competent and substantial evidence supporting the findings of fact by the appointed advisor.

\* \* \*

1 (g) In the event of an appeal by an applicant, the Office of  
2 General Counsel shall appoint, after consultation with the  
3 CMMSO and the applicant, a hearing officer to hear the appeal.  
4 The hearing officer shall be a Circuit Court Mediator  
5 certified by the Supreme Court of Florida. Upon the  
6 appointment of a hearing officer in an appeal, the applicant  
7 and CMMSO and reviewing division personnel are prohibited  
8 from communicating ~~ex parte~~ ex parte with the hearing officer  
9 regarding the appeal pending before him. The hearing officer  
10 shall be compensated as determined by the CMMSO, which  
11 compensation shall be paid by the applicant prior to the date  
12 of the hearing as part of the fee for the appeal. Any person  
13 serving as a hearing officer and any firm with which he or  
14 she is associated is prohibited from acting as agent in any  
15 application or proceeding before any agency, board or  
16 commission of the City involving the property which was the  
17 subject of the appeal.

18 \* \* \*

19 **Sec. 655.116. - Schedule of fees.**

20 The fees listed below can be found electronically on the following  
21 City of Jacksonville webpage: [www.coj.net/fees](http://www.coj.net/fees).

22 The following categories of activities shall apply to the schedule  
23 of fees shall apply. The effective date and time of filing the  
24 application shall be upon receipt of the required fee by the Tax  
25 Collector.

26 (a) Application for a CRC not preceded by a CCAS:

27 (1) Formal review:

28 (i) For residential, new building: a fee per dwelling  
29 unit up to 500 units, of which an amount is designated  
30 for public school concurrency testing. An amount per  
31 dwelling unit for any additional units over 500 units,

1 of which an amount is designated for ~~public school~~  
2 Duval County public schools, not including charter  
3 schools, concurrency testing.

4 \* \* \*

5 (e) ~~De minimis~~ De minimis concurrency and Mobility~~mobility~~ fee  
6 review

7 (f) Appeals of CMMSO, Director of Planning and Development or  
8 reviewing division decision, plus hearing officer  
9 compensation to be determined by Office of General Counsel:  
10 a fee for the appeal and a deposit on the hearing officer.

11 (g) Special trip generation or traffic study: per hour or then  
12 current cost of consultant whichever is greater.

13 (h) Concurrency time extensions, ~~including mobility fee~~  
14 ~~calculation certificate extensions.~~

15 (i) Mobility Fee Calculation Certificate~~fee calculation~~  
16 ~~certificate: a certificate fee or a fee for an expedited~~  
17 ~~mobility fee calculation certificate.~~

18 (j) Mobility Fee Contract application.

19 (k) Mobility Fee Letter. ~~Transfer of mobility fee certificate~~  
20 ~~transfer.~~

21 (l) Mobility Fee Credit Letter. ~~All agencies, independent~~  
22 ~~authorities and departments of the City of Jacksonville, as~~  
23 ~~well as all departments and agencies of the state and federal~~  
24 ~~government, are exempt from the requirement to pay~~  
25 ~~Concurrency and Mobility Management System fees.~~

26 (m) Transfer of Mobility fee certificate. ~~The CMMSO shall~~  
27 ~~coordinate the transfer of the identified public school~~  
28 ~~concurrency testing fees collected pursuant to this Section~~  
29 ~~to the DCPS quarterly.~~

30 (n) All agencies, independent authorities and departments of the  
31 City of Jacksonville, as well as all departments and agencies

1 of the state and federal government, are exempt from the  
 2 requirement to pay Concurrency and Mobility Management System  
 3 fees.

4 (o) The CMMSO shall coordinate the transfer of the identified  
 5 public school concurrency testing fees collected pursuant to  
 6 this Section to the DCPS quarterly.

7 \* \* \*

8 **Sec. 655.122. - Concurrency and Mobility Management System Handbook.**

9 (a) Annually, by June 15 of each calendar year ~~(commencing in~~  
 10 ~~2014, within 60 days after the appointment of all of the~~  
 11 ~~required members of the Technical Advisory Committee),~~ the  
 12 CMMSO shall develop an updated Concurrency and Mobility  
 13 Management System Handbook for Jacksonville, Florida  
 14 ("Handbook"), as the official document containing the current  
 15 procedures, methodologies and criteria to be used by the City  
 16 in implementing this Chapter. These procedures, methodologies  
 17 and criteria shall include the assumptions and formula inputs  
 18 used by the ~~CMMSO~~ Division in calculating ~~mobility~~ Mobility  
 19 fees pursuant to Section 655.503(e), such as the recommended  
 20 process and data set forth in the Institute of Transportation  
 21 Engineers (ITE) most recent edition of " *Trip Generation* "  
 22 ~~and the use of the URDEMIS model for possible adjustments to~~  
 23 ~~the calculation based on physical measures.~~ The intent of the  
 24 Handbook is to publish for applicants and the public clear,  
 25 uniform, and objective standards for the calculation of  
 26 ~~mobility~~ Mobility fees. *Trip Generation* shall be used by the  
 27 ~~CMMSO~~ Division in calculating the Development Daily Vehicle  
 28 Trips of the proposal and of the Existing Uses on the  
 29 property, unless there is a special trip generation study  
 30 approved by the Planning and Development Department. *Trip*  
 31 *Generation* shall also be used for pass-by capture, internal

1 capture, and diverted link trips as those concepts are  
2 recommended for use by the ITE.

3 (b) To assist the CMMSO in the development of an updated Handbook  
4 regarding the Mobility System, the President of the City  
5 Council shall appoint a Technical Advisory Committee ("TAC"),  
6 consisting of three licensed professional traffic engineers  
7 (P.E.). The TAC may adopt by-laws for the conduct of its  
8 meetings, which shall be noticed and open to the public and  
9 subject to all applicable Florida Sunshine Laws. Members of  
10 the TAC shall serve for two years through June of the  
11 applicable calendar year. Upon expiration of the terms, the  
12 President shall either re-appoint existing members or appoint  
13 new members. The CMMSO shall work with the TAC in preparing  
14 the updated Handbook. By June 15 of each calendar year, the  
15 CMMSO shall forward to the committee(s) of reference of the  
16 City Council for the subject matters of land use and  
17 transportation, a draft of the updated Handbook, accompanied  
18 by a report from the TAC containing its recommendations  
19 regarding the updated Handbook. Upon review and approval of  
20 the updated Handbook by the committee(s) of reference,  
21 subject to City Council approval, the updated Handbook shall  
22 remain in effect, shall be provided to the public on-line,  
23 and shall be used by the CMMSO until the next update. Updates  
24 to the Handbook regarding concurrency (non-transportation  
25 issues) will be performed by the Department.

26 **Section 2. Amending Part 2 (Jacksonville Development**  
27 **Agreement Regulations), Chapter 655 (Concurrency and Mobility**  
28 **Management System), Ordinance Code.** Section 655.201 (Purpose and  
29 declaration of public policy), Section 655.204 (Definitions), Section  
30 655.205 (General requirements), Section 655.208 (Schedule of fees),  
31 and Section 655.215 (Existing CRC and CCAS not subject to a



1 development agreement), Part 2 (Jacksonville Development Agreement  
 2 Regulations), Chapter 655 (Concurrency and Mobility Management  
 3 System), *Ordinance Code*, is hereby amended to read as follows:

4 **CHAPTER 655 - CONCURRENCY AND MOBILITY MANAGEMENT SYSTEM**

5 \* \* \*

6 **PART 2. - JACKSONVILLE DEVELOPMENT AGREEMENT REGULATIONS**

7 **Sec. 655.201. - Purpose and declaration of public policy.**

8 The purpose of Part 2 is to establish procedures by which  
 9 development agreements may be considered, reviewed, approved, amended  
 10 and cancelled by the City of Jacksonville, in a manner consistent  
 11 with F.S. §§ 163.3220–163.3243, and in a manner which promotes a  
 12 strong commitment to comprehensive facilities planning, ensures  
 13 adequate environmental protection and the provision of adequate  
 14 public facilities, except for ~~traffic circulation and mass transit~~  
 15 Motorized and Non-motorized public transportation facilities,  
 16 facilitates and promotes certainty in the development approval  
 17 process, and reduces the economic costs of development by providing  
 18 greater regulatory certainty.

19 The Council declares as a matter of public policy that the  
 20 implementation of F.S. §§ 163.3220–163.3243 is a public necessity and  
 21 is important in the protection and enhancement of the quality of life  
 22 in the City of Jacksonville and State of Florida.

23 \* \* \*

24 **Sec. 655.204. - Definitions.**

25 For the purposes of this Part, the following terms, phrases,  
 26 words, and their derivations, shall have the meaning contained below,  
 27 or as referenced within specific Sections.

28 ~~(a)~~ *Aggrieved or adversely affected person* means any person or  
 29 local government which will suffer an adverse effect to an  
 30 interest protected by the Comprehensive Plan. The alleged  
 31 adverse effect may be shared in common with other members of

1 the community at large, but shall exceed in degree the general  
2 interest in common good shared by all persons.

3 ~~(b)~~ *Applicant* means any person or his duly authorized agent who  
4 submits a proposed development agreement for the purpose of  
5 obtaining approval thereof.

6 ~~(e)~~ *Department* means the Planning and Development Department.

7 ~~(d)~~ *Development agreement* means an agreement entered into between  
8 the City of Jacksonville and any person(s) associated with a  
9 development agreement pursuant to the terms of Part 2, Chapter  
10 655, Ordinance Code. A development agreement provides the  
11 opportunity to engage in public/private, ~~open-ended~~ flexible  
12 bargaining on many aspects of land use controls, and is  
13 particularly well-suited to a development that requires a  
14 negotiated, tailored resolution to a problem or need that  
15 requires long-term commitments from the City, the  
16 developer(s) and/or land owner(s). Whenever a development  
17 agreement is utilized to meet the requirements of Chapter  
18 655, Part 1, it shall result in the maintenance of and/or a  
19 return to the required level of service standard for any  
20 public facility, except for ~~traffic circulation and mass~~  
21 ~~transit~~ Motorized and Non-motorized public transportation  
22 facilities, as defined in Section ~~655.105(r)~~ 655.105,  
23 Ordinance Code, that has been or will be compromised by the  
24 potential impacts of the proposed development which is the  
25 subject of the development agreement.

26 ~~(e)~~ *Director* means the Director of Planning and Development.

27 ~~(f)~~ *Land* means the earth, water, and air, above, below, or on the  
28 surface, and includes any improvements or structures  
29 customarily regarded as land.

30 ~~(g)~~ *Land development regulations* means ordinances enacted by the  
31 City of Jacksonville for the regulation of any aspect of

development and includes any concurrency action, rezoning, subdivision, environmental, building construction, application or payment of a ~~Mobility~~mobility fee, or sign regulations controlling the development of land.

~~(h)~~ Party means the City of Jacksonville or a developer or other person who has entered into a development agreement with the City of Jacksonville.

~~(i)~~ State land planning agency means the Florida Department of ~~Community Affairs~~ Economic Opportunity or successor agency.

**Sec. 655.205. - General requirements.**

(a) *Minimum requirements of a development agreement.* A development agreement shall include, but not be limited, to the following:

\* \* \*

(5) A description of the public facilities and services, except for ~~traffic circulation and mass transit~~ Motorized and Non-motorized public transportation facilities, that will service proposed development, including who shall provide such facilities and services; development progress thresholds measured in enclosed and/or unenclosed square feet or number dwelling units; the date or schedule any new facilities, if needed, will be constructed; a schedule to assure public facilities and services, except for ~~traffic circulation and mass transit~~ Motorized and Non-motorized public transportation facilities, are available concurrent with the impacts of the development; and if necessary, any third party or other agreement assuring the provision of such public facilities and services;

\* \* \*

(c) *Duration of a development agreement.* The duration of a

1 development agreement shall generally be for the actual  
2 duration of the proposed development, or length of time  
3 mutually agreed upon in the case of reserve priority capacity  
4 not associated with development but in any case shall not  
5 exceed ~~twenty~~thirty (30) years from its effective date,  
6 unless otherwise provided by law. It may be extended by mutual  
7 consent of the City, the developer, and any third party to  
8 the development agreement, pursuant to the public hearing  
9 requirements contained in Section 655.206(f), Ordinance Code,  
10 herein.

