ORDINANCE NO. O-11-2023

AN ORDINANCE OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, AMENDING CHAPTER 105 OF THE CITY CODE; AMENDING CHAPTER 105, SEC. 105-2 TO ADD TRANSPORTATION LEVEL OF SERVICE BASED ON PERSON MILES CAPACITY; DELETING CHAPTER 105, SEC. 105-5 AND RENUMBERING SUBSEQUENT SECTIONS ACCORDINGLY; AMENDING CHAPTER 105, SEC. 105-6 REGARDING TRANSPORTATION LEVEL OF SERVICE STANDARDS; ADDING DIVISION 1 MOBILITY FEE ORDINANCE AND SECTIONS 105-7 ~ 105-32 PROVIDING DEFINITIONS, RULES OF CONSTRUCTION, AND FINDINGS; ADOPTING THE MOBILITY FEE STUDY; PROVIDING FOR MUNICIPAL PARTICIPATION; IMPOSING MOBILITY FEES ON NEW CONSTRUCTION; PROVIDING FOR CALCULATION AND ALTERNATIVE CALCULATION PROCEDURES FOR MOBILITY FEES; PROVIDING FOR PAYMENT; PROVIDING FOR THE USE OF MOBILITY FEE PROCEEDS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR AFFORDABLE AND WORKFORCE HOUSING MOBILITY FEE DEFERRAL; PROVIDING FOR AN ECONOMIC DEVELOPMENT MITIGATION PROGRAM; PROVIDING FOR CHANGES IN SIZE AND USE; PROVIDING FOR DEVELOPER CONTRIBUTION CREDIT; PROVIDING FOR APPLICABILITY; PROVIDING FOR AN ALTERNATIVE COLLECTION METHOD; PROVIDING FOR REVIEW HEARINGS; PROVIDING A REVIEW REQUIREMENT; PROVIDING FOR PERIODIC MOBILITY FEE RATE ADJUSTMENT; PROVIDING FOR A DECLARATION OF EXCLUSION FROM ADMINISTRATIVE PROCEDURES ACT; PROVIDING FOR ACCOUNTING AND REPORTING OF MOBILITY FEES; PROVIDING FOR NOTICE OF MOBILITY FEE RATES; PROVIDING FOR CONFLICTS, SEVERABILITY AND SETTING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF CITY OF GREEN COVE SPRINGS, FLORIDA, AS FOLLOWS:

Section 1. That Chapter 105, Section 105-2 (c) be added as follows: Sec. 105-2. Adopted levels of service shall not be degraded.

(a) *General rule.* All applications for development orders shall demonstrate that the proposed development does not degrade the adopted levels of service in the city comprehensive plan and/or any interlocal agreement with the county concerning such services.

(b) *Exception.* Notwithstanding the provisions of subsection (a) of this section, the prescribed levels of service may be degraded during the actual construction of new facilities if, upon completion of the new facilities, the prescribed levels of service will be met.

(c) Transportation standard of service shall be defined in person miles capacity (PMC). The Mobility Fee shifts away from a Level of Service (LOS) defined by average travel speed

(average delay per vehicle) toward a supply and accessibility based multimodal transportation system. The Florida Q/LOS Handbook shall be used to monitor multimodal level of service to inform future investment priorities and change investments accordingly to maintain a diverse, accessible, and multimodal suite of travel options at each update interval to the Mobility Fee.

Section 2. That Chapter 105, Section 105-5. Proportionate fair-share program shall be deleted as follows:

~~**Sec. 105-5. Proportionate fair-share program.**~~

~~(a) *Purpose and intent.* The purpose of this section 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.~~

~~(b) *Applicability.* The proportionate fair-share program shall apply to all developments for which the applicant has been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility, including transportation facilities maintained by the state department of transportation (FDOT), or another jurisdiction that are relied upon for concurrency determinations. The proportionate fair-share program does not apply to developments of regional impact (DRIs) using proportionate fair-share under F.S. § 163.3180(12), or to developments exempted from concurrency.~~

~~(c) *General requirements.*~~

~~(1) An applicant may choose to satisfy the transportation concurrency requirements 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 adopted in the capital improvements element (CIE) includes a transportation improvement or transportation improvements that, upon completion, will provide the needed traffic capacity. The provisions of subsection (c)(2) of this section may apply if projects needed to satisfy concurrency are not presently contained within the local government CIE.~~

~~(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 needed traffic capacity, but is not contained in the five-year schedule of capital improvements in the CIE, where the following apply:~~

~~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 no later than the next regularly scheduled update. To qualify for consideration under this section, the proposed improvement must be determined to be financially feasible pursuant to F.S. § 163.3180(16)(b)1, consistent with the comprehensive plan, and in compliance with the provisions of this chapter. Financial feasibility for this section means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed ten years to fully mitigate the impacts on the transportation facilities.~~

~~b. If the funds allocated for the five-year schedule of capital improvements in the 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 governmental entity maintaining the transportation facilities, significantly benefit the impacted transportation system. The improvements funded by the proportionate fair-share component must be adopted into the five-year capital improvements schedule of the comprehensive plan at the next annual capital improvements element update.

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

(d) *Intergovernmental coordination.* Pursuant to policies in the intergovernmental coordination element of the comprehensive plan and applicable policies in the regional policy plan adopted by the Northeast Florida Regional Council, 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 jurisdictions for this purpose.

