



# CITY OF JACKSONVILLE BEACH

## FLORIDA

### MEMORANDUM TO:

The Honorable Mayor and  
Members of the City Council  
City of Jacksonville Beach, Florida

Council Members:

The following Agenda of Business has been prepared for consideration and action at the Regular Meeting of the City Council on **Monday, December 2, 2013, at 7:00 P.M. in the Council Chambers, 11 North Third Street, Jacksonville Beach, Florida.**

**Opening Ceremonies: Invocation  
Salute to the Flag**

### Roll Call

1. **APPROVAL OF MINUTES:**

- Regular City Council Meeting held November 18, 2013
- City Council Workshop held November 18, 2013

2. **ANNOUNCEMENTS:**

3. **COURTESY OF THE FLOOR TO VISITORS:**

4. **MAYOR AND CITY COUNCIL:**

5. **CITY CLERK:**

6. **CITY MANAGER:**

- (a) Award RFP 05-1213 Titled Beach Dune Walkovers Continuous Service Renovation Projects to the Three (3) Highest Ranked Proposers
- (b) Award Lump Sum Price Bid Number 1213-15, "Divisional Maintenance Facility Project", to *R. B. Gay Construction Company, Inc.*, the Lowest Qualified Bidder

7. **RESOLUTIONS:**

8. **ORDINANCES:**

(a) **ORDINANCE NO. 2013-8036 – SECOND READING**

AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY DELETING SECTION 34-160 OF ARTICLE VI. *DEVELOPMENT REVIEW PROCEDURES*, AND BY AMENDING BY REPLACEMENT SECTION 34-521 THROUGH SECTION 34-565 OF ARTICLE X. *ADEQUATE PUBLIC FACILITIES STANDARDS* IN ORDER TO IMPLEMENT A MOBILITY FEE PROGRAM; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

**ADJOURNMENT**

9. **WORKSHOP ON SPECIAL EVENTS POLICY AND RATE RESOLUTION**

10. **DISCUSSION OF USING THE HOSPITALITY INSTITUTE TO PERFORM AN ASSESSMENT OF THE JACKSONVILLE BEACH DOWNTOWN**

Respectfully submitted,

/s/George D. Forbes

CITY MANAGER

GDF:njp

11/27/2013

*If a person decides to appeal any decision made by the City Council with respect to any matter considered at any meeting, such person may need a record of the proceedings and, for such purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.*

*The public is encouraged to speak on issues on this Agenda that concern them. Anyone who wishes to speak should submit the request to the City Clerk prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience.*

*In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299, ext. 10, no later than 10:00 AM, Monday, December 2, 2013.*

8. **ORDINANCES:**

(a) **ORDINANCE NO. 2013-8036 – SECOND READING**

AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY DELETING SECTION 34-160 OF ARTICLE VI. *DEVELOPMENT REVIEW PROCEDURES*, AND BY AMENDING BY REPLACEMENT SECTION 34-521 THROUGH SECTION 34-565 OF ARTICLE X. *ADEQUATE PUBLIC FACILITIES STANDARDS* IN ORDER TO IMPLEMENT A MOBILITY FEE PROGRAM; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

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**Minutes of Regular City Council Meeting  
held Monday, November 18, 2013, at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida.**



**CALL TO ORDER:**

Mayor Charlie Latham called the meeting to order.

**OPENING CEREMONIES:**

Invocation was by Council Member Wilson; followed by the Salute to the Flag.

**ROLL CALL:**

Mayor: Charlie Latham

Council Members: Keith Doherty Steve Hartkemeyer Christine Hoffman  
Tom Taylor Phil Vogelsang Jeanell Wilson

Also present were City Manager George Forbes, City Department Directors and Judy Bullock, City Clerk.

**APPROVAL OF MINUTES**

It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, and passed, to approve the following minutes, as presented:

- Regular City Council Meeting held November 4, 2013
- City Council Workshop held November 4, 2013

**ANNOUNCEMENTS**

- Mr. Taylor stated that he had attended a Veteran's Day Celebration at San Pablo Elementary School. He added that children from kindergarten to fifth grade participated.
- Mr. Taylor advised that he was also in attendance at former Atlantic Beach Mayor Borno's end of term last week.
- Keith Doherty expressed his appreciation to all of the people that took part in the "Celtic Festival". He also stated that monies from a Fire Truck Pull Event were donated to an injured City of Jacksonville Beach Firefighter.

Mayor Latham's announcements –

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- Mayor Latham congratulated the Beaches Area Historical Society on their successful GALA on Friday, November 8, 2013. He added that Mr. Van De Gutche, Ms. Cornelius, and many volunteers have accomplished amazing things during the past year.
- He advised that he had another ride along with the Jacksonville Beach Police on Saturday, November 9, 2013, with Corporal Smith and that the department continues to impress him with their dedication and professionalism. Mayor Latham announced that he attended a pinning ceremony earlier in the day for the following four officers that received promotions:
  - Commander Mark Evans
  - Sergeant Homer Morodomi
  - Corporal Jason Sharp
  - Corporal Michael Abate
- Mayor Latham advised that he was honored to represent Jacksonville Beach during the Veteran's Day Celebration at the Beaches Veteran's Memorial Park.
- At the Transportation Planning Organization, it was announced that the TPO was soliciting public inputs for our long-range transportation plan. The inputs will be accepted online at ([www.pathforward2040.com](http://www.pathforward2040.com)). He has also requested that the TPO link be posted on the City's website.
- Mayor Latham extended his appreciation to the Beaches Exchange Club for the fish fry held at Pablo Towers last Thursday.
- Mayor Latham extended his appreciation to Kurtis Loftus and Rob Nicholson for the hard work they are putting into this year's Christmas lights. He added that he is looking forward to seeing the results.
- He congratulated Councilmember Doherty for the very successful Celtic Festival and added that it was a great family oriented event.
- Mayor Latham advised that Atlantic Beach's Mayor Borno had reached the end of his term of office and said that he sincerely thanks Mayor Borno for all he has done for Jacksonville Beach through the TPO and for being a great role model. Mayor Latham also wished Atlantic Beach Mayor Carolyn Woods the best in her new position.
- Mayor Latham stated that the current Council would have been in office for one year, as of Tuesday, November 19, 2013.

**COURTESY OF THE FLOOR TO VISITORS**

Speakers:

- Jim Overby, 21 Burling Way, Jacksonville Beach  
Mr. Overby congratulated the City for the family-oriented "Celtic Festival".

**MAYOR AND CITY COUNCIL**

(a) Certificates of Appreciation

- Fred Jones, Planning Commission

Mayor Latham read and presented Mr. Jones with a Certificate of Appreciation for his service to the community on the Planning Commission.

- Bobby Jolley, Board of Adjustment

Mayor Latham read and presented Mr. Jolley with a Certificate of Appreciation for his service to the community on the Board of Adjustment.

- Steve Lindorff, Director of Planning & Development

Mayor Latham presented Mr. Lindorff, on behalf of the City of Jacksonville Beach Community Redevelopment Agency, with an award for '2013 Outstanding Public Development for Jacksonville Beach Downtown Vision Plan, Phase II Implementation.

Mayor Latham advised that the Council and the City will be reevaluating the Vision Plan [Redevelopment Plan] early next year.

**CITY CLERK**

**CITY MANAGER**

(a) Monthly Financial Reports – Month of October 2013

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to accept the Financial Reports for the month of October 2013.

Roll call vote: Ayes - Doherty, Hartkemeyer, Hoffman, Taylor, Vogelsang, Wilson, and Mayor Latham; motion carried unanimously.

(b) Approve a Shelter, Pavers, Benches, and Trees at Paws Dog Park using Donations

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the improvements to Paws Dog Park using donation funds, as described in a memorandum from the Parks and Recreation Director, dated November 7, 2013.

Mr. Forbes explained that the improvements for the small dog park will include an additional shade shelter, pavers, benches, and tree planting. He advised that the funds for

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the improvements are from donations and events held at the park. Currently, there is \$9,000 available to fund the improvements.

Roll call vote: Ayes - Hartkemeyer, Hoffman, Taylor, Vogelsang, Wilson, Doherty, and Mayor Latham; motion carried unanimously.

- (c) Approve the acceptance of a Donation in the amount of \$6,950.91 for Two (2) Police Patrol Bicycles and Bicycle Rodeo Equipment from Firehouse Subs Public Safety Foundation.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the acceptance of the donation of \$6,950.91 from Firehouse Subs Public Safety Foundation to purchase patrol bicycles and bicycle safety related equipment to be used by the Police Department, described in a memo, dated November 4, 2013, from Chief Patrick Dooley.

Mr. Forbes advised that Firehouse Subs has a program that provides donations for equipment to Police Departments and Fire Departments. Currently, Firehouse Subs would like to donate \$6,950.91 to the Police Department for purchase of two police patrol bicycles and bicycle rodeo equipment.

Roll call vote: Ayes - Hoffman, Taylor, Vogelsang, Wilson, Doherty, Hartkemeyer, and Mayor Latham; motion carried unanimously.

- (d) Accept Donation of a Computer System to be used by the Police Department to Investigate Internet Crimes Against Children.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the acceptance of the donation of computer equipment valued at \$3,500, to be used by the Police Department to investigate Internet Crimes against children, as described in a memo, dated November 8, 2013, from Chief Patrick Dooley.

Speaker:

- William "Bill" Bissonette, 19 Fairway Lane, Jacksonville Beach

Mr. Bissonette advised that he is the Governor of the local Moose Lodge No. 1558 and the organization is donating a stand-alone computer system with software, printer(s), and onsite training to assist in the investigation of Internet Crimes against Children (ICAC). Mr. Bissonette explained that the system is independent and runs 24 hours a day. Its function is to monitor messages for specific words and phrases, it then notifies the police officers and captures the IP address to allow the officers to review the conversation and determine if there is a concern.

Commander Smith advised that they have been utilizing this type of system in Gainesville, Florida. He added that it would be helpful to have a system onsite.

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Roll call vote: Ayes - Taylor, Vogelsang, Wilson, Doherty, Hartkemeyer, Hoffman, and Mayor Latham; motion carried unanimously.

(e) Award RFP #04-1213 for Special Events Production Services

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the award of RFP #04-1213, Special Events Production Services to PRI Productions, for a period of one (1) year, with an option for the City Manager to renew for up to four (4) additional years, as described in the memorandum from the Parks and Recreation Director, dated November 8, 2013.

Mr. Forbes explained that the City seeks proposals approximately every five years for Special Events Production. He stated that the City sponsors Moonlight Movies, Jazz Concert Series, Fourth of July, etc. The City does not own sound systems, lighting, projectors, a screen, or trained staff to operate the equipment. Three proposals were received and after extensive review and evaluation, it was recommended to award the proposal to PRI Productions.

Mr. Doherty asked about the costs for the production services.

Mr. Forbes responded that prices are not part of an RFP, however prices were reviewed, and PRI Productions had the lowest prices. He stated that only two of the three proposals would give us prices.

Roll call vote: Ayes - Vogelsang, Wilson, Doherty, Hartkemeyer, Hoffman, Taylor, and Mayor Latham; motion carried unanimously.

(f) Approve Final Plat Documents for the Three-Lot *Channel Cove* Single-Family Residential Subdivision.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the Final Plat for the three-lot *Channel Cove* subdivision.

Mr. Forbes advised that the property owner wants to subdivide the property into three lots of at least 10,000 square feet for residential single-family construction. One of the lots will be accessed from Hopson Road and the other two will be accessed from the southerly Beach Boulevard frontage road.

Roll call vote: Ayes - Wilson, Doherty, Hartkemeyer, Hoffman, Taylor, Vogelsang, and Mayor Latham; motion carried unanimously.

**RESOLUTIONS**

(a) **RESOLUTION NO. 1925-2013**

Mayor Latham requested that the City Clerk read Resolution No. 1925-2013 by title only; whereupon Ms. Bullock read the following:

**“A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY ONLINE.”**

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Resolution No. 1925-2013: A Resolution providing for the sale of surplus property.

Mr. Forbes stated that the City normally has an auction once or twice a year to offer surplus items, such as computer equipment and vehicles for sale. He added that the auction is now held via the internet.

Roll call vote: Ayes - Doherty, Hartkemeyer, Hoffman, Taylor, Vogelsang, Wilson, and Mayor Latham; motion carried unanimously.

