

1 Introduced by the Council President at the Request of the Mayor:  
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4 **ORDINANCE 2022-909**

5 AN ORDINANCE AMENDING CHAPTER 655 (CONCURRENCY  
6 AND MOBILITY MANAGEMENT SYSTEM), PART 1 (GENERAL  
7 PROVISIONS), SECTION 655.102 (PURPOSE AND  
8 DECLARATION OF PUBLIC POLICY), SECTION 655.103  
9 (LEGISLATIVE FINDINGS AND INTENT), SECTION  
10 655.105 (DEFINITIONS), SECTION 655.106  
11 (CONCURRENCY AND MOBILITY MANAGEMENT SYSTEM  
12 OFFICE (CMMSO)), SECTION 655.107 (LEVELS OF  
13 SERVICE AND PERFORMANCE STANDARDS), SECTION  
14 655.108 (DE MINIMIS DEVELOPMENT), SECTION  
15 655.109 (EXEMPTIONS; VESTED RIGHTS; PERMITS OR  
16 APPROVALS CONFERRING VESTED RIGHTS; COMMON LAW  
17 VESTED RIGHTS), SECTION 655.111 (CONCURRENCY  
18 RESERVATION CERTIFICATE APPLICATION PROCESS AND  
19 REVIEW PROCEDURES), SECTION 655.112 (MINIMUM  
20 REQUIREMENTS FOR CCAS OR CRC APPROVAL), SECTION  
21 655.114 (APPEALS), SECTION 655.116 (SCHEDULE OF  
22 FEES), AND SECTION 655.122 (CONCURRENCY AND  
23 MOBILITY MANAGEMENT SYSTEM HANDBOOK), *ORDINANCE*  
24 *CODE*, TO UPDATE THE NOMENCLATURE GENERATED FROM  
25 AMENDMENTS TO PART 5, CHAPTER 655, AND ADDING  
26 DEFINITIONS; AMENDING CHAPTER 655 (CONCURRENCY  
27 AND MOBILITY MANAGEMENT SYSTEM), PART 2  
28 (JACKSONVILLE DEVELOPMENT AGREEMENT  
29 REGULATIONS), SECTION 655.201 (PURPOSE AND  
30 DECLARATION OF PUBLIC POLICY), SECTION 655.204  
31 (DEFINITIONS), SECTION 655.205 (GENERAL

1           REQUIREMENTS), SECTION 655.208 (SCHEDULE OF  
2           FEES), AND SECTION 655.215 (EXISTING CRC AND  
3           CCAS NOT SUBJECT TO A DEVELOPMENT AGREEMENT),  
4           *ORDINANCE CODE*, TO UPDATE THE NOMENCLATURE  
5           GENERATED FROM AMENDMENTS TO PART 5, CHAPTER  
6           655; AMENDING CHAPTER 655 (CONCURRENCY AND  
7           MOBILITY MANAGEMENT SYSTEM), PART 3 (FAIR SHARE  
8           ASSESSMENT PROCEDURES), SECTION 655.301  
9           (EXISTING VALID FAIR SHARE CONTRACTS), AND  
10          SECTION 655.309 (EXISTING CRC AND CCAS NOT  
11          SUBJECT TO A FAIR SHARE CONTRACT), *ORDINANCE*  
12          *CODE*, TO UPDATE THE NOMENCLATURE GENERATED FROM  
13          AMENDMENTS TO PART 5, CHAPTER 655; REPEALING AND  
14          RESERVING SECTION 655.302 (EXTENSION OF FAIR  
15          SHARE ASSESSMENT CONTRACTS), PART 3 (FAIR SHARE  
16          ASSESSMENT PROCEDURES), CHAPTER 655  
17          (CONCURRENCY AND MOBILITY MANAGEMENT SYSTEM),  
18          *ORDINANCE CODE*, IN ITS ENTIRETY; AMENDING  
19          CHAPTER 655 (CONCURRENCY AND MOBILITY MANAGEMENT  
20          SYSTEM), PART 4 (PUBLIC SCHOOL CONCURRENCY),  
21          SECTION 655.401 (PURPOSE AND DECLARATION OF  
22          PUBLIC POLICY), SECTION 655.404 (APPLICABILITY  
23          AND EXEMPTIONS), AND SECTION 655.406  
24          (CONCURRENCY SERVICE AREAS DEFINED), *ORDINANCE*  
25          *CODE*, TO UPDATE THE NOMENCLATURE GENERATED FROM  
26          AMENDMENTS TO PART 5, CHAPTER 655 AND REPLACE  
27          THE THREE POOR QUALITY MAPS DEPICTING THE  
28          CONCURRENCY SERVICE AREAS WITH BETTER QUALITY  
29          COLOR MAPS; AMENDING CHAPTER 655 (CONCURRENCY  
30          AND MOBILITY MANAGEMENT SYSTEM), PART 5  
31          (MOBILITY FEE), SECTION 655.501 (PURPOSE AND

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

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

25  
26 **BE IT ORDAINED** by the Council of the City of Jacksonville:

27 **Section 1. Amending Part 1 (General Provisions), Chapter**  
28 **655 (Concurrency and Mobility Management System), Ordinance Code.**  
29 Section 655.102 (Purpose and declaration of public policy), Section  
30 655.103 (Legislative findings and intent), Section 655.105  
31 (Definitions), Section 655.106 (Concurrency and Mobility Management

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

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

13 \* \* \*

14 **PART 1. - GENERAL PROVISIONS**

15 \* \* \*

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

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

1 Non-motorized public transportation facilities ~~public facilities~~  
2 consistent with the ~~2030~~ Mobility ~~Plan~~System, as established in the  
3 ~~2030~~ Comprehensive Plan, when an application for a final development  
4 order or final development permit is submitted. The CMMS shall ensure  
5 that the adopted level of service standards and performance ~~standards~~  
6 measures shall not be degraded by the issuance of a final development  
7 order or final development permit.

8 \* \* \*

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

17 \* \* \*

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

19 \* \* \*

20 (b) It is the intent of the Council to implement the goals,  
21 objectives, and policies adopted in the ~~2030~~ Comprehensive  
22 Plan.

23 (c) It is the intent of the Council that necessary public  
24 facilities and services, except ~~traffic circulation and mass~~  
25 ~~transit~~ Motorized and Non-motorized public transportation  
26 facilities, be available concurrent with the impacts of  
27 development and that ~~traffic circulation and mass transit~~  
28 ~~public facilities~~ Motorized and Non-motorized public  
29 transportation facilities are provided at the adopted  
30 performance ~~standards~~ measures and in a manner consistent  
31 with the ~~2030~~ Mobility PlanSystem.

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

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

12 \* \* \*

13 (g) Not all development or development activity impacts are  
14 significant enough to cause the deterioration of the levels  
15 of service or performance ~~standards~~ measures adopted in the  
16 ~~2030~~ Comprehensive Plan. It is therefore found that certain  
17 developments are either deemed a ~~de minimis~~ de minimis impact  
18 or are exempt as not causing an unacceptable degradation of  
19 levels of service or performance standard and is consistent  
20 with the goals, objectives and policies of the ~~2030~~  
21 Comprehensive Plan.

22 \* \* \*

23 **Sec. 655.105. - Definitions.**

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

27 ~~(a)~~ *Capacity* means a maximum and quantifiable ability for a public  
28 facility, except ~~traffic circulation and mass transit~~  
29 Motorized and Non-motorized public transportation facilities,  
30 to provide service to its users, calculated relative to a  
31 level of service infrastructure standard. It includes the

1 following:

2 \* \* \*

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

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

22 ~~(d)~~ *Commenced* means that point in the evolution of a project when  
23 a reasonable amount of funds have been expended for  
24 development, when judged in relation to the intensity or type  
25 of development, by the developer can be demonstrated, or that  
26 point at which actual physical construction of the project  
27 begins in concert with the provision of necessary support  
28 infrastructure, when judged in relation to the intensity or  
29 type of development, whether such infrastructural  
30 improvements are off-site or on-site.

31 ~~(e)~~ *Comprehensive plan or plan* means the most recent version of



1 the City of Jacksonville's 2030 Comprehensive Plan adopted  
2 pursuant to Chapter 163, Part II, Florida Statutes. Ordinance  
3 2009-791-E on November 10, 2009 by the City Council, with an  
4 effective date of February 4, 2010, as such plan may be  
5 amended from time to time.

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

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

19 ~~(h)~~ *Concurrency and Mobility Management System (CMMS)* means the  
20 procedures and/or processes utilized by the City to assure  
21 that final development orders and final development permits  
22 are not issued unless the necessary facilities to support the  
23 development, except ~~traffic circulation and mass transit~~  
24 Motorized and Non-motorized public transportation facilities,  
25 are available concurrent with the impacts of the development  
26 and the ~~traffic circulation and mass transit public~~  
27 ~~facilities~~ Motorized and Non-motorized public transportation  
28 facilities meet the performance standards measures as  
29 provided in a manner consistent with the ~~2030~~ Mobility Plan  
30 System. These procedures and/or processes are specified in  
31 Part 5 of this Chapter and in the Concurrency and Mobility

1 Management System Handbook for Jacksonville, Florida.

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

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

20 CMMS Handbook means the Concurrency and Mobility Management  
21 System Handbook available at the CMMS Office, 214 N. Hogan  
22 St., Second Floor, Jacksonville, FL 32202, and on the CMMSO  
23 webpage on www.coj.net.