(e) *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.

(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 on the strategic intermodal system (SIS), then the FDOT will be notified and invited to participate in the pre-application meeting.

(3) Eligible applicants shall submit an application to the city that includes an application fee of $400.00 and the following:

a. Name, address and phone number of owner, developer and agent;

b. Property location, including parcel identification numbers;

c. Legal description and survey of property;

d. Project description, including type, intensity and amount of development;

e. Phasing schedule, if applicable;

f. Description of requested proportionate fair-share mitigation method; and

g. Copy of concurrency application.

(4) The city shall review the application and certify that the application is sufficient. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the proportionate fair-share program, then the applicant will be notified in writing of the reasons for such deficiencies. The applicant shall have 30 days from the receipt of the written notification to correct the deficiencies. The city may, in its discretion, grant an extension of time not to exceed 60 days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to affect a cure. If the applicant does not provide the information within 30 days or does not request an extension, the application shall be closed.

(5) Pursuant to F.S. § 163.3180(16)(e), proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrency 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, the applicant shall be advised in writing, and a proposed proportionate fair-share obligation and binding agreement will be prepared by the city. The agreement shall be delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a SIS facility.

(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.

(f) *Determining proportionate fair-share obligation.*

(1) Proportionate fair-share mitigation for concurrency impacts may include 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 F.S. § 163.3180(12), as follows:

a. The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build-out of a project 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

b. Proportionate Fair-Share = $[[(Development trips)/(SV increase)] \times Cost]$

Where:

Development trips = Those trips from the development or phase of development under review that are assigned to roadway segment "I" and have triggered a deficiency;

SV increase = Service volume increase provided by the eligible improvement to roadway segment "I" per section E;

Cost = 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 MPO/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 projects and is updated annually and approved by the city council; 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 section.

(6) If the city has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the nonsite-related right-of-way shall be valued on the date of the dedication at 100 percent of the most recent assessed value by the county property appraiser or, at the option of the applicant, by fair market value established by an independent appraisal conducted by an appraiser that is a member of the appraisal institute (MAI) and approved by the city and at no expense to the city. 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.

(g) *Proportionate fair-share agreements.*

(1) Upon execution of a proportionate fair-share agreement, the applicant shall receive a city letter or certificate of concurrency approval. Should the applicant fail to apply for a development permit within 12 months of the execution of the agreement, then the agreement shall be considered null and void, and the applicant shall be required to reapply.

(2) Payment of the proportionate fair-share contribution is due in full prior to the issuance of the final development order or recording of the final plat and shall be nonrefundable. If the payment is submitted more than 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, and adjusted accordingly.

(3) All developer improvements authorized under this section must be completed prior to issuance of a development permit, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. It is the intent of this section that any required improvements be completed before issuance of building permits or certificates of occupancy.

(4) Dedication of necessary rights-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) Applicants 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 advertising costs to the city will be nonrefundable.

(h) *Appropriation of fair-share revenues.*

(1) Proportionate fair-share revenues shall be placed in the appropriate project account for the 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 50 percent local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).

(2) 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.

~~(3) Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in F.S. § 339.155, 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 TRIP. Such coordination shall be ratified by the city through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.~~

~~(Code 2001, § 94-5; Ord. No. O-01-2000, § 4.00.05, 6-6-2000; Ord. No. O-18-2007, § 1, 8-7-2007; Ord. No. O-08-2011, § 4, 12-6-2011)~~

Section 3. That Chapter 105, Section 105-6. Adopted Levels of Service shall be amended as follows:

Sec. 105-6. Adopted levels of service.

(a) *Potable water.* Development activity shall not be approved unless there is sufficient available capacity to sustain the following levels of service for potable water as established in the potable water sub-element of the city comprehensive plan:

Type of Use	LOS (Average Flow)
Residential	150 gallons per person per day
All other land uses	Estimated use based on multiples of 150 gallons per person per day

(b) *Wastewater.* Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for wastewater treatment as established in the sanitary sewer sub-element of the city comprehensive plan:

Type of Use	LOS (Average Flow)
Residential	120 gallons per person per day
All other land uses	Estimated use based on multiples of 120 gallons per person per day

(c) *Transportation system.*

(1) *Level of service.* Development activities <u>shall be approved so that they align with the land use forecasts used at the time that the Mobility Fee was established. If so, the burden of the additional users associated with the land development have been accounted for in the multimodal transportation investments that comprise the mobility fee. If the land use development proposal is outside the forecast (either by type of land use or scale of land use change) than that land use development shall be required to have a third party traffic and mobility study performed to identify if additional multimodal investments may be necessary above and beyond those identified for funding by the mobility plan. A fees per user (trip or person miles traveled) shall be set based the costs to deliver the necessary system investments.</u>

(d) *Drainage system.* Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the drainage system as established in the drainage sub-element of the city comprehensive plan:

Type of Use	LOS
Minor internal facilities	10-year return period storm/24-hour duration
Storage basins	25-year return period storm for peak flow attenuation/24-hour duration
Major drainage facilities; minimum floor elevations	100-year return period storm/24-hour duration
Water quality	Water quality standards for all development and redevelopment shall be in accordance with those standards set forth in F.A.C. chs. 40C-42 and 60. Stormwater discharge facilities must be designed so as not to degrade the receiving water body below the minimum conditions necessary to ensure the suitability of water for the designated use of its classification as established in F.A.C. ch. 17-302.