11 \* \* \*

12 (f) The adoption of the ~~2030~~ Mobility ~~Plan~~ System and Part 5 of  
13 this Chapter does not abridge or modify any rights or any  
14 duties or obligations set forth in any validly existing  
15 development agreement or any other contract relating to a  
16 valid development agreement. The development authorized by a  
17 development agreement may be completed in reliance upon and  
18 pursuant to the terms of the development agreement unless the  
19 developer or landowner has requested to cancel the  
20 development agreement or amend the development agreement to  
21 terminate a portion of the rights set forth in the development  
22 agreement as set forth in this Section. Any proposed change  
23 to a development which is governed by a development agreement  
24 and 1) increases the trip generation of the development, or  
25 2) changes the trip distribution of the development shall be  
26 governed by the requirements of Part 5 of this Chapter.

27 (g) *Amendment or cancellation of a development agreement.* A  
28 request to amend or cancel a development agreement may be  
29 initiated by the Department, the owner or developer of real  
30 property for which a development agreement has been approved  
31 or any third party to a development agreement. A development

1 agreement may be cancelled by the City or amended, subject to  
2 the procedural and public hearing requirements contained in  
3 these regulations, and under one or more of the following  
4 conditions:

5 (1) Where there is mutual consent to the amendment or  
6 cancellation by all of the parties or their successors in  
7 interest as provided in Section 163.3237, F.S.;

8 \* \* \*

9 (h) *Requirements for owner or developer cancellation or amendment*  
10 *of an approved development agreement.*

11 (1) At the request of the owner or developer, a proposed  
12 amendment or cancellation of an approved development  
13 agreement may be submitted to the City Council for  
14 consideration. The proposed amendment or cancellation  
15 document shall contain the following items:

16 \* \* \*

17 (2) Each request for a proposed amendment or cancellation of  
18 an approved development agreement shall include the  
19 following items:

20 \* \* \*

21 (ii) A description of the amount of existing development,  
22 as defined under Section ~~655.105(k)~~ 655.105,  
23 Ordinance Code, that has occurred on site, including  
24 the amount of existing vertical development by land  
25 use in gross square feet, dwelling units, or other  
26 applicable units of measure; the amount of  
27 infrastructure completed at the site; etc. A copy of  
28 the approved site development plan, if applicable,  
29 shall be attached to the request as Exhibit A.

30 \* \* \*

31 (j) *Public hearings.* Before the City enters into, amends or

1 cancels a development agreement, there shall be a minimum of  
2 two public hearings, with one public hearing to be held by  
3 the City Council and the other one to be held by either the  
4 City Council or the Planning Commission. ~~the appropriate City~~  
5 ~~Council committee of reference.~~ The public hearings shall be  
6 held 45 days from the date of the filing of the legislation  
7 concerning the development agreement with the Division of  
8 Legislative Services. The owner or developer shall file proof  
9 of publication with the Legislative Services Division prior  
10 to the public hearings.

11 \* \* \*

12 (2) Notice of the public hearing shall also be given, at the  
13 applicant's expense, ~~to all owners of property~~ within at  
14 least 14 days in advance of the first public hearing to  
15 all owners of real property within 350 feet of the  
16 boundary line of the property for which a development  
17 agreement, or its amendment or cancellation, is  
18 requested; provided, however, that where the land for  
19 which a development agreement, or its amendment or  
20 cancellation, is sought, is part of, or adjacent to, land  
21 owned by the same person, the Director may, in his  
22 discretion, require that notice be given to such owners  
23 as the Director may determine to be affected property  
24 owners. For purposes of this provision, owners of adjacent  
25 or nearby properties within the distance set forth herein  
26 shall be deemed to be those whose names appear on the  
27 current tax records in the Office of the Property  
28 Appraiser; provided, however, that where such notice is  
29 determined by the Director to be insufficient to ensure  
30 actual notice to a majority of adjoining owners, he may  
31 require mailed notice to be given to the actual owners,

1 as indicated by a current title search of the public  
2 records. Notwithstanding any other provision herein  
3 contained, the failure of an adjacent or nearby property  
4 owner required by this Section to receive written notice  
5 shall not constitute a jurisdictional defect, provided  
6 that proper legal notice has been published, and shall  
7 not invalidate or otherwise have an effect upon any action  
8 taken by the City Council.

9 \* \* \*

10 **Sec. 655.208. - Schedule of fees.**

11 (1) Fees for the categories of activities listed below can be  
12 found electronically on the following City of Jacksonville  
13 webpage: [www.coj.net/fees](http://www.coj.net/fees). ~~The following schedule of fees~~  
14 ~~shall apply.~~ The effective date and time of filing the  
15 application shall be upon receipt of the required fee by the  
16 Tax Collector. The fees shall not include the cost of  
17 notification, which cost shall be \$7 for each notification  
18 and shall be paid to the City.

19 (a) Application for a development agreement - less than one  
20 acre ~~..... \$750.00~~

21 (b) Application for a development agreement - more than one  
22 acre ~~..... 750.00~~

23 (c) Request for an amendment to a development agreement ~~.....~~  
24 ~~1,000.00~~

25 (d) Request for cancellation of a development agreement ~~.....~~  
26 ~~1,000.00~~

27 (e) Memorandum of Agreement ~~..... 200.00~~

28 \* \* \*

29 **Sec. 655.215. - Existing CRC and CCAS not subject to a development**  
30 **agreement.**

31 Any existing CRC or CCAS that is not the subject of 1) an existing

1 and valid development agreement, or 2) a pending paid application for  
 2 a development agreement as of September 19, 2011 ~~the effective date~~  
 3 ~~of Ordinance 2011-536-E~~, cannot be converted into a development  
 4 agreement in order to reserve traffic circulation and mass transit  
 5 capacity.

6 **Section 3. Amending Part 3 (Fair Share Assessment**  
 7 **Procedures), Chapter 655 (Concurrency and Mobility Management**  
 8 **System), Ordinance Code.** Section 655.301 (Existing valid fair share  
 9 contracts), and Section 655.309 (Existing CRC and CCAS not subject  
 10 to a fair share contract), Part 3 (Fair Share Assessment Procedures),  
 11 Chapter 655 (Concurrency and Mobility Management System), *Ordinance*  
 12 *Code*, is hereby amended to read as follows:

13 **CHAPTER 655 - CONCURRENCY AND MOBILITY MANAGEMENT SYSTEM**

14 \* \* \*

15 **PART 3. - FAIR SHARE ASSESSMENT PROCEDURES**

16 **Sec. 655.301. - Existing valid fair share contracts.**

17 The Council declares as a matter of public policy that the  
 18 implementation of F.S. § 163.3180(11), is a public necessity and is  
 19 important in the protection and enhancement of the quality of life  
 20 in the City of Jacksonville and State of Florida.

21 (a) The adoption of the ~~2030 Mobility Plan~~ Mobility System and  
 22 Part 5 of this Chapter does not abridge or modify any rights  
 23 or any duties or obligations set forth in any validly existing  
 24 fair share assessment contract or any other contract relating  
 25 to a valid fair share contract. The development authorized by  
 26 a fair share assessment contract may be completed in reliance  
 27 upon and pursuant to the terms of the fair share assessment  
 28 contract unless the developer or landowner has requested to  
 29 terminate the fair share assessment contract or a portion of  
 30 the rights set forth in the fair share contract as set forth  
 31 in subsection (b) below. Any proposed change to a development



1 which is governed by a fair share assessment contract and 1)  
 2 increases the trip generation of the development, or 2)  
 3 changes the trip distribution of the development shall be  
 4 governed by the requirements of Part 5 of this Chapter.

5 \* \* \*

6 **Sec. 655.309. - Existing CRC and CCAS not subject to a fair share**  
 7 **contract.**

8 Any existing CRC or CCAS that is not the subject of ~~1) an existing~~  
 9 ~~and valid fair share assessment contract, or 2) a pending paid~~  
 10 ~~application for a fair share contract as of the effective date of~~  
 11 ~~Ordinance 2011-536-E,~~ cannot be converted into a fair share contract  
 12 ~~in order to reserve~~ regarding traffic circulation and mass transit  
 13 capacity.

14 **Section 4. Repealing and Reserving Section 655.302**  
 15 **(Extension of fair share assessment contracts), Part 3 (Fair**  
 16 **Share Assessment Procedures), Chapter 655 (Concurrency and Mobility**  
 17 **Management System), Ordinance Code, in its entirety.** Section 655.302  
 18 (Extension of fair share assessment contracts), Part 3 (Fair Share  
 19 Assessment Procedures), Chapter 655 (Concurrency and Mobility  
 20 Management System), *Ordinance Code*, a copy of which is **On File** with  
 21 the Legislative Services Division, is hereby repealed and reserved  
 22 in its entirety.

23 **Section 5. Amending Part 4 (Public School Concurrency),**  
 24 **Chapter 655 (Concurrency and Mobility Management System), Ordinance**  
 25 **Code.** Section 655.401 (Purpose and declaration of public policy),  
 26 Section 655.404 (Applicability and Exemptions), and Section 655.406  
 27 (Concurrency Service Areas Defined), Part 4 (Public School  
 28 Concurrency), Chapter 655 (Concurrency and Mobility Management  
 29 System), *Ordinance Code*, is hereby amended to read as follows:

30 **CHAPTER 655 - CONCURRENCY AND MOBILITY MANAGEMENT SYSTEM**

31 \* \* \*

**PART 4. - PUBLIC SCHOOL CONCURRENCY**

**Sec. 655.401. - Purpose and declaration of public policy.**

The purpose and intent of this Part 4 is:

- (a) To implement the provisions of the City's 2010 Comprehensive Plan and the adopted Interlocal Agreement for Public School Facility Planning related to the adequacy of public school facilities as new residential growth occurs.

\* \* \*

**Sec. 655.404. - Applicability and Exemptions.**

- (a) This Part 4 applies to residential development not otherwise exempt by subsection (b).