**ORDINANCES**

(a) **ORDINANCE NO. 2013-8036 – FIRST READING – PUBLIC HEARING**

Mayor Latham requested that the City Clerk read Ordinance No. 2013-8036, by title only; whereupon Ms. Bullock read the following:

**“AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY DELETING SECTION 34-160 OF ARTICLE VI. DEVELOPMENT REVIEW PROCEDURES, AND BY AMENDING BY REPLACEMENT SECTION 34-521 THROUGH SECTION 34-565 OF ARTICLE X. ADEQUATE PUBLIC FACILITIES STANDARDS IN ORDER TO IMPLEMENT A MOBILITY FEE PROGRAM; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND FOR OTHER PURPOSES.”**

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2013-8036, amending the text of the Land Development Code in order to implement a Comprehensive Plan mandated mobility fee program.

Mr. Fred Jones of the consulting firm Reynolds, Smith & Hills, gave a presentation on the Mobility Fee System, which eliminates its existing roadway-based transportation concurrency system.

Mr. Jones explained that the proposed amendment to the Land Development Code is a required follow-up to the City’s adoption of the 2030 Comprehensive Plan in December 2011. Unlike the concurrency plan the mobility plan would allow the City to address the

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full range of transportation modes available (i.e. pedestrian, bicycle, bus, trolley, and auto), as opposed to simply trying to add roadway capacity, in an effort to reduce future growth in vehicle trips.

Concurrency is the process for ensuring that public infrastructure (roads, water, sewer, parks, etc.) is in place for new development. Since the City is nearly built-out, there is no way to add vehicle capacity, such as additional lanes to major roadways, i.e. A1A/3<sup>rd</sup> Street. Since the City cannot add lanes to the roadways, under the concurrency program, 3<sup>rd</sup> Street is at capacity, so new development could not be approved if it would add traffic to 3<sup>rd</sup> Street. The Mobility Fee Program will replace the existing proportionate fair share program. Mr. Jones added that the City should develop a separate mobility fee application and calculation certificate, which clearly defines the requirements and procedures to reach an accurate estimate and contract and the fee would be paid before a Certificate of Occupancy can be issued.

### **Public Hearing**

Mayor Latham opened a Public Hearing and asked if anyone wished to speak in favor of or in opposition to Ordinance No. 2013-8036.

Speaker:

- Jim Overby, 21 Burling Way, Jacksonville Beach  
Mr. Overby stated that he was not opposed to the Ordinance, but the service provided by JTA is poor. The original trolley was small and it allowed communication among the riders, but JTA decided to replace the smaller trolley with a large vehicle, which has had a negative impact on the trolley system.

Mr. Jones responded to Mr. Overby's comments regarding the trolley and advised that they are addressing that issue with JTA, and JTA is looking at restoring the original trolley system to the smaller areas of town, such as Jacksonville Beach.

There being no further speakers, Mayor Latham closed the Public Hearing.

### **Discussion**

Mr. Forbes clarified that the proposed changes affect the traffic issues, and encourages people to ride bicycles, take the bus. He added that the new Mobility System is business friendly. Mr. Forbes also pointed out that additional bus shelters are needed and currently mobility fees will be used for shelters and sidewalks as detailed in the City's Capital Improvement Plan. He stated that each year staff will present Council with a Capital Improvement Plan with recommended improvements. .

Roll call vote: Ayes – Hartkemeyer, Hoffman Taylor, Vogelsang, Wilson, Doherty, and Mayor Latham; motion carried unanimously.

(b) **ORDINANCE NO. 2013-8034 – SECOND READING**

Mayor Latham requested that the City Clerk read Ordinance No. 2013-8034 by title only; whereupon Ms. Bullock read the following:

**“AN ORDINANCE AMENDING CHAPTER 32, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; PROVIDING THE METHOD OF CALCULATING THE MAXIMUM ANNUAL CONTRIBUTION MADE BY THE NATURAL GAS UTILITY FUND TO THE GENERAL FUND TO BE INCLUDED IN THE CITY’S ANNUAL OPERATING BUDGET; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.”**

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2013-8034, establishing an annual maximum transfer from the Natural Gas Utility to the general fund and prescribing the methodology for calculating the transfer amount, as read by title.

Roll call vote: Ayes - Vogelsang, Wilson, Doherty, Hoffman, Taylor, and Mayor Latham; motion carried unanimously.

(c) **ORDINANCE NO. 2013-8035 – SECOND READING**

Mayor Latham requested that the City Clerk read Ordinance No. 2013-8035 by title only; whereupon Ms. Bullock read the following:

**“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, DIVISION 5, GENERAL EMPLOYEES’ RETIREMENT SYSTEM, OF THE CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES, AMENDING SECTION 2-162.2, DEFINITIONS; AMENDING SECTION 2-162.7, NORMAL RETIREMENT CONDITIONS; AMENDING SECTION 2-162.8, VESTED TERMINATION OF MEMBERSHIP; AMENDING SECTION 2-162.9, AMOUNT OF PENSION; AMENDING SECTION 2-162.20, MEMBER CONTRIBUTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.”**

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2013-8035, amending Chapter 2, Article V, Division 5, ‘General Employees’ Retirement System’, of the Code of Ordinances of the City of Jacksonville Beach, as read by title.

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Mr. Forbes advised that the General Employees' Union and the City had reached an agreement on the changes to the pension system, which provides the employee with a good pension plan and allows the City to afford to fund the pension.

Roll call vote: Ayes - Taylor, Vogelsang, Wilson, Doherty, Hartkemeyer, Hoffman, and Mayor Latham; motion carried unanimously.

**ADJOURNMENT**

There being no further business coming before the Council, Mayor Latham called a recess at 8:10 p.m., and announced that the Workshop on Food Trucks would begin in approximately nine minutes.

Submitted by: Judy L. Bullock  
City Clerk

Approval:

\_\_\_\_\_  
William C. Latham, Mayor

Date: December 2, 2013

**Minutes of City Council Workshop**  
**Mobile Food Vending**  
**Monday, November 18, 2013 – 8:19 P.M.**  
**City Council Chambers**

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Mayor Latham called the workshop to order at 8:19 P.M.

The following City Council members were in attendance:

Mayor Charlie Latham

Keith Doherty  
Chris Hoffman  
Steve Hartkemeyer

Tom Taylor  
Phil Vogelsang  
Jeanell Wilson

Also present was City Manager George Forbes, Planning and Development Director Steve Lindorff, and City Clerk Judy Bullock.

**Purpose of Workshop**

Mayor Latham explained that the Council would be reviewing and discussing a proposed ordinance that would allow the operation of “Food Trucks” within the City of Jacksonville Beach. He added that the council would receive public input on the issue.

**Discussion**

Mr. Forbes began the workshop by explaining the history of the previous workshop conversations regarding food trucks, and reviewed the changes to the ordinance, per the direction of Council at the November 4, 2013, Workshop.

He advised that the proposed definition of a “Mobile Food Cart” had been replaced with a definition of a “Mobile Food Vending Vehicle”, which was recommended by Councilmember Phil Vogelsang. Staff believes that a food cart would not qualify under the new “Mobile Food Vending Vehicle definition.” The new definition closely mirrors the definition contained in the State of Florida rules governing mobile food dispensing vehicle.

Mr. Forbes added that the food trucks would not be allowed to remain onsite overnight, that they must be removed daily. Additionally, the requirement that vendors demonstrate that any seating provided cannot reduce the number of parking spaces required for the principal use on the site has been eliminated. Mr. Forbes explained that the requirement was removed because the reduction of parking spaces to allow for a food truck would need to be worked out between the property owner and the food truck owner.

He advised that the provision of a sunset date was not changed. Staff recommends that the April 2015 timeframe would allow sufficient time for the City to adopt necessary legislation and setup an application process. It also provides food trucks with a trial period of approximately one year.

Mr. Forbes further explained that if there is a property of at least 6,000 square feet, one food truck would be allowed. If the property is an acre or more, then two food trucks would be permitted.

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He reviewed the procedures to set up a food truck:

- Must present an affidavit from the property owner allowing the food truck to set up on that property (must be private property)
- City staff would inspect the site to ensure that it meets the requirements
- Must obtain a Local Business Tax Receipt from the City of Jacksonville Beach
- City staff will also ensure that the food truck meets the definition, as provided in the ordinance

Mr. Forbes advised that this is the third workshop on this topic and hopefully any kinks can be worked out and the Council can provide staff direction, if they wish to proceed or table the issue.

Speakers:

- Tony Largura, 135 South 3<sup>rd</sup> Avenue, Jacksonville Beach, owner of Blue Water Island Grill  
Mr. Largura spoke in opposition to food trucks.
- Tony Hall 1224 Seabreeze Avenue, Jacksonville Beach, owner of Jax Beach Surf Shop, Inc.  
Mr. Hall spoke in opposition to food trucks and expressed concern that non-food vendors will be allowed.
- Chris Dickerson, 1510 First Street, #2, Neptune Beach  
Mr. Dickerson, a food truck owner, spoke in favor of food trucks.
- Mike Binder, 111 25<sup>th</sup> Avenue South, #M-21, Jacksonville Beach  
Mr. Binder spoke in favor of food trucks.
- Ed Malin, 1436 Beach Boulevard, Jacksonville Beach, owner of Angie's Subs  
Mr. Malin provided a letter and stated that the same rules for brick and mortar restaurants should be required for food trucks.
- Javan Frinks, 1012 South 1<sup>st</sup> Avenue, Jacksonville Beach  
Mr. Frinks spoke in favor of food trucks.
- Jim Overby, 21 Burling Way, Jacksonville Beach  
Mr. Overby spoke in opposition to food trucks.

## Discussion

In response to Council discussion, Planning & Development Director Steve Lindorff advised that there are 26 areas between Beach Boulevard and 6<sup>th</sup> Avenue North and 3<sup>rd</sup> Street to the Ocean that would meet the space requirements for food truck operation. He presented a map showing the 26 areas.

Council discussion included signage, outdoor seating, providing the food truck business with the opportunity to operate in Jacksonville Beach, and having different rules for permanent businesses vs. mobile food trucks.

Mr. Forbes advised that he needs direction from the Council on this issue.

Mr. Doherty stated this is the third workshop and it is time to vote on the issue.

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Ms. Hoffman concurred that the issue should be put to a vote.

Mr. Vogelsang agreed that the Council should vote on the issue.

Mr. Hartkemeyer restated his concern regarding two sets of rules, one for permanent business, and one for mobile business.

Mr. Taylor stated that the issue should be put to a vote.

Ms. Wilson also agreed that the issue should be put to a vote.

Mayor Latham also concurred that it was time to put the issue to a vote.

Mr. Forbes reminded Councilmembers that this would be a pilot project, which will expire in April 2015.

Mr. Lindorff advised that the issue must go before the Planning Commission to amend the Land Development Code, and then there will be a set of ordinances to implement this type of business.

The workshop adjourned at 9:06 pm.

Submitted by: Judy L. Bullock  
City Clerk

Approved:

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William C. Latham, Mayor

Date: December 2, 2013

City of  
Jacksonville Beach  
Operations &  
Maintenance Facility  
Department of Public  
Works  
1460-A Shetter Avenue  
Jacksonville Beach  
FL 32250  
Phone: 904.247.6211  
904.247.6219  
Fax: 904.247.6117

[www.jacksonvillebeach.org](http://www.jacksonvillebeach.org)

November 19, 2013

**TO:** George Forbes, City Manager

**FROM:** Ty Edwards, Public Works

**RE:** Award RFP 05-1213, Beach Dune Walkovers Continuous Service  
Renovations Projects

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**ACTION REQUESTED:**

Award RFP 05-1213 titled Beach Dune Walkovers Continuous Service Renovations Projects to the three (3) highest ranked proposers.

**BACKGROUND:**

The City currently has forty-nine (49) beach dune walkovers constructed at least a decade ago. They are exhibiting the effects of routine aging and require renovations. Each walkover needs a complete surface renovation, which includes replacement of all deck boards, stair treads and handrails. Some walkovers may also require some substructure renovation. The new board surfaces are to be coated with Rust-Oleum Deck Restore to further prolong the life of each renovated walkover.

The objective of this Request for Proposal (RFP) is to renovate all of the beach dune walkovers over a five (5) year period using three (3) contractors under competitively awarded continuous service contracts with the City. The City is seeking to renovate an average of ten (10) walkovers each year, subject to annual appropriations

For the first year renovations, the proposed unit prices of the 3 awarded Respondents will be used. Each year thereafter, the City will request updated quotes from the 3 continuous service contractors for each of the dune walkovers on the current year renovation schedule. The City will have the flexibility of using any combination of the awarded contractors at any time during the term of the contract.

