

1 Council Member Crescimbeni offers this first substitute to file no.
2 2013-94:

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4 Introduced by Council Member Clark:

5
6 **ORDINANCE 2013-94**

7 AN ORDINANCE CONCERNING MOBILITY FEES; WAIVING
8 PORTIONS OF CHAPTER 655 (CONCURRENCY AND
9 MOBILITY MANAGEMENT SYSTEM), PART 5 (MOBILITY
10 FEE), SECTION 655.503 (MOBILITY FEE
11 REQUIREMENT, CERTIFICATE, APPLICATION PROCESS
12 AND CALCULATION), *ORDINANCE CODE* TO AUTHORIZE A
13 TEMPORARY PARTIAL WAIVER, UNDER CERTAIN
14 CIRCUMSTANCES, OF MOBILITY FEES FOR 18 MONTHS
15 BEGINNING THREE MONTHS AFTER EFFECTIVE DATE OF
16 THIS ORDINANCE; REQUIREMENT OF CERTIFICATE OF
17 OCCUPANCY BY DATE CERTAIN; ALLOCATION OF
18 MOBILITY FEES FOR BICYCLE AND PEDESTRIAN
19 PROJECTS; PROVIDING AN EFFECTIVE DATE.
20

21 **WHEREAS**, pursuant to Policy 1.6.9 of the Capital Improvements
22 Element of the 2030 Comprehensive Plan, the City of Jacksonville
23 through the enactment of an ordinance, may establish finite periods
24 of time in which the payment of the mobility fee will be waived for
25 all development within the City in order to encourage economic
26 growth; and

27 **WHEREAS**, on October 20, 2011, the City of Jacksonville
28 adopted a waiver on mobility fees, pursuant to Ordinance 2011-617-
29 E; and

30 **WHEREAS**, the time period for allowing a waiver on mobility
31 fees expired without sufficient time for such waiver to assist in

1 encouraging economic growth in the City; and

2 **WHEREAS**, in order to continue to promote and encourage
3 economic growth in the City consistent with Policy 1.6.9 of the
4 Capital Improvements Element of the 2030 Comprehensive Plan, it is
5 necessary to establish a new period for a partial waiver of
6 mobility fees in the City; now therefore

7 **BE IT ORDAINED** by the Council of the City of Jacksonville:

8 **Section 1. Section 655.503 (Mobility fee requirement,**
9 **certificate, application process and calculation) Partially Waived.**

10 The provisions of Chapter 655 (Concurrency and Mobility Management
11 System), Part 5 (Mobility Fee), Section 655.503 (Mobility fee
12 requirement, certificate, application process and calculation)
13 which require the payment of the mobility fee prior to approval of
14 final construction and/or engineering plans under Chapter 320,
15 Ordinance Code or building permits for single family residential
16 construction are hereby temporarily partially waived. In all other
17 respects, Section 655.503 (Mobility fee requirement, certificate,
18 application process and calculation) shall remain in full force and
19 effect. The temporary partial waiver will only be applicable to
20 those mobility fees set forth in a mobility fee calculation
21 certificate and will not be applicable to those mobility fees set
22 forth in an expedited mobility fee calculation certificate. The
23 temporary partial waiver on the assessment and collection of any
24 mobility fee required shall remain in effect for a period of 18
25 months, beginning three months from the effective date of this
26 ordinance, or until such time as repealed by the Council, whichever
27 occurs first. During the temporary partial waiver period beginning
28 three months after the effective date of this ordinance, and
29 notwithstanding anything to the contrary in Chapter 655, Ordinance
30 Code, approval of final construction and/or engineering plans under