- (b) The following residential uses are exempt from this Part 4:

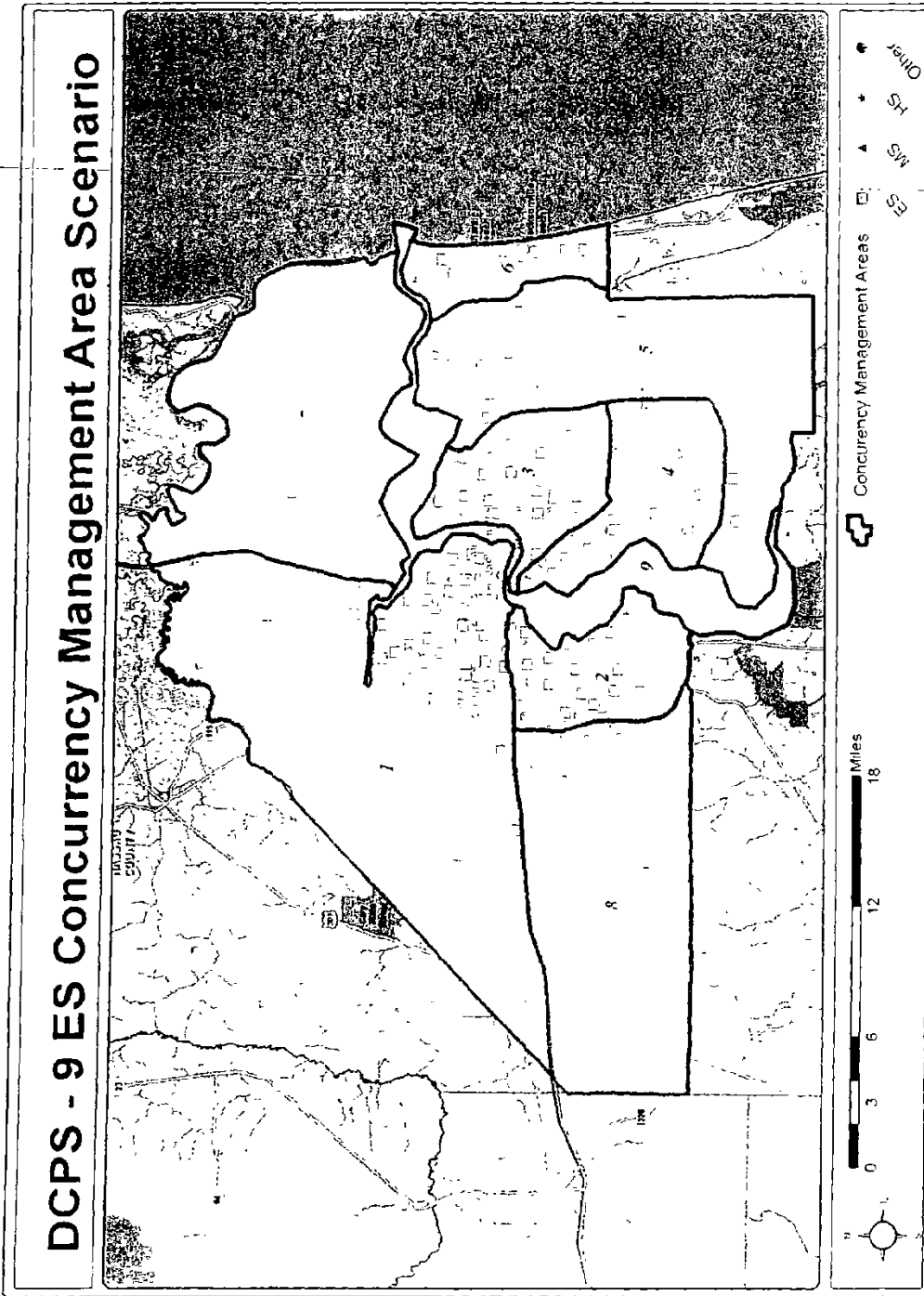
\* \* \*

- (5) Any development with a ~~de minimis~~ de minimis impact defined as any residential development of 20 units or less; provided, however, that the development complies with the aggregation limitations in Section 655.106.

\* \* \*

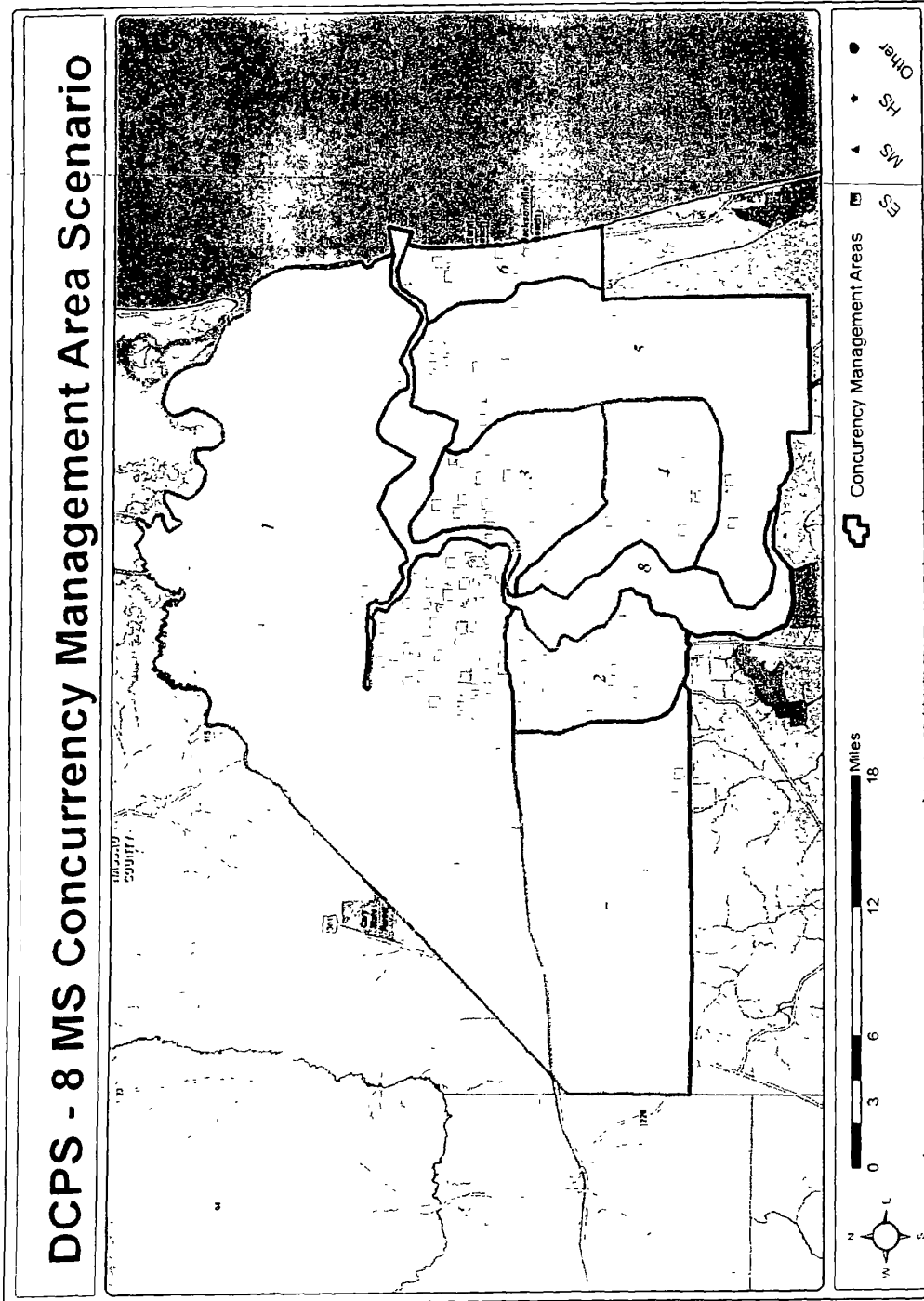
**Sec. 655.406. - Concurrency Service Areas (CSA) Defined.**

- (a) The CSAs shall be less than district wide and shall be divided into Concurrency Service Areas established for Duval County elementary, middle, and high schools, ~~and Concurrency Service Areas for middle schools.~~ The current CSAs are depicted in Figures 1 through 3, below.



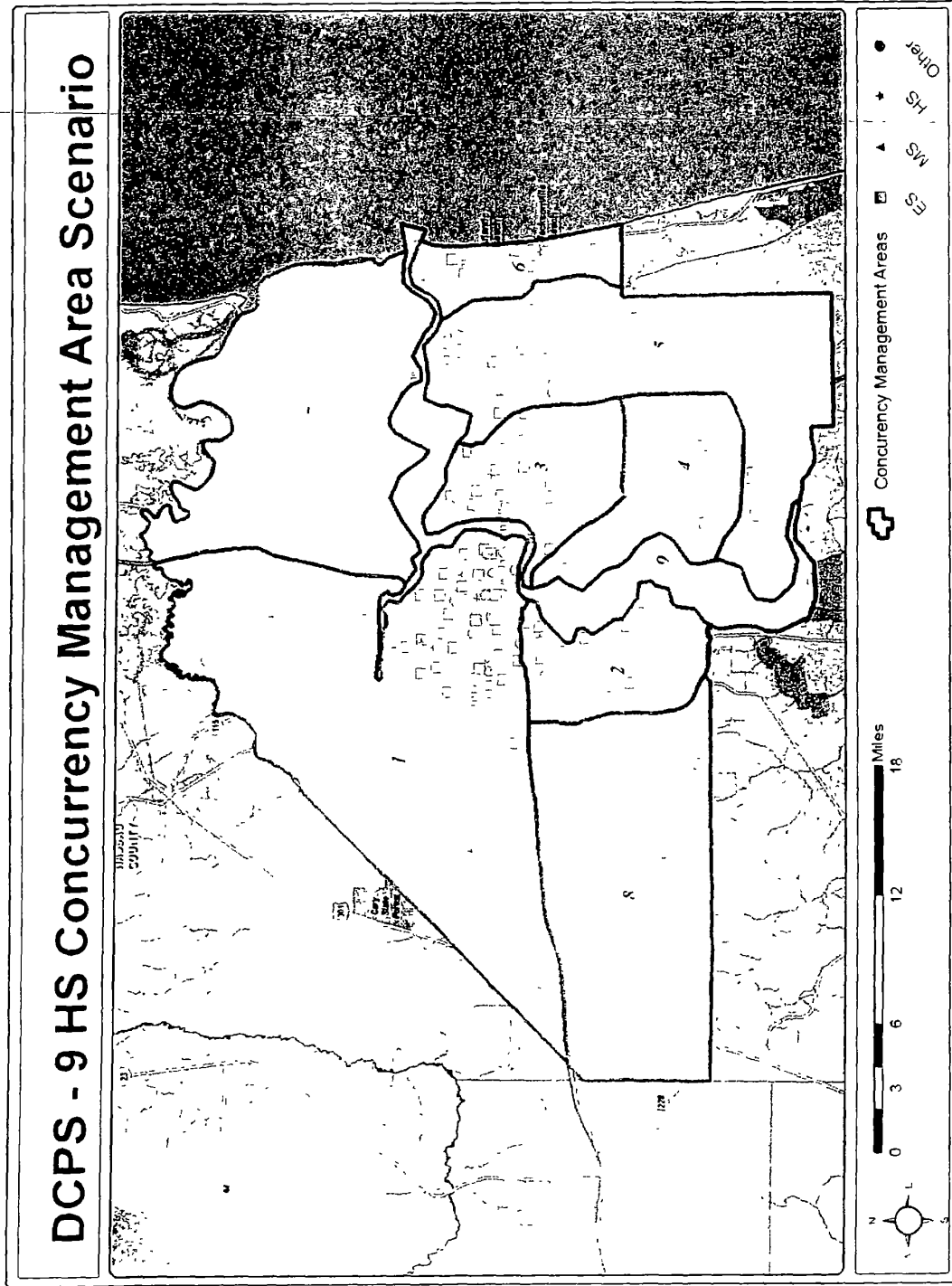
1  
2  
3  
4  
5

Figure 1



1  
2  
3  
4  
5

Figure 2



1  
2  
3

Figure 1

\* \* \*

1  
2           **Section 6.           Amending Sec. 655.406 (Concurrency Service Areas**  
3 **Defined), Part 4 (Public School Concurrency), Chapter 655**  
4 **(Concurrency and Mobility Management System), Ordinance Code, to**  
5 **remove Figure 1 (DCPS - 9ES Concurrency Management Area Scenario),**  
6 **Figure 2 (DCPS - 8 MS Concurrency Management Area Scenario), and**  
7 **Figure 3 (misabeled as "Figure 1") (DCPS 9 HS Concurrency Management**  
8 **Area Scenario) from subsection 655.406(a) and replace the 3 maps with**  
9 **better quality and in-color maps, containing the same information.**

10 Subsection 655.406(a), Sec. 655.406 (Concurrency Service Areas  
11 Defined), Part 4 (Public School Concurrency), Chapter 655  
12 (Concurrency and Mobility Management System), *Ordinance Code*, is  
13 hereby amended to remove Figure 1 (DCPS - 9ES Concurrency Management  
14 Area Scenario), Figure 2 (DCPS - 8 MS Concurrency Management Area  
15 Scenario), and Figure 3 (misabeled as "Figure 1") (DCPS 9 HS  
16 Concurrency Management Area Scenario) from subsection 655.406(a) and  
17 replace with the 3 maps, labeled Figure 1 (DCPS - 9ES Concurrency  
18 Management Area Scenario), Figure 2 (DCPS - 8 MS Concurrency  
19 Management Area Scenario), and Figure 3 (DCPS - 9 HS Concurrency  
20 Management Area Scenario), attached hereto as **Exhibit 1**. These new  
21 maps, which are in color and of a better quality, contain the same  
22 information as the maps being replaced.