The RFP was advertised and fifteen (15) proposals were received. The proposals were evaluated by a City Assessment Committee consisting of (3) employees, two from the Public Works Streets Division and one from the Finance Purchasing



& Procurement Division. An overview of the committee's assessment and recommendation is displayed in the following chart:

<b><u>ASSESSMENT OVERVIEW &amp; RECOMMENDATION</u></b>		
<b>RFP 05-1213, Beach Dune Walkovers Continuous Service Renovations Projects</b>		
<b>Proposer</b>	<b>Total Score</b>	<b>Rank</b>
<b><i>Core Construction Company</i></b>	<b>199</b>	<b>1</b>
<b><i>Lloyd's Const. &amp; Consult., Inc.</i></b>	<b>196</b>	<b>2</b>
<b><i>H. F. Huffham Gen. Contractor</i></b>	<b>194</b>	<b>3</b>
Farrell Brothers Marine	156	4
Williams & Row Co., Inc.	146	5
Chase Plumb. & Mech., Inc.	145	6
Onas Corporation	130	7
LGB Industries, Inc.	123	8
EltonAlan, Inc.	121	9
Hager Construction Company	119	10
K8 Construction Corporation, Inc.	114	11
Hayward Construction Group, LLC	98	12
RG White Construction, Inc.	74	13
5 <sup>th</sup> Element Restoration	61	14
RJM Contractor, Inc.	22	15
<ul style="list-style-type: none"> <li>• Proposed unit &amp; extended prices based on Latham Plaza Dune Walkover.</li> <li>• <b>Recommend award to the 3 proposers ranked 1, 2 &amp; 3.</b></li> </ul>		

**RECOMMENDATION:**

Award Request for Proposal Number 05-1213, Beach Dune Walkovers Continuous Service Renovations Projects for a period of 5 years to Core Construction Company, Lloyd's Construction and Consulting, Incorporated, and H. Frank Huffham General Contractor, Limited Liability Corporation.

City of Jacksonville Beach  
 Beach Dune Walkovers Continuous Service Renovations Projects  
 RFP No. #05-1213  
**RFP Score Tabulation Form**

Vendor	* Pricing			Attend./ Format	Qualifications	Experience References	Pricing			Total Score	Rank
	1.Surface	2.Substr	3.Coating				1. Surf.	2.Substr	3.Coat		
Core Construction Company	\$ 5,029	\$ 4,817	\$ 3.90	8	24	76	48	33	10	199	1
Lloyd's Construction	\$ 4,262	\$ 5,431	\$ 1.19	7	5	84	52	30	18	196	2
H. Frank Huffham GC	\$ 4,947	\$ 6,128	\$ 1.75	8	6	80	52	30	18	194	3
Farrell Brothers Marine	\$ 6,745	\$ 6,588	\$ 4.10	7	11	76	32	24	6	156	4
Williams & Rowe Company, Inc.	\$ 6,239	\$ 6,114	\$ 1.35	7	5	60	32	24	18	146	5
Chase Plumbing & Mechanical, Inc.	\$ 5,960	\$ 7,432	\$ 2.33	8	5	60	40	18	14	145	6
Onas Corporation	\$ 3,890	\$ 4,356	no bid	3	4	56	40	27	0	130	7
L G B Industries, Inc.	\$ 11,040	\$ 12,807	\$ 2.50	7	20	64	12	6	14	123	8
EltonAlan Incorporated	\$ 10,835	\$ 10,987	\$ 5.51	7	23	68	12	9	2	121	9
Hager Construction Company	\$ 10,838	\$ 53,709	\$ 3.55	8	12	72	12	3	12	119	10
K 8 Construction Corporation, Inc.	\$ 20,164	\$ 11,387	\$ 6.75	6	21	72	4	9	2	114	11
Hayward Construction Group, LLC	\$ 9,192	\$ 13,865	\$ 6.87	8	6	60	16	6	2	98	12
R. G. White Construction, Inc.	\$ 12,787	\$ 15,900	\$ 1.27	3	4	40	8	3	16	74	13
5th Element Restoration	no bid	no bid	\$ 4.50	3	4	52	0	0	2	61	14
R.J.M Contractor Inc.	\$ 18,199	\$ 22,987	\$ 4.40	6	5	0	4	3	4	22	15

\* Pricing: Extended Totals used for Surface and Substructure Items. Square Foot measurement used for Surface Coating.

**Recommend award to the following highest ranking Respondents:**

- 1. Core Construction Company**
- 2. Lloyd's Construction & Consulting, Inc.**
- 3. H. Frank Huffham General Contractor, LLC**

City of Jacksonville Beach  
RFP: 05-1213  
Beach Dune Walkovers Continuous Service Renovation Projects  
Dune Walkover # 27  
Location: Latham Plaza at City Hall





November 22, 2013

**TO:** George Forbes, City Manager

**FROM:** Ty Edwards, Public Works Director

**SUBJECT:** Award Lump Sum Price Bid No. 1213-15, Divisional Maintenance Facility Project

---

**ACTION REQUESTED:**

Award Lump Sum Price Bid Number 1213-15, "Divisional Maintenance Facility Project," to *R.B. Gay Construction Company, Inc.*, the lowest, qualified bidder.

**BACKGROUND:**

This project's design was completed in September 2013. Construction was budgeted in FY2013 at \$585,270. The design and construction of the new divisional storage and utility maintenance facility addresses the serious lack of storage and maintenance space for the water plant facilities, which has been noticed repeatedly by the Florida Department of Environmental Regulation (FDEP) at annual sanitary inspections of the facilities.

The Invitation to Bid was advertised, ten (10) bid packages were requested and nine (9) bids were received. The City's project design firm, *Jones Edmunds & Associates*, **evaluated the bids and recommended award to *R.B. Gay Construction Co., Inc.***, the lowest, responsive and responsible bidder.

**We recommend rejection of the bid of the lowest bidder, *F & G Construction General Contractors, Inc.*** due to non-conformance with Specification Section 00200; paragraph 1.4 B. regarding bankruptcy.

The bid tabulation sheet is attached. The construction cost and staff recommendation are summarized in the following chart.

City of  
Jacksonville Beach  
City Hall  
11 North Third Street  
Jacksonville Beach  
FL 32250  
[P] 904.247.6268  
[P] 904.247.6276

[www.jacksonvillebeach.org](http://www.jacksonvillebeach.org)



<b>Lump Sum Price Bid 1213-15, Divisional Maintenance Facility Project</b>		
<u>DESCRIPTION</u>	<u>COST</u>	<u>RECOMMENDATION</u>
<b>Lump Sum Price Bid</b>	\$ 711,831.00	<ul style="list-style-type: none"> <li>• <u>Award bid</u> to the lowest, qualified bidder, <i>R. B. Gay Construction Co., Inc.</i>,</li> </ul>
10% Contingency:	\$ 71,183.10	
<b>GRAND TOTAL:</b>	\$ 783,014.10	
<ul style="list-style-type: none"> <li>• The FY2014 Water &amp; Sewer Budget will be adjusted at mid-year accordingly.</li> </ul>		

It is recommended that the Lump Sum Price Bid 1213-15, titled "Divisional Maintenance Facility Project," be awarded to the lowest, qualified bidder, *R. B. Gay Construction Company, Inc.*, at a cost of \$711,831.00, plus a 10% contingency, for a total construction cost not to exceed \$783,014.10. Construction Administration Services will be split between the city staff and the design engineer, *Jones Edmunds & Associates, Inc.*, at a cost not to exceed \$49,271.04.

**RECOMMENDATION:**

Award Bid Number 1213-15, titled "Divisional Maintenance Facility Project" to *R. B. Gay Construction Company, Incorporated*, as described in the memorandum from the Public Works Director dated November 22, 2013.





November 14, 2013

Martin Martirone, P.E.  
City Engineer  
City of Jacksonville Beach  
Department of Public Works  
1460A Shetter Avenue  
Jacksonville Beach, Florida 32250

RE: City of Jacksonville Beach, Florida  
Divisional Maintenance Facility Bid (City Bid No. 1213-15)  
Jones Edmunds Project No. 09803-021-01

Dear Mr. Martirone:

Jones Edmunds & Associates, Inc. has reviewed the bids received by the City on October 16, 2013 for the referenced project. The bids have been verified and evaluated for conformance with the criteria set forth in the bidding documents.

F&G Construction General Contractors, Inc. (F&GCGC), Inc. submitted the apparent low bid for the project. However, the following issues were noted:

- They failed to notarize the Non-Collusion Affidavit as required.
- They failed to submit a copy of their Occupational License.
- When documentation of incorporation was requested subsequent to the bid, they failed to provide documentation indicating incorporation after December 31, 2010.
- The original list of references provided in the bid submittal included references which were for F&G Construction of Jacksonville, Inc., a similarly named company which is no longer in business. F&GCGC subsequently provided a revised reference list after an inquiry was made regarding the applicability of the references.

Based on this pattern of irregularities, we recommend the City accept the bid of R.B. Gay Construction Company, Inc. in the amount of \$711,831.00 as the lowest responsible qualified bidder. We recommend the City set aside a contingency of 10% of the bid amount for any unseen issues that may arise during construction.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian F. Hepburn".

Brian F. Hepburn, MPA, Project Manager

\\Gnvmain\jcon\Const Bonds-Insurance\Jax Beach - FGCGC\2013-11-06-LTR-Edwards-DMFBid.docx

xc: William T. Edwards



November 21, 2013

Martin Martirone, PE  
City Engineer  
City of Jacksonville Beach  
Department of Public Works  
1460A Shetter Avenue  
Jacksonville Beach, Florida 32250

RE: City of Jacksonville Beach, Florida  
Proposal for Limited Construction Engineering Services  
Divisional Maintenance Facility  
City Bid No: 1213-15  
Jones Edmunds Project No. 09803-021-01

Dear Mr. Martirone:

Jones Edmunds & Associates, Inc. is pleased to submit the following proposed scope of services and fees for providing Professional Services During Construction for the Divisional Maintenance Facility project, City Bid No. 1213-15. Below is our proposed scope of services:

A. Contract Administration

1. Conform contract documents to include contract, notice to proceed, performance and payment bond, and final construction drawings.
2. Review performance and payment bonds for conformance with City requirements and verify credit rating of bonding company.
3. Prepare agenda and arrange pre-con.
4. Attend pre-con and obtain construction schedule from Contractor.
5. Provide Contractor and City Released for Construction plans and specifications.

B. Shop Drawings and Submittals

1. Review and respond to requests for information (RFIs) submitted by the Contractor if City personnel are unable to resolve issues.
2. Receive, review, and approve Contractor shop drawings for conformance with project specifications, including transmitting shop drawings to the Contractor with comments for revision as necessary. Send the City a copy of all approved shop drawings. This includes reviewing up to two submittals for each shop drawing. Costs for reviewing additional resubmittals will be paid by the Contractor.
3. The list of expected shop drawings is shown in Attachment A but may not be all-inclusive.

C. Site Visits

1. Site visits are excluded from our proposal with the exception of a single visit at substantial completion to prepare a punch list. Follow up of completion of the punch list items and all inspection services and site visits will be performed by City personnel. Construction issues will be addressed by the City unless they are a direct result of the design in which case Jones Edmunds will address them through the RFI process.
2. It is the opinion of Jones Edmunds that elimination of site visits by our design P.E.s of record could result in adverse impacts on construction if critical points during construction are not thoroughly reviewed. We advise against the elimination of site visits by the P.E.s of record but defer to the City regarding this.

D. Construction Services

1. The City shall provide inspection services throughout the duration of the project.
2. Contractor field questions will be addressed by City inspector except those which require engineering input as a result of design issues.
3. City will review and approve all Contractor pay requests

E. Substantial Completion and Punch list

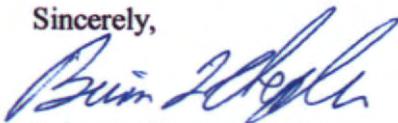
1. Prepare punch list at Substantial Completion.
2. Prepare and review closeout documents in accordance with contract documents.
3. Review Contractor's record CAD drawings of project. Accuracy of drawings will be verified by City staff.

4. Provide the City a CD with electronic As-Built CAD files and mylars prepared by the Contractor.

In accordance with our Contract for Consulting Engineering Services, Jones Edmunds proposes to perform the Scope of Services described herein for a time-and-material fee of \$49,271.04. A copy of our cost proposal including an hourly breakdown by major task and expenses is enclosed.

As always, we appreciate this opportunity to continue to serve the City of Jacksonville Beach and look forward to your acceptance of this proposal. If you have any questions or wish to discuss any aspect of this proposal, please contact me at your convenience.

