



ONE CITY. ONE JACKSONVILLE.

City of Jacksonville, Florida

Donna Deegan, Mayor

Planning and Development Department
214 N. Hogan St., 3rd Floor
Jacksonville, FL 32202
(904) 255-7800
www.coj.net

MEETING NOTICE

Notice is hereby given that the
Technical Advisory Committee (TAC)
to the
Concurrency and Mobility Management System Handbook
will meet at the date/time/location listed below:

Friday, October 18, 2024
09:30 AM – 11:00 AM

St. James Building (City Hall)
117 West Duval Street
Don Davis Room A (1st Floor)

This is the kickoff meeting for the CMMS Handbook updates.

The intent of this meeting is to review the

- Purpose of the TAC – Ordinance 2022-909-E/Sec. 655.122
 - Chapter 655 updates
- Schedule future TAC meetings (November 2024 thru May 2025)

Please direct any questions to:
Lurise Bannister, Planning Services Manager
Transportation Planning Division
(904) 255-7839
Lurise@coj.net



A NEW DAY.

City of Jacksonville, Florida

Donna Deegan, Mayor

Planning and Development Department
Transportation Planning Division
Concurrency and Mobility Management System Office

214 N. Hogan Street, Suite 300

Jacksonville, FL 32202

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Technical Advisory Committee (TAC) For the Concurrency and Mobility Management System Handbook

St. James Building (City Hall) – Don Davis Room A

Friday, October 18, 2024

9:30 AM- 11:00 AM

Agenda

- I. Call to Order & Introductions
- II. Order of New Business
 - a. Purpose and Overview of the TAC – Ordinance 2022-909-E/Sec. 655.122
 - b. Sunshine Law
 - c. Ethics
 - d. Bylaws
 - e. Motion to select Committee **Chair and Co-Chair**
 - o Motion: Second:
 - o Public Comment: Vote:
- III. Other Business - Discussion
 - a. CMMS Handbook Scope of Work
 - o Chapter 655 Updates
 - b. Upcoming Meeting Schedule: November – May
 - c. Motion to confirm meeting dates and time
 - o Motion Second:
 - o Public Comment: Vote:
- IV. Adjourn

Sec. 655.122. Concurrency and Mobility Management System Handbook.

- (a) Annually, by June 15 of each calendar year, the CMMSO shall develop an updated Concurrency and Mobility Management System Handbook for Jacksonville, Florida ("Handbook"), as the official document containing the current procedures, methodologies and criteria to be used by the City in implementing this Chapter. These procedures, methodologies and criteria shall include the assumptions and formula inputs used by the Division in calculating Mobility fees pursuant to Section 655.503(e), such as the recommended process and data set forth in the Institute of Transportation Engineers (ITE) most recent edition of Trip Generation Manual. The intent of the Handbook is to publish for applicants and the public clear, uniform, and objective standards for the calculation of Mobility fees. Trip Generation Manual shall be used by the Division in calculating the Development Daily Vehicle Trips of the proposal and of the Existing Uses on the property, unless there is a special trip generation study approved by the Planning and Development Department. Trip Generation Manual shall also be used for pass-by capture, internal capture, and diverted link trips as those concepts are recommended for use by the ITE.
- (b) To assist the CMMSO in the development of an updated Handbook regarding the Mobility System, the President of the City Council shall appoint a Technical Advisory Committee ("TAC"), consisting of three licensed professional traffic engineers (P.E.). The TAC may adopt by-laws for the conduct of its meetings, which shall be noticed and open to the public and subject to all applicable Florida Sunshine Laws. Members of the TAC shall serve for two years through June of the applicable calendar year. Upon expiration of the terms, the President shall either re-appoint existing members or appoint new members. The CMMSO shall work with the TAC in preparing the updated Handbook. By June 15 of each calendar year, the CMMSO shall forward to the committee(s) of reference of the City Council for the subject matters of land use and transportation, a draft of the updated Handbook, accompanied by a report from the TAC containing its recommendations regarding the updated Handbook. Upon review and approval of the updated Handbook by the committee(s) of reference, subject to City Council approval, the updated Handbook shall remain in effect, shall be provided to the public on-line, and shall be used by the CMMSO until the next update. Updates to the Handbook regarding concurrency (non-transportation issues) will be performed by the Department.

(Ord. 90-1251-571, § 1; Ord. 92-131-128, § 11; Ord. 98-576-E, § 1; Ord. 2011-536-E, § 1; Ord. 2014-183-E, § 2; Ord. 2022-909-E, § 1)

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

3
4
5 **ORDINANCE 2022-909-E**

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

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

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

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

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

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

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

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

17 * * *

18 **PART 1. - GENERAL PROVISIONS**

19 * * *

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

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

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

12 * * *

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

21 * * *

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

23 * * *

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

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

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

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

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

16 * * *

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

26 * * *

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

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

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

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

6 * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 * * *

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

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

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

21 * * *

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

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

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

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

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

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

5.

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

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

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

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

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

Mobility fee means a monetary charge on new development based

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

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

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

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

19 ~~(q) Reserved.~~

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

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

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

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

7 * * *

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

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

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

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

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

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

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

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

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

31 There is hereby established a Concurrency and Mobility Management

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

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

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

15 * * *

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

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

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

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

6 * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~within five years.~~

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

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

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

8 ~~3. A life estate;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 * * *

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

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

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

5 * * *

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

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

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

1 this Section.

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

8 * * *

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

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

19 * * *

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

* * *

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

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

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

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

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

24 (1) Reviews shall be performed as follows:

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

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

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

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

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

6 * * *

7 (3) Each reviewing division shall compare the proposed
8 development's impact against free capacities, consider
9 committed improvement capacities, reduce the proposed
10 development's impact by the impact of the existing use,
11 if applicable, of the property, determine the available
12 capacity based upon the level of service standards adopted
13 in the ~~2030~~-Comprehensive Plan, and, within 30 days after
14 the date of acceptance of the application, issue to the
15 CMMSO a written approval, denial, or approval with
16 conditions for its portion of the application. As to any
17 public facilities, except for ~~traffic circulation and~~
18 ~~mass transit~~ Motorized and Non-motorized public
19 transportation facilities, for which there was not
20 sufficient free capacity on the date of acceptance of
21 payment for the application, the appropriate reviewing
22 division's approval shall include any and all conditions
23 which must be fulfilled prior to the issuance of the CRC.

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

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

29 (i) Identify the decision reached by each reviewing
30 division and the reason for denial or approval with
31 conditions by any reviewing division;

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

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

8 * * *

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

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

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

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

28 * * *

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

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

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

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

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

8 * * *

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

24 * * *

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

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

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

30 * * *

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

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

3 * * *

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

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

7 * * *

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

9 * * *

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

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

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

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

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

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

1 Mobility fee.

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

31 * * *

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

18 * * *

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

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

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

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

27 (1) Formal review:

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

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

4 * * *

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

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

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

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

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

18 (j) Mobility Fee Contract application.

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

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

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

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

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

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

7 * * *

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

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

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

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

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

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

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

5 * * *

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

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

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

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

23 * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 655.205. - General requirements.

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

* * *

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

* * *

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

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

11 * * *

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

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

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

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

8 * * *

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

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

16 * * *

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

20 * * *

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

30 * * *

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

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

11 * * *

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

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

9 * * *

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

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

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

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

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

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

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

28 * * *

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

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

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

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

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

14 * * *

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

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

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

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

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

5 * * *

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

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

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

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

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

31 * * *

PART 4. - PUBLIC SCHOOL CONCURRENCY

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

The purpose and intent of this Part 4 is:

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

* * *

Sec. 655.404. - Applicability and Exemptions.