23           **Section 7.           Amending Chapter 655 (Concurrency and Mobility**  
24 **Management System), Part 5 (Mobility Fee), Ordinance Code.** Section  
25 655.501 (Purpose and declaration of public policy), Section 655.502  
26 (Definitions), Section 655.503 (Mobility fee requirement,  
27 certificate, application process and calculation), Section 655.504  
28 (Re-evaluation of mobility fee formula factors), Section 655.505  
29 (Deposit of mobility fees; mobility zones and appropriation of  
30 mobility fees), and Section 655.506 (Duration of mobility fee  
31 calculation certificate), Section 655.509 (Mobility plan working

1 group), and Section 655.510 (Private primary and secondary  
 2 educational schools exemption), Part 5 (Mobility Fee), Chapter 655  
 3 (Concurrency and Mobility Management System), *Ordinance Code*, are  
 4 hereby amended to read as follows:

5 **CHAPTER 655 - CONCURRENCY AND MOBILITY MANAGEMENT SYSTEM**

6 \* \* \*

7 **PART 5. - MOBILITY ~~FEE~~ SYSTEM**

8 **Sec. 655.501. - Purpose and declaration of public policy.**

9 In order to adequately and efficiently address the City's mobility  
 10 needs, in 2011 the City ~~has~~ replaced transportation concurrency with  
 11 the 2030 Mobility Plan. The intent of the 2030 Mobility Plan and its  
 12 update referenced now as the "Mobility System" in the current  
 13 Comprehensive Plan ~~is~~ was to replace the transportation concurrency  
 14 management system with a holistic mobility approach that applies a  
 15 fee system to new development based upon the link between land  
 16 development and transportation. ~~Through the 2030 Mobility Plan and~~  
 17 ~~this Part 5, the City is replacing the transportation concurrency~~  
 18 ~~management system with~~ and to provide a predictable and balanced  
 19 system. The purpose of this Part 5 of Chapter 655 was and is to  
 20 establish the process necessary to implement the former 2030 Mobility  
 21 Plan and now the "Mobility System".

22 **Sec. 655.502. - Definitions**

23 For the purposes of this Part, the following terms, phrases,  
 24 words, and their derivations, shall have the meaning contained below,  
 25 or as referenced within specific Sections. Definitions of a more  
 26 general nature regarding concurrency and Mobility are contained in  
 27 Sec. 655.105 (Definitions).

28 ~~(a) Development Area means an area depicted on the FLUM series~~  
 29 ~~which controls the density, development characteristics, and~~  
 30 ~~other variables within plan categories. The City is organized~~  
 31 ~~by five tiers of Development Areas including: the Central~~

1 ~~Business District (CBD); the Urban Priority Area (UPA); the~~  
2 ~~Urban Area (UA); the Suburban Area (SA); and the Rural Area~~  
3 ~~(RA).~~

4 ~~(b)~~ Division means the Community Transportation Planning Division  
5 of the Planning and Development Department.

6 DIA means the Downtown Investment Authority of the City of  
7 Jacksonville.

8 Existing Use means the most recent, documented lawful use.  
9 Documentation may include Duval County Property Appraiser Tax  
10 Record Cards, building permits, demolition permits,  
11 advertising (e.g. number of hotel rooms), real estate  
12 listings, internet search on business address, phone  
13 listings, Sanborn maps, City GIS maps and aerials, Google  
14 Earth aerial photos, and other reliable information sources.

15 ICE means Intersection Control Evaluation as described in the  
16 Florida Department of Transportation, ICE Manual.

17 Inflation Factor means the inflation factor calculated and  
18 updated regularly by the FDOT in the most recent version of  
19 their Transportation Costs Report.

20 Mobility fee See Sec. 655.105 (Definitions).

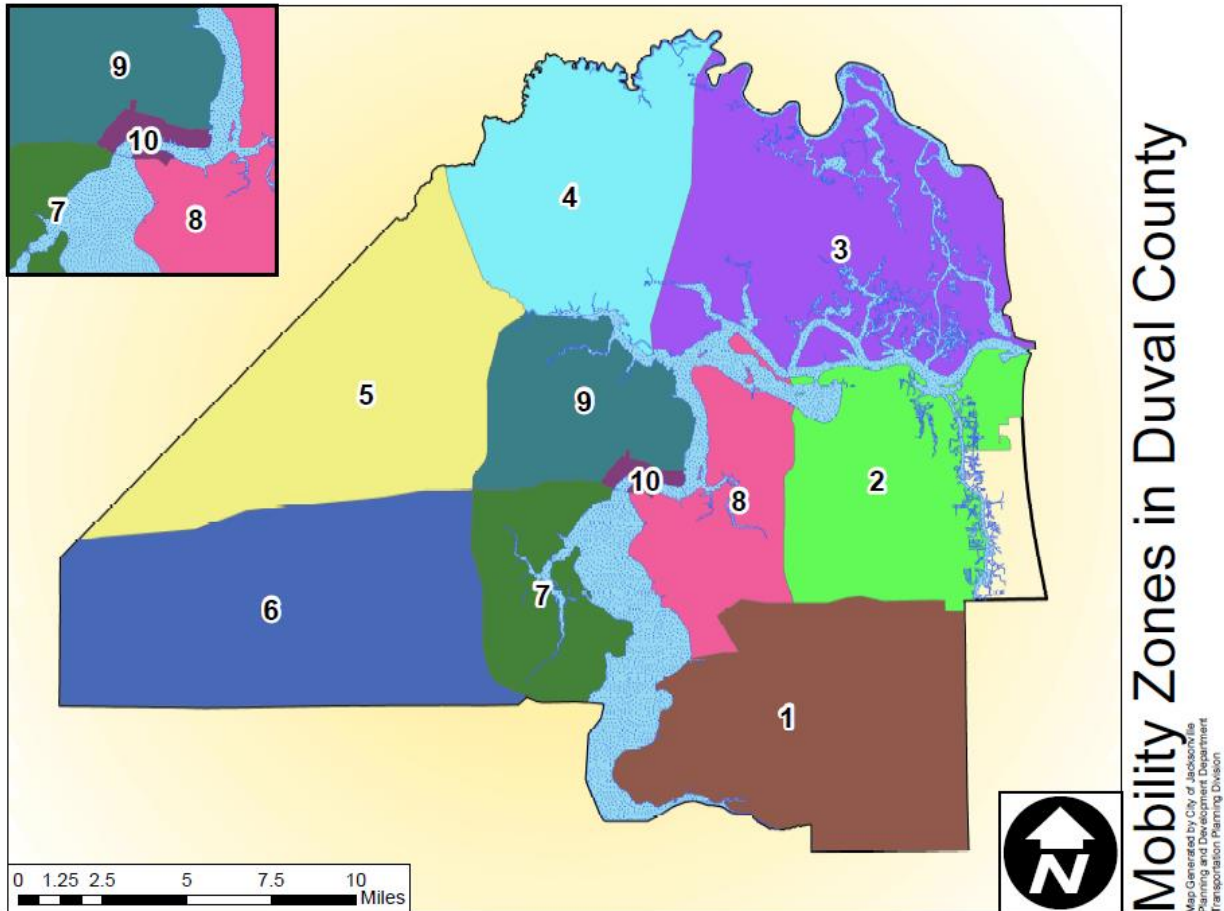
21 Mobility Fee Calculation Certificate ("MFCC") means the official  
22 document provided to the owner or developer and kept on file  
23 in the CMMS Office memorializing the fee calculated for a  
24 development based upon the use(s) proposed and any Trip  
25 Reductions that may be applicable. Mobility Fee Calculation  
26 Certificates are identified based upon the MFCC application  
27 number issued by the CMMSO.

28 Mobility fee credit means a monetary amount that may be used to  
29 offset the cost of a Mobility fee. See Section 655.507,  
30 Ordinance Code.

31 ~~(e)~~ Mobility Zone means a defined geographic area, as depicted



1 in the Transportation and Capital Improvements Elements of  
2 the 2030 Comprehensive Plan, on line at  
3 <http://jaxgis.coj.net/landdevelopmentreview/#> and in Figure  
4 1 below, within each Development Area that is delineated so  
5 that its area is approximately equal to the average trip  
6 length of the underlying Development Area.  
7



8  
9 **Figure 1 - Ten Mobility Zones in Duval County**

10  
11 Mode means either Motorized (Corridor or Transit) or Non-  
12 motorized (Bike and Pedestrian) manner of travel. The four  
13 (4) types of Modes of travel discussed in this Chapter are:  
14 (1) Corridor; (2) Bicycle; (3) Pedestrian; and (4) Transit.  
15 Mode, Bicycle means projects that are new standalone bicycle lanes  
16 (standard, buffered, protected or off road multiuse paths) or

1 new bicycle signing and pavement markings constructed  
2 separate from corridor projects.

3 Mode, Corridor means road corridor projects that include a wide  
4 array of improvements that increase capacity such as by  
5 constructing new roads or changing lane configurations,  
6 widening an existing road, moving curbs to accommodate  
7 bicycle travel, improving access management, upgrading  
8 railroad crossings to accommodate all modes, and include  
9 intelligent transportation system (ITS) upgrades. Road  
10 corridor projects include improved pedestrian and bicycle  
11 facilities in accordance with the City of Jacksonville  
12 context-sensitive street design standard typical sections.

13 Mode, Pedestrian means projects that are standalone sidewalks or  
14 multiuse paths constructed for pedestrians separate from  
15 corridor projects.

16 Mode, Transit means projects approved by the Jacksonville  
17 Transportation Authority include mobility hubs, ferry  
18 terminal multimodal connectivity enhancements, bus rapid  
19 transit infrastructure such as corridor ITS upgrades and new  
20 lane assignments for buses. Transit projects refer to  
21 infrastructure capacity only and do not include buses or bus  
22 operations.

23 MSP means a Mobility System Project identified in the Capital  
24 Improvements Element of the Comprehensive Plan for either  
25 Motorized or Non-motorized Modes of transportation.

26 PMP means a Proposed Mobility Project that is a multi-modal  
27 transportation improvement that is not an MSP, but that meets  
28 the criteria for the proposed Mode pursuant to Section  
29 655.507, Ordinance Code and eligible for Mobility fee credit.

30 SCA means Safety Concern Area, which is based upon the previous  
31 three (3) years of locations of concentrated severe and fatal

1 collisions. SCA maps are available on the Transportation  
2 Planning Division of the Planning and Development  
3 Department's website.

4 Transit facility means those modes of public mass transportation  
5 operated by the Jacksonville Transportation Authority.

6 Transit Oriented Development or TOD, pursuant to the  
7 Comprehensive Plan, means a mixed-use medium to high density  
8 development in areas served or planned to be served by mass  
9 transit. Sites located within ½ mile distance from the  
10 Jacksonville Transit Authority's (JTA) planned Rapid Transit  
11 System (RTS); located in close proximity to a road classified  
12 as an arterial or higher on the Functional Highway  
13 Classification Map; and supplied with full urban services are  
14 presumed to be appropriate for TOD, subject to a case-by-case  
15 review of consistency with State and regional plans, the  
16 Comprehensive Plan, and adopted neighborhood plans and  
17 studies. To be considered a TOD, a site will generally need  
18 to be compact and connected, as defined in the Transportation  
19 Element, and as otherwise defined in the current  
20 Comprehensive Plan.

