

**CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY**



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Bill Type and Number: Ordinance 2022-909

Introducer/Sponsor(s): Council President at the request of the Mayor

Date of Introduction: December 13, 2022

Committee(s) of Reference: F, TEU, LUZ

Date of Analysis: December 15, 2022

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 655 – Concurrency and Mobility Management System – to make various changes to the mobility management system, particularly focused on Part 5 – Mobility System.

Part 1 – General Provisions – is amended to change references from Mobility Plan to Mobility System. Several definitions are added, including CMMS Handbook, CMMSO, Development Office, Existing Use, Lot, Mobility Fee, Mobility System, Motorized Public Transportation Facility, and Non-motorized Public Transportation Facility. Existing definitions for Lot and Existing Use are deleted. The definition of Duval County Public Schools clarifies that for the purpose of determining public school capacity for concurrency purposes, charter schools are not to be considered.

Part 2 – Jacksonville Development Agreement Regulations – is amended to include the distinction between motorized and non-motorized public transportation facilities. Specific fee amounts are removed from the Ordinance Code and reference is made to the online fee webpage: www.coj.net/fees. To align with the Florida Statutes, the maximum length of development agreements is extended from 20 to 30 years. Also, to align with state statute, the public hearings section is amended to provide that one of the two required public hearings prior to the approval of a development agreement shall be held by either the City Council or the Planning Commission rather than by a standing committee of the Council; the other hearing will continue to be held before the full council.

Part 3 - Fair Share Assessment Procedures – is amended to remove outdated transition language from the time of original adoption and to repeal the section referring to extension of fair share assessment contracts.

Part 4 – Public School Concurrency – is amended to attach better quality, color-coded school concurrency management area maps.

Part 5 – Mobility Fee – is amended to be retitled “Mobility System”. Definitions are added for numerous terms, including DIA, Existing Use, Inflation Factor, Mobility Fee Credit, Mode, Proposed Mobility Project, Safety Concern Area, Trip Reduction, V/C Ratio, and others. An amendment provides for a VMT (vehicle miles traveled) cost that varies based on the mobility zone of the project rather than the current flat rate of \$24.31 citywide. The VMT cost shall be adjusted on October 1st each year based on the FDOT’s Highway Construction Cost Inflation Factor plus a 0.5% administrative fee.

The mobility fee for each project is based on a formula of $A \times B \times C \times D$. Factor A - the 2023 VMT costs - are set as follows: Mobility Zone 1 - \$75.62 per VMT; Zone 2 - \$58.63; Zone 3 – \$82.02; Zone 4 - \$79.07; Zone 5 - \$79.95;

Zone 6 - \$83.37; Zone 7 - \$41.00; Zone 8 - \$44.39; Zone 9 - \$39.97; Zone 10 - \$33.09. Factor B - the average lengths of VMT per development area - are set as follows: Development Area 1 (Central Business District) - 5.7 miles; Area 2 (Urban Priority Area) - 4.75 miles; Area 3 (Urban) - 4.9 miles; Area 4 (Suburban) - 5.21 miles; Area 5 (Rural) - 7.71 miles. Factor C is the number of trips generated by the particular development using the ITE manual. The method for determining reductions to Development Daily Vehicle Trips generated is declared to be the Trip Reduction criteria found in Section 5 of the CMMS Handbook for internal capture, pass-by, diverted link, TOD, and transit stop proximity. Factor D - Internal VMT Factors (covering trips that have both a start and stop within Jacksonville) - reduce the cost of the mobility fee and vary by Mobility Zone as follows: Mobility Zone 1 - Internal VMT Factor 0.61; Zone 2 - 0.54; Zone 3 - 0.56; Zone 4 - 0.58; Zone 5 - 0.57; Zone 6 - 0.61; Zone 7 - 0.58; Zone 8 - 0.54; Zone 9 - 0.55; Zone 10 - 0.56. Language is added providing that for developments with multiple uses, the MFCC shall be obtained when the building permit is sought for each structure. Changes in use shall be calculated at the time of issuance of each MFCC. The language regarding an expedited mobility fee calculation certificate is deleted.