24 CMMSO means the Concurrency and Mobility Management System  
25 Office.

26 ~~(k)~~ *Development* means the carrying out of any building activity  
27 or mining operation, the making of any material change in the  
28 use or appearance of a structure or land, or the dividing of  
29 land into three or more parcels according to a plat of record.  
30 The following activities or uses shall be taken to involve  
31 development:



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

18 (4) *Preliminary development order* means a preliminary  
19 approval given by the City which does not authorize actual  
20 construction, alterations to land or structures or other  
21 development. A preliminary development order may  
22 authorize a change in the allowable use of land or a  
23 building, and may include conceptual approvals where a  
24 series of approvals are required before authorization to  
25 commence land alteration or construction may be given by  
26 the City. A CRC or the payment of a mobility fee is not  
27 required prior to the issuance of a preliminary  
28 development order, which term shall include, but not be  
29 limited to: an order granting an administrative appeal,  
30 an amendment to the ~~Future Land Use Map~~ FLUM series of  
31 the ~~2030~~ Comprehensive Plan, an amendment to the ~~2030~~

1 Comprehensive Plan which affects land use or development  
2 standards, approval of preliminary sketch plans under  
3 Section 654.107, Ordinance Code, approval of site plans  
4 under Section 656.404, Ordinance Code, an order granting  
5 a zoning variance or exception, a rezoning and a written  
6 determination of consistency with the ~~2030~~ Comprehensive  
7 Plan.

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

29 Existing Use means the actual, present use or the most recent  
30 lawful use on the property. Documentation may include Duval  
31 County Property Appraiser Tax Record Cards, building permits,

1 demolition permits, advertising (e.g. number of hotel rooms),  
2 real estate listings, internet search on business address,  
3 phone listings, Sanborn maps, and other reliable information  
4 sources.

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

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

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

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

27 Mobility fee means a monetary charge on new development based  
28 upon the transportation impacts, both motorized and non-  
29 motorized, created by the new development. For purposes of  
30 this fee, "new development" also includes the renovation or  
31 conversion of an Existing Use, or the expansion of an Existing

1 Use if there will be an increase in the amount of traffic  
2 generated.

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

8 Motorized public transportation facility means a roadway/corridor  
9 or mass transit facility that accommodates cars, trucks or  
10 other types of motorized vehicles.

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

15 ~~(q) Reserved.~~

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

24 ~~(s) Lot includes the words plot or parcel . A lot or plot is a~~  
25 ~~parcel of land of at least sufficient size to meet the minimum~~  
26 ~~requirements of the Zoning Code as to use, lot coverage and~~  
27 ~~area and to provide the yards required by the Zoning Code. A~~  
28 ~~lot is also defined as a single unit in a subdivision.~~

29 ~~(t) Reserve capacity means that capacity for public facilities,~~  
30 ~~except for traffic circulation and mass transit Motorized and~~  
31 ~~Non-motorized public transportation facilities, demanded by~~

1 the impacts of CRC or CCAS applications on a "first come-  
2 first served" basis for:

3 \* \* \*

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

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

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

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



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

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

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

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

25 \* \* \*

26 **Sec. 655.106. - Concurrency and Mobility Management System Office**  
27 **(CMMSO) .**

28 There is hereby established a Concurrency and Mobility Management  
29 System Office for the City of Jacksonville located in the Planning  
30 and Development Department.

31 (a) *Functions and responsibilities.* The CMMSO shall perform the

1 following functions:

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

12 \* \* \*

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

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

27 (7) It shall issue an annual capacity statement on April 25,  
28 1991, and on the same date annually thereafter indicating  
29 capacity information for each public facility or service,  
30 except ~~traffic circulation and mass transit~~ Motorized and  
31 Non-motorized public transportation facilities. The

1 annual statements shall include the following for each  
2 component of the level of service:

3 \* \* \*

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

9 (b) *Administration.* It shall be the responsibility of the  
10 Planning and Development Department to enforce the provisions  
11 of this Chapter. The Director of Planning and Development  
12 shall have the duty and authority to interpret the provisions  
13 of the CMMS and to promulgate the rulings, regulations and  
14 procedures found necessary for the implementation of the  
15 CMMS. In addition, the Director of Planning and Development  
16 is specifically delegated the authority to enter into  
17 memorandums of agreement on behalf of the City in order to  
18 carry out the provisions of Section 655.111(b)(5)(iv)  
19 regarding reserve capacity. Where a Memorandum of Agreement  
20 consistent with the basic template provided in the Handbook  
21 has been executed by the Director and the developer, and the  
22 developer has submitted an application for a development  
23 agreement which has been determined to be sufficient and  
24 accepted by the CMMSO and has commenced negotiations with the  
25 City, the CMMSO may extend reserve capacity by one or more  
26 periods of up to 30 days each, provided the negotiations are  
27 continuing in good faith. Where it is alleged there is error  
28 in any decision of the Director of Planning and Development,  
29 an appeal may be made pursuant to the provisions of Section  
30 655.114.

31 ~~(c) Aggregation Standard. Two or more developments represented by~~

1 ~~their owners or developers to be separate developments shall~~  
2 ~~be aggregated and treated as a single development under~~  
3 ~~Chapter 655, Ordinance Code, when they are determined to be~~  
4 ~~part of a unified plan of development and are physically~~  
5 ~~proximate to one another.~~

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

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

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

12 ~~There is common management of the developments~~  
13 ~~controlling the form of physical development or~~  
14 ~~disposition of parcels of the development.~~

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

21 ~~(iii) A master plan or series of plans or drawings exists~~  
22 ~~covering the developments sought to be aggregated~~  
23 ~~which have been submitted to the City, the St. Johns~~  
24 ~~River Water Management District, the Florida~~  
25 ~~Department of Environmental Protection, or the~~  
26 ~~Division of Florida Land Sales, Condominiums, and~~  
27 ~~Mobile Homes for authorization to commence~~  
28 ~~development. The existence or implementation of a~~  
29 ~~utility's master utility plan required by the Public~~  
30 ~~Service Commission or the City or a master drainage~~  
31 ~~plan shall not be the sole determinant of the~~

1                   ~~existence of a master plan.~~

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

11                   ~~(v) There is a common advertising scheme or promotional~~  
12                   ~~plan in effect for the developments sought to be~~  
13                   ~~aggregated.~~

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

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

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

28                   ~~(3) "Reasonable closeness in time" means that which occurs~~  
29                   ~~within five years.~~

30                   ~~(4) "Significant legal or equitable interest" means that the~~  
31                   ~~same person has an interest or an option to obtain an~~

1 interest of more than 25 percent in each development for  
2 the following types of interests:

- 3 1. ~~A fee simple estate;~~
- 4 2. ~~A leasehold estate of more than 30 years duration;~~
- 5 3. ~~A life estate;~~
- 6 4. ~~Mineral rights in mining developments; or~~
- 7 5. ~~Similar equitable, beneficial or real property~~  
8 ~~interests in the development.~~

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

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

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

16 Not all development or development activity impacts are  
17 significant enough to cause deterioration in the levels of service  
18 or be subject to a mobility fee as adopted in the 2030 Comprehensive  
19 Plan.

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

23 (1) A change in use of a structure completed as of ~~Ordinance~~  
24 ~~2011-536-E, September 19, 2011,~~ without addition of  
25 square footage, from a lawful use within a presently  
26 applicable zoning district to a similar permitted use  
27 within the same zoning district shall be exempt from all  
28 CMMS review.

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

31 (3) All public facilities provided by the City of Jacksonville

1 necessary to ensure the protection of the health and  
2 safety of the citizens of the City of Jacksonville.

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

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

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

20 **Sec. 655.109. - Exemptions; vested rights; permits or approvals**  
21 **conferring vested rights; common law vested rights.**

22 The following development or development activity shall be exempt  
23 from CMMS review and the payment of the mobility fee.

24 (a) ~~Requirements for vested rights.~~ Requirements for vested  
25 rights. The provisions of this Chapter shall not affect the  
26 validity of any lawfully issued and effective final  
27 development orders or final development permits which were  
28 issued prior to April 25, 1991, provided that such development  
29 activity as is authorized by the order or permit has commenced  
30 prior to April 25, 1991, and is continuing in good faith  
31 towards completion. A proposed development shall be vested

1 for purposes of this Chapter and therefore exempt from the  
2 CMMS requirements of this Chapter if it has received one of  
3 the following:

4 \* \* \*

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

23 (c) ~~Prior concurrency approvals~~ Prior concurrency approvals.  
24 Concurrency approvals for Conditional Capacity Availability  
25 Statements (CCAS), Concurrency Reservation Certificates  
26 (CRCs), Vested Property Affirmation Certificates (VPACs),  
27 Development Agreements and Redevelopment Agreements that have  
28 not expired shall be recognized and accepted until  
29 expiration. Development authorized by a fair share assessment  
30 contract may be completed in reliance upon and pursuant to  
31 the fair share assessment contract as set forth in Section



1 655.301 of this Chapter.