Sincerely,



Brian F. Hepburn, MPA  
Project Manager

c:\users\bhepburn\desktop\dmf proposal 11-20-13.doc

Enclosures

**EXHIBIT B**  
**PROFESSIONAL SERVICES DURING CONSTRUCTION**  
**DIVISIONAL MAINTENANCE FACILITY**  
**CITY OF JACKSONVILLE BEACH**  
**CITY BID NO. 1213-15**  
**JONES EDMUNDS PROJECT NO. 09803-021-01**

11/20/2013

**APPROVED CITY RATES:**

Project Manager	=	\$	134.86
Design Engineer	=	\$	134.28
Structural Engineer	=	\$	148.91
Architect	=	\$	148.91
Electrical Engineer	=	\$	148.91
Mechanical Engineer	=	\$	148.91
Clerical	=	\$	67.35

	<b>PROJECT TASK</b>	<b>Project Manager</b>	<b>Design Engineer</b>	<b>Structural Engineer</b>	<b>Architect</b>	<b>Electrical Engineer</b>	<b>Mechanical Engineer</b>	<b>Clerical</b>	<b>TOTALS</b>	<b>Misc. Expenses</b>	<b>Resident Observer</b>	<b>TOTAL COSTS</b>
1	CONTRACT ADMINISTRATION	8						6	14	\$ 75.00		\$ 1,557.98
2	SHOP DRAWINGS AND SUBMITTALS											
	CIVIL	3	6					2	11	\$ 25.00		\$ 1,369.96
	ARCHITECTURAL	3			30			10	43	\$ 25.00		\$ 5,570.38
	STRUCTURAL	3		20				10	33	\$ 25.00		\$ 4,081.28
	MECHANICAL	3					32	10	45	\$ 25.00		\$ 5,868.20
	ELECTRICAL	3				24		10	37	\$ 25.00		\$ 4,676.92
3	RFIs	40	6	18	18	18	18	14	132	\$ 150.00		\$ 18,014.50
4	SUBSTANTIAL COMPLETION, PUNCH LIST, AS-BUILTS	16	8	8	8	8	8	2	58	\$ 300.00		\$ 8,131.82
	<b>TOTAL</b>	<b>79</b>	<b>20</b>	<b>46</b>	<b>56</b>	<b>50</b>	<b>58</b>	<b>64</b>	<b>373</b>	<b>\$ 650.00</b>		<b>\$ 49,271.04</b>

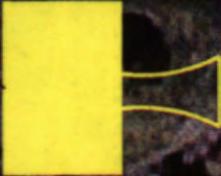
**OVERVIEW**  
**WATER PLANT UTILITY & STORAGE BUILDING**

**Proposed Location**

**Osceola Avenue**

**Fire Station**

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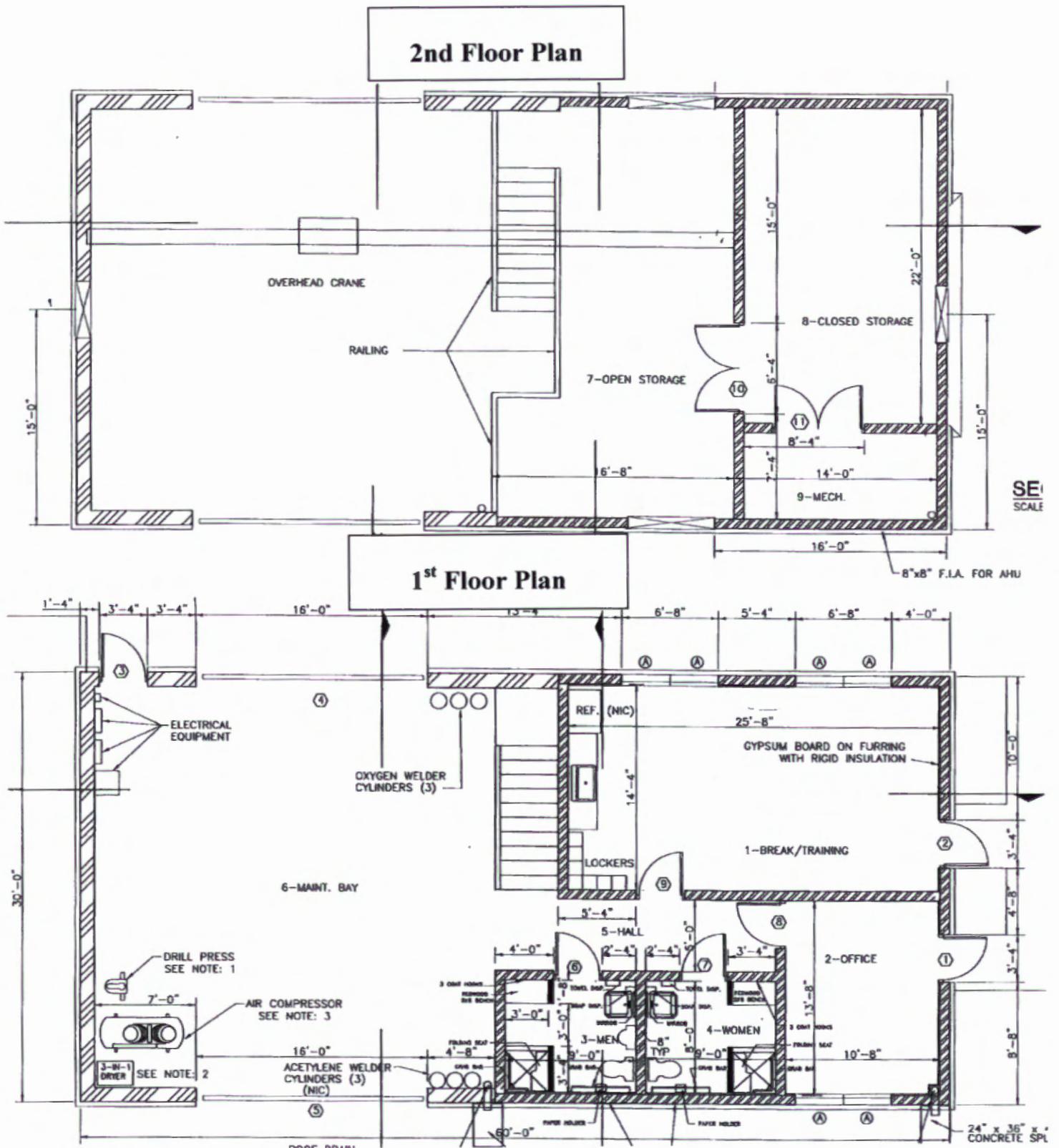
**Water Plant No. 2 Facilities**

**South Beach Park Community Center**

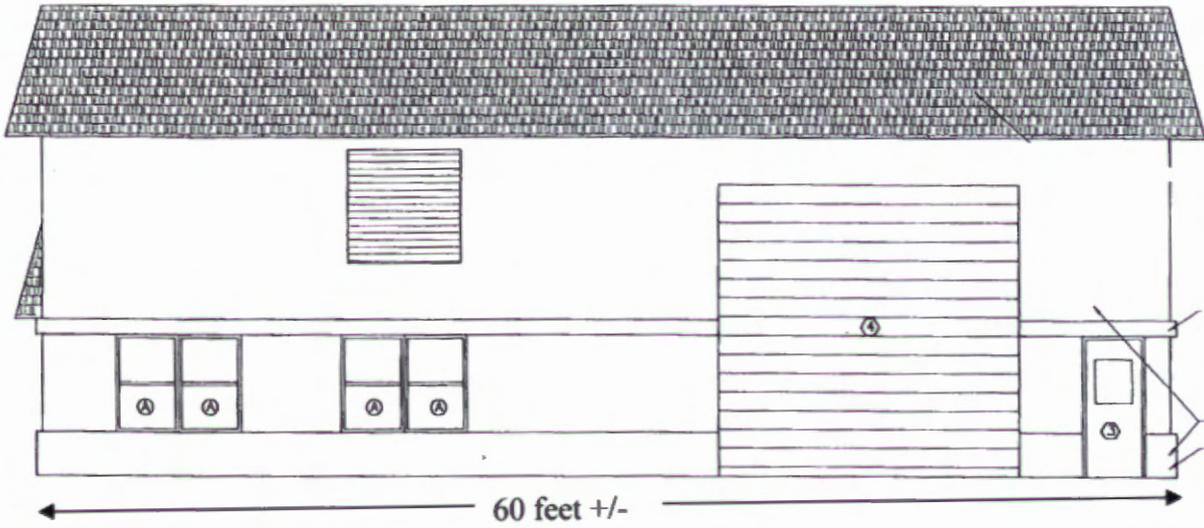


**Bid 1213-15, titled**  
**“Divisional Maintenance Facility for the Water Plant”**

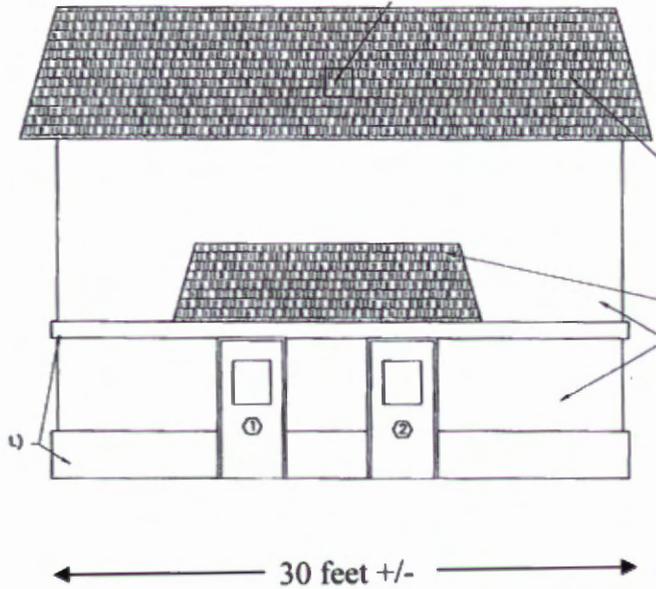
# PLAN VIEW (Draft)



# ELEVATION VIEW (Draft)



**East-West Elevation**



**North-South Elevation**

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org

## MEMORANDUM

**To:** George D. Forbes, City Manager

**From:** Bill Mann, Senior Planner 

**Re:** Ordinance No. 2013-8036, amending the text of the Land Development Code (LDC) by inserting new text implementing a Comprehensive Plan mandated Mobility Fee program, to replace existing text related to transportation concurrency.

**Date:** November 13, 2013

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### **ACTION REQUESTED:**

**Adoption of Ordinance No. 2013-8036**, amending the Land Development Code by inserting new text implementing a Comprehensive Plan mandated Mobility Fee system to replace existing text related to transportation concurrency. (Applicant – Steve Lindorff, Planning and Development Director)

### **BACKGROUND:**

This proposed amendment to the Land Development Code (LDC) is a required follow-up to the City's adoption of the 2030 Comprehensive Plan in December 2011. The Transportation element of the adopted 2030 plan eliminated policies related to transportation concurrency, and replaced them with policies implementing a mobility plan. Under the mobility plan the City would exert its efforts on addressing the full range of transportation modes in the city (pedestrian, bicycle, bus, and auto), as opposed to simply trying to add roadway capacity, in an effort to help curb future growth in vehicle trips within the city. Transportation Element Policy TE 3.1.1 specifically requires the City to amend the Land Development Code to incorporate and implement a mobility fee program as an alternative to our present transportation concurrency regulations.

Concurrency is the process for ensuring that capacity is available for various public infrastructure (roads, water, sewer, parks, etc.) concurrent with the demand placed on that infrastructure by new development. The City's



transportation concurrency regulations are contained in Article IX of the Land Development Code. They have been in place in some form since the initial version of the current LDC was originally adopted in 1991. Their creation was mandated in the former 2010 Comprehensive Plan when it was adopted in 1990. In the time since 1990, the City has performed well in keeping the availability and capacities of these facilities ahead of the growth in the city and in the surrounding areas.

That remains the case today, with the exception of vehicle capacity on our major roadways. Since the city is close to being built-out and has such a fixed pattern of development, there is no real opportunity to add vehicle capacity (additional lanes) to our major roadways. Under concurrency, when roads such as 3rd Street, Beach Boulevard, and Butler Boulevard reach full capacity, which will begin to occur in the future, there can be no new development or redevelopment approved that would add any traffic to these over-capacity facilities.

This reaching of roadway capacity was identified in the data and analysis work done in preparing the 2030 Comprehensive Plan. The consulting firm of *Reynolds, Smith & Hills* was hired by the City during the preparation of the 2030 Plan to assist in the formulation of a new State-mandated "multimodal" transportation approach for the City, to ensure that it can continue to develop and redevelop outside of the looming traffic capacity issues related to transportation concurrency.