(e) *Solid waste.* Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the solid waste as established in the solid waste sub-element of the city comprehensive plan:

Type of Use	LOS
Residential	8.0 pounds per person per day
Commercial	Estimated by user based on 8.0 pounds per person per day

(f) *Recreation.* Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the recreational facilities as established in the recreation and open space element of the city comprehensive plan:

Type of Use	LOS
Recreation/open space	5 acres per 1,000 population

Section 4. That Chapter 105, Division 1, Section 105-7 ~ 105-31. Mobility Fee Ordinance be added as follows:

Division 1. - MOBILITY FEE ORDINANCE

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Sec. 105-7. DEFINITIONS. When used in this Ordinance, the following terms shall have the following meanings, unless the context otherwise clearly requires:

"**Access Improvements**" shall mean adjacent improvements designed and constructed to provide safe and adequate ingress and egress from New Construction, which include, but are not limited to, rights-of-way, easements, paving of adjacent or connecting roadways, turn lanes, deceleration and acceleration lanes, intersection upgrades, traffic control devices, signage and markings, sidewalks, multi-use paths, bike lanes, and drainage systems and utilities.

"**Accessory Building or Structure**" shall mean a detached, subordinate building, meeting all property development regulations, the use of which is clearly incidental and related to the use of the principal Building or use of land, and which is located on the same lot as that of the principal Building or vacant land use.

"**Affordable Housing**" shall mean a Dwelling Unit which is offered for sale or rent to Low-Income Persons or Very-Low-Income Persons and which monthly rent or monthly mortgage payments, including taxes, insurance and utilities, do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross income for Low-Income Persons and Very-Low-Income Persons.

"**Alternative Mobility Fee**" shall mean any alternative fee calculated by an Applicant and approved by the Mobility Fee Coordinator pursuant to Section 105-13.

"**Apartment**" shall mean a rental Dwelling Unit located within the same Building as other Dwelling Units.

"**Applicant**" shall mean the person who requests Electrical Power Clearance, an exemption, a deferral, an expansion, or a credit as the case may be and the context requires.

"**Building**" shall mean any structure, either temporary or permanent, having a roof impervious to weather and used or built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. This term shall include tents, trailers, mobile homes, or any vehicles serving in any way the function of a building. This term shall not include temporary construction sheds or trailers erected to assist in construction and maintained during the term of a Building Permit.

"**Building Permit**" shall mean an official document or certificate issues by the City, under the authority of ordinance or law, authorizing the construction or siting of any building. "Building Permit" shall also include move-on permits or other development approvals for those structures or Buildings, such as a mobile home, that do not require a Building Permit in order to be constructed or occupied.

"**Certificate of Occupancy**" shall mean the document issued by the City under the authority of ordinance or law that indicates the completion of a Building erected in accordance with plans approved by the building department, and final inspection having been performed, thereby allowing the building to be occupied. "Certificate of Occupancy" shall also include move-on permits or other development approvals for those structures or Buildings, such as a mobile home, that do not require a Building Permit in order to be constructed or occupied.

"**City Transportation System**" shall mean the street system within the City as defined in section 334.03(3), Florida Statutes, or its statutory successor in function. Including those within the State Highway System, associated bike lanes, sidewalks, transit facilities and other multimodal facilities for non-vehicular modes of transportation.

"**Council**" shall mean the City Council of Green Cove Springs, Florida.

"**Comprehensive Plan**" shall mean the City of Green Cove Springs Comprehensive Plan adopted and amended pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act as contained in Part II, Chapter 163, Florida Statutes, or its statutory successor in function.

"**Condominium**" shall mean a single-family or time-sharing ownership unit that has at least one other similar unit within the same building structure. The term Condominium includes all fee simple or titled multi-unit structures, including townhouses and duplexes.

"**City**" shall mean City of Green Cove Springs, Florida, a political subdivision of the State of Florida.

"**City Engineer**" shall mean the Person appointed by the City Manager to serve as its engineer or the designee of such Person, in accordance with Section 336.03, Florida Statutes, or its statutory successor in function.

"**City Manager**" shall mean the chief administrative officer of the City, appointed by the Council, or the designee of such Person.

"**Designated Mobility Improvement**" shall mean a specific capital improvement that adds capacity to the City Transportation System to accommodate the mobility demands from New Construction and is listed for improvement in the Capital Improvement Element of the Comprehensive Plan, as identified in the Mobility Fee Study or subsequently added to the City's Capital Improvement Element.

"**DRI Developer**" shall mean a developer of a Development of Regional Impact ("DRI") under section 380.06, Florida Statutes.

"**Dwelling Unit**" shall mean a Building, or portion thereof, designed for residential occupancy, consisting of one or more rooms which are arranged, designed or used as living quarters for one or more persons.

"**Electrical Power Clearance**" shall mean the establishment of a permanent electrical power service to New Construction. A request for Electrical Power Clearance shall be initiated by the Applicant's request for an Equipment Check Inspection from the City for the New Construction. If the New Construction passes the inspection, the City will notify the appropriate power company that electrical service may be established.

"**Encumbered**" shall mean monies committed by contract or purchase order in a manner that obligates the City to expend the encumbered amount for the delivery of goods, the completion of services, and the conveyance of right-of-way by a vendor, supplier, contract or owner.