2 \* \* \*

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

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

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

30 (f) All public educational and on-site ancillary plants as  
31 defined in Chapter 1013, Florida Statutes, or charter schools

1 governed by F.S. § 1002.33, and private primary and secondary  
2 educational schools that have been accredited by the Florida  
3 Department of Education, as well as their on-site ancillary  
4 plants.

5 \* \* \*

6 (i) 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 or community recreation  
12 facilities.

13 **Sec. 655.111. - Concurrency Reservation Certificate application**  
14 **process and review procedures.**

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

16 The latest point at which concurrency is determined is the  
17 final development order. A Concurrency Reservation  
18 Certificate (CRC) shall be required prior to the issuance of  
19 all final development permits and final development orders,  
20 other than permits for ~~de minimis~~ de minimis development or  
21 exempt development as provided in Section 655.108 and Section  
22 655.109, but not for preliminary development orders or  
23 preliminary development permits. The payment of the ~~mobility~~  
24 Mobility fee per Part 5 of this Chapter, if applicable, shall  
25 be required prior to approval of final construction and/or  
26 engineering plans under Chapter 320, Ordinance Code or  
27 building permits for single family residential construction  
28 (or as otherwise provided in Part 5), unless the proposed  
29 development is ~~de minimis~~ de minimis or exempt as provided in  
30 Section 655.108 and Section 655.109. No final development  
31 order or final development permit shall be issued or granted

1 by any board, commission, department or agency of the City of  
2 Jacksonville without a CRC unless in accordance with the  
3 provisions of this Chapter. No approval of final construction  
4 and/or engineering plans under Chapter 320, Ordinance Code or  
5 building permits for single family residential construction  
6 shall be issued or granted by any board, commission,  
7 department or agency of the City of Jacksonville without the  
8 payment of the ~~mobility~~ Mobility fee per ~~part~~ Part 5 of this  
9 Chapter unless in accordance with the provisions of this  
10 Chapter.

11 (b) *Conditional Capacity Availability Statement (CCAS)*  
12 *application procedures and review process.* An applicant may  
13 make an application for a CCAS. An applicant for a CCAS shall  
14 file a completed application with the CMMSO on the form  
15 provided by that office. The applicant shall provide all the  
16 information requested on the application, to the extent  
17 applicable. The application shall be accepted by the CMMSO  
18 only if the application is completed in full and submitted  
19 with all supplementary information required. Prior to filing  
20 the application, the applicant is encouraged to meet with the  
21 CMMSO staff or the staff of any reviewing division to discuss  
22 the application. Upon the payment of the application fee to  
23 the Tax Collector, copies of the application shall be  
24 transmitted immediately to each reviewing division. The  
25 acceptance of an application for a CCAS shall constitute the  
26 issuance of reserve capacity as to those public facilities,  
27 except for ~~traffic circulation and mass transit~~ Motorized and  
28 Non-motorized public transportation facilities, for which  
29 there is free capacity on the date of acceptance of the  
30 application. Each reviewing division shall review the  
31 application for compliance with level of service standards

1 according to the methodologies and criteria set forth in the  
2 Concurrency and Mobility Management System Handbook for  
3 Jacksonville, Florida.

4 (1) Reviews shall be performed as follows:

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

6 (ii) Solid Waste Division, Public Works Department: solid  
7 waste;

8 (iii) Development Services Division, Planning and  
9 Development Department: drainage;

10 (iv) Recreation and Community Programming Division,  
11 Recreation and Parks Department: recreation.

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

17 \* \* \*

18 (3) Each reviewing division shall compare the proposed  
19 development's impact against free capacities, consider  
20 committed improvement capacities, reduce the proposed  
21 development's impact by the impact of the existing use,  
22 if applicable, of the property, determine the available  
23 capacity based upon the level of service standards adopted  
24 in the ~~2030~~ Comprehensive Plan, and, within 30 days after  
25 the date of acceptance of the application, issue to the  
26 CMMSO a written approval, denial, or approval with  
27 conditions for its portion of the application. As to any  
28 public facilities, except for ~~traffic circulation and~~  
29 ~~mass transit~~ Motorized and Non-motorized public  
30 transportation facilities, for which there was not  
31 sufficient free capacity on the date of acceptance of

1 payment for the application, the appropriate reviewing  
2 division's approval shall include any and all conditions  
3 which must be fulfilled prior to the issuance of the CRC.

4 (4) A final written decision shall be issued by the CMMSO  
5 within 45 days from the date the application is accepted  
6 by that office.

7 (5) If the application is denied or is approved with  
8 conditions, the written notification shall:

9 (i) Identify the decision reached by each reviewing  
10 division and the reason for denial or approval with  
11 conditions by any reviewing division;

12 (ii) Outline the procedures required to be followed in  
13 order to appeal the decision;

14 (iii) Outline the procedures required to be followed in  
15 order to enter into a development agreement, binding  
16 executed contract or other negotiating process which,  
17 upon agreement by the City, would permit the approval  
18 of the application or amendment or deletion of the  
19 disputed conditions;

20 (iv) Notify the applicant that the application shall  
21 continue to constitute the issuance of reserve  
22 capacity as to the applicable public facilities,  
23 except for ~~traffic circulation and mass transit~~  
24 Motorized and Non-motorized public transportation  
25 facilities, for a period of: (i) 30 days after the  
26 date of the final written decision if the applicant  
27 gives written notice to the CMMSO, within ten days of  
28 such decision, of the applicant's intent to negotiate  
29 within such 30-day period modifications to the  
30 application which, upon agreement by the CMMSO, would  
31 permit the approval of the application or amendment

1 or deletion of the disputed conditions, or (ii) 120  
2 days after the date of the final written decision if  
3 the applicant, within 30 days of such decision, either  
4 executes a memorandum of agreement, a basic template  
5 of which is provided in the Handbook, expressing the  
6 applicant's intent to enter into a development  
7 agreement pursuant to Part 2, Chapter 655, Ordinance  
8 Code, and F.S. § 163.3202, within such 120-day period,  
9 or files an appeal on the form provided by the CMMSO.  
10 If the memorandum of agreement is not executed or the  
11 appeal is not filed within the time frames set forth  
12 above, or if the applicant fails to negotiate  
13 modifications to the application or enter into a  
14 development agreement within the time frames set  
15 forth above, the application shall automatically lose  
16 its reserve capacity and shall be treated as any other  
17 new application in the event the applicant wishes to  
18 proceed with the proposed development at a later date.

19 \* \* \*

20 (c) *Concurrency Reservation Certificate (CRC) application*  
21 *procedures and review process.* An applicant may make an  
22 application for a CRC. In the event the applicant has not  
23 previously obtained a CCAS, the applicant shall follow the  
24 procedures set forth in subsections (c)(1) through (4) of  
25 this Section. In the event the applicant has previously  
26 obtained a CCAS, the applicant shall follow the procedures  
27 set forth in subsections (c)(5) through (10) of this Section.  
28 All CRCs, whether or not preceded by a CCAS, are governed by  
29 the provisions in subsections (c)(10) through (15) of this  
30 Section.

31 (1) In the event the applicant has not previously obtained a

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

26 \* \* \*

- 27 (4) In the event the applicant has previously obtained a CCAS  
28 and the CCAS has not expired, within ten days after filing  
29 an application for the final development order or  
30 development permit for which a CCAS has been issued the  
31 applicant shall notify the CMMSO of such application on

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

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

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



1 standards adopted in the ~~2030~~ Comprehensive Plan, and,  
2 within 30 days after the date of acceptance of payment  
3 for the application, issue to the CMMSO a written approval  
4 or denial for that reviewing division's portion of the  
5 application.

6 \* \* \*

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

22 \* \* \*

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

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

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

28 \* \* \*

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

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

1 \* \* \*

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

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

5 \* \* \*

6 **Sec. 655.114. - Appeals.**

7 \* \* \*

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

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

- 20 (1) That there was an error in the decision or technical  
21 determination made by the Director of Planning and  
22 Development, the CMMSO, or any of the reviewing divisions;  
23 (2) That one or more of the requirements of Section 655.112  
24 of this Chapter are satisfied, such that the necessary  
25 public facilities and services shall be available  
26 concurrent with the impacts of the development;  
27 (3) That the requirements of Section 655.109(a) or (e) have  
28 been met or  
29 (4) That there was an error in the calculation of the ~~mobility~~  
30 Mobility fee.