Attached for your review is proposed Ordinance No. 2013-8036, in ~~strike through~~ delete/underline addition format, that deletes the relevant concurrency regulations relative to traffic and transportation in the current LDC, and replaces them with new mobility fee regulations. Also attached, in front of the ordinance, is a technical memo prepared by our *Reynolds, Smith and Hills* consultant, Fred Jones, that provides more detail about the proposed mobility fee program.

The Planning Commission met and conducted a required public hearing on this Land Development Code Text Amendment application on Monday, October 28, 2013, and on Tuesday November 12, 2013 voted to recommend its approval by the City Council.

**RECOMMENDATION:**

Adopt Ordinance No. 2013-8036, amending the text of the Land Development Code in order to implement a Comprehensive Plan mandated mobility fee program.

## Technical Memorandum

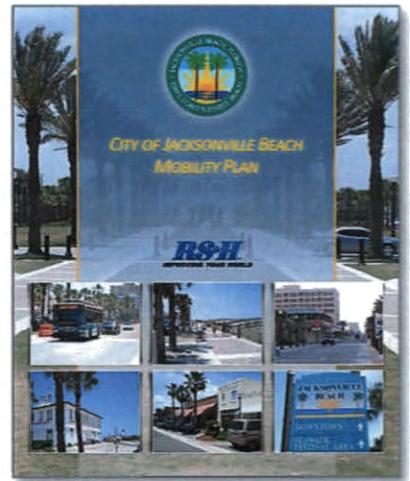
To: Bill Mann, AICP, City Project Manager  
From: Fred Jones, AICP, RS&H  
CC: Steve Lindorff, AICP, Director  
Date: 10/24/2013  
Re: Mobility Fee Implementation Services

---

### City of Jacksonville Beach Mobility Fee Implementation Services

#### I. Purpose and Need

The City is in the process of eliminating its roadway-based transportation concurrency system. The City continues to grow, and because there is limited opportunity to widen roadways, the adoption and implementation of an alternative approach to assessing transportation impacts is necessary. This approach will serve to diversify transportation choices, and more effectively link land use and transportation planning. The City of Jacksonville Beach 2030 Comprehensive Plan and 2030 Mobility Plan provides the framework for the City's future transportation and mobility and a more predictable and balanced alternative to the City's current fair share-based transportation concurrency system, via a mobility fee. This Plan was provided as an appendix to the City's revised Transportation Element approved as part of the 2030 Comprehensive Plan amendment process.



The purpose of this effort is to provide planning and implementation services to assist the City of Jacksonville Beach in implementing the adopted 2030 Mobility Plan and companion mobility fee structure through the revision of Article X of the Land Development Code. Working directly with staff, RS&H has provided review and assessment of a proposed mobility fee methodology, updated multimodal transportation plan project costs and, with City's Planning division, has prepared a proposed Land Development Code (LDC) amendment to implement the City's Mobility Fee Program. The proposed LDC amendment replaces the existing proportionate fair share program with the mobility fee program and

procedures, reflecting the operative goals, objectives, and policies of the 2030 Comprehensive Plan.

## II. Supporting Comprehensive Plan Goals, Objectives and Policies

As part of the adopted 2030 Comprehensive Plan, enhanced land use and transportation strategies were incorporated to support the implementation of the Mobility Plan. Revisions to existing and newly proposed, goals, objectives and policies were based upon the State's recommended criteria to support and fund mobility under the direction of SB 360 enacted in 2009. The Future Land Use and Transportation Elements of the 2030 Comprehensive Plan have each been specifically amended to include stronger policies addressing urban design, appropriate land use mix, minimum density and intensity standards and network connectivity that will enhance multimodal travel.

Under the auspices of the established City-wide TCEA, Objective TE 3.1 mandates that the City modify its Land Development Code to incorporate and implement a Vehicle Miles Traveled (VMT)-based mobility fee assessed on new development with the goal of reducing long-term VMT and greenhouse gas emissions through the promotion of non-vehicular modes of transportation. Unlike roadway-based concurrency, contributions are to be applied to necessary multimodal improvements and connections, particularly bicycle, pedestrian, and transit. For example, TE Policy 1.8.3 emphasizes coordination with other entities, such as JTA, to promote transit use and leverage mobility fees or contributions from other sources to enhance services as an alternative to roadway capacity projects.

## III. Modification/Development of Implementing Ordinance

In order to implement the proposed mobility fee, Article X. Adequate Public Facility Standards, of the Land Development Code has been revised to remove previous references to transportation-based concurrency, LOS and fair share procedures. This has been replaced with "Sec. 34.565. Mobility Fee Program" to more adequately address multimodal needs. This section articulates the basis for fee requirement, the application process and calculation methodology and trip adjustments, deposit and appropriation of fees and mobility fee contract. In addition, a number of additional uses have been provided under "Sec. 34.523. Exemptions." These items are inclusive of public facilities, temporary sales, and single and two-family dwelling units on a single lot of record that are specifically proposed to not be subject to the mobility fee.

## IV. Updated Capital Improvements Plan Projects and Costs

In order to provide an accurate cost per VMT, the proposed list of multimodal transportation projects and corresponding costs that are eligible to be funded through the mobility fee program should be updated on an annual basis or as necessary. Based on the

list of mobility-related projects included in the 2014-2018 Capital Improvements Plan (bus shelters and sidewalk construction/maintenance), the cost is estimated at \$203,471.00. Based on the mobility fee calculation methodology this would yield a cost of \$ 7.48 per VMT (based on the growth of 27,200 VMT through 2030). The average trip length for the City is calculated at 2.41 miles. With a \$7.48 cost per mile, multiplied by the average 2.41 mile trip length, the cost, or fee, per net new daily trip generated by new development would be \$18.03.

**V. Recommended Mobility Fee Application Procedures**

It is recommended that the City develop a separate mobility fee application and calculation certificate which clearly indicates the requirements and procedures which lead to an accurate estimate and contract. This would include, at a minimum, type of development (Residential/Non Residential) and location, owner information, project specifications, general authorization(s), and other standard requirements typical of development application processes. The City may also consider developing a link on the Planning and Department webpage to provide an overview of the program and the necessary procedures following adoption of this ordinance.



# REZONING/TEXT AMENDMENT APPLICATION

PC No. 35-13  
10/28/13 MTE  
AS/400# 13-100211

This form is intended for use by persons applying for a change in the text of the Land Development Code or the boundaries of a specific property or group of properties under the person or persons control. A rezoning or change to the text of the LDC is not intended to relieve a particular hardship, nor to confer special privileges or rights on any person, but to make necessary adjustments in light of changed conditions. No rezoning or text amendment to the LDC may be approved except in conformance with the Jacksonville Beach 2010 Comprehensive Plan Elements. An application for a rezoning or text amendment to the LDC shall include the information and attachments listed below, unless the requirement for any particular item is waived by the Planning and Development Director. All applications shall include a \$1,000.00 filing fee, as required by City Ordinance.

### APPLICANT INFORMATION

Land Owner's Name: N/A

Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Applicant Name: Steven G. Lindorff, Planning & Dev. Director

Telephone: 247-6231

Mailing Address: 11 N. 3rd St., Tax Bch 32250

Fax: -6107

E-Mail: planning@jacksonbeachfl.net

**NOTE: Written authorization from the land owner is required if the applicant is not the owner.**

Agent Name \_\_\_\_\_

Telephone: \_\_\_\_\_

Mailing Address \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Please provide the name, address and telephone number for any other land use, environmental, engineering, architectural, economic, or other professional consultants assisting with the application on a separate sheet of paper.

### REZONING DATA

Street address of property and/or Real Estate Number: N/A

Legal Description (attach copies of any instruments references, such as but not limited to deeds, plats, easements, covenants, and restrictions): \_\_\_\_\_

Current Zoning Classification: \_\_\_\_\_ Future Land Use Map Designation: \_\_\_\_\_

### TEXT AMENDMENT DATA

Current Chapter, Article, Section, Paragraph Number: LDC Secs 3A-160, Secs 3A-521 → 3A-565

	Attached?	
	Yes	No
1. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for the amendment, with the boundaries clearly marked;		
2. An 8½" x 11" vicinity map identifying the property proposed for amendment;		
3. An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked;		
4. For a rezoning, include a narrative description of the proposed amendment to the Zoning Map designation and an explanation of why it complies with the standards governing a rezoning the LDC.	X	
5. For an LDC text amendment, include the current text of the Section(s) proposed to be changed and the full text of the proposed amendment. The proposed text amendment submittal must include a cover letter containing a narrative statement explaining the amendment, why it is needed and how it will comply with the goals, objectives, and policies in the Jacksonville Beach 2010 Comprehensive Plan Elements.		

Applicant Signature: \_\_\_\_\_

Date: 9-26-13

Introduced by: \_\_\_\_\_  
1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_

**ORDINANCE NO. 2013-8036**

**AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY DELETING SECTION 34-160 OF ARTICLE VI. *DEVELOPMENT REVIEW PROCEDURES*, AND BY AMENDING BY REPLACEMENT SECTION 34-521 THROUGH SECTION 34-565 OF ARTICLE X. *ADEQUATE PUBLIC FACILITIES STANDARDS IN ORDER TO IMPLEMENT A MOBILITY FEE PROGRAM*; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES:**

**WHEREAS**, the City has adopted a Transportation Element as part of its 2030 Comprehensive Plan, in accordance with statutory requirements,; and

**WHEREAS**, the City is required to revise its Land Development regulations in order to replace transportation concurrency with a mobility fee system, to maintain consistency with said Comprehensive Plan Transportation Element;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:**

**SECTION 1.** That Article VI. *Development Review Procedures* of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida is hereby amended by deleting Section 34-160. *Traffic Impact Studies* in its entirety.

**SECTION 2.** That Section 34-521. *Purpose and Intent* through Section 34-565. *Transportation Fair Share Program* of Article X. *Adequate Public Facility Standards* of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida are hereby amended by repealing them in their entirety and by replacing same with new Section 34-521 *Purpose and Intent* through Section 34-565 *Mobility Fee Program*, which shall read as follows:

## ARTICLE X.

### ADEQUATE PUBLIC FACILITY STANDARDS

#### DIVISION 1.

#### GENERAL

##### **Sec. 34-521. Purpose and intent.**

The purpose and intent of this article is to ensure that adequate potable water, sanitary sewer, solid waste, stormwater management, recreation and open space, ~~road~~, and school public facilities are available to accommodate development concurrent with the impact of development on such public facilities, consistent with the LOS standards for those public facilities adopted in the comprehensive plan. This objective is accomplished by (1) establishing a management and monitoring system to evaluate and coordinate the timing and provision of the necessary public facilities to service development, and (2) by establishing a regulatory program that ensures that each public facility is available to serve development concurrent with the impacts of development on public facilities.

(Ord. No. 7500, § 10.1(A), 8-19-91)

##### **Sec. 34-522. Authority.**

The city council has the authority to adopt this article pursuant to Fl. Const. Art. VIII, Sec. 2, the Jacksonville Beach Charter, F.S. § 166.01 et seq., F.S. § 163.3161(8), F.S. §§ 163.3177(10) (h) and 163.3202(2) (g), and F.A.C. Rule 9J-5.

(Ord. No. 7500, § 10.1(B), 8-19-91)

##### **Sec. 34-523. Exemptions.**

The following shall be exempt from the requirements of this article:

- (1) *Planned unit development.* A development order for a final development plan for a planned unit development approved on or before October 15, 1990, unless it:
  - a. Expressly states otherwise; or
  - b. Expires according to its terms or any part thereof, including its timetable for development; or
  - c. Fails to comply with its timetable for development for any phase, in which case the development shall be subject to the terms of this article as it relates to that portion of the development that fails to comply with the timetable of development; or

- d. Is amended to increase the intensity or density of development such that there is an additional impact on adopted LOS standards for public facilities; or
  - e. Is invalidated in whole or in part.
- (2) *Plat.* A development order for a final plat for subdivision approved on or before October 15, 1990, that is proceeding in good faith by developing the subject final plat for subdivision.
- (3) *Building permit.* A development order for a building permit issued prior to October 15, 1990, unless it:
- a. Expires according to its terms or any part thereof; or
  - b. Is invalidated in whole or in part.
- (4) *Development alterations or expansion creating no impact.* Development alterations or expansions that do not create additional impact on public facilities, including but not limited to:
- a. Construction of room additions to dwelling units; or
  - b. Construction of accessory structures to dwelling units, including swimming pools, garages and fences; or
  - c. Additions to nonresidential uses that do not create additional impact on public facilities; or
  - d. Residential docking facilities for use by the residents of the property on which the dock facilities will be located; or
  - e. Replacement of an existing dwelling unit when no additional units are created.
  - f. A development that consists solely of development activity which has no vehicle trip generation, or no new vehicle trip generation in excess of that associated with existing development, in the case of redevelopment activities.
- (5) *Public Facilities.* All public facilities provided by the City of Jacksonville Beach necessary to ensure the protection of the health and safety of the citizens of the City.
- (6) *Temporary Sales.* Any permits for outside retail sales of holiday or seasonal items.