"**External Trip**" shall mean any Trip which either has its origins from or its destination to the New Construction and which impacts the City Transportation System.

"**Government Buildings or Facilities**" shall mean property owned by the United States of America or any agency thereof, a sovereign state or nation, the State of Florida or any agency thereof, a county, a city, a special district, a school district.

"**Initial Purchaser**" shall mean the initial Owner-occupant of Residential Construction subject to an Affordable Housing deferral pursuant to Section 105-17.

"**Low-Income Persons**" shall mean one or more natural persons, the total adjusted gross household income of which does not exceed 80% of the median adjusted gross income for households within the Jacksonville, Florida metropolitan statistical area covering the City, adjusted by family size and adjusted annually, as reported by the U.S. Department of Housing and Urban Development or its governmental successor in function.

"**Mixed Use New Construction**" shall mean New Construction in which more than one Mobility Fee Land Use Category is contemplated with each Category constituting a separate and identifiable enterprise not subordinate to or dependent on other enterprises with the New Construction.

"**Mobile Home**" shall mean any vehicle without independent motive power which is designed for housing accommodations and transportation over the highways on a chassis under carriage, which is an integral part thereof, but does not include travel trailers or recreational units as defined by Section 320.01, Florida Statutes. This definition shall include: (1) any unit which meets the criteria above and is certified by the Department of Safety and Motor Vehicles as meeting requirements of (USAS) A-119.2 as prescribed in Chapter 320, Florida Statutes; and (2) manufactured homes designed to be used as Dwelling Units, as defined in Chapter 553, Florida Statutes, or its statutory successor in function.

"**Mobility Fee**" shall mean the Mobility Fee imposed by the City pursuant to Section 105-10, and set forth in Section 105-31 or, if applicable, the Alternative Mobility Fee, pursuant to Section 105-12.

"**Mobility Fee Coordinator**" shall mean the Director of the City of Green Cove Springs Development Services Department or his or her designee.

"**Mobility Fee Land Use Category**" shall mean those categories of land use incorporated in the Mobility Fee Rate Schedule adopted in the Mobility Fee Study.

"**Mobility Fee Rate**" shall mean a Mobility Fee imposed for a particular New Construction under the applicable Mobile Fee Land Use Category established in the schedules included in the Mobility Fee Study.

"**Mobility Fee Study**" shall mean the City of Green Cove Springs Mobility Fee Study adopted pursuant to Section 105-10, as amended and supplemented pursuant to Section 105-24.

"**New Construction**" shall mean land construction designed or intended to permit a use of the land which will contain more Dwelling Units, Buildings or floor space than the existing use of land, or to otherwise change the use of the land in a manner that increases the generation of vehicular or non-vehicular traffic or the number of External Trips.

"**New Net Trip**" shall mean the average daily External Trips after accounting for "pass-by trips". This is often referred to as a primary trip, which a stop at the location is the primary reason for the trip.

"**Off-Site Improvements**" shall mean road improvements located outside of the boundaries of a New Construction which are required to serve External Trips, but not including Access Improvements.

"**Ordinance**" shall mean this City of Green Cove Springs Mobility Fee Ordinance.

"**Owner**" shall mean the Person holding legal title to the real property containing the New Construction.

"Pass-by Trip" is made as an intermediate stop on the way from an origin to a primary trip destination without a route diversion. Pass-by trips are attracted from traffic passing the site on an adjacent street or roadway that offers direct access to the generator (origin or destination).

"**Person**" shall mean any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, property owners' association, two (2) or more persons having a joint or common interest, governmental agency, or other legal entity.

"Person Miles Traveled (PMT)" is a standard measure of mobility that combines both the number and length of trips that is mode neutral.

"**Qualified Target Industry Business**" shall mean a new or expanding business in the City that has a positive economic and fiscal impact on the City and meets the definitional requirements of Section 288.106, Florida Statutes, or its statutory successor in function, for a Qualified Target Industry Business.

"**Residential**" shall mean Apartments, Condominiums, Single-Family Detached Houses, duplexes, and mobile homes.

"**School**" shall mean a Building, including ancillary facilities, designed to house an organization of students for educational purposes at elementary, middle, or high school levels, including public schools authorized under the rules of the State Board of Education and private schools serving the same student grade level populations, but not including any facilities for post high school educational instruction and not including any Day Care Center.

"**Single-Family Detached House**" shall mean a home on an individual lot.

"**Square Footage**" shall mean the gross area measured in square feet from the exterior faces of exterior walls or other exterior boundaries of the Building, including all floors and mezzanines within said Building, but excluding areas within the interior of the Building which are utilized for parking.

"**State Highway System**" shall mean the road system of the State of Florida that lies within the City, as defined in Section 334.03(24), Florida Statutes, or its statutory successor in function.

"**Target CRA Businesses**" shall include the following new or expanded uses within the Community Redevelopment Area (CRA):

- Restaurant (applicable ITE Land Use Codes: 930-Fast Casual Restaurant, 931-Fine Dining Restaurant, 932-High Turnover (sit-down) Restaurant)

- Brewpub (applicable ITE Land Use Codes: 970-Wine Tasting Room, 971-Brewery Tap Room, 975-Drinking Place)
- Hotel (applicable ITE Land Use Codes: 310-Hotel, 311-All Suites Hotel, 312-Business Hotel)

"**Trip**" shall mean a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end). The word Trip shall have the meaning which it has in commonly accepted traffic engineering practice.