21 Trip Reduction means a reduction in gross vehicle trips generated  
22 by a development based upon internal capture, pass-by,  
23 diverted link, Transit Oriented Development, transit stop  
24 proximity, as described in the CMMS Handbook, and/or the  
25 elimination of an Existing Use, as described in Sec. 655.503,  
26 Ordinance Code.

27 TRIPS means the Targeted Roadway Improvements for Pedestrian  
28 Safety including the pedestrian safety and/or access  
29 improvements as listed in the Handbook:

30 V/C ratio means the volume of vehicles on the roadway compared  
31 to the maximum service volume of the roadway.

1       ~~(d) VMT means vehicle mile traveled~~ Vehicle Miles Traveled.

2       **Sec. 655.503. - Mobility fee requirement, certificate, application**  
 3       **process and calculation.**

4       (a) *Mobility fee required.* Unless a fair share assessment payment  
 5       is made per Section 655.301, Ordinance Code, or a development  
 6       is deemed de minimis ~~de minimis~~, per Section 655.108,  
 7       ~~Ordinance Code~~, or exempt per Section 655.109, ~~Ordinance Code~~  
 8       or Section 655.510, ~~Ordinance Code~~, the ~~mobility~~ Mobility fee  
 9       must be paid prior to approval of final construction and/or  
 10      engineering plans under Chapter 320, Ordinance Code or  
 11      building permits for single family residential construction.  
 12      Additionally, any landowner or developer who otherwise would  
 13      be required to construct a sidewalk within the right-of-way  
 14      along its property frontage but for the off-site sidewalk  
 15      having been constructed by a previous developer pursuant to  
 16      Section 2.2.2(5) of the Land Development Procedures Manual  
 17      (and for which Mobility fee credit was given to the previous  
 18      developer pursuant to this Chapter), the current developer  
 19      shall pay a reimbursement to the Mobility fund from which  
 20      the credit was generated, in the dollar amount of the credit  
 21      given to the previous developer. The fee shall be paid by  
 22      the developer by separate check and the CMMSO shall deposit  
 23      it into the Mobility Fee Special Revenue Fund or Funds for  
 24      the applicable Mobility Zone or Zones, in addition to the  
 25      required Mobility fee.

26      (b) *Mobility fee calculation application and fee.* An applicant  
 27      for a Mobility Fee Calculation Certificate ~~mobility fee~~  
 28      ~~calculation certificate~~ shall file a completed application  
 29      with the CMMSO on the form provided by that office. The  
 30      applicant shall provide all the information requested on the  
 31      application, to the extent applicable. The application shall

1 be accepted by the CMMSO only if the application is completed  
 2 in full and submitted with all supplementary information  
 3 required. Upon the payment to the Tax Collector of the  
 4 application fee, ~~or fee for an expedited mobility fee~~  
 5 ~~calculation certificate per subsection (f) below,~~ copies of  
 6 the application shall be transmitted immediately to the  
 7 Division. The fees noted above can be found electronically on  
 8 the following City of Jacksonville webpage: [www.coj.net/fees](http://www.coj.net/fees).

9 (c) ~~Division~~Department sufficiency review. If the  
 10 ~~Division~~Department determines that the information contained  
 11 in the Mobility Fee Calculation Certificate application is  
 12 insufficient to review the application, then the  
 13 ~~Division~~Department, within five days of its receipt of the  
 14 application ~~from the CMMSO,~~ shall notify the CMMSO of the  
 15 ~~application's insufficiencies. The CMMSO shall immediately~~  
 16 shall notify the applicant of such insufficiencies. The  
 17 applicant shall then have ten days from the date of such  
 18 notification to remedy the application's insufficiencies.  
 19 This time period may be extended by the CMMSO based upon a  
 20 showing of good cause. Any notification by the ~~Division to~~  
 21 ~~the CMMSO~~ Department that the application is insufficient  
 22 automatically tolls the applicable review period. Upon the  
 23 ~~Division's~~ Department's receipt of the necessary information  
 24 to make the application sufficient, the review period begins  
 25 again at the point at which it was tolled.

26 (d) *Issuance of Mobility Fee Calculation Certificate*~~mobility fee~~  
 27 ~~calculation certificate. Except for expedited mobility fee~~  
 28 ~~calculation certificates per subsection (f) below,~~ the The  
 29 Mobility Fee Calculation Certificate ~~mobility fee calculation~~  
 30 ~~certificate~~ shall be issued by the CMMSO within 14 days from  
 31 the date the application is accepted and deemed sufficient by

1 the ~~CMMSO~~ Department, unless the application for a Mobility  
 2 Fee Calculation Certificate ~~mobility fee calculation~~  
 3 ~~certificate~~ was submitted with an application for a CCAS for  
 4 the development, per Section 655.111, or ~~an~~ a CCAS application  
 5 for the development has been pending with CMMSO for less than  
 6 31 days. If the application for a Mobility Fee Calculation  
 7 Certificate ~~mobility fee calculation certificate~~ was  
 8 submitted with a CCAS application for the development or a  
 9 CCAS application for the development has been pending with  
 10 CMMSO for less than 31 days, then the Mobility Fee Calculation  
 11 Certificate ~~mobility fee calculation certificate~~ will be  
 12 issued when the written decision concerning the CCAS for the  
 13 development is issued.

14 (e) *Mobility fee calculation.* For the purpose of calculating a  
 15 Mobility ~~mobility~~ fee, the following formula shall apply:

Mobility Fee	$A \times B \times (C - \text{Trip Reduction Adjustments Existing Use Trips})$ $A \times B \times C \times D$
-----------------	---------------------------------------------------------------------------------------------------------------

16 where

17 A = Cost per VMT/Mobility Zone

18 B = Average length of VMT per Development Area; and

19 C = ~~Development~~ Net new Daily Vehicle Trips; and

20 D = Internal VMT factor to cover the number of trips that  
 21 have both a start and stop within Jacksonville.

22 An automated Mobility fee calculator is available for a Mobility  
 23 fee estimate on the CMMSO website. This is only an estimate and  
 24 does not take the place of a Mobility Fee Calculation Certificate.

25 (1) *Cost per VMT.* The cost per VMT is determined by dividing  
 26 the cost of the ~~prioritized transportation improvement~~  
 27 ~~projects~~ Mobility System Projects in the applicable  
 28 Mobility Zone identified in the Capital Improvement

Element of the Comprehensive Plan by the projected change in VMT between ~~2010 and 2030 as set forth in the 2030 Mobility Plan~~ the base year and the future year as set forth in the most recent Mobility System evaluation. The cost of the VMT varies with the Mobility Zone and is rationally based upon the cost of identified projects for each Mode within each Mobility Zone. The cost of the VMT shall be administratively adjusted annually on October 1, based upon the published FDOT, Office of Policy Planning Highway Construction Cost Inflation Factor plus a 0.5% administrative fee. The annually administratively updated VMT costs are found in [www.coj.net/fees](http://www.coj.net/fees). The data and analysis forming the basis of the costs may also be found in the Mobility Plan and Fee Update produced by Resource Systems Group, Inc., dated December 2020. The year 2023 fees are shown in the Table below. This cost, with the addition of the Inflation Factor and administrative fee per year, is used as "A" in the Mobility fee formula stated above (AxBxCxD).

**2023 COST PER VEHICLE MILE TRAVELD (VMT)**

<b><u>Mobility Zone</u></b>	<b><u>Cost per VMT</u></b>
<b><u>1</u></b>	<b><u>\$ 75.62</u></b>
<b><u>2</u></b>	<b><u>\$ 58.63</u></b>
<b><u>3</u></b>	<b><u>\$ 82.02</u></b>
<b><u>4</u></b>	<b><u>\$ 79.07</u></b>
<b><u>5</u></b>	<b><u>\$ 79.95</u></b>
<b><u>6</u></b>	<b><u>\$ 83.37</u></b>
<b><u>7</u></b>	<b><u>\$ 41.00</u></b>
<b><u>8</u></b>	<b><u>\$ 44.39</u></b>
<b><u>9</u></b>	<b><u>\$ 39.97</u></b>
<b><u>10</u></b>	<b><u>\$ 33.09</u></b>

(2) Average length of VMT per is shown in the table below for each of the five Development Areas. ~~The Average VMT is determined for each of the five Development Areas. This is "B" in the Mobility fee calculation above.~~

**AVERAGE LENGTH OF VEHICLE MILE TRAVELED PER DEVELOPMENT AREA**

<u>Development Area</u>		<u>2045 Average Trip</u>
		<u>Length in miles</u>
<u>1</u>	<u>Central Business District</u>	<u>5.70</u>
<u>2</u>	<u>Urban Priority Area</u>	<u>4.75</u>
<u>3</u>	<u>Urban</u>	<u>4.90</u>
<u>4</u>	<u>Suburban</u>	<u>5.21</u>
<u>5</u>	<u>Rural</u>	<u>7.71</u>

(3) ~~Development~~ Net new Daily Vehicle Trips and Trip Reduction Adjustments. Together, the Development Daily Vehicle Trips adjusted by the Trip Reductions available make up the "net new" Development Daily Vehicle Trips, which is "C" in the Mobility fee formula above.

(A) Development Daily Vehicle Trips. Unless there is a special ~~local~~ trip generation study approved by the Planning and Development Department, the Institute of Transportation Engineers (ITE) most recent edition of "Trip Generation" shall be utilized to determine Development Daily Vehicle Trips.

~~(4)~~ (B) Trip Reduction Adjustments.

~~(A)~~ (i) The Development Daily Vehicle Trips generated shall be reduced using ~~vehicle trip adjustments based upon physical measures, including but not limited to, residential density, mix of uses, existence of local serving retail, transit service and pedestrian/bicycle friendliness.~~ the Trip Reduction criteria found in Section 5 of the



1 CMMS Handbook for internal capture, pass-by,  
2 diverted link, TOD, and transit stop proximity.

3 ~~(B)~~ (ii) Excluding the area of Downtown (Mobility Zone 10)  
4 as defined in Sec. 656.361.2, *Ordinance Code*,  
5 Development Daily Vehicle Trips generated shall  
6 also be reduced by the number of Development Daily  
7 Vehicle Trips generated by the Existing Use on  
8 the property. These reductions are non-  
9 transferable and may only be used on the  
10 development site from which the Trip Reductions  
11 have been generated.

12 ~~(i)~~ (a) If an Existing Use structure is reoccupied, or  
13 not substantially repurposed, remodeled, or  
14 renovated, then 100% of the number of trips  
15 that would have been generated by the Existing  
16 Use shall be subtracted from the Development  
17 Daily Vehicle Trips calculated for a proposed  
18 development that includes that Existing Use  
19 parcel.

20 ~~(ii)~~ (b) If a non-historic Existing Use structure is  
21 demolished, or if an Existing Use structure was  
22 demolished prior to the year 2021, then 125%  
23 of the trips that were associated with that  
24 Existing Use shall be subtracted from the  
25 Development Daily Vehicle Trips calculated for  
26 a proposed development that includes that  
27 Existing Use parcel.

28 ~~(iii)~~ (c) If an Existing Use structure is substantially  
29 repurposed, remodeled, or renovated, then 150%  
30 of the trips that were associated with that  
31 Existing Use shall be subtracted from the

Development Daily Vehicle Trips calculated for a proposed development that includes that Existing Use parcel. For the purposes of this Section, "substantially repurposed, remodeled, or renovated" means that the existing development is being expanded or renovated for a value equal to 50 percent or more of the assessed value of the combined lot improvements on that parcel or parcels, according to the Property Appraiser.