- (7) Public Transportation and Mobility Facilities. Transit stations and terminals, transit station parking, park-and-ride lots, intermodal public transit connection or transfer facilities, fixed bus, guide way, and rail stations.
- (8) Public and Private Primary and Secondary Educational Schools. Public and private primary and secondary educational schools, including any on-site ancillary facilities.
- (9) Single- and Two-family dwelling units. Construction of no more than two dwelling units on a lot of record.

Secs. 34-524--34-535. Reserved.

## DIVISION 2.

### LEVEL OF SERVICE (LOS) STANDARDS

#### Sec. 34-536. [Generally.]

The following LOS standards have been adopted in the comprehensive plan and shall apply in the review of development pursuant to the procedures and standards of this article.

#### Sec. 34-537. Potable water facilities.

The adopted LOS standard for potable water facilities is one hundred seventy (170) gallons of potable water per capita per day of demand. Potable water is derived from raw water treated to meet federal and state water quality standards for the protection of water for public use before being distributed for public consumption.

#### Sec. 34-538. Sanitary sewer facilities.

The adopted LOS standard for sanitary sewer facilities is one hundred (100) gallons per capita per day of wastewater generation, discharged into the city wastewater collecting system for treatment and disposal.

#### Sec. 34-539. Solid waste facilities.

The adopted LOS standard for solid waste facilities is eight and four-tenths (8.4) pounds per capita per day of solid waste generation. Solid waste means garbage, rubbish, refuse, or other discharged solid or semi-solid materials resulting from domestic, commercial, industrial, agricultural, and governmental operations (see F.A.C. Ch. 17-7.02). Solid waste which is generated within Jacksonville Beach and collected from commercial, residential and other land uses by private contractors or the city is included in this definition. All other wastes, including

construction debris, hazardous waste, and radiological wastes must be disposed of in accordance with other applicable local, state and federal requirements.

**Sec. 34-540. Park and recreation facilities.**

The adopted LOS standard for the two (2) categories of parks and recreation facilities are as follows:

LOS Standards Type of Park	Average Acres/ 1,000 Residents
Neighborhood Park	2 Acres
Community Park	2 Acres

**Sec. 34-541. Road facilities.**

The adopted LOS standards for road facilities in the city are as follows:

— (1) — All road facilities under the city's control shall function at level of service "C" or better.

— (2) — The minimum level of service during peak hours on roadways under the control of the Florida Department of Transportation and the City of Jacksonville shall be:

	Freeway	Principal Arterials	Minor Arterials And All Others
Constrained Facilities	Maintain	Maintain	Maintain
Backlogged Facilities	Maintain/Improve	Maintain/Improve	Maintain/Improve
Special Transportation Area	D	E	E
All Other Roadways	D	D	E

The referenced level of standards are derived from the 1988 FDOT level of service standards for the State Highway system and shall be measured using the methodologies outlined in Florida's Level of Service Standards and Guidelines Manual for Planning, FDOT, 1988, or as updated. The city shall determine compliance with these standards for a given roadway link by comparing annual average daily traffic (ADT) data with the threshold values contained in the manual for the corresponding facility type, average signalization per mile, and the minimum acceptable level of service.

A variance from the base levels of service or the State's standard levels of service for the State Highway System shall be permitted under the following conditions:

*Constrained facilities.* A constrained facility will be allowed to operate at levels within ten (10) percent of the peak hour LOS "E" thresholds. No development order will be issued for a development which would significantly deteriorate the conditions of a constrained facility.

~~*Backlogged facility.* A backlogged facility may operate in the capacity deficient condition until improvements are constructed or contracted to be constructed, or as long as the facility is operating within ten (10) percent of the peak hour LOS "E" threshold. No development order will be issued for a development which would significantly deteriorate the conditions of a backlogged facility.~~

~~A constrained or backlogged facility is considered to be significantly deteriorated from its maintained condition when peak hour volumes increase by ten (10) percent or average travel speed decreases by one (1) mile per hour.~~

**Sec. 34-5421. Stormwater management facilities.**

The adopted LOS standard for stormwater management facilities is as follows:

- (1) Major outfall facilities (trunk storm sewers, canals, waterways, natural drainage features and culverts of major outfalls) shall be designed and constructed to accommodate a twenty-five-year, twenty-four-hour frequency storm.
- (2) Major components of storm drainage systems in new residential subdivisions shall be designed and constructed to accommodate a twenty-five-year, twenty-four-hour frequency storm and all other components of the stormwater system shall accommodate a ten-year, twenty-four-hour frequency storm.
- (3) Stormwater management systems for all other types of new development shall be designed and constructed to accommodate a ten-year, twenty-four-hour frequency storm.
- (4) Stormwater treatment shall be provided for a volume equivalent to either retention or detention with filtration, of the run-off from the first one (1) inch of rainfall; or as an option, for facilities with a drainage area of less than one hundred (100) acres, the first one-half ( 1/2) inch of run-off pursuant to F.A.C. Ch. 17-25. No discharge from any stormwater facility shall cause or contribute to a violation of water quality standards as provided in F.A.C. § 17.302.
- (5) In existing developed areas where stormwater facilities are retrofitted, and in which standard treatment methods are impractical, appropriate Best Management Practices, as described in the Florida Land Development Manual: A Guide to Sound Land and Water Management (DER, 1988), shall be utilized.

**Sec 34-5432. Public school facilities**

The adopted LOS standard for public school facilities shall be as set forth in the Public Schools Interlocal Agreement and in Comprehensive Plan Policy CI.1.6.2.

**Secs. 34-5423-34-550. Reserved.**

### DIVISION 3.

#### MONITORING PROGRAM

##### **Sec. 34-551. General.**

In order to ensure that adequate potable water, sanitary sewer, solid waste, stormwater management, park and public school, ~~and road~~ facilities are available concurrent with the impacts of development on such public facilities, the city shall establish the following management and monitoring practices. Their purpose is to evaluate and coordinate the timing, provision and funding of public facilities so that they are being adequately planned for and funded to maintain the LOS for such public facilities and to evaluate public facility capacity for use in the regulatory program to ensure no development order is issued unless there are adequate public facilities available to serve the development concurrent with the impact of development on the public facilities.

##### **Sec. 34- 552. Recommendations on amendments to CIE and annual budget.**

Based upon analysis of the availability of public facilities, and upon review of the annual update to the DCPS Five Year Capital Facilities Plan, the planning and development director shall propose to the city council each year, any necessary amendments to the CIE and any proposed amendments to the city's annual budget for public facilities.

##### **Secs. 34-553--34-560. Reserved.**

### DIVISION 4.

#### REVIEW FOR ADEQUATE PUBLIC FACILITIES

##### **Sec. 34-561. Application.**

In order to ensure that adequate potable water, sanitary sewer, solid waste, stormwater management, recreation and open space, ~~road~~, and public school facilities are available concurrent with the impact of development on each public facility, Jacksonville Beach shall establish the following development review procedures to ensure there is no development order issued unless there are adequate public facilities available to serve the proposed development, or that the development order is conditioned on the availability of public facilities to serve the development concurrent with the impact of development on the public facilities.

##### **Sec. 34-562. Procedures to determine public facility adequacy.**

(a) *Preliminary development order.* No application for a development permit for a preliminary development order shall be accepted without receipt of either an exemption pursuant to section 34-423, an affidavit attesting to subsequent receipt of a certificate of public facilities reservation, or an application requesting a certificate of public facilities reservation. No preliminary development order shall be approved without either receipt of an exemption

pursuant to section 34-423, a signed affidavit attesting to subsequent receipt of a certificate public facilities reservation, or a certificate of public facilities reservation.

(b) *Final development order.* No application for a development permit for a final development order shall be accepted without an exemption pursuant to section 34-423, or an application requesting a certificate of public facilities reservation. No final development order shall be approved without either an exemption or a certificate of public facilities reservation.

**Sec. 34-563. Procedure to obtain certificate of public facilities reservation.**

(a) *Submission of application.* An application for a certificate of public facilities reservation shall be submitted to the planning and development director in a form established by the planning and development director and made available to the public, along with a nonrefundable fee established by the city council to defray application processing costs. ~~All applications that are for a major development except those for RD zoning district classification shall be required to submit a detailed traffic analysis.~~

(b) *Determination of sufficiency.* The planning and development director shall review the application within five (5) working days after its receipt, determine whether the application is complete and includes data necessary to evaluate the application.

- (1) If the planning and development director determines the application is not sufficient, a written notice shall be mailed to the applicant specifying the deficiencies. No further action shall be taken until the deficiencies are remedied.
- (2) If the application is determined sufficient, the planning and development director shall notify the applicant, in writing, of the application's sufficiency and that the application is ready for review pursuant to the procedures and standards of this article.

(c) *Priority for public facility capacity and encumbrance.* Priority for remaining public facility capacity for an application being reviewed for a certificate of public facilities reservation shall be based upon the date the application is determined sufficient pursuant to section 34-463(b). The application with the earliest sufficiency date shall have priority for remaining public facility capacity. After the city departments determine there is adequate public facility capacity for a development, that capacity shall be encumbered until final action on the application.

(d) *Staff evaluation and recommendation.* Within fifteen (15) working days of the day the planning and development director determines the application is sufficient, it shall be forwarded to the city departments and evaluated as to whether or not adequate public facilities are available, pursuant to section 34- ~~464~~ 564.

(e) *Decision of planning and development director.* Within ten (10) working days of receipt of an evaluation from the city departments regarding an application for a certificate of

public facilities reservation, the planning and development director shall review the evaluations and application, and determine if it complies with all public facility component standards in section 34- 464 654. If the application complies with all of the public facility component standards in section 34- 464 564, the planning and development director shall issue a certificate of public facilities reservation. If the planning and development director determines that an application fails to meet any of the public facility component standards, the applicant shall be notified of such deficiency, and may either:

- (1) Remedy the application for a certificate of public facilities reservation within sixty (60) working days, after which the application shall be reconsidered by the planning and development director and approved or denied, consistent with the standards in section 34-464 564; or
- (2) Request a conditional certificate of public facilities reservation, which shall be approved by the planning and development director if it is demonstrated that:
  - a. All existing available public facility capacity up to but not greater than an amount sufficient to serve the proposed development has been reserved;
  - b. There is reasonable likelihood that the balance of the public facility capital improvements identified to provide the remaining capacity necessary to accommodate the proposed development can be provided pursuant to a development agreement;
  - c. The applicant requests consideration and approval of a development agreement concurrent with the application for a development permit for which the conditional certificate of public facilities reservation is requested for the purpose of ensuring the certificate complies with the adequate public facility standards for a certificate of public facilities reservation, and;
  - d. The conditional certificate of public facilities reservation is conditioned on the concurrent approval of a development agreement and a development order for the application for development permit that complies with the adequate public facility standards for a certificate of public facilities reservation.

Prior to the city council consideration of a development agreement in conjunction with an application for development permit, the planning and development director shall review that component of the development agreement related to the provision of adequate public facilities for the proposed development and determine if the public facility capacity standards in section 34- 464 564 for a certificate of public facilities reservation are met if the terms of the development agreement are approved. If the planning and development director determines that the standards of section 34- 464 564 are met if the development agreement is

approved, a certificate of public facilities reservation shall be issued, conditioned on the approval of the development agreement with the express terms related to the provision of the public facilities for the proposed development. Upon approval of the development agreement consistent with the terms and conditions which the planning and development director determined would ensure compliance with the requirements of section 34- 464 564, the certificate of public facilities reservation shall become final. If the development agreement upon which the certificate of public facilities reservation is conditionally issued is denied, then the certificate of public facilities reservation shall automatically and immediately expire.

**Sec. 34-564. Standards for review of certificate of public facilities reservation.**

The following standards shall be used in the determination of whether to issue or deny a certificate of public facilities reservation for potable water, sanitary sewer, solid waste, stormwater management, and recreation and open space, ~~and road~~ facilities. Before issuance of a certificate of public facilities reservation, the application shall fulfill the standards for each and every public facility component. In addition, for residential development the procedures contained in Sec. 34-566 shall be followed, as applicable, for a determination of adequate capacity relative to public school facilities.