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

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

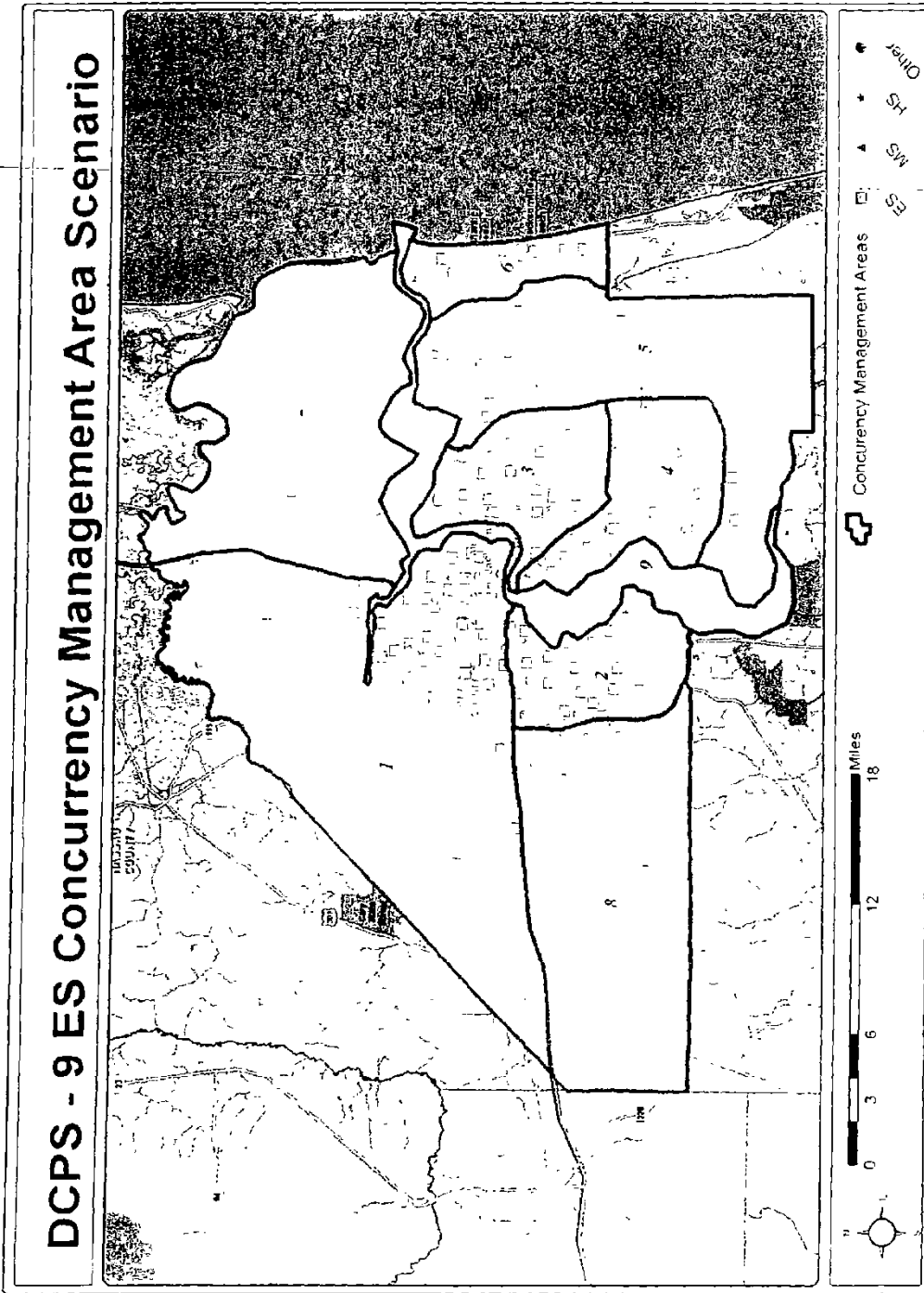
* * *

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

* * *

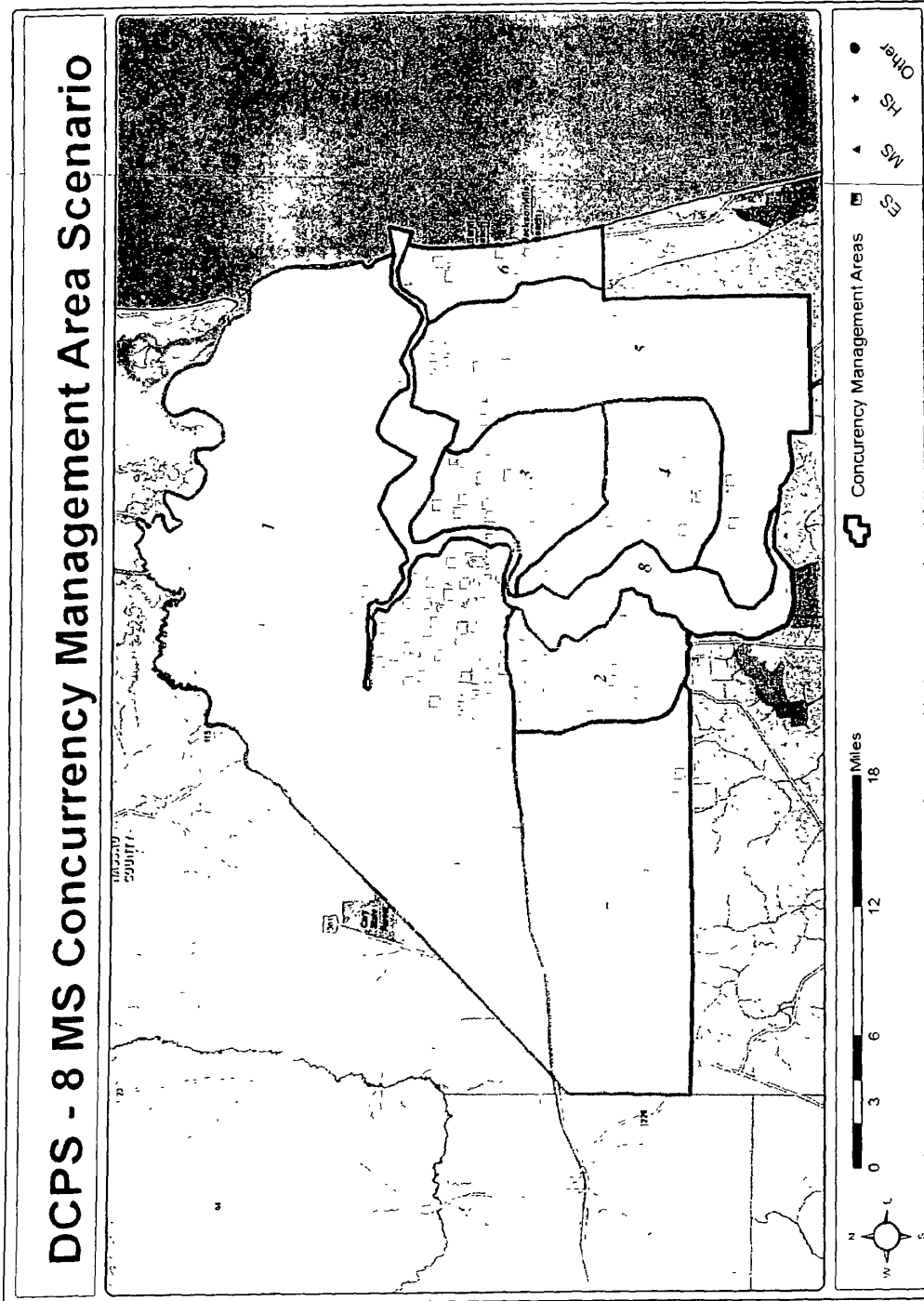
Sec. 655.406. - Concurrency Service Areas (CSA) Defined.

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



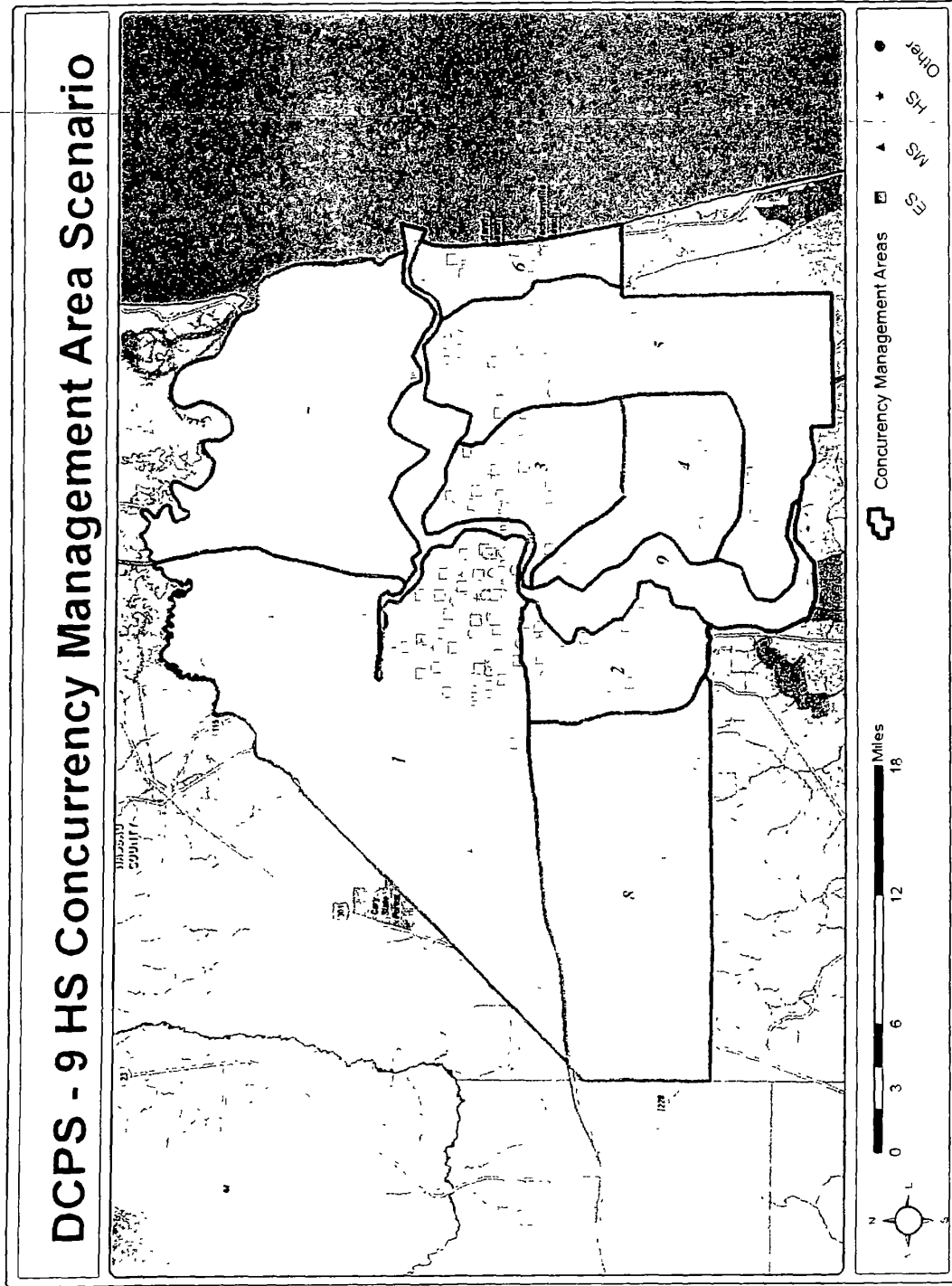
1
2
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Figure 1