(4) Internal VMT factor to cover the number of trips that have both a start and stop within Jacksonville. This is "D" in the Mobility fee formula above. In order to prevent double counting of Trips, these internal factors are applied based on the Mobility Zone.

The internal VMT factor is a weighted factor based on the number of trips and resulting VMT that remains internal to the City versus the share that is associated with trips and VMT outside of the City (as modeled in NERPM). The internal VMT is shown in the Table below.

**INTERNAL VMT FACTORS, BY ZONE**

<b>Mobility Zone</b>	<b>Internal VMT Factors</b>
1	0.61
2	0.54
3	0.56
4	0.58
5	0.57
6	0.61
7	0.58
8	0.54
9	0.55

10

0.56

1 (5) Developments with multiple uses. If there are multiple  
 2 uses in a development, the MFCC should be obtained when  
 3 a building permit is sought for each structure. Thus,  
 4 there is flexibility to change uses within the  
 5 development. Changes in use will be calculated at the  
 6 time of issuance of each MFCC. If internal capture is  
 7 sought to be utilized for Trip Reduction, that benefit  
 8 will be realized only after the required mix of uses is  
 9 attained.

10 ~~(f) Expedited mobility fee calculation certificate. An applicant~~  
 11 ~~may request an expedited mobility fee calculation~~  
 12 ~~certificate. The expedited mobility fee calculation shall be~~  
 13 ~~determined using the formula set forth in subsection (e) above~~  
 14 ~~without the Trip Reduction Adjustments. The CMMSO shall issue~~  
 15 ~~the expedited mobility fee calculation certificate within 4~~  
 16 ~~days from the date the application is accepted and deemed~~  
 17 ~~sufficient by the CMMSO.~~

18 (f) Apportionment of Mobility fee. The following chart indicates  
 19 the Mobility fee apportionment in the Special Revenue Funds  
 20 between Motorized and Non-Motorized Modes for each Mobility  
 21 Zone. Upon payment by a landowner/developer, the City will  
 22 apportion a Mobility fee payment consistent with the below  
 23 chart. These percentages are also found in Sec. 111.546,  
 24 Ordinance Code (Mobility Fee Zone Special Revenue Fund).  
 25 However, with regard to payment into a Mobility Zone or Zones  
 26 Special Revenue Fund for a sidewalk that has been provided by  
 27 previous developers pursuant to Sec. 655.503(a), said payment  
 28 by the current developer shall be by separate check or  
 29 instrument and the entirety shall be deposited into the Non-  
 30 motorized account for that Zone or Zones. Said payment is in

1 addition to any other Non-motorized fee.

<u>Mobility</u> <u>Zone</u>	<u>Motorized</u> <u>Percentage</u>	<u>Non-</u> <u>Motorized</u> <u>Percentage</u>
1	91%	9%
2	93%	7%
3	83%	17%
4	95%	5%
5	88%	12%
6	91%	9%
7	69%	31%
8	84%	16%
9	46%	54%
10	12%	88%

17 **Sec. 655.504. - Re-evaluation of Mobility System~~mobility fee formula~~**  
18 **~~factors.~~**

19 The Planning and Development Department shall conduct an  
20 evaluation of the ~~Multi-modal Transportation Study, which is an~~  
21 ~~appendix to the 2030 Mobility Plan and update the physical measures~~  
22 ~~of the URBEMIS model, Mobility System within two years ~~one year~~~~  
23 following the adoption of the North Florida TPO's Long Range  
24 Transportation Plan (LRTP), ~~and no less than once every ten years~~ but  
25 at least once every ten years regardless of receipt of the LRTP. The  
26 Department shall adjust the ~~Mobility ~~mobility fee formula factors~~~~  
27 calculation variables discussed in Sec. 655.503 to be consistent with  
28 its findings from ~~the~~ each periodic evaluation of the ~~Multi-modal~~  
29 ~~Transportation Study.~~ Mobility System.

30 **Sec. 655.505. - Deposit of Mobility ~~mobility fees; mobility zones~~**  
31 **Mobility Zones and appropriation of Mobility~~mobility fees.~~**

1 Mobility fees received by the City shall be deposited into the  
 2 Mobility Fee Special Revenue Fund established pursuant to Section  
 3 111.546 into Motorized and Non-motorized accounts for each Mobility  
 4 Zone consistent with Sec. 655.503(f)., ~~except for that portion of~~  
 5 ~~mobility fee calculation certificate extension fee payments~~  
 6 ~~reflecting the extension fee amount, which shall be deposited into~~  
 7 ~~the Concurrence Management System Fund pursuant to Section 111.520.~~  
 8 ~~Mobility fee payments representing the portion of mobility fee~~  
 9 ~~calculation certificate extension fee payments calculated for~~  
 10 ~~inflation pursuant to Section 655.506(b) shall be deposited into the~~  
 11 ~~Mobility Fee Special Revenue Fund pursuant to Section 111.546.~~ If the  
 12 development is located in more than one Mobility Zone, the  
 13 Mobility ~~mobility~~ fee may be applied to a ~~transportation improvement~~  
 14 ~~project~~ Mobility System Project ("MSP") in either Mobility Zone. If  
 15 all of the ~~improvement projects~~ MSPs within a Mobility Zone have been  
 16 funded, an ~~improvement project~~ MSP in an adjacent Mobility Zone may  
 17 be selected based on the recipient ~~improvement project's~~ MSP's  
 18 location within the radius of average trip length from the boundaries  
 19 of the proposed development. The Mobility ~~mobility~~ fees collected in  
 20 a Mobility Zone shall have a reasonable relationship to the  
 21 transportation impacts generated by any proposed development and be  
 22 appropriated for the ~~prioritized transportation improvement projects~~  
 23 MSPs identified in the Capital Improvement Element of the  
 24 Comprehensive Plan for that Mobility Zone, which includes the ~~Transit~~  
 25 ~~Transportation Mode Improvements and Bicycle and Pedestrian~~  
 26 ~~Transportation~~ Motorized and Non-motorized Mode ~~as Improvements~~  
 27 identified in the ~~Prioritized Transportation Improvement Project~~ MSP  
 28 List in the Capital Improvement Element of the Comprehensive Plan.

29 Up to 20 percent (20%) of the Mobility ~~mobility~~ fee deposited into  
 30 a ~~Roadway~~ Motorized Mobility Zone account per development may be  
 31 allocated to improvements at or near the intersection of a city right-

1 of-way or proposed city right-of-way and an ~~identified prioritized~~  
 2 ~~project~~ MSP on the ~~Automobile/Truck and Transit prioritized~~  
 3 ~~transportation list.~~ Motorized Mode project list. It must be  
 4 demonstrated that this intersection improvement improves safety or  
 5 ~~capacity~~ increases the service volume of the project identified on  
 6 the ~~prioritized Automobile/Truck or Transit~~ MSP Motorized Mode  
 7 project list. Funds shall not go towards improvements required as  
 8 part of a development order.

9 On or before January 31 and June 30 of each year, the Director  
 10 shall deliver to the Finance and Transportation, Energy and Utilities  
 11 Standing Committees of Council, and to the Council Auditors, a report  
 12 setting forth the current balances in the Mobility Fee Special Revenue  
 13 Fund applicable to each Mobility Zone account, any projects funded  
 14 to date in such zone, and their status, and the cost of the priority  
 15 project for each mode in such zone as identified in the Mobility  
 16 System Plan.

17 **Sec. 655.506. - Duration of Mobility Fee Calculation Certificate**  
 18 ~~mobility fee calculation certificate.~~

19 A ~~Mobility~~ mobility fee calculation, contained on the Mobility Fee  
 20 Calculation Certificate ~~certificate or expedited mobility fee~~  
 21 ~~calculation certificate~~ for proposed development of property is valid  
 22 for one year from the date of issuance, ~~unless it is:~~

23 ~~(a) Subject to a Mobility Fee Contract per Section 655.508,~~  
 24 ~~Ordinance Code, or~~

25 ~~(b) Extended for one year by the payment, prior to the expiration~~  
 26 ~~date, of:~~

27 ~~(1) The applicable annual inflation adjustments as determined~~  
 28 ~~by the Florida Department of Transportation Office of~~  
 29 ~~Financial Development; and~~

30 ~~(2) The mobility fee calculation certificate extension fee.~~

31 \* \* \*

1 **Sec. 655.509. - Mobility System Working Group ~~plan working group~~.**

2 ~~Every five years after the effective date of Ordinance 2011-536-E,~~  
 3 ~~the The Planning and Development Department shall evaluate the 2030~~  
 4 ~~Mobility Plan Mobility System and this Chapter with respect to the~~  
 5 ~~implementation of the 2030 Mobility Plan Mobility System, within~~  
 6 ~~two years following the adoption of the North Florida TPO's Long~~  
 7 ~~Range Transportation Plan ("LRTP"), but at least once every ten~~  
 8 ~~years regardless of receipt of the LRTP, and shall update the~~  
 9 ~~Mobility System as provided in Section 655.504. The Planning and~~  
 10 ~~Development Department shall ~~present a report containing the~~~~  
 11 ~~~~evaluation~~ conduct an analysis and present recommendations of~~  
 12 ~~appropriate amendments to the 2030 Mobility Plan Mobility System~~  
 13 ~~and this Chapter to the Mobility System ~~Plan~~ Working Group. The~~  
 14 ~~Mobility Plan System Working Group shall be comprised of seven~~  
 15 ~~members, with one City Council member appointed by the City Council~~  
 16 ~~President, two lay citizens appointed by the City Council~~  
 17 ~~President, three lay members appointed by the Mayor, and one lay~~  
 18 ~~member appointed jointly by the Mayor and the City Council~~  
 19 ~~President. The lay member appointed jointly by the Mayor and the~~  
 20 ~~City Council President shall serve as the Chair of the Mobility~~  
 21 ~~Plan System Working Group. The Mobility Plan System Working Group~~  
 22 ~~shall also elect a Vice-Chair from among its membership. The~~  
 23 ~~Department Mobility Plan Working Group shall provide the Mayor and~~  
 24 ~~the Council with recommendations approved by the Mobility System~~  
 25 ~~Working Group for action by the legislative and executive branches~~  
 26 ~~of government within ninety days after the approval. ~~Mobility Plan~~~~  
 27 ~~~~Working Group's receipt of the report~~ Such ninety-day time period~~  
 28 ~~may be extended administratively by the Director for good cause~~  
 29 ~~shown. All members shall serve until the City Council takes final~~  
 30 ~~action on the recommendations. Unless otherwise set forth herein,~~  
 31 ~~the Mobility Plan System Working Group shall be subject to Chapter~~

1 50, Ordinance Code.

2 **Sec. 655.510. - Private primary and secondary educational schools**  
3 **exemption.**

4 Private primary and secondary educational schools, that have  
5 been accredited by the Florida Department of Education, including  
6 any on-site ancillary facilities, shall be exempt from the payment  
7 of the ~~Mobility fee~~ ~~mobility fee~~ and the requirements of this Part.  
8 See Sec. 655.109(f), Ordinance Code.

9 \* \* \*

10 **Section 8. Repealing Sec. 655.507 (Transportation**  
11 **improvement projects constructed by a landowner or developer), and**  
12 **Sec. 655.508 (Mobility fee contract), Part 5 (Mobility Fee), Chapter**  
13 **655 (Concurrency and Mobility Management System), Ordinance Code, in**  
14 **their entirety.** Sec. 655.507 (Transportation improvement projects  
15 constructed by a landowner or developer), and Sec. 655.508 (Mobility  
16 fee contract), Part 5 (Mobility Fee), Chapter 655 (Concurrency and  
17 Mobility Management System), *Ordinance Code*, a copy of which is **On**  
18 **File** with the Legislative Services Division, are hereby repealed in  
19 their entirety.