- (1) *Potable water facilities.* The potable water component shall be approved if any of the following conditions are met:
  - a. Potable water facilities are in place to provide the proposed development sufficient services based on the LOS for potable water facilities, and a reservation of capacity has been received from the appropriate service provider, demonstrating that capacity will be available prior to issuance of a certificate of occupancy; or
  - b. Potable water facilities are under construction that will provide the proposed development sufficient services based on the LOS for potable water facilities, and a reservation of capacity has been received from the appropriate service provider demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy; or
  - c. Potable water facilities are to be provided by the applicant that will provide the proposed development sufficient services based on the LOS for potable water facilities, pursuant to a development agreement demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy.
- (2) *Sanitary sewer facilities.* The sanitary sewer component shall be approved if any of the following conditions are met:

- a. Sanitary sewer facilities are in place to provide the proposed development sufficient services based on the LOS for sanitary sewer facilities, and a reservation of capacity has been received from the appropriate service provider, demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy; or
  - b. Sanitary sewer facilities are under construction that will provide the proposed development sufficient services based on the LOS for sanitary sewer facilities, and a reservation of capacity has been received from the appropriate service provider demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy; or
  - c. Sanitary sewer facilities are to be provided by the applicant that will provide the proposed development sufficient services based on the LOS for sanitary sewer facilities, pursuant to a development agreement demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy.
- (3) *Solid waste facilities.* The solid waste component shall be approved if any of the following conditions are met:
- a. Solid waste facilities are in place to provide the proposed development sufficient services based on the LOS for solid waste facilities; or
  - b. Solid waste facilities are under construction that will provide the proposed development sufficient services based on the LOS for solid waste facilities and assurance has been received demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy.
- (4) *Stormwater management facilities.* The stormwater management component shall be approved if any of the following conditions are met:
- a. Stormwater management facilities are in place to provide the proposed development sufficient services based on the LOS for stormwater management and a reservation of capacity has been received from the appropriate service provider demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy; or
  - b. Stormwater management facilities are under construction that will provide the proposed development sufficient services based on the LOS for stormwater management and a reservation of capacity has been received from the appropriate service provider demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy; or

- c. Stormwater management facilities are to be provided by the applicant that will provide the proposed development sufficient services based on the LOS for stormwater management pursuant to a development agreement demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy.
- (5) *Recreation and open space facilities.* The recreation and open space component shall be approved if any of the following conditions are met.
- a. Recreation and open space facilities are in place to provide the proposed development sufficient services based on the LOS for recreation and open space facilities, and a reservation of capacity has been provided for the facilities demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy; or
  - b. Recreation and open space facilities are under construction that will provide the proposed development sufficient services based on the LOS for recreation and open space facilities and a reservation of capacity has been provided for the facilities demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy; or
  - c. Recreation and open space facilities are the subject of a binding and executed contract that will provide the proposed development sufficient services based on the LOS for recreation and open space facilities and a reservation of capacity has been provided for the facilities demonstrating that commencement of the construction of the facilities will occur within one (1) year of issuance of the development order and completion of the facilities will occur within two (2) years of permit issuance; or
  - d. Recreation and open space facilities are to be provided by the applicant that will provide the proposed development sufficient services based on the LOS for recreation and open space facilities pursuant to the terms of a development agreement demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy.

~~(6) *Road facilities.* The road component shall be approved if any of the following conditions are met:~~

- ~~a. Road facilities are in place to provide the proposed development sufficient services based on the LOS for road facilities; or~~
- ~~b. Road facilities are under construction that will provide the proposed development sufficient services based on the LOS for road facilities; or~~

- e. ~~Road facilities are the subject of a binding and executed contract that will provide the proposed development sufficient services based on the LOS for road facilities; or~~
  - d. ~~Capital improvements are in the CIE and will be initiated no later than the third year of the five-year CIE that will provide the proposed development sufficient services based on the LOS for road facilities; or~~
  - e. ~~Capital improvements are to be provided by the applicant that will provide the proposed development sufficient services based on the LOS for road facilities pursuant to a development agreement demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy.~~
- (76) *Expiration of certificate of public facilities reservation.* A certificate of public facilities reservation is valid for two (2) years from the date it is originally approved, except that a certificate of public facilities reservation for a single-family home shall be valid for five (5) years if it is part of a final plat of subdivision approved pursuant to this article.
- (87) *Effect of public facilities reservation.* Receipt of a certificate of public facilities reservation shall constitute proof of adequate public facilities to serve the proposed development. A subsequent application for a development permit for development, for which a certificate of public facilities reservation has been approved, shall be determined to have adequate public facilities as long as the certificate of public facilities reservation is valid.
- (98) *Assignability and transferability.* A certificate of public facilities reservation shall be assignable within the proposed development, subject to the certificate of public facilities reservation, but shall not be assignable or transferable to other development. A certificate of public facilities reservation shall run with the land.

**Sec. 34-565. Transportation fair share program.**

(a) ~~*Purpose and intent.* The purpose of this program is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the proportionate fair share program, as required by and in a manner consistent with § 163.3180(16), F.S.~~

(b) ~~*Applicability.* The proportionate fair share program shall apply to all developments in the city that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility listed in the city's concurrency management system (CMS), including transportation facilities maintained by the Florida Department of Transportation (FDOT) or another jurisdiction that are relied upon for concurrency determinations, pursuant to the requirements of section 34-565(d). The proportionate fair share program does not apply to~~

developments of regional impact (DRIs) using proportionate fair share under § 163.3180(12), F.S., or to developments exempted from concurrency as provided in Article X, Adequate Public Facility Standards, of the City's Land Development Code.

(e) *Definitions:*

- (1) ~~Transportation concurrency~~ means transportation facilities needed to serve new development shall be in place or under actual construction within three (3) years after the local government approves a building permit or its functional equivalent that results in traffic generation.

(d) *General requirements*

- (1) An applicant may choose to satisfy the transportation concurrency requirements of the City by making a proportionate fair share contribution, pursuant to the following requirements:
- a. The proposed development is consistent with the comprehensive plan and applicable land development regulations.
  - b. The five year schedule of capital improvements in the city CIE or the long term schedule of capital improvements for an adopted long-term CMS includes a transportation improvement(s) that, upon completion, will satisfy the requirements of the city transportation CMS. The provisions of section 34-565(d)(2) may apply if a project or projects needed to satisfy transportation concurrency are not presently contained within the local government CIE or an adopted long-term schedule of capital improvements.
- (2) The City may choose to allow an applicant to satisfy transportation concurrency through the proportionate fair share program by contributing to an improvement that, upon completion, will satisfy the requirements of the city's transportation CMS, but is not contained in the five year schedule of capital improvements in the CIE or a long term schedule of capital improvements for an adopted long-term CMS, where one of the following applies:
- a. The City adopts, by resolution or ordinance, a commitment to add the improvement to the five year schedule of capital improvements in the CIE or long term schedule of capital improvements for an adopted long-term CMS no later than the next regularly scheduled update. To qualify for consideration under this subsection, the proposed improvement must be reviewed by the city council, and determined to be financially feasible pursuant to § 163.3180(16)(b)1, F.S., consistent with the comprehensive plan, and in compliance with the provisions of this ordinance. Financial feasibility for this subsection means that additional contributions, payments or funding sources are reasonably anticipated during a period

not to exceed ten (10) years to fully mitigate impacts on the transportation facilities.

- b. If the funds allocated for the five-year schedule of capital improvements in the city's CIE are insufficient to fully fund construction of a transportation improvement required by the CMS, the city may still enter into a binding proportionate fair share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair share is calculated if the proportionate fair share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the city and governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system.

The improvement or improvements funded by the proportionate fair share component must be adopted into the five-year capital improvements schedule of the comprehensive plan or the long-term schedule of capital improvements for an adopted long-term concurrency management system at the next annual capital improvements element update.

- (3) Any improvement project proposed to meet the developer's fair share obligation must meet design standards of the City for locally maintained roadways and those of the FDOT for the state highway system.

(e) *Intergovernmental coordination.* Pursuant to policies in the Intergovernmental Coordination Element of the Jacksonville Beach 2010 Comprehensive Plan and applicable policies in the Northeast Florida Regional Council's Strategic Regional Policy Plan, the city shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the local government receiving the application for proportionate fair share mitigation. An interlocal agreement may be established with other affected local jurisdictions for this purpose. Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in § 339.155, F.S., the city may coordinate with other impacted jurisdictions and agencies to apply proportionate fair share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT Transportation Regional Incentive Program (TRIP).

(f) *Application process.*

- (1) Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the proportionate fair share program pursuant to the requirements of this section.

- (2) ~~Prior to submitting an application for a proportionate fair share agreement, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is under the control of the FDOT or the City of Jacksonville, these agencies will be notified and invited to participate in the pre-application meeting.~~
- (3) ~~Eligible applicants shall submit an application for proportionate share mitigation of development impacts on transportation facilities in a form established by the planning and development director and made available to the public, along with a nonrefundable fee established by the city council to defray application processing costs. The application form shall include, but is not limited to, the following:~~
- ~~a. Name, address and phone number of the owner(s), developer, and agent;~~
  - ~~b. Property location(s), including parcel identification numbers;~~
  - ~~c. Legal description and survey of the property;~~
  - ~~d. Project description, including type and amount of development~~
  - ~~e. Phasing schedule, if applicable;~~
  - ~~f. Description of requested fair share method(s); and~~
  - ~~g. Copy of concurrency denial.~~
- (4) ~~The planning and development director shall review the application and certify that the application is sufficient, eligible and complete within ten (10) working days after its receipt. If the planning and development director determines the application is incomplete or inconsistent with the general requirements of the proportionate fair share program as indicated in section 34-565(d), then the applicant will be notified in writing of such deficiencies. If such deficiencies are not remedied by the applicant within one hundred twenty (120) days of receipt of such notification, then the application shall be deemed to be abandoned. If the application is determined sufficient, the planning and development director shall notify the applicant, in writing, of the application's sufficiency and that the application is ready for review.~~
- (5) ~~Pursuant to § 163.3180(16)(e), F.S., proposed proportionate fair share mitigation for development impacts to facilities on the Strategic Intermodal System (SIS) requires the concurrence of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair share agreement.~~

- (6) ~~When an application is deemed sufficient, complete, and eligible, the applicant shall be advised in writing and a proposed proportionate fair share obligation and binding agreement will be prepared by the city or the applicant with direction from the city, and delivered to the appropriate parties for review no later than thirty (30) working days from the date on which the applicant received the notification of a sufficient application and no fewer than twenty (20) working days prior to the city council meeting when the agreement will be considered. A copy of the obligation and binding agreement shall be sent to the FDOT for any proposed proportionate fair share mitigation on a SIS facility and to an affected adjacent local jurisdiction that is part of an interlocal agreement with the city for the provision of cross jurisdictional impacts of proposed development.~~
- (7) ~~The city shall notify the applicant regarding the date of the city council meeting when the agreement will be considered for final approval. No proportionate fair share agreement will be effective until approved by the city council.~~
- (g) *Determining proportionate fair share obligation.*
  - (1) ~~Proportionate fair share mitigation for concurrency impacts may include without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.~~
  - (2) ~~A development shall not be required to pay more than its proportionate fair share. The fair market value of the proportionate fair share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.~~
  - (3) ~~The methodology used to calculate an applicant's proportionate fair share obligation shall be as provided for in § 163.3180(12), F.S., as follows:~~

~~"The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS."~~

OR

$$\text{Proportionate Fair Share} = \Sigma \{ [( \text{Development Trips}_i ) / ( \text{SV Increase}_i ) ] \times \text{Cost}_i \}$$

Where:

~~Development Trips<sub>i</sub> = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the CMS;~~

SV Increase<sub>i</sub> = Service volume increase provided by the eligible improvement to roadway segment "i" per section 34-565(d);

Cost<sub>i</sub> = Adjusted cost of the improvement to segment "i", Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

- (4) For the purposes of determining proportionate fair share obligations, the city shall determine improvement costs based upon the actual cost of the improvement as obtained from the CIE, the First Coast Metropolitan Planning Organization (FCMPO) Transportation Improvement Program (TIP) or the FDOT Work Program. Where such information is not available, improvement cost shall be determined using one of the following methods:
  - a. An analysis by the city of costs by cross-section type that incorporates data from recent similar roadway projects and is updated annually and approved by the city council or its designee. In order to accommodate increases in construction material costs, project costs shall be adjusted by the application of an annual inflation factor which has been agreed upon by the planning and development director; or
  - b. The most recent issue of FDOT *Transportation Costs*, as adjusted based upon the type of cross-section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT Work Program shall be determined using this method in coordination with the FDOT District.
- (5) If the city has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one of the methods provided in this subsection.
- (6) If the city has accepted right-of-way dedication for the proportionate fair share payment, credit for the dedication of the non-site related right-of-way shall be, at the option of the applicant, valued on the date of the dedication at fair market value established by an independent appraisal approved by the city and at no expense to the city, or based upon the most recent assessed value by the county property appraiser. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the city at no expense to the city. If the estimated value of the right-of-way dedication proposed by the applicant is less than the city estimated total proportionate fair share obligation for that development, then the applicant must also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of

donations of real estate intended to be used for the proportionate fair share, public or private partners should contact the FDOT for essential information about compliance with federal law and regulations.