1
2
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Figure 2



1
2
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Figure 1

* * *

1
2 **Section 6. Amending Sec. 655.406 (Concurrency Service Areas**
3 **Defined), Part 4 (Public School Concurrency), Chapter 655**
4 **(Concurrency and Mobility Management System), Ordinance Code, to**
5 **remove Figure 1 (DCPS - 9ES Concurrency Management Area Scenario),**
6 **Figure 2 (DCPS - 8 MS Concurrency Management Area Scenario), and**
7 **Figure 3 (misabeled as "Figure 1") (DCPS 9 HS Concurrency Management**
8 **Area Scenario) from subsection 655.406(a) and replace the 3 maps with**
9 **better quality and in-color maps, containing the same information.**
10 Subsection 655.406(a), Sec. 655.406 (Concurrency Service Areas
11 Defined), Part 4 (Public School Concurrency), Chapter 655
12 (Concurrency and Mobility Management System), *Ordinance Code*, is
13 hereby amended to remove Figure 1 (DCPS - 9ES Concurrency Management
14 Area Scenario), Figure 2 (DCPS - 8 MS Concurrency Management Area
15 Scenario), and Figure 3 (misabeled as "Figure 1") (DCPS 9 HS
16 Concurrency Management Area Scenario) from subsection 655.406(a) and
17 replace with the 3 maps, labeled Figure 1 (DCPS - 9ES Concurrency
18 Management Area Scenario), Figure 2 (DCPS - 8 MS Concurrency
19 Management Area Scenario), and Figure 3 (DCPS - 9 HS Concurrency
20 Management Area Scenario), attached hereto as **Exhibit 1**. These new
21 maps, which are in color and of a better quality, contain the same
22 information as the maps being replaced.

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

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

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

6 * * *

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

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

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

22 **Sec. 655.502. - Definitions**

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

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

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

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

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

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

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

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

20 Mobility fee See Sec. 655.105 (Definitions).

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

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

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

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

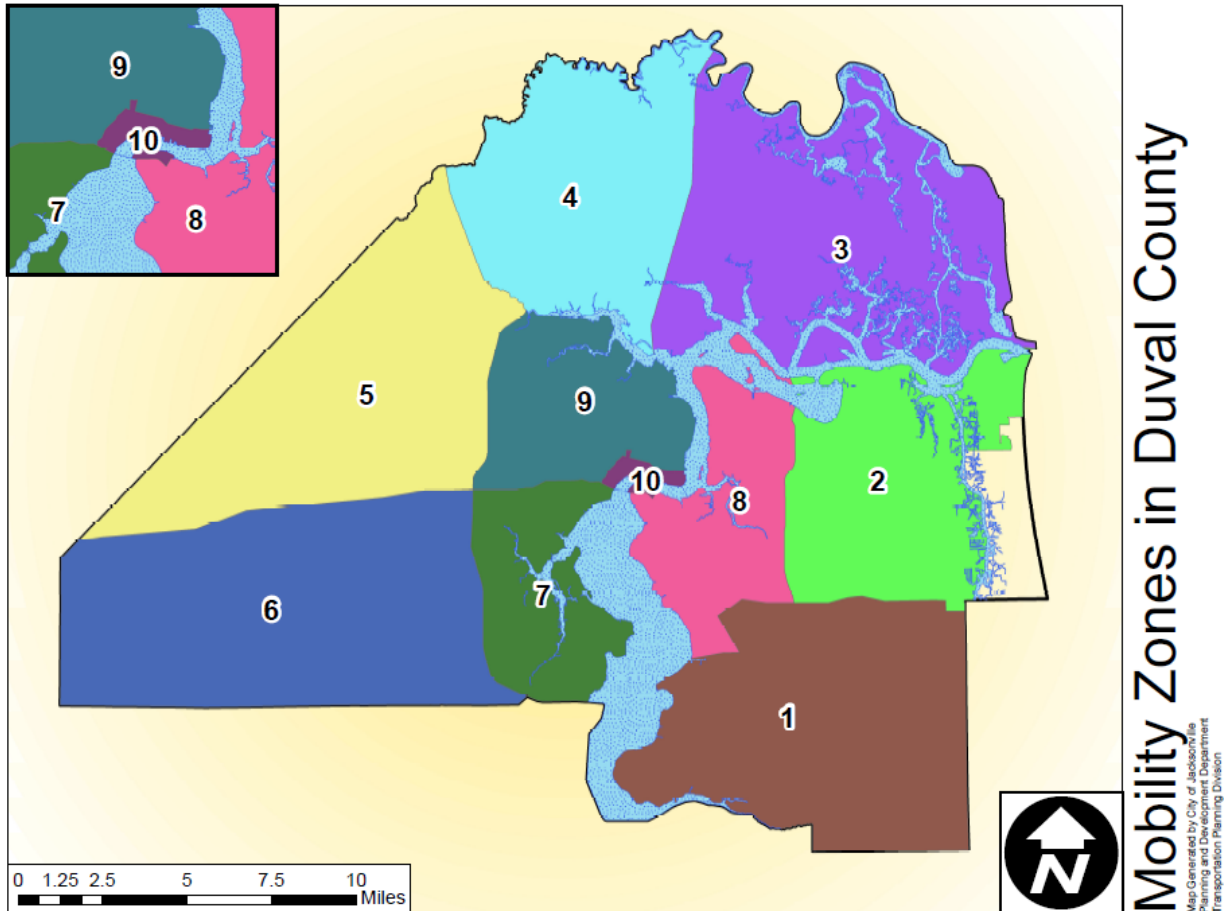


Figure 1 - Ten Mobility Zones in Duval County

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 where

17 A = Cost per VMT/Mobility Zone

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

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

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

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

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

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

2023 COST PER VEHICLE MILE TRAVELD (VMT)

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

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

AVERAGE LENGTH OF VEHICLE MILE TRAVELED PER DEVELOPMENT AREA

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

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

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

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

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

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

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

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

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

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

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

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

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

INTERNAL VMT FACTORS, BY ZONE

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

10

0.56

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

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

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

1 addition to any other Non-motorized fee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 * * *

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

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

1 50, Ordinance Code.

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

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

9 * * *

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

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

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

29 * * *

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

31 * * *

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

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

9 (1) an entire MSP;

10 (2) a portion, either physical or financial^a, of an MSP that is
 11 provided to logical termini, as determined by the Department
 12 in consultation with the City Traffic Engineer; or

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

20 (A) Corridor Mode PMP must:

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

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

25 (iii) perform as a functionally parallel road to at least
 26 one MSP. The PMP must be located within one-half
 27 (1/2) mile of at least one MSP, and must improve the
 28 V/C ratio of the MSP(s).

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

1 (B) Transit Mode PMP must:

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

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

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

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

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

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

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

28 (E) Pedestrian Mode PMP may either:

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

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

1 adjacent to the Mobility Zone; or

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

5 (F) Bicycle Mode PMP may either:

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

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

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

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

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

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

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

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

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

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

10 Credit authorized shall be calculated as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (d) Transfer of Mobility Fee Credit.

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

29 (e) Departmental review.

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

1 Development Department.

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

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

14 (f) Approval of PMPs.

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

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

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

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

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

30 (B) For PMPs with an estimated cost over \$500,000, the
31 DIA Board must make the CRA Plan consistency

1 determination for the project, and the PMP must be
2 approved by the City Council.

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

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

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

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

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

29 Applications for memorialization can be found online in the CMMS
30 Handbook. The CMMSO shall review submitted applications for
31 sufficiency and upon finding the application sufficient, deliver the

1 application fee, as found in www.coj.net/fees, to the Tax Collector
2 and transmit the application to the Division for review. The Division
3 shall forward the contract to the Director for review, approval and
4 execution.