"**Trip Generation or Trip Generator Rate**" shall mean the maximum average new daily trip generation rates for the applicable Trip Generation Land Use Category defined by the current version of the Institute of Transportation Engineers Trip Generation, and adjusted by the Mobility Fee Study.

"**Trip Generation Land Use Category (LUC)**" shall mean the trip characteristics studies within the 11th edition of the Institute of Transportation Engineers Trip Generation, published by the Institute of Transportation Engineers (ITE), as the same may be updated from time to time, when used in calculation of any update or revision of the Mobility Fee Study pursuant to Section 3.09.

"**Very-Low-Income Persons**" shall mean one or more natural persons, the total adjusted gross household income of which does not exceed 50% of the median adjusted gross income for households within the Jacksonville, Florida metropolitan statistical area covering the City, adjusted by family size and adjusted annually, as reported by the U.S. Department of Housing and Urban Development or its governmental successor in function.

Sec. 105-8. RULES OF CONSTRUCTION. For the purposes of administration and enforcement of this Ordinance, unless otherwise stated in this section, the following rules of construction shall apply:

A. The word "shall" is always mandatory and not discretionary; the word "may" is discretionary.

B. Words used in the present tense shall include the future and words in the singular shall include the plural and the plural the singular, unless the context clearly indicates the contrary.

C. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or" or "either…or" the conjunction shall be interpreted as follows:

(1) *And* indicates that all the connected terms, conditions, provisions or events shall apply.

(2) *Or* indicates that the connected terms, conditions, provisions or events may apply singly or in any combination.

(3) *Either…or* indicates that the connected terms, conditions, provisions or events shall apply singly but not in combination.

D. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

Sec. 105-9. FINDINGS. It is hereby ascertained, determined and declared:

A. Pursuant to Article VIII, section 1(g), Florida Constitution, sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law, the Council has all powers of local self-government to perform functions, except when prohibited by law, and such power may be exercised by the enactment of legislation in the form of City ordinances.

B. The City Council has determined that the multimodal ground transportation system benefits all residents, employees, and visitors in Green Cove Springs. The size and configuration of the multimodal transportation system is suitable for one transportation mobility fee district.

C. Growth contemplated in the Comprehensive Plan and Mobility Fee Study will require improvements and additions to the City Transportation System to accommodate the additional users generated by such growth in order to mitigate and maintain the existing multimodal level of service.

D. Future growth, as represented by New Construction, should assist in mitigating its impacts by contributing its fair share to the cost of improvements and additions to the City Transportation System that are required to accommodate the growth in multimodal traffic, both vehicular and non-vehicular, generated by such growth.

E. Imposition of a Mobility Fee to require New Construction to contribute its fair share to the cost of required vehicular and multimodal additions is an integral and vital element of the regulatory plan of growth management incorporated in the Comprehensive Plan and Mobility Fee Study.

F. The imposition of a Mobility Fee is to provide a source of revenue to fund the construction or improvement of the City Transportation System, including both vehicular and multimodal improvements, that are necessitated by growth as delineated in the capital improvement element of the Comprehensive Plan, Downtown Master Plan, and the Mobility Fee Study.

G. The Designated Mobility Improvements identified in the Mobility Fee Study include roadway capacity improvements, multimodal bicycle and pedestrian improvements,

sidewalks, shared use and multiuse paths, transit stops and mobility hubs, as well as intersection improvements to improve overall efficiency of the City Transportation System.

H. The Mobility Fee Study uses "person miles travelled" (PMT) as the basis for calculating the Mobility Fee. Although the Designated Mobility Improvements include multimodal improvements, those improvements are a vital and necessary part of the City's future transportation system and have been identified to increase connectivity by providing alternatives to vehicular transportation, thereby reducing the number of single-occupant vehicles, and providing a more efficient use of space and travel efficiency on the City Transportation System. The Northeast Regional Planning Model, V.2., developed by the North Florida Transportation Planning Organization, used to estimate the PMTs used in the Mobility Fee Study, incorporates the impact of these existing and future multimodal elements when determining the PMT used in the calculation of the Mobility Fee.

I. The Designated Mobility Improvements to the City Transportation System and the allocation of projected costs between those improvements and additions necessary to serve existing development and those improvements and additions required to accommodate the growth represented by New Construction, as presented in the Mobility Fee study, are proportional and reasonably connected to, and have a rational nexus with the expenditures of the Mobility Fee funds collected and the benefits accruing to the New Construction, and are hereby approved and adopted by the City. Such projections are hereby found to be in conformity with the Comprehensive Plan.

J. Transportation planning is an evolving process and the Designated Mobility Improvements to the City Transportation System identified upon the date of the adoption of this Ordinance constitute projections of growth patterns and transportation improvements and additions based upon present knowledge and judgment. Therefore, in recognition of changing

growth patterns and the dynamic nature of population and employment growth, it is the intent of the Council that the Designated Mobility Improvements to the City Transportation System be reviewed and adjusted periodically, pursuant to Section 105-24, to ensure that Mobility Fees are imposed equitably and lawfully and are utilized effectively based upon actual and anticipated traffic conditions at the time of their imposition.

K. The purpose of this Ordinance is to regulate the development of land within the City by requiring payment of Mobility Fees by New Construction and to provide for the cost of the Designated Mobility Improvements to the City Transportation System which are required to accommodate such growth. This Ordinance shall not be construed to permit the collection of Mobility Fees in excess of the amount reasonably anticipated to offset the demand on the City Transportation System generated by such New Construction.