- (7) The proportionate share obligation shall be adjusted for inflation based on the phase of the development for a multi-phase development order, using an annual cost inflation factor agreed upon by the planning and development director.
  - (8) Proportionate fair share contributions shall be applied as a credit against road impact fees if enacted by the city to the extent that all or a portion of the proportionate fair share mitigation is used to address the same capital infrastructure improvements contemplated by the city's impact fee ordinance.
- (h) *Proportionate fair share agreements.*
- (1) Upon execution of a proportionate fair share agreement (agreement) the applicant shall receive a certificate of public facilities reservation pursuant to article X, division 4 of the Land Development Code. If the applicant fails to apply for a development permit within twenty-four (24) months of the execution of the agreement, the agreement shall be considered null and void, and the applicant shall be required to reapply for concurrency approval.
  - (2) Payment of the proportionate fair share contribution is due in full prior to issuance of the final development order or recording of the final plat and shall be non-refundable. If the payment is submitted more than twelve (12) months from the date of execution of the agreement, then the proportionate fair share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to section 34-565(g) and adjusted accordingly.
  - (3) All developer improvements authorized under this section must be completed prior to issuance of a certificate of occupancy.
  - (4) Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair share agreement must be completed prior to issuance of the final development order or recording of the final plat.
  - (5) Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair share contributions to the extent the change would generate additional traffic that would require mitigation.
  - (6) An applicant may submit a letter to withdraw from the proportionate fair share agreement at any time prior to the execution of the agreement. The application fee and any associated costs payable to the city or incurred by the city will be non-refundable.

- (7) ~~The city may enter into proportionate fair share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.~~
- (i) ~~Appropriation of fair share revenues:~~
- (1) ~~Proportionate fair share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the city CIE, or as otherwise established in the terms of the proportionate fair share agreement. At the discretion of the city, proportionate fair share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair share revenues were derived. Proportionate fair share revenues may also be used as the fifty (50) percent local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).~~
- (2) ~~Proportionate fair share revenues may also be used for capital improvement projects associated with multi-modal transportation facilities and services, including bicycle and pedestrian paths, public transit facilities, "park and ride" facilities, and related multi-modal and intermodal transportation facilities.~~
- (3) ~~In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development pursuant to the requirements of section (d)(2)b.~~
- (4) ~~Where an applicant constructs a transportation facility that exceeds that applicant's proportionate fair share obligation calculated pursuant to section 34-565(g), the city shall reimburse the applicant for the excess contribution in accordance with the provisions of the approved proportionate fair share agreement using one or more of the following methods:~~
- a. ~~An account may be established for the applicant for the purpose of reimbursing the applicant for the excess contribution with proportionate fair share payments from future applicants on the facility.~~
- b. ~~The city may compensate the applicant for the excess contribution through payment or some combination of means acceptable to the city and the applicant.~~

(Ord. No. 2006-7931, § 1, 12-18-06)

### **Sec. 34-565. Mobility Fee Program**

(a) Purpose and Intent. Whereas the City of Jacksonville Beach continues to grow primarily through redevelopment and because it has limited opportunity to widen roadways as a mechanism to increase capacity in a largely built-out environment, in order to adequately and efficiently address the City's mobility needs, the City of Jacksonville Beach has replaced

transportation concurrency with the Mobility Fee Program. The intent of the Mobility Fee Program is to replace the transportation concurrency management system with a holistic mobility approach that applies a fee system to new development based upon the link between land use and mobility. Through the Mobility Fee Program and this Section within Article X, the City is replacing the transportation concurrency management system with a more predictable and balanced system. The purpose of this Section is to establish the process necessary to implement the Mobility Fee Program.

(b) *Mobility fee requirement, certificate, application process and calculation.*

- (1) *Mobility fee required.* Unless a fair share assessment payment is made or a development is deemed de minimis, or exempt per Section 34-523, the mobility fee must be paid prior to approval of final construction and/or engineering plans or building permits for single family residential construction.
- (2) *Mobility fee calculation application and fee.* An applicant for a mobility fee calculation certificate shall file a completed application with the Planning and Development Department on the form provided by that office. The applicant shall provide all the information requested on the application, to the extent applicable together with a \$250.00 filing fee payable to the City of Jacksonville Beach.
- (3) *Sufficiency review.* If the Planning and Development Department determines that the information contained in the application is insufficient to review the application, then the Department, within five (5) days of its receipt of the application, shall notify the applicant of the application's insufficiencies. The applicant shall then have ten (10) days from the date of such notification to remedy the application's insufficiencies. This time period may be extended by the Department based upon a showing of good cause. Any notification by Department that the application is insufficient automatically tolls the applicable review period. Upon the Department's receipt of the necessary information, the review period begins again at the point at which it was tolled.
- (4) *Issuance of mobility fee calculation certificate.* A mobility fee calculation certificate shall be issued by the Planning and Development Department within fourteen (14) days from the date the application is accepted and deemed sufficient by the Department.

- (5) Mobility fee calculation. For the purpose of calculating a mobility fee, the following formula shall apply:

<u>Mobility Fee</u>	=	<u>A × B × (C—Trip Reduction Adjustments—Existing Use Trips)</u>
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where

A = Cost per Vehicle Mile Traveled (VMT);

B = Average VMT within the City of Jacksonville Beach; and

C = Project Daily Vehicle Trips.

- a. Cost per VMT. The cost per VMT is determined dividing the cost of the prioritized transportation improvement projects 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.
- b. Average VMT within the City of Jacksonville Beach refers to the City's weighted average VMT, as determined by dividing the 2030 model-based projected VMT divided by the 2030 daily trips
- c. Project Daily Vehicle Trips and Trip Reduction Adjustments. 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 Project Daily Vehicle Trips. The Project 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. Such adjustments are derived from the URBEMIS Mobile Source Mitigation Component Model and/or potential Transportation Demand Management (TDM) measures for redevelopment projects. The Project Daily Vehicle Trips generated shall also be reduced by any daily vehicle trips being generated by existing uses on the property.

(c) Re-evaluation of mobility fee formula and trip reduction factors. Every five years the Planning and Development Department shall re-evaluate the City's Mobility Plan and review and potentially update the mobility fee formula and trip reduction factors.

(d) Deposit of mobility fees and appropriation of mobility fees. Mobility fees received by the City shall be deposited into a Mobility Fee account. The Mobility fees collected shall have a reasonable relationship to the transportation impacts generated by any proposed development and shall be appropriated for the prioritized multimodal transportation improvement projects identified in the Capital Improvement Element of the Comprehensive Plan. These projects will include improvements that facilitate multimodal travel and accessibility including roadway, bicycle, pedestrian and transit.

(e) Duration of mobility fee calculation certificate. A mobility fee calculation certificate or expedited mobility fee calculation certificate for proposed development of property is valid for two (2) years from the date of issuance, unless it is:

- (1) Subject to a Mobility Fee Contract per subsection (g), or
- (2) Extended for one year by the payment, prior to the expiration date, of the applicable annual inflation adjustments as determined by the Florida Department of Transportation Office of Financial Development.

(f) Transportation improvement projects constructed by a landowner or developer.

- (1) Applicability. A landowner or developer may construct, or cause to be constructed, any transportation improvement project that is identified in the 2030 Mobility Plan to offset a calculated mobility fee if the transportation improvement project either:
  - a. Costs the same as the applicant's mobility fee; or
  - b. Costs less than the applicant's mobility fee and the applicant pays the difference between the mobility fee and the cost of the improvement project.
- (2) Credit against mobility fee. A landowner or developer who constructs, or causes to be constructed, an entire transportation improvement project that is identified in the list of prioritized multimodal transportation improvements in the Capital Improvement Element of the Comprehensive Plan as authorized in subsection (d) shall receive credit against the applicable mobility fee as provided in this section for the design, permitting, and construction of the entire transportation improvement project.

- (3) Calculation of Credit. The credit authorized shall be calculated using the cost estimates in the most recent issue of the Florida Department of Transportation, Office of Policy Planning, Policy Analysis and Program Evaluation publication entitled *Transportation Costs*. The cost estimates for facilities and/or projects not identified in *Transportation Costs* shall be determined by the Public Works Department, prior to the approval of any credit.
  - (4) Timing of credit. The costs shall be deemed incurred and credit shall be provided pursuant to this subsection when a contract for the construction of the entire transportation improvement project is awarded, and a payment and performance bond, or other form of security approved by the City Attorney, is provided to the City to guarantee the funding of the facilities and/or projects. The City shall be a co-obligee under the bond or other form of security.
  - (5) Public Works Department review. All transportation improvement projects shall be approved by the Public Works Department prior to, and after construction to verify completion and fulfillment of any mobility fee requirements.
  - (6) Right-of-way donation. A landowner or developer may also receive credit in the donation of land, if the land is necessary for a transportation improvement identified as a prioritized transportation improvement project identified in the Capital Improvement Element of the Comprehensive Plan. An appraisal shall be required for any donation of land. The landowner or developer and the City of Jacksonville Beach Public Works Department shall mutually agree to the appraiser prior to the appraisal being performed. The Public Works Department's agreement shall be evidenced by a memorandum or letter executed by the Director of the Public Works Department.
- (g) Mobility fee contract.
- (1) After a landowner or developer has obtained a mobility fee calculation certificate or expedited mobility fee calculation certificate for proposed development of property, the landowner or developer may apply to the Planning and Development Division to enter into Mobility Fee Contract wherein the owner or developer of property desires to memorialize an agreement between the City of Jacksonville Beach and the landowner or developer concerning a mobility fee, including, but not limited to any arrangement for credits as set forth in subsection (f), establishment of a payment schedule of the mobility fee according to a phased development pattern, and/or to memorialize credits against future mobility fee payments for the demolition of any structure or use on the subject property.

- (2) The Planning and Development Division shall review the Mobility Fee Contract application for sufficiency. The Department shall determine the applicable mobility fee payment schedule based upon the mobility fee calculated for the development, the mix of uses and the proposed development phasing schedule and any other relevant criteria. Once the Department has determined the applicable mobility fee payment schedule, the Department shall forward the contract to the Planning and Development Director for review and approval and execution.
- (3) The Mobility Fee Contract shall be in a form approved by the City Attorney and City Council and shall include the following:
- a. A legal description of the land subject to the Mobility Fee Contract and the names and addresses of all of the legal and equitable owner(s) as well as the developer(s), if any, of the land;
  - b. The duration and effective date of the Mobility Fee Contract;
  - c. The proposed land uses or development uses permitted on the land,
  - d. Future Land Use Map (FLUM) designation according to the Comprehensive Plan, and current zoning designation;
  - e. A written description of the intended plan of proposed development; and
  - f. A site development plan for the land subject to the Mobility Fee Contract.
- (4) After the Director has executed the Mobility Fee Contract, the Planning and Development Department shall record a short form of the fully executed contract in the public records within five calendar days of its receipt of same.
- (h) Private primary and secondary educational schools exemption. Private primary and secondary educational schools, including any on-site ancillary facilities, shall be exempt from the payment of the mobility fee and the requirements of this Section.
- (i) Credit for trip reduction adjustments If a developer or landowner has excess credits above his or her mobility fee due to the application of the Trip Reduction Adjustments described in Subsection (b)(5)(c), the developer or landowner may use those credits on the

property or transfer those credits to other properties or other developers or landowners to offset a mobility fee payment.

**SECTION 3.** That all ordinances or parts of ordinances in conflict with this ordinance are, to the extent that the same may conflict, hereby repealed.

**SECTION 4.** That this ordinance shall take effect upon its adoption by the City Council.

**AUTHENTICATED THIS \_\_ DAY OF \_\_\_\_\_, A.D., 2013.**

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William C. Latham, Mayor

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Judy L. Bullock, City Clerk