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

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

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

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

30 (b) *Memorialization of Mobility fee credit.* Mobility fee credit
31 for an MSP or PMP, as authorized pursuant to Sec. 655.507,

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

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

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

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

30 **Section 10. Repealing and reserving Section 655.511 (Credit**
31 **for trip reduction adjustments), Part 5 (Mobility Fee), Chapter 655**

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

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

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

14 * * *

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

16 * * *

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

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

31 * * *

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

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

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

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

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

1 ~~mobility~~ Mobility fee payments into the fund. ~~Eleven~~ The percentage
 2 of ~~each the~~ the mobility Mobility fee collected per development shall be
 3 deposited into the ~~Mobility Zone Bike Ped~~ Motorized and Non-motorized
 4 Mode accounts, based upon the percentages per Zone outlined above.

5 ~~with the remainder being deposited into the Mobility Zone account.~~

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

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

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

22 * * *

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

30 **Section 13. Effective Date.** This Ordinance shall become
 31 effective upon signature by the Mayor or upon becoming effective

1 without the Mayor's signature.

2

3 Form Approved:

4

5 /s/ Mary E. Staffopoulos

6 Office of General Counsel

7 Legislation prepared by: Susan C. Grandin

8 *GC-#1552339-v1-2022-909-E.docx*

CITY OF JACKSONVILLE GOVERNMENT ETHICS BOARDS AND COMMISSIONS MANUAL



Most Common Danger Areas



**ACCEPTING GIFTS
FROM VENDORS/LOBBYISTS**



**CAMPAIGNING AT
PUBLIC MEETINGS**



**MISSING REQUIRED
ETHICS TRAINING**



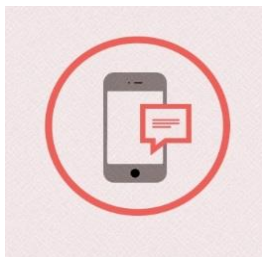
**NOT ALLOWING
PUBLIC COMMENT**



**CONFLICTS OF
INTEREST**



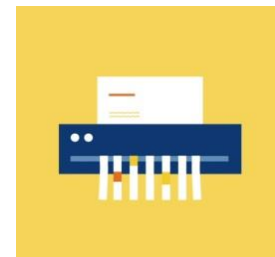
**MISUSE OF
POSITION**



**SUNSHINE
VIOLATIONS**



**VOTING
CONFLICTS**



**DESTROYING PUBLIC
RECORDS**

**For the purposes
of this manual,
"City Board" or
"board" refers to
all City boards,
commissions, task
forces, advisory
boards and
bodies.**

INSTRUCTIONS & ITEMS TO RETURN

Boards and Commissions

Ethics Training Instructions

Congratulations on your appointment to a City board or commission! You are now designated as a City Official. In this role, you are given roles and responsibility as outlined by the Executive Order or Municipal Code Provision establishing your board or commission.

To help you make the most of your service to our City and its residents, the Office of Ethics, Compliance and Oversight has developed this Boards and Commissions Manual to make sure you are aware of the rules that now apply to you as a City Official. ***Before you discuss anything related to your board with any other member of your board, please complete the following:***

1. Study the following pages:

- Your duties under state Sunshine and Public Records laws (**page 10**)
- Your duties under state and local Ethics laws (**page 13**)
- Your duty to complete Ethics Training (**page 25**)

2. Complete the following:

- Complete Self-Assessment for Conflicts of Interest (**page 17**)
- Complete Self-Assessment for Financial Disclosure Filers (**page 19**)
- Complete Self-Assessment for Quasi-Judicial Action (**page 26**)
- Return completed Knowledge Check (**pages 4-5**)

3. Register for a 2024 ethics training session (within 6 months of appointment to the board). Send your completed Knowledge Check, the name of your board, and your preferred date to Ethics@coj.net no later than 10:00 am your preferred training date.


- | Virtual Training Dates (Zoom) | In-Person Training Dates (Lynwood Roberts Room) |
|--|---|
| <input type="checkbox"/> January 18, 12:00 – 1:00 pm | <input type="checkbox"/> March 21, 12:00 – 1:00 pm |
| <input type="checkbox"/> May 16, 12:00 – 1:00 pm | <input type="checkbox"/> July 18, 12:00 – 1:00 pm |
| <input type="checkbox"/> September 19, 12:00 – 1:00 pm | <input type="checkbox"/> November 21, 12:00 – 1:00 pm |

Additionally, you are encouraged to read the manual in its entirety before attending your first board meeting. It includes helpful information on ADA compliance, Robert's Rules of Order, and more. If you ever have any questions or concerns, our office is here to help! Please feel free to reach out at any time. Thank you for taking your time to contribute to our community in this way.

Kirby G. Oberdorfer, Director | Andrea B. Myers, Training Manager
Carla Miller, Senior Ethics Advisor | Paige Johnston, Ethics Attorney
City of Jacksonville, Office of Ethics, Compliance and Oversight
Ethics@coj.net or 255-5510

Knowledge Check

For Boards and Commissions



Please print out this two-page Knowledge Check prior to reviewing the material. We ask that you handwrite your answers and submit a scan or photo when completed. In order to register for the live-training date of your choice, please submit your completed Knowledge Check Ethics@coj.net. Trainings do occasionally fill up, so it is best to get the knowledge check in as soon as possible but the deadline is NO LATER THAN 10:00 am the day you wish to attend virtual live-training.

Please list your name and the name of the City board or boards on which you serve:

PAGE 10: What is the purpose of the Sunshine and Public Records laws?

PAGE 10: You have just been appointed to a City board and the chair invites you to lunch “to get to know each other better.” Can you go? If you go, are there any restrictions on topics you can discuss with the chair? Please explain.

PAGE 11: How will you preserve the documents you generate and receive related to your board's business?

PAGE 13: If you are offered tickets to a Jaguars game, including access to a private suite, name at least three questions you should be asking yourself and/or the giver BEFORE accepting the gift?

PAGE 13: You receive a gift of four concert tickets valued at \$75 each. Please select all those below from whom you can legally accept that gift:

- Staff to City board
- A paid lobbyist with business before your board
- A neighbor (that is not a lobbyist)
- Your adult child (who also is a paid lobbyist with business before your board)

PAGE 15: If you were running late for a board meeting and got pulled over by a police officer, would it be okay to tell the officer that you are on a City board? Why or why not?

PAGE 16: Please give three reasons there are rules against campaigning for yourself or others during a public meeting.

PAGE 17: How are voting conflicts and conflicts of interest different?

PAGE 19: Are you required to file financial disclosures? If so, when are you required to file them?

PAGE 25: When are you required to complete ethics training?

When complete, send a picture or scanned image to [Ethics@coj.net!](mailto:Ethics@coj.net)

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SUNSHINE

State Sunshine Law and Public Records Law



OVERVIEW

Through the Government in the Sunshine and Public Records laws, the State of Florida leads the nation in government transparency. To build public trust, these laws establish the right of citizens to observe decision-making at the state and local government levels. In practice, this generally means that all communications and records related to City business are for the benefit of the public, and therefore must be accessible and/or made available upon request.

SUNSHINE LAW

The Sunshine Law applies when two or more individuals on the same board discuss an issue that could come before their board. Under the Sunshine Law, any communication with another board member regarding issues that may come before your board must occur only at a meeting noticed to the public and press. This means you and other board members cannot discuss outside of noticed meetings any issues your board may potentially consider. Thus, you should avoid discussing issues with fellow board members (1) in the meeting room before or after a public meeting, (2) via email, texts, social media, telephone, or letters, (3) during casual gatherings or chance encounters, or (4) by using third party liaisons to communicate between each other.

The Sunshine Law applies to all board meetings, including committees and sub-committees. Additionally, the Sunshine Law applies to a single board member when that member acts as the sole decision maker for the board as a whole, such as the negotiation of contract terms or vendor selection.

The Sunshine Law has three basic requirements :

- Discussion must take place at meetings open to the public;
- Reasonable notice of such meetings must be given; and
- Minutes must be taken and promptly recorded.

HIGHLIGHTS

- ❑ **ONLY discuss issues at publicly noticed meetings.**
- ❑ **ASK thoughtful questions during public meetings before voting to avoid the appearance that things have been already decided and to let citizens see your thought process.**
- ❑ **AVOID side-bar conversations during a meeting.**
- ❑ **AVOID conversation while entering and exiting the board meeting, even if you have already voted on an issue.**
- ❑ **Individual board members CAN discuss issues with employees of the City and other agencies.**
- ❑ **Individual board members CAN share relevant information with other board members between meetings. ASK your board staff to send a one-way email.**
- ❑ **Two or more board members CAN attend and speak at a publicly noticed meeting held by a different board, but they cannot engage with each other.**

You are responsible for ensuring that public meetings for your board comply with the Sunshine Law, including (1) the posting and distribution of meeting notices in a reasonable time prior to meetings and (2) taking of written minutes at all meetings. City staff assigned to your board typically handle the posting and distribution of meeting notices and the taking of minutes. However, you are responsible for confirming this is occurring. If no City staff is at your public meeting, you must take minutes yourself.