L. The Mobility Fee Study, Mobility Fee, and this Ordinance are based on the most recent and localized data and comply with the goals, objectives and policies of the Comprehensive Plan, specifically the Transportation Element Policies; and the Capital Improvements Element Policies and are consistent with Florida law.

M. Chapter 420, Florida Statutes, the Florida Legislature directly recognizes the critical shortage of Affordable Housing in the State of Florida for very low to moderate income families, the problems associated with rising housing costs in the State, and the lack of available housing programs to address these needs. In recognition of these problems and the State's encouragement to local governments to work in partnership with the State and private sector to solve these housing problems, the City finds a need for local programs to stimulate and provide for the development of Affordable Housing for Low and Very-Low Income Persons.

N. The Council desires to provide financial incentives to develop and provide Affordable Housing within the City to Low, and Very Low Income Persons. Persons who desire to live and to work in the City may have access to housing, and thus to offset the negative consequences of the shortage of such housing.

O. To accomplish this objective the City Council finds that it is fair and reasonable to provide for deferral of Mobility Fees for Affordable Housing to reduce the burden of Mobility Fees on Low and Very-Low Income Persons and encourage the development of Affordable Housing in the City.

P. Because the imposition of the Mobility Fees herein may place the City in a non-competitive position with other local governments that have chosen not to impose mobility fees and thus hinder efforts by the City and the community to (1) encourage economic development opportunities within the City, (2) create permanent employment expansion opportunities for the City's citizens and (3) encourage new or expanded businesses within the City to help reverse the daily commute out of the City, there is hereby created an Economic Development Mobility Fee Mitigation Program for certain Non-Residential New Construction, Qualified Target Industry Businesses, and the Target Industry Businesses within the CRA to mitigate any real or perceived disadvantage occurring from the imposition of the Mobility Fees.

Sec. 105-10. ADOPTION OF MOBILITY FEE STUDY. The City Council hereby adopts and incorporates by reference, the study entitled "City of Green Cove Springs Mobility Fee Study," dated as of April, 2023, particularly the assumptions, conclusions and findings in such study as to the allocation of anticipated costs of Designated Mobility Improvements to the City Transportation System between those costs required to accommodate existing traffic and those costs required to accommodate traffic generated by growth and those assumptions, conclusions

and findings in such study as to the determination of anticipated costs of additions to the City Transportation System required to accommodate growth.

ARTICLE II

MOBILITY FEES

Sec. 105-11. IMPOSITION.

A. All New Construction occurring within the area of the City shall pay the applicable Mobility Fee established in this Ordinance. The City Council hereby establishes one (1) Mobility District that encompasses the corporate boundary of the City of Green Cove Springs.

B. The City Council hereby adopts the formulae for calculation and the schedules of Mobility Fees as included in the Mobility Fee Study.

Sec. 105-12. CALCULATION OF MOBILITY FEE.

A. Upon receipt of a complete application for a Building Permit, the Mobility Fee Coordinator shall calculate the applicable Mobility Fee, incorporating any applicable credits. If a person has received a credit pursuant to this Ordinance, that credit shall be subtracted from the otherwise applicable Mobility Fee, if such credit applies. A person may request at any time a nonbinding estimate of the Mobility Fee due for a particular development; however, such estimate is subject to change when a complete application for a Building Permit or other development permit is made.

B. The Mobility Fee shall be calculated by using (1) the Mobility Fee Rate Schedule adopted in the Mobility Fee Study in Appendix A and set forth in Section 105-31 herein,, or (2) an Alternative Trip Generation Study approved in accordance with Section 105-13 herein. The Mobility Fees in the Mobility Fee Rate Schedule have been calculated using the formulae presented in the Mobility Fee Study. The dollar amount of a Mobility Fee required to be paid by

each land use in in the Mobility Fee Rate Schedule shall be multiplied by the number of units in the development seeking a Building Permit for such land use.

C. Land uses that are not specifically listed in the Mobility Fee Rate Schedule shall be assigned the trip generation rate of the most similar land use listed in the most recent edition of the Institute of Transportation Engineers, Trip Generation, as provided for in the Mobility Fee Study.

D. In the event New Construction involves 'spec' construction, the Mobility Fee shall be calculated on the basis of the land use for the finished space. The Mobility Fee for spec construction occupied upon completion of construction shall be paid in the following manner: An initial payment shall be due at the time the Applicant requests Electrical Power Clearance for the shell building and shall be in the amount attributable to the most applicable land use category and associated Mobility Fee Rate Schedules set forth in the Mobility Fee Study. If the land uses at the time of Interior Permits are issued generate more trips than the initial assumed set of land uses then the balance of the Mobility Fee shall be paid upon the Applicant's request for the Interior Permits.

E. In the event a New Construction involves a Mixed Use New Construction, the Mobility Fee Coordinator shall calculate the Mobility Fee based upon the number of New Net Trips to be generated by each separate Mobility Fee Land Use Category included in the proposed Mixed Use New Construction.

Sec. 105-13. ALTERNATIVE MOBILITY FEE CALCULATION.