31 (e) In the instance of an appeal alleging an error in the

1 calculation of the mobility fee, an appellant may request  
2 that the hearing officer receive and consider findings of  
3 fact by a licensed professional traffic engineer (P.E.),  
4 provided by the appellant at his sole cost and expense, in  
5 reviewing the calculation of the mobility fee and application  
6 of the standards and measures in the Concurrency and Mobility  
7 Management System Handbook. Such a request shall be filed  
8 with the notice of appeal. If such a request is filed, then,  
9 in conjunction with appointing the hearing officer as  
10 provided in subsection (g) of this Section, a traffic engineer  
11 ("appointed advisor") shall be appointed by the Office of the  
12 General Counsel from among the members of the Technical  
13 Advisory Committee appointed pursuant to Section 655.122. The  
14 provisions applicable to the hearing officer set forth in  
15 subsection (g) of this Section regarding ~~ex parte~~ ex parte  
16 communications and compensation also shall apply to the  
17 appointed advisor. The appointed advisor shall be privy to  
18 all filings of the parties in the appeal, shall attend the  
19 hearing, and may question witnesses. Within 15 days after the  
20 hearing, the appointed advisor shall distribute to the  
21 hearing officer and the parties a report regarding the facts  
22 presented by the parties, including factual findings. The  
23 hearing officer shall consider the report of the appointed  
24 advisor, and, in issuing the decision in the appeal, the  
25 hearing officer may overturn the findings of fact of the  
26 appointed advisor only upon concluding that the record  
27 contains no competent and substantial evidence supporting the  
28 findings of fact by the appointed advisor.

29 \* \* \*

30 (g) In the event of an appeal by an applicant, the Office of  
31 General Counsel shall appoint, after consultation with the

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

16 \* \* \*

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

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

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

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

25 (1) Formal review:

26 (i) For residential, new building: a fee per dwelling  
27 unit up to 500 units, of which an amount is designated  
28 for public school concurrency testing. An amount per  
29 dwelling unit for any additional units over 500 units,  
30 of which an amount is designated for ~~public school~~  
31 Duval County public schools, not including charter

1 schools, concurrency testing.

2 \* \* \*

3 (e) ~~De minimis~~ De minimis concurrency and mobility fee review

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

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

10 (h) Concurrency time extensions, ~~including mobility fee~~  
11 ~~calculation certificate extensions.~~

12 (i) Mobility fee calculation certificate: ~~a certificate fee or a~~  
13 ~~fee for an expedited mobility fee calculation certificate.~~

14 (j) Mobility Fee Contract application.

15 (k) Transfer of mobility fee certificate ~~transfer.~~

16 \* \* \*

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

18 (a) Annually, by June 15 of each calendar year ~~(commencing in~~  
19 ~~2014, within 60 days after the appointment of all of the~~  
20 ~~required members of the Technical Advisory Committee),~~ the  
21 CMMSO shall develop an updated Concurrency and Mobility  
22 Management System Handbook for Jacksonville, Florida  
23 ("Handbook"), as the official document containing the current  
24 procedures, methodologies and criteria to be used by the City  
25 in implementing this Chapter. These procedures, methodologies  
26 and criteria shall include the assumptions and formula inputs  
27 used by the ~~CMMSO~~ Division in calculating ~~mobility~~ Mobility  
28 fees pursuant to Section 655.503(e), such as the recommended  
29 process and data set forth in the Institute of Transportation  
30 Engineers (ITE) most recent edition of " *Trip Generation* "  
31 ~~and the use of the URDEMIS model for possible adjustments to~~

1 ~~the calculation based on physical measures.~~ The intent of the  
2 Handbook is to publish for applicants and the public clear,  
3 uniform, and objective standards for the calculation of  
4 ~~mobility~~ Mobility fees. *Trip Generation* shall be used by the  
5 ~~CMMSO~~ Division in calculating the Development Daily Vehicle  
6 Trips of the proposal and of the Existing Uses on the  
7 property, unless there is a special trip generation study  
8 approved by the Planning and Development Department. *Trip*  
9 *Generation* shall also be used for pass-by capture, internal  
10 capture, and diverted link trips as those concepts are  
11 recommended for use by the ITE.

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

1 and shall be used by the CMMSO until the next update. Updates  
2 to the Handbook regarding concurrency (non-transportation  
3 issues) will be performed by the Department.

4 \* \* \*

5 **Section 2. Amending Part 2 (Jacksonville Development**  
6 **Agreement Regulations), Chapter 655 (Concurrency and Mobility**  
7 **Management System), Ordinance Code.** Section 655.201 (Purpose and  
8 declaration of public policy), Section 655.204 (Definitions), Section  
9 655.205 (General requirements), Section 655.208 (Schedule of fees),  
10 and Section 655.215 (Existing CRC and CCAS not subject to a  
11 development agreement), Part 2 (Jacksonville Development Agreement  
12 Regulations), Chapter 655 (Concurrency and Mobility Management  
13 System), *Ordinance Code*, is hereby amended to read as follows:

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

15 \* \* \*

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

17 \* \* \*

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

19 The purpose of Part 2 is to establish procedures by which  
20 development agreements may be considered, reviewed, approved, amended  
21 and cancelled by the City of Jacksonville, in a manner consistent  
22 with F.S. §§ 163.3220–163.3243, and in a manner which promotes a  
23 strong commitment to comprehensive facilities planning, ensures  
24 adequate environmental protection and the provision of adequate  
25 public facilities, except for ~~traffic circulation and mass transit~~  
26 Motorized and Non-motorized public transportation facilities,  
27 facilitates and promotes certainty in the development approval  
28 process, and reduces the economic costs of development by providing  
29 greater regulatory certainty.

30 The Council declares as a matter of public policy that the  
31 implementation of F.S. §§ 163.3220–163.3243 is a public necessity and

1 is important in the protection and enhancement of the quality of life  
2 in the City of Jacksonville and State of Florida.

3 \* \* \*

4 **Sec. 655.204. - Definitions.**

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

8 ~~(a)~~ *Aggrieved or adversely affected person* means any person or  
9 local government which will suffer an adverse effect to an  
10 interest protected by the Comprehensive Plan. The alleged  
11 adverse effect may be shared in common with other members of  
12 the community at large, but shall exceed in degree the general  
13 interest in common good shared by all persons.

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

17 ~~(c)~~ *Department* means the Planning and Development Department.

18 ~~(d)~~ *Development agreement* means an agreement entered into between  
19 the City of Jacksonville and any person(s) associated with a  
20 development agreement pursuant to the terms of Part 2, Chapter  
21 655, Ordinance Code. A development agreement provides the  
22 opportunity to engage in public/private, ~~open-ended~~ flexible  
23 bargaining on many aspects of land use controls, and is  
24 particularly well-suited to a development that requires a  
25 negotiated, tailored resolution to a problem or need that  
26 requires long-term commitments from the City, the  
27 developer(s) and/or land owner(s). Whenever a development  
28 agreement is utilized to meet the requirements of Chapter  
29 655, Part 1, it shall result in the maintenance of and/or a  
30 return to the required level of service standard for any  
31 public facility, except for ~~traffic circulation and mass~~



1 ~~transit~~ Motorized and Non-motorized public transportation  
2 facilities, as defined in Section ~~655.105(r)~~ 655.105,  
3 Ordinance Code, that has been or will be compromised by the  
4 potential impacts of the proposed development which is the  
5 subject of the development agreement.

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

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

10 ~~(g)~~ *Land development regulations* means ordinances enacted by the  
11 City of Jacksonville for the regulation of any aspect of  
12 development and includes any concurrency action, rezoning,  
13 subdivision, environmental, building construction,  
14 application or payment of a mobility fee, or sign regulations  
15 controlling the development of land.

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

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

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

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

25 \* \* \*

26 (5) A description of the public facilities and services,  
27 except for ~~traffic circulation and mass transit~~ Motorized  
28 and Non-motorized public transportation facilities, that  
29 will service proposed development, including who shall  
30 provide such facilities and services; development  
31 progress thresholds measured in enclosed and/or

1 unenclosed square feet or number dwelling units; the date  
2 or schedule any new facilities, if needed, will be  
3 constructed; a schedule to assure public facilities and  
4 services, except for ~~traffic circulation and mass transit~~  
5 Motorized and Non-motorized public transportation  
6 facilities, are available concurrent with the impacts of  
7 the development; and if necessary, any third party or  
8 other agreement assuring the provision of such public  
9 facilities and services;

10 \* \* \*

11 (c) *Duration of a development agreement.* The duration of a  
12 development agreement shall generally be for the actual  
13 duration of the proposed development, or length of time  
14 mutually agreed upon in the case of reserve priority capacity  
15 not associated with development but in any case shall not  
16 exceed ~~twenty~~ thirty (30) years from its effective date,  
17 unless otherwise provided by law. It may be extended by mutual  
18 consent of the City, the developer, and any third party to  
19 the development agreement, pursuant to the public hearing  
20 requirements contained in Section 655.206(f), Ordinance Code,  
21 herein.

22 \* \* \*

23 (f) The adoption of the ~~2030~~ Mobility Plan System and Part 5 of  
24 this Chapter does not abridge or modify any rights or any  
25 duties or obligations set forth in any validly existing  
26 development agreement or any other contract relating to a  
27 valid development agreement. The development authorized by a  
28 development agreement may be completed in reliance upon and  
29 pursuant to the terms of the development agreement unless the  
30 developer or landowner has requested to cancel the  
31 development agreement or amend the development agreement to

1 terminate a portion of the rights set forth in the development  
2 agreement as set forth in this Section. Any proposed change  
3 to a development which is governed by a development agreement  
4 and 1) increases the trip generation of the development, or  
5 2) changes the trip distribution of the development shall be  
6 governed by the requirements of Part 5 of this Chapter.