Requirements for notices and minutes :

1. Notices should be posted 7 days before a regular meeting, and at least 24 hours before a special or emergency meeting.
2. Notices must include a date, start time, and location of the meeting. When possible, notices should also include an agenda or list of topics to be addressed at the meeting.
3. Written minutes must be recorded and available for inspection.

The Sunshine Law also requires that the public has an opportunity to comment before any final action is taken by your board.

Violating the Sunshine Law could result in fines up to \$500, 60 days in jail, and civil suits that may invalidate board decisions and an award of attorney's fees.

PUBLIC RECORDS

All records related to the transaction of government business are public records and must be made available to the public upon request. This includes all emails, text messages, social media postings, documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, and handwritten notes related to your board business – regardless of whether they are in their final form and regardless of where they are kept. *Even personal notes and draft documents intended for personal use become public records if they are communicated to anyone else.*

To help preserve records related to your board, you should keep a binder of all board records to provide to the City at the end of your board service. You should also forward all emails regarding board business to the City staff that supports your board. If you receive any request for records related to your board, immediately forward the request to the board staff so the request can be handled correctly and in a timely fashion.

Penalties for destroying or failing to maintain public records can include maximum of one year in jail and criminal fines; civil penalties, including \$500 fine.

- DO NOT prevent the public from attending public meetings.**
- DO NOT ask anyone to leave a public meeting.**
- DO NOT begin the meeting early, not even by one minute.**
- ASK the Ethics Office if you are not sure.**

REQUIREMENTS


- Should provide notice 7 days in advance whenever possible.**
- Public meetings MUST be in buildings that are accessible to all members of the public, including persons with disabilities**
- Allow public COMMENT before final action is taken.**

PUBLIC RECORDS

- DO NOT destroy or delete records related to City business.**
- ANY RECORDS related to City business that are located in personal e-mail accounts or on personal devices (including cell phones) are public records, including text messages and emails.**
- CREATE A SYSTEM to store your public records so they can be easily retrieved, such as scanning documents and saving texts.**
- BE PREPARED to respond to requests for public records.**

GOVERNMENT ETHICS

State and Local Ethics Laws For Boards and Commissions



Government ethics is distinct from personal ethics and relates primarily to the fairness and transparency of the institution rather than an understanding between right and wrong. The state and local Ethics Codes are designed to prevent even an appearance that public officials are using their government positions for their personal gain at the expense of the community as a whole.

In addition to Sunshine and Public Records Laws, the state and local Ethics Codes require that all board members follow a code of conduct for public officials. These codes cover varied topics, including acceptable gifts, conflicts of interests and bribes. Below you will find a quick summary of the Ethics Codes danger areas most often encountered by board members. This list is meant to help you identify potential issues BEFORE they become problems for you or the City. If you have questions, you can reach out to our office or you can find links to the complete laws in the Resources section (see Part IV below).

GIFTS

Gifts are a major danger area when it comes to government ethics for two reasons:

(1) gifts are used to influence the decisions of public officials and (2) gifts can be difficult to identify at times because they come in so many different forms. A gift is broadly defined as anything given to you, done for you, or given to someone else on your behalf. However, gifts do not include things given by relatives or the salary, benefits, fees, commissions, gifts, or expenses related to your employment or business.

Gifts do not need to be connected to or given as a result of your City board position to qualify as a gift under the Ethics Codes. The best policy is to not accept any gifts.

- Do not accept gifts in excess of \$100 at a time, or \$250 in a year, from anyone lobbying or doing business with your board. If you receive this kind of gift, you have 90 days to return it or pay down the value to \$100.
- Travel or expenses for conferences related to your board and paid on your behalf by anyone outside the City are gifts.
- Do not ask anyone lobbying or doing business with your board for anything (favours, gifts, etc.) for you or your family.
- Do not accept a gift with the understanding that it will influence your board decisions, such as "I will do this if you give me that."
- Please note: members of boards listed on page 20 must file gift disclosures.**
- Read more: Florida Statutes sections 112.313(2), 112.313(4), 112.3148 and Jacksonville Code sections 602.701 and 602.702.*

CONFLICTS OF INTEREST

Conflicts of interest arise any time you have a personal interest that could be at odds with your position as a City Official. These conflicts are distinct from voting conflicts. Here are some of the most frequent conflicts of interest issues that arise:

- ❑ ***See the Conflicts of Interest Self-Assessments on page 17.***
- ❑ Doing business with the City or your board (includes you, your family, your employer/business, business partners and any entity on whose board you serve).
- ❑ Working as an employee, consultant or independent contractor for any company doing business with the City or your board.
- ❑ Participating in any legal actions or claims against your board.
- ❑ Appearing on behalf of or representing others before your board (excluding yourself, spouse, parents or child).
- ❑ Holding another office in local or state government.
- ❑ Personally benefitting from your former board or representing another person/entity for compensation before your former board for a period of 2 years after leaving your board position (applies only to members of boards that file Form 1 financial disclosure statements--**see page 19**), "Personally benefit" includes lobbying, being employed by or serving as a consultant for your former board.
- ❑ Failing to disclose in writing your interest in a bid or contract related to your board (applies only to members of Independent Authority boards).
- ❑ *Read more: Florida Constitution Article II, section 5(a); Florida Statutes sections 112.313(3), 112.313(7), and Jacksonville Code sections 602.402, 602.406, and 602.408.*

VOTING CONFLICTS

Voting conflicts are separate from conflicts of interest. They arise any time you, your relatives, employer, clients, or business associates have a financial interest in a matter your board will vote upon. Voting conflicts are interpreted much more broadly than prohibitive conflicts of interest.

- ❑ ***See the Conflicts of Interest Self-Assessments on pages 17-18.***
- ❑ Do not vote on an issue in which you, your relatives, employer, clients or business associates have a special economic gain/loss.
- ❑ Voting conflicts can arise from matters unrelated to your board or the vote if there is a connection between you, your relatives, employer, clients or business associates and the person or entity the vote will impact.
- ❑ Once a voting conflict is identified, make sure you follow the procedures for declaring a voting conflict, including abstaining from voting and filing a Form 8B memo of voting conflict.
- ❑ *Read more: Florida Statutes section 112.3143.*

LOBBYISTS

- ❑ Lobbyists must register before they can try to influence any governmental decision making in the City. Please ask the City staff for your board to check the online lobbyist registration system before taking meetings with lobbyists related to your City board.
- ❑ Lobbyists cannot give illegal gifts: gifts over \$100 or combination of gifts over \$250 in a year. Please do not accept these gifts.
- ❑ Lobbyists also cannot give any gifts with the understanding that your board decision will be influenced. Please do not accept these gifts.
- ❑ *Read more: Florida Statutes sections 112.313(2) and 112.313(4); Jacksonville Code sections 602.703 and 602.801.*

MISUSE OF POSITION

Board members should not receive a special benefit or gain from your service as a City Official. A general rule of thumb is to ask yourself, "is this benefit accessible by the general public?" If the answer is no, you are in a danger area. For further clarity, here are some of the most frequent misuse of position danger areas that arise:

- ❑ Using your board position for a personal gain for you, your family or business associates.
- ❑ Using the phrase, "Do you know who I am?" to obtain a benefit for you, your family or business associates.
- ❑ Disclosing confidential City information.
- ❑ Lending or borrowing money from City personnel you work with. The limit is \$100 for those in your City chain of command and \$500 for anyone else.
- ❑ City property, computers, internet and time should be used for City business only. This includes a prohibition on using City resources, such as City email addresses, for campaigning.
- ❑ Appointing, employing, promoting, or advancing your relative to a position in an agency over which your board has authority.
- ❑ *Read more: Florida Statutes sections 112.313(6), 112.313(8), 112.3135 and Jacksonville Code section 602.401.*

GOVERNMENT ETHICS REQUIREMENTS

Board members are required to complete ethics training (see **page 23**) to learn about their responsibilities as City Officials, including cooperation and assistance with government investigations.

- ❑ All board members must complete ethics training within 6 months of appointment and renew their training every four years thereafter.
- ❑ Board members are required to cooperate in all government investigations concerning their duties or matters related to their board, including Ethics Commission, Ethics Officer, State Attorney's Office, or United States Attorneys' Office investigations.
- ❑ *Read more: Jacksonville Code sections 50.109 and 602.1205.*

ACCESS TO CITY MEETINGS

- ❑ The local Ethics Code lists 8 specific ways City Officials are prohibited from interfering, obstructing or generally disrupting a City inquiry/investigation, hearing, proceeding or public meeting.
- ❑ City Officials also cannot intimidate a witness or prevent a person from appearing or speaking at City meetings.
- ❑ *Read more: Jacksonville Code section 602.407.*

CAMPAIGN SEASON ETHICS

- ❑ Jacksonville Ordinance Code, Section 350, Part 3, prohibits all campaign activities in City buildings, including all boards meetings.
- ❑ The following campaign and political activities are prohibited at board meetings:
 - ❑ Candidates cannot announce their candidacy or give speeches.
 - ❑ Elected officials cannot state they are running for office or discuss their respective campaigns.
 - ❑ Candidates cannot distribute campaign materials.
 - ❑ Campaign contributions cannot be made, requested or accepted in City buildings.
 - ❑ Violations are a Class A offense of the Jacksonville Municipal Code.