The apportionment of mobility fees between motorized and non-motorized modes is set for each Mobility Zone as follows: Zone 1 - 91% motorized/9% non-motorized; Zone 2 - 93/7; Zone 3 - 83/17; Zone 4 - 95/5; Zone 5 - 88/12; Zone 6 - 91/9; Zone 7 - 69/31; Zone 8 - 84/16; Zone 9 - 46/54; Zone 10 - 12/88. Mobility fee calculation certificates are valid for one year from the date of issuance and authorization for certificate extensions is deleted. Language is added providing that private primary and secondary schools must be accredited by the Florida Department of Education in order to be exempted from the payment of the mobility fee.

Current Section 655.507 - Transportation improvement projects constructed by a landowner or developer - is deleted. The section allowed for mobility fee credits to developers for constructing applicable transportation improvement projects and set criteria for determining what projects were applicable for credits. Current Section 655.508 - Mobility fee contract - is repealed in its entirety. The section provided for creation of mobility fee contracts covering details of the proposed development, payment schedules, site development plans, etc.

A new Section 655.507 - Mobility Fee Credit - is adopted authorizing credits for developer design and construction of certain improvements. It provides details on what types of projects are eligible for credits, including entire Mobility System Projects, portions of MSPs between logical termini as determined by the Planning Department in consultation with the City Traffic Engineer, or a Proposed Mobility Project that is multi-modal and meets certain criteria. Eligibility for credits depends on the types of roads being connected by the project, the length of the improvement (at least ½ mile required), and functionality. Projects located within community redevelopment areas (CRAs) must demonstrate consistency with the adopted CRA plan. Criteria are provided for earning credits for intersection improvements, pedestrian, or bicycle projects. Processes for review and approval of proposed projects seeking credits are established.

A new Section 655.508 - Memorialization of Mobility fee, credit and Trip Reduction - is enacted which provides several ways to administratively provide the memorialization of a mobility fee for a project, for mobility fee credits, and for trip reductions, which replaces the current system of mobility fee contracts.

Section 655.511 - Credit for trip reduction adjustments - is repealed in its entirety.

Ordinance Code Chapter 111 - Special Revenue and Trust Accounts - is amended to revise Sec. 111.520 - Concurrency Management System Fund - to remove references to extension of certificates, to change all references from "Bike-Ped" to "Non-motorized" and insert fee percentages allocated to non-motorized uses for each zone as follows:

Mobility Fee Zone 1: motorized 91%, non-motorized 9%
Mobility Fee Zone 2: motorized 93%, non-motorized 7%
Mobility Fee Zone 3: motorized 83%, non-motorized 17%
Mobility Fee Zone 4: motorized 95%, non-motorized 5%
Mobility Fee Zone 5: motorized 88%, non-motorized 12%
Mobility Fee Zone 6: motorized 91%, non-motorized 9%
Mobility Fee Zone 7: motorized 69%, non-motorized 31%
Mobility Fee Zone 8: motorized 84%, non-motorized 16%
Mobility Fee Zone 9: motorized 12%, non-motorized 88%

Mobility Fee Zone 10: motorized 84%, non-motorized 16%

The section provides that payment for sidewalks previously constructed pursuant to Section 2.2.2(5) of the Land Development Procedures Manual shall be in addition to, rather than as part of, the fee paid for non-motorized improvements in a Zone.

Background Information: The mobility fee system was created via Ordinance 2011-536-E. That ordinance requires that the mobility system be reviewed every 5 years by the Planning and Development Department, which shall make recommendations to a Mobility Plan Working Group appointed by the Council President and the Mayor. In 2018 the Planning Department hired a consultant – Resource Systems Group - to collect and analyze data on the mobility system, which was provided to the Mobility Plan Working Group. The group met for most of a year and came up with a set of recommended changes to the system. Simultaneously the Planning Department reviewed and developed proposed amendments to other portions of Chapter 655, all of which are encompassed in this legislation.

Policy Impact Area: Mobility system and mobility fee.

Fiscal Impact: The amendments should generate additional revenue that comes closer to providing the resources needed to construct the transportation improvements identified in the Mobility Plan.

Analyst: Clements