7 (g) *Amendment or cancellation of a development agreement.* A  
8 request to amend or cancel a development agreement may be  
9 initiated by the Department, the owner or developer of real  
10 property for which a development agreement has been approved  
11 or any third party to a development agreement. A development  
12 agreement may be cancelled by the City or amended, subject to  
13 the procedural and public hearing requirements contained in  
14 these regulations, and under one or more of the following  
15 conditions:

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

19 \* \* \*

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

22 (1) At the request of the owner or developer, a proposed  
23 amendment or cancellation of an approved development  
24 agreement may be submitted to the City Council for  
25 consideration. The proposed amendment or cancellation  
26 document shall contain the following items:

27 \* \* \*

28 (2) Each request for a proposed amendment or cancellation of  
29 an approved development agreement shall include the  
30 following items:

31 \* \* \*

1 (ii) A description of the amount of existing development,  
2 as defined under Section ~~655.105(k)~~ 655.105,  
3 Ordinance Code, that has occurred on site, including  
4 the amount of existing vertical development by land  
5 use in gross square feet, dwelling units, or other  
6 applicable units of measure; the amount of  
7 infrastructure completed at the site; etc. A copy of  
8 the approved site development plan, if applicable,  
9 shall be attached to the request as Exhibit A.

10 \* \* \*

11 (j) *Public hearings.* Before the City enters into, amends or  
12 cancels a development agreement, there shall be a minimum of  
13 two public hearings, with one public hearing to be held by  
14 the City Council and the other ~~one~~ to be held by either the  
15 City Council or the Planning Commission. ~~the appropriate City~~  
16 ~~Council committee of reference.~~ The public hearings shall be  
17 held 45 days from the date of the filing of the legislation  
18 concerning the development agreement with the Division of  
19 Legislative Services. The owner or developer shall file proof  
20 of publication with the Legislative Services Division prior  
21 to the public hearings.

22 \* \* \*

23 (2) Notice of the public hearing shall also be given, at the  
24 applicant's expense, ~~to all owners of property~~ within at  
25 least 14 days in advance of the first public hearing to  
26 all owners of real property within 350 feet of the  
27 boundary line of the property for which a development  
28 agreement, or its amendment or cancellation, is  
29 requested; provided, however, that where the land for  
30 which a development agreement, or its amendment or  
31 cancellation, is sought, is part of, or adjacent to, land

1 owned by the same person, the Director may, in his  
2 discretion, require that notice be given to such owners  
3 as the Director may determine to be affected property  
4 owners. For purposes of this provision, owners of adjacent  
5 or nearby properties within the distance set forth herein  
6 shall be deemed to be those whose names appear on the  
7 current tax records in the Office of the Property  
8 Appraiser; provided, however, that where such notice is  
9 determined by the Director to be insufficient to ensure  
10 actual notice to a majority of adjoining owners, he may  
11 require mailed notice to be given to the actual owners,  
12 as indicated by a current title search of the public  
13 records. Notwithstanding any other provision herein  
14 contained, the failure of an adjacent or nearby property  
15 owner required by this Section to receive written notice  
16 shall not constitute a jurisdictional defect, provided  
17 that proper legal notice has been published, and shall  
18 not invalidate or otherwise have an effect upon any action  
19 taken by the City Council.

20 \* \* \*

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

22 (1) Fees for the categories of activities listed below can be  
23 found electronically on the following City of Jacksonville  
24 webpage: [www.coj.net/fees](http://www.coj.net/fees). ~~The following schedule of fees~~  
25 ~~shall apply.~~ The effective date and time of filing the  
26 application shall be upon receipt of the required fee by the  
27 Tax Collector. The fees shall not include the cost of  
28 notification, which cost shall be \$7 for each notification  
29 and shall be paid to the City.

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

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

3 (c) Request for an amendment to a development agreement ~~.....~~  
4 ~~1,000.00~~

5 (d) Request for cancellation of a development agreement ~~.....~~  
6 ~~1,000.00~~

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

8 \* \* \*

9 **Sec. 655.215. - Existing CRC and CCAS not subject to a development**  
10 **agreement.**

11 Any existing CRC or CCAS that is not the subject of 1) an existing  
12 and valid development agreement, or 2) a pending paid application for  
13 a development agreement as of September 19, 2011 ~~the effective date~~  
14 ~~of Ordinance 2011-536-E~~, cannot be converted into a development  
15 agreement in order to reserve traffic circulation and mass transit  
16 capacity.

17 \* \* \*

18 **Section 3. Amending Part 3 (Fair Share Assessment**  
19 **Procedures), Chapter 655 (Concurrency and Mobility Management**  
20 **System), Ordinance Code.** Section 655.301 (Existing valid fair share  
21 contracts), and Section 655.309 (Existing CRC and CCAS not subject  
22 to a fair share contract), Part 3 (Fair Share Assessment Procedures),  
23 Chapter 655 (Concurrency and Mobility Management System), *Ordinance*  
24 *Code*, is hereby amended to read as follows:

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

26 \* \* \*

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

28 \* \* \*

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

30 The Council declares as a matter of public policy that the  
31 implementation of F.S. § 163.3180(11), is a public necessity and is

1 important in the protection and enhancement of the quality of life  
2 in the City of Jacksonville and State of Florida.

3 (a) The adoption of the ~~2030 Mobility Plan~~, the Mobility System,  
4 and Part 5 of this Chapter does not abridge or modify any  
5 rights or any duties or obligations set forth in any validly  
6 existing fair share assessment contract or any other contract  
7 relating to a valid fair share contract. The development  
8 authorized by a fair share assessment contract may be  
9 completed in reliance upon and pursuant to the terms of the  
10 fair share assessment contract unless the developer or  
11 landowner has requested to terminate the fair share  
12 assessment contract or a portion of the rights set forth in  
13 the fair share contract as set forth in subsection (b) below.  
14 Any proposed change to a development which is governed by a  
15 fair share assessment contract and 1) increases the trip  
16 generation of the development, or 2) changes the trip  
17 distribution of the development shall be governed by the  
18 requirements of Part 5 of this Chapter.

19 \* \* \*

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

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

28 **Section 4. Repealing and Reserving Section 655.302**  
29 **(Extension of fair share assessment contracts), Part 3 (Fair**  
30 **Share Assessment Procedures), Chapter 655 (Concurrency and Mobility**  
31 **Management System), Ordinance Code, in its entirety. Section 655.302**

1 (Extension of fair share assessment contracts), Part 3 (Fair Share  
2 Assessment Procedures), 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 5. Amending Part 4 (Public School Concurrency),**  
7 **Chapter 655 (Concurrency and Mobility Management System), *Ordinance***  
8 ***Code*.** Section 655.401 (Purpose and declaration of public policy),  
9 Section 655.404 (Applicability and Exemptions), and Section 655.406  
10 (Concurrency Service Areas Defined), Part 4 (Public School  
11 Concurrency), Chapter 655 (Concurrency and Mobility Management  
12 System), *Ordinance Code*, is hereby amended to read as follows:

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

14 \* \* \*

15 **PART 4. - PUBLIC SCHOOL CONCURRENCY**

16 \* \* \*

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

18 The purpose and intent of this Part 4 is:

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

23 \* \* \*

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

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

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

28 \* \* \*

- 29 (5) Any development with a ~~de minimis~~ de minimis impact  
30 defined as any residential development of 20 units or  
31 less; provided, however, that the development complies



1 with the aggregation limitations in Section 655.106.