A. In the event an Applicant believes that the impact to the City Transportation System necessitated by its New Construction is less than the New Trips that are assumed under the applicable Mobility Fee Land Use Category adopted in the Mobility Fee Study, such Applicant may, prior to requesting Electrical Power Clearance for such New Construction, file with the Mobility Fee Coordinator an Alternative Mobility Fee calculation that seeks to establish an

alternative number of New Net Trips using the methodology contained in the Mobility Fee Study adopted in Section 105-10. The Mobility Fee Coordinator shall review the alternative calculations of the New Net Trips and make a determination within thirty (30) days of submittal as to whether such calculation complies with the requirements of this Section.

B. For purposes of any Alternative Mobility Fee calculation, the New Construction shall be presumed to have the maximum impact on the City Transportation system for the Trip Generation Land Use Category.

C. The Alternative Mobility Fee calculation of New Net Person Miles Traveled shall be based on data, information or assumptions contained in this Ordinance and the Mobility Fee Study or an independent source, provided that:

(1) The independent source is a generally accepted standard source of transportation engineering or planning information, or

(2) The independent source is a local study supported by data adequate for the conclusions contained in such study performed by a professional engineer pursuant to a generally accepted methodology of transportation planning or engineering.

(3) If, during its approval process, a previously approved New Construction project containing the same proposed uses submitted a trip characteristic study substantially consistent with the criteria required by this Section, and if such study is determined by the Mobility Fee Coordinator to be current, the trip characteristics of such previously approved New Construction shall be presumed to be as described in the prior study. In such circumstances, an Alternative Mobility Fee shall be established reflecting the trip characteristics described in the prior study. There shall be a rebuttable presumption that a trip characteristic study conducted more

than three (3) years earlier is invalid. A traffic impact study conducted more than seven years earlier is invalid and will not be considered.

(4) It is acknowledged that the Mobility Fee Rates are based upon the applicable Trip Generation Rates for the Trip Generation Land Use Categories corresponding to the Mobility Fee Land Use Categories set forth in the Mobility Fee Study. In recognition of such acknowledgment, the Trip Generation Rates for the Trip Generation Land Use Categories shall be considered an independent source for the purpose of an Alternative Mobile Fee calculation without the necessity of a study as required by Subsections C(1) and C(2) of this Section.

D. If the Mobility Fee Coordinator determines that the data, information, and assumptions utilized by the Applicant comply with the requirements of this Section and that the calculation of the Alternative Mobility Fee number of Person Miles Traveled was by a generally accepted methodology, then the Alternative Mobility Fee shall be paid in lieu of the fee set forth in Sections 105.11 and 105.12 of this Section.

E. If the Mobility Fee Coordinator determines that the data, information and assumptions utilized by the Applicant to compute an alternative number of Person Miles Traveled using the methodology contained in the Mobility Fee Study do not comply with the requirements of this Section, then the Mobility Fee Coordinator shall provide to the Applicant by certified mail, return receipt requested, written notification of the rejection of the Alternative Mobility Fee and the reasons therefore, including notification that the Mobility Fee imposed in Section 105-11 and 105-12, as applicable, shall be paid in accord with the provisions of this Ordinance.

F. An Applicant who submits a proposed Alternative Mobility Fee pursuant to this Section, and desires to secure Electrical Power Clearance prior to the resolution of a pending

Alternative Mobility Fee shall pay the applicable Mobility Fee at the time said Applicant requests Electrical Power Clearance. Said payment shall be deemed paid "under protest" and shall not be construed as a waiver of any rights. Any difference in the amount of the Mobility Fee after resolution of the pending Alternative Mobility Fee shall be refunded to the Applicant or Owner.

G. The Council shall require that the applicant pay the costs of outside third-party experts for the review of the Alternative Mobility calculation to cover the City's costs incurred in processing and reviewing any Alternative Mobility Fee applications, including fees incurred for review of any applications by third party experts.

Sec. 105-14. PAYMENT.

A. The City will provide the amount of the Mobility Fee due for the requested New Construction at the time a Building Permit is issued for said construction.

B. Except as otherwise provided in this Ordinance, an Applicant shall pay the Mobility fee to the City at the time of requesting Electrical Power Clearance for New Construction.

C. The obligation for payment of the Mobility Fee and any credits related thereto shall run with the land.

D. The payment of the Mobility Fee shall be in addition to any other fees, charges or assessments of the City which are due in order to secure Electrical Power Clearance for the New Construction.

E. A mobility fee collected under this Ordinance may be considered for refund to the payor by the Mobility Fee Coordinator if the request is made within sixty (60) days of payment, if the payment was made in error, and if the funds have not been expended or encumbered. A request must include a notarized sworn statement that the requestor mad the payment and the reason the payment was made in error along with a copy of the dated receipt issued for payment of the fee.

The decision on a request for a refund is within the sole discretion of the Mobility Fee Coordinator and is final. The City shall retain 2% of any Mobility fee with respect to which a refund is made hereunder as a charge to offset its administrative costs. Credits applied in lieu of payment of Mobility Fees shall not be eligible for a refund under this section.

Sec. 105-15. USE OF MOBILITY FEE PROCEEDS.

A. The City Council hereby establishes one (1) trust account for the Mobility Fee, which shall be maintained separate and apart from all other accounts of the City.

B. All Mobility Fees and all interest which may accrue thereon shall be used solely to provide for the growth contemplated in the Comprehensive Plan and the Mobility Fee Study in the form of Designated Mobility Improvements to the City Transportation System which when completed will serve to accommodate the additional users and transportation demand generated by such growth and maintain existing levels of service within the City.