20 **Section 9. Amending Ch. 655 (Concurrency and Mobility**  
21 **Management System), Part 5 (Mobility Fee), to create a new Sec.**  
22 **655.507 (Mobility fee credit), and a new Sec. 655.508 (Memorialization**  
23 **of Mobility fee, credit, and Trip Reduction).** Section 655.507  
24 (Mobility fee credit), and Sec. 655.508 (Memorialization of Mobility  
25 fee, credit, and Trip Reduction), Part 5 (Mobility Fee), Chapter 655  
26 (Concurrency and Mobility Management System), *Ordinance Code*, are  
27 hereby created to read as follows:

28 **CHAPTER 655 - CONCURRENCY AND MOBILITY MANAGEMENT SYSTEM**

29 \* \* \*

30 **PART 5. - MOBILITY ~~FEE~~ SYSTEM**

31 \* \* \*



**Sec. 655.507. - Mobility fee credit.**

(a) Credit Authorization. A landowner or developer may earn and receive a monetary Mobility fee credit against a required Mobility fee within the same Mobility Zone(s), or an adjacent benefitted Mobility Zone. In order to receive Mobility fee credit, a landowner or developer must design or construct to City standards as they may be amended, or provide the real property needed, for one or more of the following:

(1) an entire MSP;

(2) a portion, either physical or financial<sup>a</sup>, of an MSP that is provided to logical termini, as determined by the Department in consultation with the City Traffic Engineer; or

(3) a PMP that is within the same Mobility Zone as the development, or as otherwise set forth in this subpart (a) (3) (E) and (F), and meets the following applicable criteria for the applicable Mode, as determined by the Department, or the Council as advised by the Department, as the case may be, pursuant to this Section. See subsection (f) for approval of PMPs.

(A) Corridor Mode PMP must:

(i) connect two existing collector, or higher functionally classified, roads;

(ii) be greater than or equal to one-half (1/2) mile in length; and

(iii) perform as a functionally parallel road to at least one MSP. The PMP must be located within one-half (1/2) mile of at least one MSP, and must improve the V/C ratio of the MSP(s).

<sup>a</sup> A "financial" portion of an MSP would occur when the landowner/developer works to assemble partners, such as FDOT, to contribute to the funding for the construction of the entire MSP. This allows the 120% incentive on the portion of the funding contributed by the landowner/developer. Credit is booked as stated in subsection (c) (Timing of Mobility Fee Credit).

1 (B) Transit Mode PMP must:

2 (i) provide an additional needed transit facility as  
3 approved by the JTA;

4 (ii) provide the real property required for a needed  
5 transit facility as approved by the JTA and the  
6 Department; and

7 (iii) be designed and constructed to City and/or JTA  
8 standards, as they may be amended.

9 (C) DIA PMP must specifically demonstrate consistency with the  
10 Community Redevelopment Area ("CRA") Plan, as may be  
11 amended, as determined by the DIA CEO or the DIA Board, as  
12 the case may be.

13 (D) Intersection improvements (non-access related) PMP must:

14 (i) be an improvement to an existing deficient  
15 intersection other than that required for the  
16 proposed development, anywhere within the Zone, that  
17 is designed and constructed to provide safe and  
18 adequate access that may include, but is not limited  
19 to providing, rights-of-way, easements, paving of  
20 adjacent or connecting roadways, auxiliary turn  
21 lanes, deceleration and acceleration lanes, traffic  
22 control devices, signage and pavement markings,  
23 pedestrian signals, ADA improvements, or needed  
24 drainage and utilities; and

25 (ii) be approved by the agency governing that  
26 intersection, which may be subject to Intersection  
27 Control Evaluation ("ICE").

28 (E) Pedestrian Mode PMP may either:

29 (i) connect two existing sidewalks or multi-use paths; or

30 (ii) connect to and compliment other available Pedestrian  
31 Mode facilities, including transit access, within or

1 adjacent to the Mobility Zone; or

2 (iii) be on the list of Targeted Roadway Improvements for  
3 Pedestrian Safety ("TRIPS") or similar types of  
4 Improvements as determined by the Department.

5 (F) Bicycle Mode PMP may either:

6 (i) connect two existing bicycle facilities as defined in  
7 the Land Development Procedures Manual or multi-use  
8 paths; or

9 (ii) connect to and complement other available Bicycle  
10 Mode facilities, including transit access, within or  
11 adjacent to the proposed development's Mobility Zone.

12 (4) For sidewalks not identified as an MSP on the Non-motorized  
13 standalone pedestrian projects list but which were required  
14 by the City beyond the property frontage (off-site) pursuant  
15 to Section 2.2.2(5) of the Land Development Procedures  
16 Manual.

17 (5) The conveyance of an interest in real property that is  
18 necessary for an MSP or a PMP. The conveyance does not have  
19 to be associated with a current development if it is for an  
20 MSP, however, it must be commensurate with the construction  
21 of a PMP.

22 (6) Credit is **not** authorized for any mobility improvement, or  
23 real property associated with an improvement, that is:

24 (A) required for a development's minimum transportation and  
25 traffic operation or circulation, including for bike and  
26 pedestrian movement; or

27 (B) an interest in real estate conveyed for a PMP without the  
28 corresponding PMP construction; or

29 (C) Dedication of right-of-way, not associated with an MSP or  
30 PMP.

31 (b) Calculation of Mobility Fee Credit. The credit authorized for

1 an MSP or a PMP shall be calculated as a monetary figure using  
2 the most recent cost estimate information issued by the Florida  
3 Department of Transportation, Office of Policy Planning regarding  
4 generic construction Cost Per Mile Models. The cost estimates  
5 for facilities and/or projects not identified in such FDOT cost  
6 estimates shall be prepared by the developer. All estimates must  
7 be reviewed and approved by the Department of Public Works as  
8 being reflective of the fair market value of the improvement prior  
9 to the approval of any credit.

10 Credit authorized shall be calculated as follows:

11 (1) Credit shall be provided at 120% of cost for the design,  
12 permitting, and construction of an entire MSP as it is  
13 shown on the list in the CIE.

14 (2) Credit for the design, permitting, and construction of less  
15 than an entire MSP may be provided at 100% if that project  
16 is provided to logical termini as determined by the  
17 Department in consultation with the City Traffic Engineer.

18 (3) The credit authorized for conveying, at no cost to the  
19 City, an interest in real property for an MSP or a PMP as  
20 authorized in subsection (a) above, shall be equal to the  
21 value approved by the Department of Public Works, Division  
22 of Real Estate. For purposes of the appraisal assignment,  
23 the Department of Public Works shall be the client of the  
24 appraiser, but the cost of the appraisal shall be borne by  
25 the entity proposing to provide the real property.  
26 Depending on the assessed value of the land, the City may  
27 require more than one appraisal. "At no cost to the City"  
28 means that the conveyor will pay for all due diligence  
29 costs for the transaction.

30 (4) If a landowner or developer constructs a PMP identified by  
31 the City Traffic Engineer as needed to improve safety

1 within a Safety Concern Area in their Mobility Zone, then  
2 that safety improvement shall receive a credit at 120% of  
3 the cost of the improvement.

4 (5) A Corridor Mode PMP shall receive credit subject to  
5 approval by the Department in consultation with the City  
6 Traffic Engineer of a traffic study, as supplied by the  
7 landowner or developer, which shows that the PMP will:

8 (A) perform as a functionally parallel road to at least  
9 one MSP;

10 (B) is located within one-half (1/2) mile of at least one  
11 MSP; and

12 (C) improves the V/C ratio of the MSP(s).

13 The credit allowed shall be equal to the percentage of the  
14 improvement of the V/C ratio of the MSP, up to a maximum of 50%  
15 as applied to the cost of the PMP. By example, if the MSP V/C  
16 ratio is 1.2 (120% of the daily service volume of the road) and  
17 the PMP improves the MSP by relieving 10% of the volume such  
18 that the MSP is now only 110% of the daily service volume, then  
19 the credit to the PMP would be 10% of the cost of the PMP.

20 (6) A Transit Mode PMP shall receive credit for the cost of  
21 the Transit Mode PMP.

22 (7) A DIA PMP shall receive credit for the cost of the DIA PMP.

23 (8) An intersection improvement (non-access related) PMP shall  
24 receive 100% credit unless it is identified as needed to  
25 improve conditions in a Safety Concern Area. If it is in  
26 a Safety Concern Area, the PMP may receive up to 120% of  
27 the cost of the PMP as credit.

28 (9) A Pedestrian or Bicycle Mode PMP shall receive 100% credit  
29 for the cost of the improvement.

30 (10) As authorized in Sec. 655.507(a)(4), sidewalks not  
31 identified as an MSP for bicycle and pedestrian mode(s),

1 but that were required by the City beyond the property  
2 frontage (off-site) pursuant to Section 2.2.2(5) of the  
3 Land Development Procedures Manual, may receive Mobility  
4 fee credit on the basis of the actual cost to construct  
5 such off-site sidewalk.

6 (c) *Timing of Mobility Fee Credit.* The costs shall be deemed incurred  
7 and credit shall be provided pursuant to this section when:

8 (1) A contract for the construction of the MSP or PMP is  
9 awarded, and a payment and performance bond, or other form  
10 of security approved by the Office of General Counsel, is  
11 provided to the City, as co-obligee, to guarantee the  
12 funding of the facilities and/or projects.

13 (2) The conveyance to the City, at no cost to the City, of the  
14 real property interest deemed by the City to be necessary  
15 for the construction of an MSP, or authorized PMP, has been  
16 completed. "At no cost to the City" means that the conveyor  
17 will pay for all due diligence costs for the transaction.

18 (d) *Transfer of Mobility Fee Credit.*

19 Credit for an MSP may be transferred to other landowners or  
20 developers to be used in lieu of payment of a Mobility fee to  
21 another project within the same Mobility Zone. Credit may be  
22 transferred to an adjoining Mobility zone if it can be shown  
23 that the improvement provided a benefit to that adjacent  
24 Mobility Zone, based on the proportional benefit. A landowner  
25 or developer who receives credit that has been transferred  
26 through the CMMSO from another project within the same Mobility  
27 Zone shall receive the full amount of the transferred credit.

28 (e) *Departmental review.*

29 (1) The design of MSPs and PMPs shall be approved, in writing,  
30 by both the Public Works Department and the Planning and  
31 Development Department.

1 (2) After construction of the MSP or PMP, the City Engineer  
2 shall verify that the project is complete and to the  
3 standards and specifications of the City of Jacksonville.

4 (3) For an interest in real estate proposed to be conveyed, at  
5 no cost to the City, for an authorized MSP or PMP, the City  
6 Engineer shall determine if the conveyance will meet the  
7 real estate needs for the applicable project. Within  
8 fourteen (14) days of request by the Department, the Real  
9 Estate Division shall provide a written memorandum, which  
10 shall become a part of the file as to its analysis  
11 recommending either approval or denial of the appraisal to  
12 the Planning and Development Department.

13 (f) Approval of PMPs.

14 (1) Within the City, outside of the DIA jurisdiction of  
15 downtown: approval for providing a PMP as approved by the  
16 Department in consultation with the City Engineer, shall  
17 be as follows:

18 (A) Up to and including \$500,000 in estimated cost may be  
19 administratively approved by the Director.

20 (B) PMPs with an estimated cost over \$500,000 must be  
21 approved by the City Council.

22 (2) Within the DIA jurisdiction: approval for providing a  
23 PMP, as approved by the Department in consultation with  
24 the City Engineer, shall be as follows:

25 (A) Up to and including \$500,000 in estimated cost, the  
26 DIA CEO may make the CRA Plan consistency determination  
27 for the project, and the PMP may be administratively  
28 approved by the Director.