2 \* \* \*

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

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

# DCPS - 9 ES Concurrency Management Area Scenario

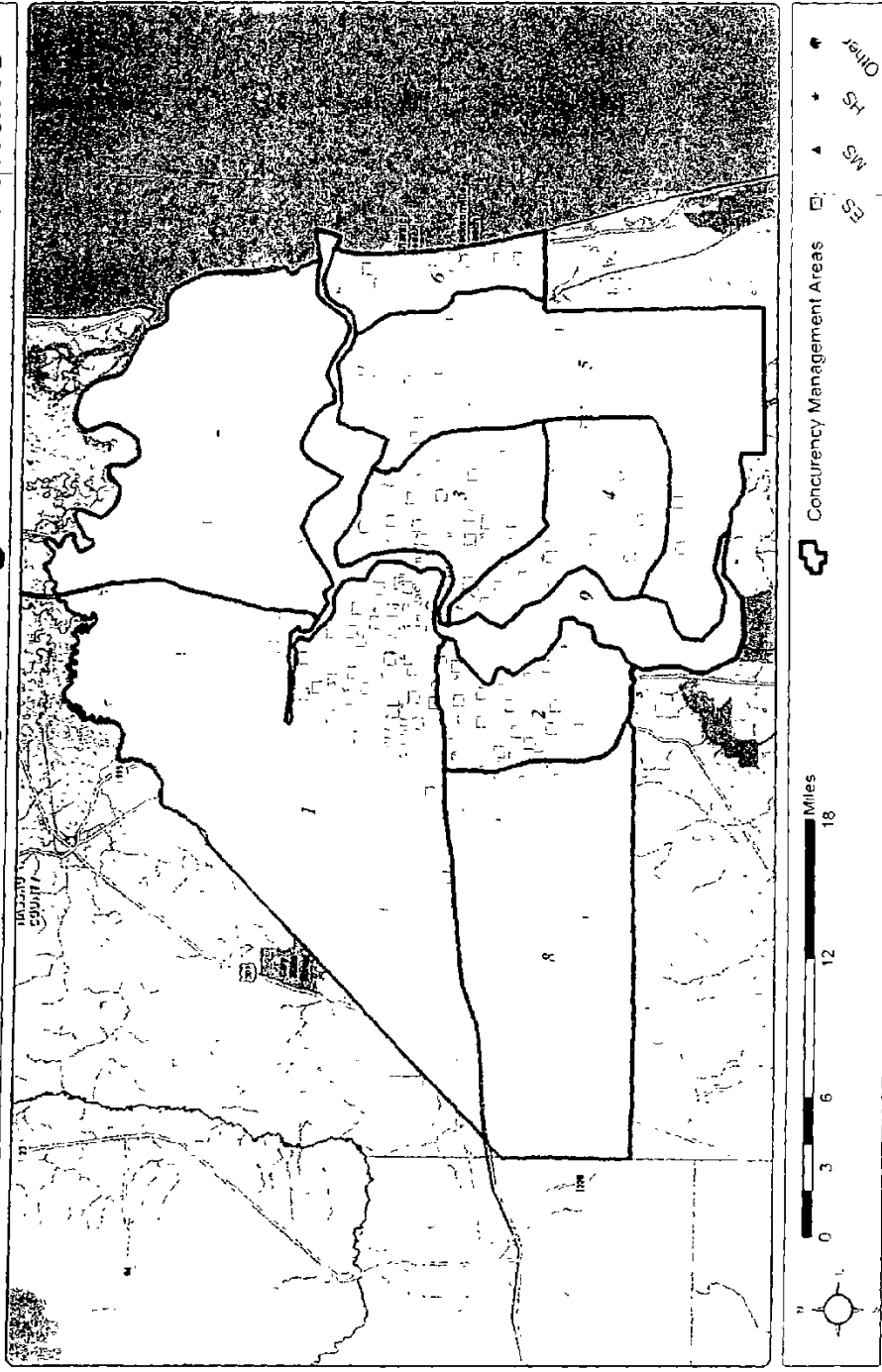


Figure 1

1  
2  
3  
4  
5

# DCPS - 8 MS Concurrency Management Area Scenario

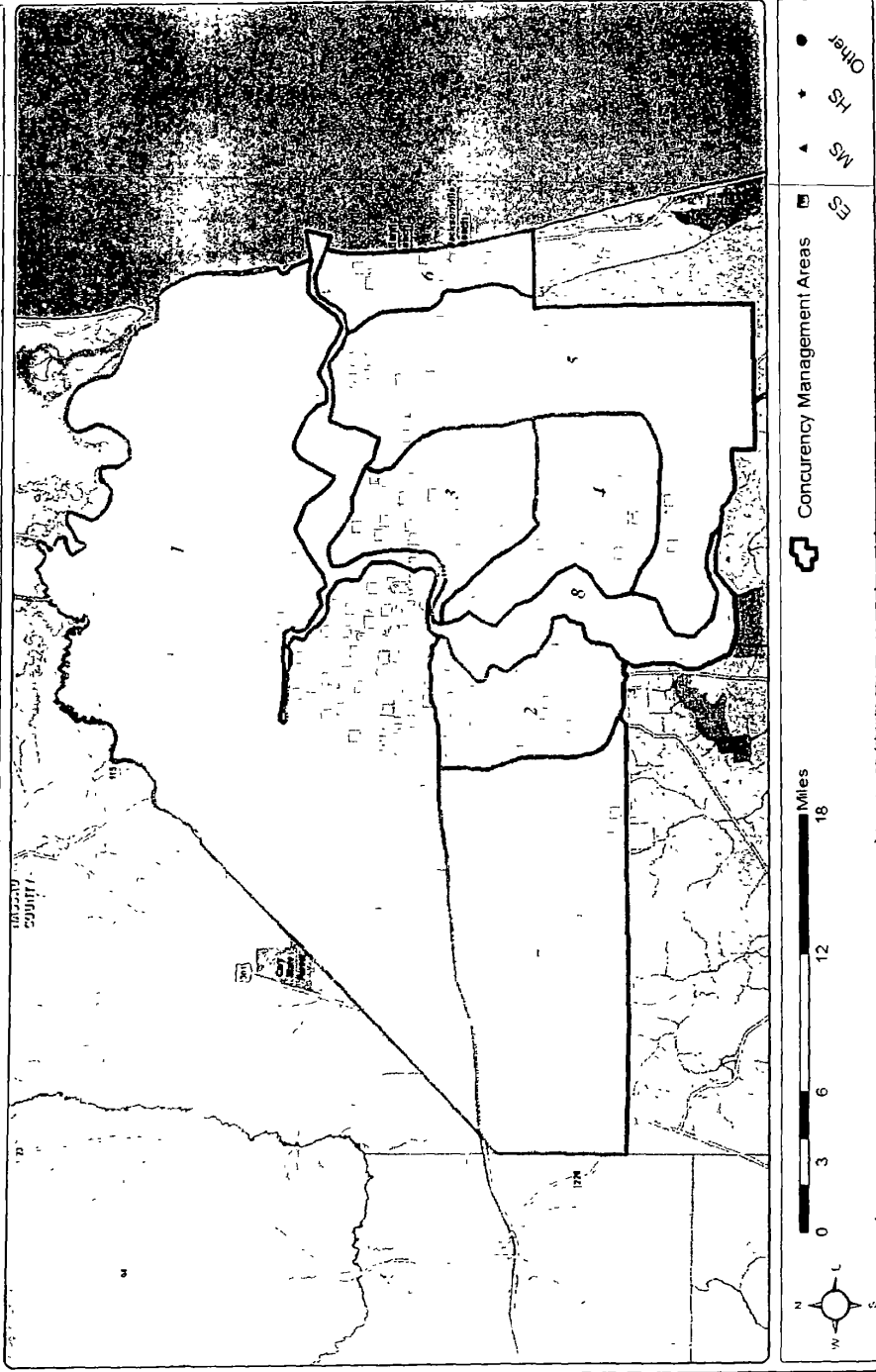


Figure 2

1  
2  
3  
4  
5

# DCPS - 9 HS Concurrency Management Area Scenario

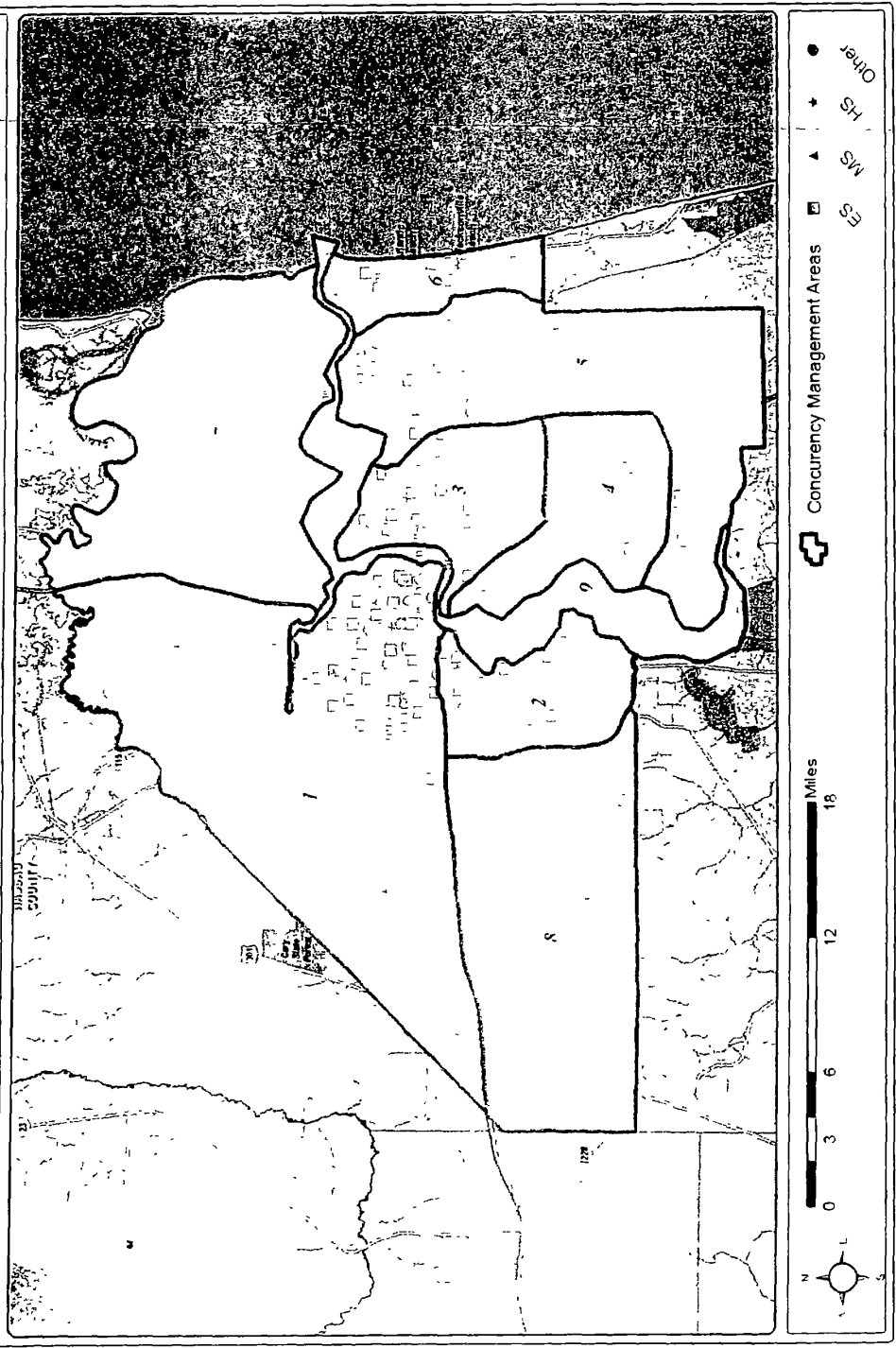


Figure 1

1  
2  
3

\* \* \*

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

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

**Section 7. Amending Chapter 655 (Concurrency and Mobility Management System), Part 5 (Mobility Fee), Ordinance Code.** Section 655.501 (Purpose and declaration of public policy), Section 655.502 (Definitions), Section 655.503 (Mobility fee requirement, certificate, application process and calculation), Section 655.504 (Re-evaluation of mobility fee formula factors), Section 655.505 (Deposit of mobility fees; mobility zones and appropriation of mobility fees), and Section 655.506 (Duration of mobility fee 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 \* \* \*

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

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

23 **Sec. 655.502. - Definitions**

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

29 ~~(a) Development Area means an area depicted on the FLUM series~~  
30 ~~which controls the density, development characteristics, and~~  
31 ~~other variables within plan categories. The City is organized~~

1 ~~by five tiers of Development Areas including: the Central~~  
2 ~~Business District (CBD); the Urban Priority Area (UPA); the~~  
3 ~~Urban Area (UA); the Suburban Area (SA); and the Rural Area~~  
4 ~~(RA).~~

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

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

9 Existing Use means the most recent, documented lawful use.

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

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

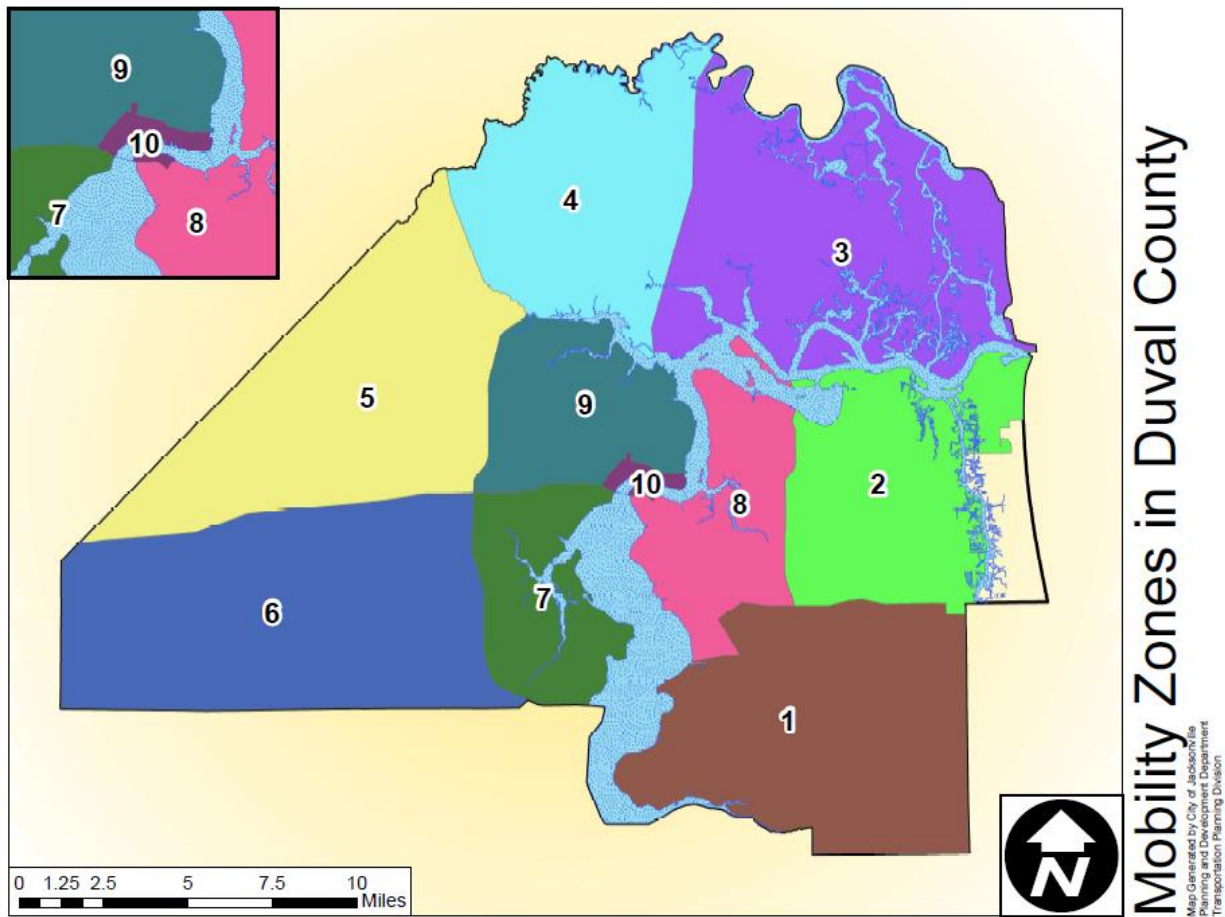
18 Inflation Factor means the inflation factor calculated and  
19 updated regularly by the FDOT in the most recent version of  
20 their Transportation Costs Report.

21 Mobility fee See Sec. 655.105 (Definitions).

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

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

1 (e) *Mobility Zone* means a defined geographic area, as depicted  
2 in the Transportation and Capital Improvements Elements of  
3 the 2030 Comprehensive Plan, on line at  
4 <http://jaxgis.coj.net/landdevelopmentreview/#> and in Figure  
5 1 below, within each Development Area that is delineated so  
6 that its area is approximately equal to the average trip  
7 length of the underlying Development Area.  
8



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

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



1 (standard, buffered, protected or off road multiuse paths) or  
2 new bicycle signing and pavement markings constructed  
3 separate from corridor projects.

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

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

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

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

27 PMP means a Proposed Mobility Project that is a multi-modal  
28 transportation improvement that is not an MSP, but that meets  
29 the criteria for the proposed Mode pursuant to Section  
30 655.507, Ordinance Code and eligible for Mobility fee credit.

31 SCA means Safety Concern Area, which is based upon the previous

1 three (3) years of locations of concentrated severe and fatal  