Conflicts of Interest Self-Assessments For Boards and Commissions



Conflicts of interest may arise if there is overlap between your governmental duties and personal interests. The Ethics Office is here to help you protect yourself against the two types of potential conflicts of interest in state ethics laws:

1. Prohibitive Conflicts or “Big Conflicts”: These arise from contractual or business relationships with the City or your board. These could require you to give up your private interests, your board position, or the business with the City or your board. To identify potential issues, we recommend you list all of your business connections and answer the questions below.
2. Voting Conflicts or “Little Conflicts”: These arise when you, your relatives, employer, clients or other business associates might have a financial interest or loss in relation to a vote your board is taking. This can be cured by declaring your voting conflict and abstaining from voting.

In either case, the Ethics Office is here to help. If you are not sure what to do, please review the self-assessments below and call the Ethics Office.

To determine if you may have a prohibitive conflict of interest, please answer the following questions:

1. Are you (or your spouse/child) employed by, or an officer, partner, or director of an entity either (1) doing business with or (2) receiving funds from the City of Jacksonville (including independent authorities)?
2. Do you (or your spouse/child) own a business or have any financial interest or ties to an entity that is either (1) doing business with or (2) receiving funds from the City of Jacksonville (including independent authorities)?
3. Do you engage in any consulting or contract work with a business that is either (1) doing business with or (2) receiving funds from the City of Jacksonville (including independent authorities)?
4. Are you (or your spouse/child) a board member (voting or non-voting) of any nonprofit or corporate entity that is either (1) doing business with or (2) receiving funds from the City of Jacksonville (including independent authorities)?

To determine if you may have a voting conflict, please answer the following questions:

1. Is your board voting on an issue that could result in a special benefit or loss to you, your relatives, business/employer, clients/clients of your employer (even if you are not directly involved), or business associates?
2. Is the benefit or loss economic in nature?
3. Is the benefit or loss affecting a small number of individuals or businesses?

If you answered yes to any of the questions above, do not worry! Conflicts happen all the time and the Ethics Office will work with the Office of General Counsel to provide guidance on how you should proceed in order to comply with state ethics laws. Please know that whenever possible, conflicts need to be identified and reviewed in advance of a meeting because it takes time to determine how to address them.

Call the Ethics Office prior to your board meeting at 904-255-5510 or send an email to ethics@coj.net for more information.


TIPS ON HANDLING A VOTING CONFLICT

If your board is preparing to take a vote on an issue and you, your relatives, business/employer, clients or business associates have a connection to the entity or person that will be impacted by the vote, you need to take the following steps:

1. Call the Ethics Office or Office of General Counsel attorney for your board.
2. Complete the Form 8B Voting Conflict memo for each vote that will take place related to the conflict.
3. File the Form 8B before the meeting with the person who takes the minutes and ensure the person taking minutes distributes your Form 8B to your board immediately.
4. Ensure your Form 8B is read at the meeting before the vote.
5. Prior to participating in any discussion on the issue, declare the nature of the voting conflict by advising of your relationship to the entity or person that will be impacted by the vote. **To assist you in properly declaring a voting conflict, here is an example: "I need to declare a voting conflict on _____ because (explain relationship to entity/person impacted by vote), who/which will receive an economic benefit or loss from this vote. I am abstaining from voting and I have filed my 8B Voting Conflict form with _____ who is taking the minutes of the meeting.**
6. Abstain from voting.

NOTE: If the voting conflict is unknown prior to your board meeting, follow steps 5-6, modify the sample declaration above to indicate you WILL file Form 8B, and then be sure to file the Form 8B within 15 days of the meeting.

Financial Disclosure Self-Assessment For Boards and Commissions



Florida Statutes sections 112.3145 and 112.3148 require members of specific City boards to file an annual disclosure statement of their financial interests (Form 1) and a quarterly gift disclosure (Form 9) for any acceptable gifts received in the prior calendar quarter.

Are you a member of one of the following boards?

- Building Codes Adjustment Board
 - City of Jacksonville Retirement System Pension Board of Trustees
 - Downtown Investment Authority
 - Jacksonville Aviation Authority
 - Jacksonville Electric Authority
 - Jacksonville Ethics Commission
 - Jacksonville Electric Authority
 - Jacksonville Health Facilities Authority
 - Jacksonville Housing Authority
 - Jacksonville Police & Fire Pension Fund Board of Trustees
 - Jacksonville Port Authority
 - Jacksonville Transportation Authority
 - Planning Commission
 - Public Nuisance Abatement Board
-
- If YES, you are a financial filer and need to continue to the next page.**
 - If NO, you DO NOT need to file financial or gift disclosures at this time. However, additional boards may occasionally be added to the list. The Ethics Office or your City staff may share updated information regarding the filing of financial disclosures from time to time.**

Financial Disclosure Summary

For Boards and Commissions

IF YOU ARE A FINANCIAL DISCLOSURE FILER, YOU ARE REQUIRED TO FILE THE FOLLOWING THREE FORMS: (1) FORM 1, (2) FORM 1F, AND (3) FORM 9.

FORM 1 - FINANCIAL DISCLOSURE FORM

Requires sources of income, not actual amounts. Must be filed on the following dates **with the Supervisor of Elections for the county in which you reside** :

- Within 30 days of initial appointment-** generally the date you are confirmed by City Council (file for entire prior calendar year, like taxes)
- July 1 of each year** (file for entire prior calendar year, like taxes)

FORM 1F - FINANCIAL DISCLOSURE FORM

- Within 60 days of leaving** your board (file Form 1F which covers time served in the current calendar year)

Note: The State Ethics Commission imposes significant fines and penalties for failing to file timely and accurate financial disclosures.

FORM 9 - GIFT DISCLOSURE FORM

If you are required to file state financial disclosure forms, you are also required by **state law** to file a quarterly GIFT DISCLOSURE (Form 9) detailing gifts you received from allowable sources that are valued over \$100. Please note the following:

- Gifts from relatives are acceptable regardless of the value, even if the relative is a lobbyist. These gifts are not reported on a Form 9.
- Gifts related to your employment are acceptable and not reported on a Form 9.
- Gifts over \$100 from lobbyists, vendors, and entities doing business with your board are illegal and are not reported on a Form 9. If you accept this kind of gift, you have 90 days to return it or pay down the value to \$100.
- All other gifts over \$100, regardless of who they come from or whether they are unrelated to your City board position, must be disclosed on a Form 9. This could include holiday gifts from neighbors or shared vacations with family friends.
- You are not required to file a Form 9 gift disclosure if you do not receive any acceptable gifts over \$100 during the prior quarter.

Form 9 must be ***filed directly with the State Ethics Commission*** per the instructions located on the form by the end of the calendar quarter following the quarter in which the gift was received. The due dates are outlined below and should be added to your calendar:

- March 31 (gifts received October-December of previous year)
- June 30 (gifts received January-March of current year)
- September 30 (gifts received April-June of current year)
- December 31 (gifts received July-September of current year)

ALL FORMS CAN BE FOUND ON THE STATE ETHICS COMMISSION WEBSITE

You can find these documents by clicking the link here:

<http://www.ethics.state.fl.us/FinancialDisclosure/DownloadAForm.aspx>

Note: The website changes periodically, but they always have the forms somewhere on the site!


If you have any questions regarding the completion of financial or gift disclosure forms, please contact the State Ethics Commission via the following information:

Kimberly R. Holmes
Program Administrator
Financial Disclosure Section
Florida Commission on Ethics
P.O. Drawer 15709
Tallahassee, FL 32317-5709
(850) 488-7864
(850) 488-3077 (Fax)
HOLMES.KIM@leg.state.fl.us

BOARD GOVERNANCE

Board Governance

Jacksonville Code, Chapter 50



Chapter 50 of the Jacksonville Ordinance Code applies to all boards, commissions and councils created by ordinance. While this section is not related to Ethics, we include an overview in this manual and in our ethics training for boards for your convenience.

Individual Requirements

Chapter 50 sets forth the following requirements that apply to board members individually. You:

Terms:

- Remain a member of the board until a new person is approved to take your place or you officially resign, even if your position has an established time frame.
- Cannot serve more than 2 consecutive full terms on your board.
- Must resign from board within 24 hours if you seek employment or paid position with department or agency that your board oversees

Residency Matters:

- Must maintain Duval County residency or substantial business ties throughout your term.
- Will automatically be removed as board member if residency or substantial business ties are not maintained throughout term

Attendance Matters:

- May be removed from board position if you miss 2 out of 3 consecutive meetings of the board without cause and approval from board chair
- Must maintain 75% or greater attendance at board meetings (committee meetings do not count for attendance record) to avoid appearing before City Council for reappointment.