1 Chapter 320, Ordinance Code, or building permits for single family
2 residential construction on existing lots obtained within nine
3 months of the effective date of this ordinance shall be required to
4 pay 25% of the mobility fee set forth in a mobility fee calculation
5 certificate, and may thereafter commence construction. During the
6 temporary partial waiver period beginning three months after the
7 effective date of this ordinance, if a site clearing permit, for
8 property that has received ten set approval per Chapter 654,
9 Ordinance Code, is obtained within nine months of the effective
10 date of this ordinance, any future building permit for single
11 family construction on that property shall be required to pay 25%
12 of the mobility fee set forth in a mobility fee calculation
13 certificate, and may thereafter commence construction. Approval of
14 final construction and/or engineering plans under Chapter 320,
15 Ordinance Code or building permits for single family residential
16 construction on existing lots obtained after nine months after the
17 effective date of this ordinance, but before 15 months after the
18 effective date of this ordinance, shall be required to pay 50% of
19 the mobility fee set forth in a mobility fee calculation
20 certificate, and may thereafter commence construction. If a site
21 clearing permit, for property that has received ten set approval
22 per Chapter 654, Ordinance Code, is obtained after nine months
23 after the effective date of this ordinance, but before 15 months
24 after the effective date of this ordinance, any future building
25 permit for single family construction on that property shall be
26 required to pay 50% of the mobility fee set forth in a mobility fee
27 calculation certificate, and may thereafter commence construction.
28 Approval of final construction and/or engineering plans under
29 Chapter 320, Ordinance Code or building permits for single family
30 residential construction on existing lots obtained after 15 months

1 after the effective date of this ordinance, but before 21 months
2 after the effective date of this ordinance, shall be required to
3 pay 75% of the mobility fee set forth in a mobility fee calculation
4 certificate, and may thereafter commence construction. If a site
5 clearing permit, for property that has received ten set approval
6 per Chapter 654, Ordinance Code, is obtained after 15 months after
7 the effective date of this ordinance, but before 21 months after
8 the effective date of this ordinance, any future building permit
9 for single family construction on that property shall be required
10 to pay 75% of the mobility fee set forth in a mobility fee
11 calculation certificate, and may thereafter commence construction

12 **Section 2. Requirement for Certificate of Occupancy by**
13 **Time Certain.** Failure to obtain a Certificate of Occupancy for a
14 single family residential building permit within 42 months after
15 the overall temporary partial waiver period begins shall require
16 immediate payment of that portion of the full amount of the
17 mobility fee calculated pursuant to Section 655.503, Ordinance Code
18 but waived during the temporary partial waiver period. Failure to
19 complete construction pursuant to any such final construction
20 and/or engineering plans under Chapter 320, Ordinance Code and
21 obtain a Certificate of Occupancy for: (i) final construction
22 and/or engineering plans or non-single family residential building
23 permits that exceed a value of \$1,000,000.00, no later than thirty-
24 six (36) months after the effective date of this ordinance, or (ii)
25 final construction and/or engineering plans or non-single family
26 residential building permits that have a value of \$1,000,000.00 or
27 less, no later than 12 months after the approval of such final
28 construction and/or engineering plans or non-single family building
29 permits, shall require immediate payment of that portion of the
30 full amount of the mobility fee calculated pursuant to Section

1 655.503, Ordinance Code but waived during the temporary partial
2 waiver period. In determining the value, the project value may
3 include all phases of development associated with the final
4 construction and/or engineering plans or non-single family
5 residential building permits even if not obtained within the same
6 six month temporary partial waiver rate period or within the
7 overall temporary partial waiver period. However, the mobility fee
8 waiver rate percentage will be determined based upon the temporary
9 partial waiver rate period within which the final construction
10 and/or engineering plans or non-single family residential building
11 permits are obtained.

12 **Section 3. Allocation of Mobility Fees Collected.**

13 Pursuant to Policy 1.4.10 of the Transportation Element of the 2030
14 Comprehensive Plan, a portion of the mobility fee, as calculated by
15 the mobility fee calculation certificate, collected per development
16 is to be allocated for projects identified on the bicycle and
17 pedestrian prioritized transportation mode improvement list within
18 the applicable mobility zone, as found within the Mobility Plan. In
19 order to maintain, the same level of funding for bicycle and
20 pedestrian projects, while allowing for a partial waiver of
21 mobility fees, the Planning and Development Department is directed
22 to allocate, from each mobility fee collected during the temporary
23 partial waiver period, the full amount that would have normally
24 been allocated to the applicable bicycle and pedestrian projects in
25 the absence of any partial waiver, and then allocate any remaining
26 funds to the applicable transportation project in the applicable
27 Mobility Zone.

28 **Section 4. Effective Date.** This Ordinance shall become
29 effective upon signature by the Mayor or upon becoming effective
30 without the Mayor's signature.

1 Form Approved:

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3 Prepared by: Dylan Reingold

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