2 collisions. SCA maps are available on the Transportation  
3 Planning Division of the Planning and Development  
4 Department's website.

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

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

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

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

31 V/C ratio means the volume of vehicles on the roadway compared

1 to the maximum service volume of the roadway.

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

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

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

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

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

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

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

sufficient by the ~~CMMSO~~Department, unless the application for a Mobility ~~mobility~~ fee calculation certificate was submitted with an application for a CCAS for the development, per Section 655.111, or ~~an~~ a CCAS application for the development has been pending with CMMSO for less than 31 days. If the application for a Mobility ~~mobility~~ fee calculation certificate was submitted with a CCAS application for the development or a CCAS application for the development has been pending with CMMSO for less than 31 days, then the Mobility ~~mobility~~ fee calculation certificate will be issued when the written decision concerning the CCAS for the development is issued.

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

Mobility Fee	$A \times B \times \frac{C}{\text{Trips}}$ $A \times B \times C \times D$
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where

A = Cost per VMT/Mobility Zone

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

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

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

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

(1) *Cost per VMT.* The cost per VMT is determined by dividing the cost of the ~~prioritized transportation improvement projects~~ Mobility System Projects in the applicable 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 2022 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).

**2022 COST PER VEHICLE MILE TRAVELD (VMT)**

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

<u>10</u>	<u>\$ 33.09</u>
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(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 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. The net new 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,

1 ~~existence of local serving retail, transit~~  
2 ~~service and pedestrian/bicycle friendliness. the~~  
3 Trip Reduction criteria found in Section 5 of the  
4 CMMS Handbook for internal capture, pass-by,  
5 diverted link, TOD, and transit stop proximity.

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

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

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

31 ~~(iii)~~ (c) If an Existing Use structure is substantially



1 repurposed, remodeled, or renovated, then 150%  
 2 of the trips that were associated with that  
 3 Existing Use shall be subtracted from the  
 4 Development Daily Vehicle Trips calculated for  
 5 a proposed development that includes that  
 6 Existing Use parcel. For the purposes of this  
 7 Section, "substantially repurposed, remodeled,  
 8 or renovated" means that the existing  
 9 development is being expanded or renovated for  
 10 a value equal to 50 percent or more of the  
 11 assessed value of the combined lot improvements  
 12 on that parcel or parcels, according to the  
 13 Property Appraiser.