Ethics Training Required:

- Must be trained within 6 months of appointment and every four years after initial training. See Required Ethics Training on page 26 for further details.
- Must acknowledge receipt of information regarding laws applicable to board members and an understanding of the legal requirements for board members (see Acknowledgement of Duties page 7)

Disclose Ex-Parte Communication:

- Members of certain boards must disclose information received outside of a public meeting when acting in a quasi-judicial manner. See Quasi-Judicial Self-Assessment on page 27 for further information.

Board Requirements

Additionally, Chapter 50 sets forth the following requirements for boards as an entity:

Number of Meetings Required:

- Every board must have at least one meeting every quarter.

Annual Report Required:

- Every board must submit an annual report to the City Council at the end of each fiscal year.
- The staff liaison for your board will generally prepare this in consultation with the members of the board.

Information Required by Council Auditor:

- Boards must comply with requests for information by Council Auditor and acknowledge receipt of request within 2 business days with estimated timeframe for providing requested information.

Required Ethics Training Provided by the City Ethics Office



To educate and assist City board members regarding the ethical responsibilities they have as City Officials, the City requires all board members complete ethics training required by the Ethics Office. Per Jacksonville Code section 50.109, every board member has to complete an ethics training session within six months of appointment. Training must be completed again every four years following the initial training to refresh education.

Ethics training lasts approximately 1 hour. Training covers laws applicable to board members, including state and local ethics laws, ADA compliance and diversity and inclusion issues. The Ethics Office keeps a record of your attendance at trainings and provides you a certificate upon completion.

Ethics training typically occurs in-person on a bi-monthly rotation in the Lynwood Roberts room at City Hall. However, when in-person training is interrupted, the Ethics Office may provide digital training to assist you in satisfying the requirement. **To receive information on how to complete the training, please RSVP by email (with your name and the name of your board) to the Ethics Training Coordinator at ethics@coj.net.**

If you would like to request any accommodations for ethics training pursuant to the Americans with Disabilities Act, please allow 1-2 business days to process the request. Last minute requests will be accepted, but may not be possible to fulfill. Please contact Disabled Services Division at: V (904) 255-5466, TTY (904) 255-5475, or email your request to KaraT@coj.net.

LIVE TRAINING GUIDELINES

If you are attending an in-person training, please follow these guidelines:

- Please check the online City Calendar on [coj.net \(http://www.coj.net/all-of-coj/upcoming-events/calendar.aspx\)](http://www.coj.net/all-of-coj/upcoming-events/calendar.aspx) on the DAY of your training to make sure it has not been rescheduled or cancelled. If you have RSVP'd for the training, you will be notified if there are any schedule changes.**
- DO NOT BE LATE! Persons who enter the training after it has begun will miss mandatory topics and therefore will not receive credit for attending. Please plan to arrive 5-10 minutes early to allow time for congestion and parking downtown.**
- Be mindful you will need to pass through security at City Hall. Do not bring anything into the building that might have to be returned to your car. Security will ask to see all electronic devices turned on and functioning.**

Quasi-Judicial Self-Assessment For Special Boards and Commissions

If you are on the following City boards, you may occasionally take quasi-judicial action, and you should keep reading. If you are not on one of these boards, skip ahead.

- Building Codes Adjustment Board
- Certificate of Use Board
- Civil Service Board
- Construction Trades Qualifying Board
- Context Sensitive Streets Standards Committee
- Downtown Development Review Board
- Environmental Protection Board
- Jacksonville Ethics Commission
- Jacksonville Historic Preservation Commission
- Jacksonville Human Rights Commission
- Planning Commission
- Tower Review Committee
- Value Adjustment Board

A small number of City boards rule on matters like a judge. This is referred to as “quasi-judicial” action and is covered in Chapter 50, Part II of the Jacksonville Ordinance Code.

If your board is holding a hearing or taking action on a matter that requires applying the law to a particular set of facts or circumstances, weighing evidence and drawing conclusions, there is a duty to make public all of the information you receive related to the case.

To ensure fairness to all parties involved, the Florida Supreme Court [has] ruled that because the act of **applying the law** to specific circumstances (such as zoning changes) is **judicial in nature**, the parties involved should be afforded most of the same protections as those presenting a case in court. These protections include the right to have all witnesses testify under oath, the right of opposing sides to ask questions of each other’s witnesses, and the right of each side to hear everything said to the decision maker.

This means if you receive information related to the case outside of a board meeting, you must share that information at the next meeting prior to voting on the matter. The procedure required to disclose the information depends on the type of information you received (e.g. through a site visit, phone call, email, or conversation). If this applies, please contact your City staff for directions on how to properly disclose this information.

Adapted from City of Port Orange Handbook for Appointed Boards & Commissions, pgs. 2-3

RESOURCES

Legal Guide

Links for Additional Reading on the Laws

The laws that apply to you as a City Official and board member are summarized in Parts I-III above. If you have questions, you can reach out to the Ethics Office at ethics@coj.net or you can find the laws and resources in full below.

1. State Sunshine Law and Public Records Law (see page 9)

- Florida Statutes Chapter 286 (Sunshine Law)
<https://www.flsenate.gov/Laws/Statutes/2019/Chapter286>
- Florida Statutes Chapter 119 (Public Records Law)
<https://www.flsenate.gov/Laws/Statutes/2019/Chapter119>
- Government-In-The-Sunshine Manual published by Florida Attorney General's Office (The AG enforces state laws and has ultimate authority to interpret the Sunshine & Public Records statutes.) [http://myfloridalegal.com/webfiles.nsf/WF/MNOS-AXJGEU/\\$file/2018+Government+in+the+Sunshine+Manual.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MNOS-AXJGEU/$file/2018+Government+in+the+Sunshine+Manual.pdf)

2. State and Local Ethics Laws (see page 12)

- Florida Statutes Chapter 112, Part III (State Code of Ethics for Public Officers and Employees):
https://www.flsenate.gov/Laws/Statutes/2019/Chapter112/Part_III
- Jacksonville Code Chapter 602 (Local Code of Ethics for Public Officers and Employees):
https://library.municode.com/fl/jacksonville/codes/code_of_ordinances?nodeld=TITXVIJU_CO_CH602JAETCO
- State Financial and Gift Disclosure Forms: <http://www.ethics.state.fl.us>

3. Local Boards and Commissions Governance Laws (see page 22)


- Jacksonville Ordinance Code Chapter 50, Part I (see **page 23** – Required Ethics Training) and Part II (see **page 24** - Quasi-Judicial Action)
https://library.municode.com/fl/jacksonville/codes/code_of_ordinances?nodeld=TITIVBOCO_CH50ORBOCO

4. Local Laws Related to Purpose and Duties of Each Board and Commission

- Boards created by **Ordinance Code** can be found here:
https://library.municode.com/fl/jacksonville/codes/code_of_ordinances?nodeld=TITIGEPR
- Boards created by **Executive Order** can be found here: <https://www.coj.net/ogc/executive-orders-search> . If you have questions about the Executive Orders regarding your board, contact the Mayor's Office or City staff to your board.

Robert's Rules of Order

The Basics



All City boards are required by their by-laws or the Jacksonville Code to utilize Robert's Rules of Order to facilitate public meetings. Although this is not an "ethics issue," we have provided a brief overview below for your convenience.

The purpose of "Robert's Rules of Order" includes the following:

- Ensure majority rule
- Protect the rights of the minority, the absentees and individual members
- Provide order, fairness and decorum
- Facilitate the transaction of business and expedite meetings

Basic Principles

- All members have equal rights, privileges and obligations
- Full and free discussion of every motion is a basic right
- Only one question at a time may be considered, and only one person may have the floor at any one time
- Members have a right to know what the immediately pending question is and to have it restated before a vote is taken
- No person can speak until recognized by the chair
- Personal remarks are always out of order
- A majority decides a question except when basic rights of members are involved
- Silence gives consent. Those who do not vote allow the decision to be made by those who do vote

Role of the Presiding Officer

- The chair should remain impartial and only insert their opinion into the debate after everyone else has had a chance to speak
- Introduce business in proper order
- Recognize speakers
- Determine if a motion is in order
- Keep discussion germane to the pending motion & maintain order
- Put motions to a vote and announce results

General Procedure for Handling a Motion

- A member must obtain the floor by being recognized by the chair
- Member makes a main motion
- A motion must be seconded by another member before it can be considered
- If the motion is in order, the chair will restate the motion and open debate (if debatable)
- The maker of a motion has the right to speak first in debate
- The main motion is debated along with any subsidiary motions (e.g. "I move to amend the motion by ...", "I move to table the question.")
- Debate on subsidiary motions (if debatable) takes precedence over debate on the main motion and must be decided before debate on the main motion can continue.
- Debate is closed when: Discussion has ended or a vote closes debate ("Call the question")
- The chair restates the motion, and if necessary, clarifies the consequences of affirmative and negative votes
- The chair calls for a vote by first asking "All in favor?" Those in favor say "Aye." Then asking "All opposed?" Those opposed will say "No" and finally asking "All abstained?" Those abstaining will say "Aye". The chair announces the result

General Rules of Debate

- No members may speak until recognized by the chair
- All discussion must be relevant to the immediately pending question
- No member can speak more than once to each motion
- No member can speak more than three minutes
- All remarks must be addressed to the chair – no cross debate is permitted
- It is not permissible to speak against one's own motion (but one can vote against one's own motion)
- Debate must address issues and not personalities – no one is permitted to make personal attacks or question the motives of other speakers
- When possible, the chair should let the floor alternate between those speaking in support and those speaking in opposition to the motion
- Members may not disrupt the assembly
- Rules of debate can be changed by a vote

Robert's Rules Help Get Things Done!