29 (B) For PMPs with an estimated cost over \$500,000, the  
30 DIA Board must make the CRA Plan consistency  
31 determination for the project, and the PMP must be

1 approved by the City Council.

2 (3) The ability to receive credit for conveyance of property  
3 and/or construction of improvements as anticipated as of  
4 April 1, 2022 in the Transportation Management Area, or  
5 Comprehensive Plan Policies relating to Multi-Use (MU)  
6 categories/properties, will continue to be recognized.

7 (4) For PMPs requiring City Council approval, the Office of  
8 General Counsel shall prepare the legislation requesting  
9 approval and said legislation shall be introduced by the  
10 standing committee of the Council that handles  
11 transportation items, which shall be the Committee of  
12 Reference.

13 (5) Decisions of the Director or the DIA shall be appealable  
14 to the City Council through the process as outlined in  
15 Section 655.114, Ordinance Code (Appeals).

16 **Sec. 655.508. - Memorialization of Mobility fee, credit, and Trip**  
17 **Reduction.**

18 Mobility fees required for a development are calculated based upon  
19 the use(s) proposed and any Trip Reductions that may be applied and  
20 are memorialized in the Mobility Fee Calculation Certificate  
21 ("MFCC"). Thus, the additional documentation and memorialization  
22 through a Mobility Fee Contract, Mobility Fee Letter, or Mobility Fee  
23 Credit Letter, is not required but may be desired and obtained by a  
24 developer or landowner by applying to the Department and payment of  
25 the applicable fee as shown on the [www.coj.net/fees](http://www.coj.net/fees) webpage.  
26 Contracts should only be utilized when both the City and the landowner  
27 or developer are required to perform duties.

28 Applications for memorialization can be found online in the CMMS  
29 Handbook. The CMMSO shall review submitted applications for  
30 sufficiency and upon finding the application sufficient, deliver the  
31 application fee, as found in [www.coj.net/fees](http://www.coj.net/fees), to the Tax Collector



1 and transmit the application to the Division for review. The Division  
2 shall forward the contract to the Director for review, approval and  
3 execution.

4 After the Director has executed the Mobility memorialization the  
5 landowner or developer may record a copy in the public records.

6 Memorialization may be provided for any or all of the following:  
7 Mobility fees; Mobility fee credits pursuant to Section 655.507(a);  
8 and Trip Reductions pursuant to Sec. 655.503(e)(4) and the criteria  
9 and calculations in the CMMS Handbook.

10 (a) *Memorialization of Mobility fee.* A Mobility fee  
11 memorialization may be administratively provided by the  
12 Department for a period of up to ten (10) years subject to  
13 the FDOT Inflation Factor ("Mobility Fee Letter"). The  
14 purpose of this is to provide certainty to a developer that  
15 the impacts of their development on the City's transportation  
16 system will be mitigated for with the payment as defined in  
17 the memorialization. As with the MFCC, the fee shall be  
18 based upon a certain parcel of land, and certain uses  
19 utilizing the Institute of Transportation Engineers ("ITE")  
20 most recent Trip Generation Manual.

21 The Mobility Fee Letter provided by the Department shall  
22 have attached the legal description and boundary sketch of  
23 the property, and the ITE Codes for the specific uses on the  
24 property. If the Mobility fee is calculated using Trip  
25 Reductions for internal capture an exhibit showing the site  
26 development plan for the land subject to the Mobility fee is  
27 required. The benefit of Trip Reduction shall only be  
28 realized once the required mix of uses is attained.

29 (b) *Memorialization of Mobility fee credit.* Mobility fee credit  
30 for an MSP or PMP, as authorized pursuant to Sec. 655.507,  
31 may be through a letter or a contract. Whether a letter or

1 a contract is utilized, it shall contain the information  
2 required to convey the design and extent of the project or  
3 proposal, and the Executive Summary of the appraisal(s)  
4 utilized to ascertain the value of any real estate interest  
5 conveyed as part of the MSP or PMP. A PMP proposal must also  
6 show the development that is generating the request for the  
7 PMP.

8 (i) A "Mobility Fee Credit Letter" is appropriate for  
9 memorialization of the design and cost for an MSP or  
10 PMP and for the approval of the appraised value of the  
11 authorized real estate interest related to the MSP or  
12 PMP.

13 (ii) A "Mobility Fee Contract" is required only in  
14 circumstances where the landowner or developer is  
15 required to perform certain duties as part of the  
16 Mobility fee credit. All Mobility Fee Contracts for  
17 credit require approval by the City Council.

18 (c) *Memorialization of Trip Reductions.* A "Mobility Trip  
19 Reduction Letter" is appropriate to memorialize the trips  
20 associated with an Existing Use pursuant to Sec.  
21 655.503(e)(4). "Existing Use" is defined in Sec. 655.105.  
22 Reductions for an Existing Use qualify for Trip Reductions  
23 only for the development site that contains the parcel where  
24 the Existing Use was located, and of which the Existing Use  
25 parcel is now a part. If immediate development is intended,  
26 the Trip Reductions related to the Existing Use may be  
27 memorialized in the MFCC with no need for a Trip Reduction  
28 Letter.

29 **Section 10. Repealing and reserving Section 655.511 (Credit**  
30 **for trip reduction adjustments), Part 5 (Mobility Fee), Chapter 655**  
31 **(Concurrency and Mobility Management System), Ordinance Code, in its**

1 **entirety.** Section 655.511 (Credit for trip reduction adjustments),  
 2 Part 5 (Mobility Fee), Chapter 655 (Concurrency and Mobility  
 3 Management System), *Ordinance Code*, a copy of which is **On File** with  
 4 the Legislative Services Division, is hereby repealed and reserved  
 5 in its entirety.

6 **Section 11. Amending Part 5 (Public Works, Utilities, and**  
 7 **Infrastructure), Chapter 111 (Special Revenue and Trust Accounts),**  
 8 **Ordinance Code.** Section 111.520 (Concurrency Management System  
 9 Fund), and Section 111.546 (Mobility Fee Zone Special Revenue Fund),  
 10 Chapter 111 (Special Revenue and Trust Accounts), *Ordinance Code*, is  
 11 hereby amended to read as follows:

12 **CHAPTER 111 - SPECIAL REVENUE AND TRUST ACCOUNTS**

13 \* \* \*

14 **PART 5. - PUBLIC WORKS, UTILITIES, AND INFRASTRUCTURE**

15 \* \* \*

16 **Sec. 111.520. Concurrency Management System Fund.**

17 There is hereby created a *Concurrency Management System Fund*, into  
 18 which shall be deposited all fees received by the City in connection  
 19 with applications ~~(including applications fees for mobility fee~~  
 20 ~~calculation certificate extension requests but not the inflation fees~~  
 21 ~~associated therewith)~~, appeals, administration, enforcement and  
 22 management of the Concurrency Management System pursuant to Chapter  
 23 655, *Ordinance Code*, together with all interest accrued thereon. The  
 24 monies deposited into this fund shall be used for the purpose of  
 25 maintaining and improving the Concurrency Management System. These  
 26 funds shall not lapse at the end of any fiscal year. The Director of  
 27 Finance and Administration is authorized and directed to make  
 28 disbursements from this fund, subject to appropriation by the Council,  
 29 upon the written request of the Director of Planning and Development.

30 \* \* \*

31 **Sec. 111.546. - Mobility Fee Zone Special Revenue Fund.**

1        There is hereby created the Mobility Fee Zone Special Revenue Fund  
 2 which shall consist of the following accounts:

- 3        (1) Mobility Fee-Zone 1        Motorized 91%  
 4        (2) Mobility Fee-Zone 1 ~~Bike-Ped~~ Non-motorized 9%  
 5        (3) Mobility Fee-Zone 2        Motorized 93%  
 6        (4) Mobility Fee-Zone 2 ~~Bike-Ped~~ Non-motorized 7%  
 7        (5) Mobility Fee-Zone 3        motorized 83%  
 8        (6) Mobility Fee-Zone 3 ~~Bike-Ped~~ Non-motorized 17%  
 9        (7) Mobility Fee-Zone 4        Motorized 95%  
 10       (8) Mobility Fee-Zone 4 ~~Bike-Ped~~ Non-motorized 5%  
 11       (9) Mobility Fee-Zone 5        Motorized 88%  
 12       (10) Mobility Fee-Zone 5 ~~Bike-Ped~~ Non-motorized 12%  
 13       (11) Mobility Fee-Zone 6        Motorized 91%  
 14       (12) Mobility Fee-Zone 6 ~~Bike-Ped~~ Non-motorized 9%  
 15       (13) Mobility Fee-Zone 7        Motorized 69%  
 16       (14) Mobility Fee-Zone 7 ~~Bike-Ped~~ Non-motorized 31%  
 17       (15) Mobility Fee-Zone 8        Motorized 84%  
 18       (16) Mobility Fee-Zone 8 ~~Bike-Ped~~ Non-motorized 16%  
 19       (17) Mobility Fee-Zone 9        Motorized 46%  
 20       (18) Mobility Fee-Zone 9 ~~Bike-Ped~~ Non-motorized 54%  
 21       (19) Mobility Fee-Zone 10 Motorized 12%  
 22       (20) Mobility Fee-Zone 10 ~~Bike-Ped~~ Non-motorized 88%

23       Each Mobility Zone is shown on the Mobility Zones Map contained  
 24 within the Transportation Element of the 2030 Mobility Comprehensive  
 25 Plan.

26       Funds deposited into this special revenue fund shall be segregated  
 27 into accounts, according to the Mobility Zones and the Mode type  
 28 specified hereinabove, based upon the Mobility Zone in which the  
 29 development will occur, or as specified in Chapter 655. The  
 30 Concurrency and Mobility Management System Office shall deposit all  
 31 ~~mobility~~ Mobility fee payments into the fund. ~~Eleven~~ The percentage

1 of ~~each the mobility~~ Mobility fee collected per development shall be  
 2 deposited into the ~~Mobility Zone Bike Ped~~ Motorized and Non-motorized  
 3 Mode accounts, based upon the percentages per Zone outlined above.  
 4 ~~with the remainder being deposited into the Mobility Zone account.~~

5 When the proposed development lies in more than one Mobility Zone,  
 6 the Director of Planning and Development and the Director of Public  
 7 Works shall in their sole discretion, determine whether to deposit  
 8 the funds into the accounts for one Mobility Zone or to allocate the  
 9 funds between or among the accounts for the affected Mobility Zones.

10 All sums placed into the fund are to be appropriated for the  
 11 ~~prioritized transportation improvement projects~~ Mobility System  
 12 Projects identified in the Capital Improvements Element of the 2030  
 13 Comprehensive Plan, and these appropriations shall not lapse at the  
 14 close of any fiscal year, but instead shall carry over to the next  
 15 fiscal year. Funds within each account shall be appropriated subject  
 16 to Council approval and pursuant to Section 655.505, Ordinance Code.

17 Payment for sidewalks previously constructed pursuant to  
 18 Section 2.2.2(5) of the Land Development Procedures Manual shall be  
 19 in addition to, rather than as part of, the fee paid for Non-  
 20 motorized improvements in a Zone.

21 \* \* \*

22 **Section 12. Codification Instructions.** The Codifier and the  
 23 Office of General Counsel are authorized to make all chapter and  
 24 division "table of contents" consistent with the changes set forth  
 25 herein. Such editorial changes and any others necessary to make the  
 26 *Ordinance Code* consistent with the intent of this legislation are  
 27 approved and directed herein, and changes to the *Ordinance Code* shall  
 28 be made forthwith and when inconsistencies are discovered.

29 **Section 13. Effective Date.** This Ordinance shall become  
 30 effective upon signature by the Mayor or upon becoming effective  
 31 without the Mayor's signature.

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3  
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7

Form Approved:

          /s/  Mary E. Staffopoulos          

Office of General Counsel

Legislation prepared by: Susan C. Grandin

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