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

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

24 **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

1 previous developers pursuant to Sec. 655.503(a), said payment  
 2 by the current developer shall be by separate check or  
 3 instrument and the entirety shall be deposited into the Non-  
 4 motorized account for that Zone or Zones. Said payment is in  
 5 addition to any other Non-motorized fee.

Mobility Zone	Motorized Percentage	Non- Motorized Percentage
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%

21 **Sec. 655.504. - Re-evaluation of Mobility System~~mobility fee formula~~**  
 22 **~~factors~~.**

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

1 its findings from ~~the~~ each periodic evaluation of the ~~Multi-modal~~  
2 ~~Transportation Study.~~ Mobility System.

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

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

1 List in the Capital Improvement Element of the Comprehensive Plan.

2 Up to 20 percent of the ~~Mobility~~ mobility fee deposited into a  
3 ~~Roadway~~ Motorized Mobility Zone account per development may be  
4 allocated to improvements at or near the intersection of a city right-  
5 of-way or proposed city right-of-way and an ~~identified~~ prioritized  
6 ~~project~~ MSP on the ~~Automobile/Truck~~ and ~~Transit~~ prioritized  
7 ~~transportation~~ list. Motorized Mode project list. It must be  
8 demonstrated that this intersection improvement improves safety or  
9 capacity increases the service volume of the project identified on  
10 the ~~prioritized Automobile/Truck or Transit~~ MSP Motorized Mode  
11 project list. Funds shall not go towards improvements required as  
12 part of a development order.

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

21 **Sec. 655.506. - Duration of Mobility ~~mobility~~ fee calculation**  
22 **certificate.**

23 A Mobility ~~mobility~~ fee calculation, contained on the Mobility fee  
24 calculation certificate ~~certificate or expedited mobility fee~~  
25 ~~calculation certificate~~ for proposed development of property is valid  
26 for one year from the date of issuance, ~~unless it is:~~

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

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

31 ~~(1) The applicable annual inflation adjustments as determined~~

1 by the Florida Department of Transportation Office of  
2 Financial Development; and  
3 (2) ~~The mobility fee calculation certificate extension fee.~~

4 \* \* \*

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

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

1 may be extended administratively by the Director for good cause  
2 shown. All members shall serve until the City Council takes final  
3 action on the recommendations. Unless otherwise set forth herein,  
4 the Mobility ~~Plan~~ System Working Group shall be subject to Chapter  
5 50, Ordinance Code.

6 **Sec. 655.510. - Private primary and secondary educational schools**  
7 **exemption.**

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

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

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

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

\* \* \*

**PART 5. - MOBILITY FEE SYSTEM**

\* \* \*

**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

---

<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 (iii) perform as a functionally parallel road to at least  
2 one MSP. The PMP must be located within one-half  
3 (1/2) mile of at least one MSP, and must improve the  
4 V/C ratio of the MSP(s).

5 (B) Transit Mode PMP must:

6 (i) provide an additional needed transit facility as  
7 approved by the JTA;

8 (ii) provide the real property required for a needed  
9 transit facility as approved by the JTA and the  
10 Department; and

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

13 (C) DIA PMP must specifically demonstrate consistency with the  
14 Community Redevelopment Area ("CRA") Plan, as may be  
15 amended, as determined by the DIA CEO or the DIA Board, as  
16 the case may be.

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

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

29 (ii) be approved by the agency governing that  
30 intersection, which may be subject to Intersection  
31 Control Evaluation ("ICE").

1 (E) Pedestrian Mode PMP may either:

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

3 (ii) connect to and compliment other available Pedestrian  
4 Mode facilities, including transit access, within or  
5 adjacent to the Mobility Zone; or

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

9 (F) Bicycle Mode PMP may either:

10 (i) connect two existing bicycle facilities as defined in  
11 the Land Development Procedures Manual or multi-use  
12 paths; or

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

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

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

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

28 (A) required for a development's minimum transportation and  
29 traffic operation or circulation, including for bike and  
30 pedestrian movement; or

31 (B) an interest in real estate conveyed for a PMP without the

1           corresponding PMP construction; or

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

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

14 Credit authorized shall be calculated as follows:

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

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

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

1 means that the conveyor will pay for all due diligence  
2 costs for the transaction.

3 (4) If a landowner or developer constructs a PMP identified by  
4 the City Traffic Engineer as needed to improve safety  
5 within a Safety Concern Area in their Mobility Zone, then  
6 that safety improvement shall receive a credit at 120% of  
7 the cost of the improvement.

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

12 (A) perform as a functionally parallel road to at least  
13 one MSP;

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

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

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

24 (6) A Transit Mode PMP shall receive credit for the cost of  
25 the Transit Mode PMP.

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

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

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

3 (10) As authorized in Sec. 655.507(a)(4), sidewalks not  
4 identified as an MSP for bicycle and pedestrian mode(s),  
5 but that were required by the City beyond the property  
6 frontage (off-site) pursuant to Section 2.2.2(5) of the  
7 Land Development Procedures Manual, may receive Mobility  
8 fee credit on the basis of the actual cost to construct  
9 such off-site sidewalk.

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

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

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

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

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

1 (e) Departmental review.

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

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

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

17 (f) Approval of PMPs.

18 (1) Within the City, outside of the DIA jurisdiction of  
19 downtown: approval for providing a PMP as approved by the  
20 Department in consultation with the City Engineer, shall  
21 be as follows:

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

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

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

29 (A) Up to and including \$500,000 in estimated cost, the  
30 DIA CEO may make the CRA Plan consistency determination  
31 for the project, and the PMP may be administratively

1 approved by the Director.

2 (B) For PMPs with an estimated cost over \$500,000, the  
3 DIA Board must make the CRA Plan consistency  
4 determination for the project, and the PMP must be  
5 approved by the City Council.

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

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

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

20 **Sec. 655.508. - Memorialization of Mobility fee, credit, and Trip**  
21 **Reduction.**

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

1 Applications for memorialization can be found online in the CMMS  
2 Handbook. The CMMSO shall review submitted applications for  
3 sufficiency and upon finding the application sufficient, deliver the  
4 application fee, as found in [www.coj.net/fees](http://www.coj.net/fees), to the Tax Collector  
5 and transmit the application to the Division for review. The Division  
6 shall forward the contract to the Director for review, approval and  
7 execution.

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

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

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

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



1 realized once the required mix of uses is attained.

2 (b) Memorialization of Mobility fee credit. Mobility fee credit  
3 for an MSP or PMP, as authorized pursuant to Sec. 655.507,  
4 may be through a letter or a contract. Whether a letter or  
5 a contract is utilized, it shall contain the information  
6 required to convey the design and extent of the project or  
7 proposal, and the Executive Summary of the appraisal(s)  
8 utilized to ascertain the value of any real estate interest  
9 conveyed as part of the MSP or PMP. A PMP proposal must also  
10 show the development that is generating the request for the  
11 PMP.

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

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

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



1 Finance and Administration is authorized and directed to make  
2 disbursements from this fund, subject to appropriation by the Council,  
3 upon the written request of the Director of Planning and Development.

4 \* \* \*

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

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

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

28 Each Mobility Zone is shown on the Mobility Zones Map contained  
29 within the Transportation Element of the 2030 Mobility Comprehensive  
30 Plan.

31 Funds deposited into this special revenue fund shall be segregated

1 into accounts, according to the Mobility Zones and the Mode type  
2 specified hereinabove, based upon the Mobility Zone in which the  
3 development will occur, or as specified in Chapter 655. The  
4 Concurrency and Mobility Management System Office shall deposit all  
5 ~~mobility~~ Mobility fee payments into the fund. ~~Eleven~~ The percentage  
6 of ~~each~~ the ~~mobility~~ Mobility fee collected per development shall be  
7 deposited into the ~~Mobility Zone Bike Ped~~ Motorized and Non-motorized  
8 Mode accounts, based upon the percentages per Zone outlined above.  
9 ~~with the remainder being deposited into the Mobility Zone account.~~

10 When the proposed development lies in more than one Mobility Zone,  
11 the Director of Planning and Development and the Director of Public  
12 Works shall in their sole discretion, determine whether to deposit  
13 the funds into the accounts for one Mobility Zone or to allocate the  
14 funds between or among the accounts for the affected Mobility Zones.

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

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

26 \* \* \*

27 **Section 12. Codification Instructions.** The Codifier and the  
28 Office of General Counsel are authorized to make all chapter and  
29 division "table of contents" consistent with the changes set forth  
30 herein. Such editorial changes and any others necessary to make the  
31 *Ordinance Code* consistent with the intent of this legislation are

1 approved and directed herein, and changes to the *Ordinance Code* shall  
2 be made forthwith and when inconsistencies are discovered.

3       **Section 13.       Effective Date.**   This Ordinance shall become  
4 effective upon signature by the Mayor or upon becoming effective  
5 without the Mayor's signature.

6  
7 Form Approved:

8  
9             /s/ Susan C. Grandin      

10 Office of General Counsel

11 Legislation prepared by: Susan C. Grandin

12 *GC-#1493546-v7A-Chapter\_655\_Rewrite\_and\_Chapter\_111\_Amendment\_legis.docx*