- Make Motions – that are in order
- Obtain the Floor - properly
- Speak – clearly and concisely
- Obey – the rules of debate
- And most of all, be courteous! That's always in order!

ADA Compliance

For Boards and Commissions



As part of making meetings open to the public under the Sunshine Law, they must be accessible to individuals with disabilities. The City's Disabled Services Division provides numerous services, including braille transcribing, that can make your meetings and handouts more accessible. They also recommend preparing large-font copies of handouts and using "people first" language when communicating with people with disabilities.

PEOPLE FIRST LANGUAGE SAYS THIS

People with disabilities.
He has a cognitive disability/diagnosis.
She has autism (or a diagnosis of...)
He has Down syndrome.
She has a learning disability (diagnosis).
He has a physical disability (diagnosis).
She's a little person.
He has a mental health condition.
She uses a wheelchair/mobility chair.
He receives special ed services.
She has a developmental delay.
Children without disabilities.
Communicates with her eyes/device.
Congenital disability
Brain injury
Accessible parking, hotel room, etc.
She needs... or she uses...


INSTEAD OF THIS

The handicapped or disabled.
He's mentally retarded.
She's autistic.
He's Down's; a mongoloid.
She's learning disabled.
He's a quadriplegic/is crippled.
She's a dwarf/midget.
He's emotionally disturbed/mentally ill.
She's confined to/is wheelchair bound.
He's in special ed.
She's developmentally delayed.
Normal or healthy kids.
Is non-verbal.
Birth defect
Brain damaged
Handicapped parking, hotel room, etc.
She has problems with...

Excerpted from Kathie's People First Language article, available at www.disabilityisnatural.com.

City Contact List

For When Questions Arise



We have done our best in Parts I-III above to address the most common questions that arise, but you may have more questions after reviewing this manual. Please find a list of helpful individuals below, along with a brief overview of their expertise.

FOR QUESTIONS RELATED TO SUNSHINE, PUBLIC RECORDS, AND STATE AND LOCAL ETHICS LAWS, PLEASE CONTACT:

Kirby G. Oberdorfer, Director & Andrea B. Myers, Training Manager
Office of Ethics, Compliance and Oversight

ethics@coj.net

Office 255-5510

Hotline 630-1015

FOR QUESTIONS RELATED TO FRAUD, WASTE AND ABUSE , PLEASE CONTACT:

Inspector General, Office of Inspector General

inspectorgeneral@coj.net

630-8000

FOR QUESTIONS RELATED TO ACCESSIBILITY AND ADA INCLUSIVITY, PLEASE CONTACT:

Kara Tucker, Chief, Disabled Services Division

KaraT@coj.net

255-5466

FOR QUESTIONS RELATED TO HUMAN RIGHTS AND INCLUSIVITY, PLEASE CONTACT:

Wendy Byndloss, Director, Jacksonville Human Rights Commission

ByndlossW@coj.net

255-5372

FOR ALL OTHER CITY ISSUES, CONTACT THE CITY'S HELPLINE:

myjax@custhelp.com

630-CITY (2489)

Notes



Notes



Sec. 655.503. Mobility fee requirement, certificate, application process and calculation.

- (a) *Mobility fee required.* Unless a fair share assessment payment is made per Section 655.301, Ordinance Code, or a development is deemed de minimis, per Section 655.108, or exempt per Section 655.109, or Section 655.510, the Mobility fee must be paid prior to approval of final construction and/or engineering plans under Chapter 320, Ordinance Code or building permits for single family residential construction.

Additionally, any landowner or developer who otherwise would be required to construct a sidewalk within the right-of-way along its property frontage but for the off-site sidewalk having been constructed by a previous developer pursuant to Section 2.2.2(5) of the Land Development Procedures Manual (and for which Mobility fee credit was given to the previous developer pursuant to this Chapter), the current developer shall pay a reimbursement to the Mobility fund from which the credit was generated, in the dollar amount of the credit given to the previous developer. The fee shall be paid by the developer by separate check and the CMMSO shall deposit it into the Mobility Fee Special Revenue Fund or Funds for the applicable Mobility Zone or Zones, in addition to the required Mobility fee.

- (b) *Mobility fee calculation application and fee.* An applicant for a Mobility Fee Calculation Certificate shall file a completed application with the CMMSO on the form provided by that office. The applicant shall provide all the information requested on the application, to the extent applicable. The application shall be accepted by the CMMSO only if the application is completed in full and submitted with all supplementary information required. Upon the payment to the Tax Collector of the application fee, copies of the application shall be transmitted immediately to the Division. The fees noted above can be found electronically on the following City of Jacksonville webpage: www.coj.net/fees.
- (c) *Department sufficiency review.* If the Department determines that the information contained in the Mobility Fee Calculation Certificate application is insufficient to review the application, then the Department, within five days of its receipt of the application shall notify the applicant of such insufficiencies. The applicant shall then have ten days from the date of such notification to remedy the application's insufficiencies. This time period may be extended by the CMMSO based upon a showing of good cause. Any notification by the Department that the application is insufficient automatically tolls the applicable review period. Upon the Department's receipt of the necessary information to make the application sufficient, the review period begins again at the point at which it was tolled.
- (d) *Issuance of Mobility Fee Calculation Certificate.* The Mobility Fee Calculation Certificate shall be issued by the CMMSO within 14 days from the date the application is accepted and deemed sufficient by the Department, unless the application for a Mobility Fee Calculation Certificate was submitted with an application for a CCAS for the development, per Section 655.111, or a CCAS application for the development has been pending with CMMSO for less than 31 days. If the application for a 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 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 fee, the following formula shall apply:

$$\text{Mobility Fee} = A \times B \times C \times D$$

where

A = Cost per VMT/Mobility Zone

B = Average length of VMT per Development Area;

C = 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 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 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 percent administrative fee. The annually administratively updated VMT costs are found in www.coj.net/fees. The data and analysis forming the basis of the costs may also be found in the Mobility Plan and Fee Update produced by Resource Systems Group, Inc., dated December 2020. The year 2023 fees are shown in the Table below. This cost, with the addition of the Inflation Factor and administrative fee per year, is used as "A" in the Mobility fee formula stated above ($A \times B \times C \times D$).

2023 COST PER VEHICLE MILE TRAVELED (VMT)

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

- (2) *Average length of VMT is shown in the table below 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

Development Area	2045 Average Trip Length in Miles
1. Central Business District	5.70
2. Urban Priority Area	4.75
3. Urban	4.90
4. Suburban	5.21
5. Rural	7.71

- (3) *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 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.

(B) *Trip Reduction Adjustments.*

- (i) The Development Daily Vehicle Trips generated shall be reduced using the Trip Reduction criteria found in Section 5 of the CMMS Handbook for internal capture, pass-by, diverted link, TOD, and transit stop proximity.
 - (ii) Excluding the area of Downtown (Mobility Zone 10) as defined in Section 656.361.2, Ordinance Code, Development Daily Vehicle Trips generated shall also be reduced by the number of Development Daily Vehicle Trips generated by the Existing Use on the property. These reductions are non-transferable and may only be used on the development site from which the Trip Reductions have been generated.
 - (a) If an Existing Use structure is reoccupied, or not substantially repurposed, remodeled, or renovated, then 100 percent of the number of trips that would have been generated by the Existing Use shall be subtracted from the Development Daily Vehicle Trips calculated for a proposed development that includes that Existing Use parcel.
 - (b) If a non-historic Existing Use structure is demolished, or if an Existing Use structure was demolished prior to the year 2021, then 125 percent of the trips that were associated with that Existing Use shall be subtracted from the Development Daily Vehicle Trips calculated for a proposed development that includes that Existing Use parcel.
 - (c) If an Existing Use structure is substantially repurposed, remodeled, or renovated, then 150 percent of the trips that were associated with that Existing Use shall be subtracted from the Development Daily Vehicle Trips calculated for a proposed development that includes that Existing Use parcel. For the purposes of this Section, "substantially repurposed, remodeled, or renovated" means that the existing development is being expanded or renovated for a value equal to 50 percent or more of the assessed value of the combined lot improvements on that parcel or parcels, according to the Property Appraiser.
- (4) *Internal VMT factor to cover the number of trips that have both a start and stop within Jacksonville.* This is "D" in the Mobility fee formula above. In order to prevent double counting of Trips, these internal factors are applied based on the Mobility Zone.

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

INTERNAL VMT FACTORS, BY ZONE

Mobility Zone	Internal VMT Factors
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

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

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

(Ord. 2011-536-E, § 1; Ord. 2017-665-E, § 28; Ord. 2020-757-E, § 1; Ord. 2022-909-E, § 7)