C. Mobility Fee funds shall not be used for any expenditure that would be classified as a transportation operation and maintenance expense. The monies deposited into the Mobility Fee Trust Account shall be used solely for the purpose of constructing or improving the Designated Mobility Improvements to the City Transportation System, as these improvements may be amended from time to time, including, but not limited to:

(1) design, engineering and construction plan preparation;

(2) permitting;

(3) right-of-way acquisition, including any costs of acquisition or condemnation;

(4) construction of new through lanes;

(5) construction of new turn lanes;

(6) construction of new bridges;

(7) construction of new drainage facilities in conjunction with new roadway construction;

(8) purchase and installation of traffic signals;

(9) construction of new curbs, medians and shoulders and associated costs for curb work, utility corridors, and elements associated in a street right of way which may be affected by the project so long as these costs do not represent a significant portion of the overall costs;

(10) construction of new shared use and multi-use paths, bike lanes, sidewalks and other bicycle and pedestrian improvements;

(11) construction of new transit facilities and mobility hubs;

(12) relocating utilities to accommodate new roadway construction;

(13) construction management and inspection, including multimodal mobility hub buildings and structures and initial asset capitalization of microtransit, shared use mobility and micromobility solutions;

(14) surveying and soils and material testing;

(15) repayment of monies transferred or borrowed from any budgetary fund of the City which were used to fund any growth impacted construction or improvements as herein defined;

(16) payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the City to provide funds to construct or acquire growth impacted capital transportation improvements on the City Transportation System; and

(17) transportation planning, development and engineering including an annual analysis of the City roadway network.

Any monies on deposit which are not immediately necessary for expenditure shall be invested by the City. All income derived from such investments shall be deposited in the Mobility Fee Trust Account and used as provided herein.

G. The City Council hereby adopts a $100 Administrative fee to cover the City's costs for processing mobility fee applications.

H. The Mobility Fees collected pursuant to this Ordinance may be returned to the then current Owner of the property on behalf of which such fee was paid if such fees have not been expended or encumbered prior to the end of the fiscal year immediately following the eighth anniversary of the date upon which such fees were paid. Refunds shall be made only in accordance with the following procedure:

(1) The then current Owner shall petition the City for the refund within 180 days following the eighth anniversary date on which the Mobility Fees Fee was paid.

(2) The petition for refund shall be submitted to the Mobility Fee Coordinator and City Manager by regular and certified mail and shall contain:

(a) A notarized sworn statement that the petitioner is the current Owner of the property on behalf of which the Mobility Fees Fee was paid;

(b) A copy of the dated receipt issued for payment of such fee or such other record as would indicate payment of such fee;

(c) A certified copy of the latest recorded deed; and,

(d) A copy of the most recent ad valorem tax bill.

(3) Within ninety days from the date of receipt of a petition for refund, the Mobility Fee Coordinator will advise the Owner of the status of the Mobility Fee requested for

refund, and if such Mobility Fee has not been spent or Encumbered within the applicable time period, then it shall be returned to the Petitioner subject to the extension described in 105-15H(4). For the purposes of this Section, fees collected shall be deemed to be spent or Encumbered on the basis of the first fee in shall be the first fee out.

(4) The City may, by resolution, extend for up to 3 years the date by which the funds must be refunded. Such an extension, shall be made upon a finding that within the three-year period, improvements are scheduled to be constructed that are reasonably attributable to the Owner's land development activity and that the fees for which the time of refund is extended shall be spent for those capital improvements. The City may adopt a resolution extending the date by which the funds must be refunded at any time, up to 270 days after the eighth anniversary date on which the mobility fee was paid.

(5) Any application submitted after the 180 day period provided in 105-15H(1) shall not be accepted and the Applicant shall have no further right to a refund of Mobility Fees.

Sec. 105-16. EXEMPTIONS.

A. Subject to the Changes of Size and Use provisions in Section 105-19 herein, the following shall be exempted from payment of the Mobility Fee:

(1) Alterations, expansion, or replacement of an existing Dwelling Unit which does not result in any additional Dwelling Units or increase the number of families for which such Dwelling Unit is arranged, designed or intended to accommodate for the purpose of providing living quarters.

(2) Subject to Section 105-19A, the alteration or expansion of a Building if the Building use upon completion does not increase the number of External Trips under the applicable Mobility Fee Rate which were initially attributed to the Building.

(3) The replacement of a Dwelling Unit, Mobile Home, Building or an Accessory Building or Structure if the replacement Dwelling Unit, Mobile Home, Building or Accessory Building or Structure does not result in a land use generating greater External trips under the applicable Mobile Fee Rate. In the event of a replacement of the primary Building, the existing and replacement structures must be located on the same lot and the electrical Power Clearance for such replacement must occur within five (5) years of the date the previous Building was previously occupied.

(4) The issuance of a tie-down permit on a Mobile Home on which applicable Mobility Fees have previously been paid for the lot upon which the Mobile Home is to be situated. The Electrical Power Clearance must be secured for the replacement Mobile Home within five (5) years of the date the previous Mobile Home was occupied.

(5) Government Buildings or Facilities and Schools. The City is ultimately responsible for funding all Designated Mobility Improvements for which Mobility Fee payments will be collected including any shortfalls. The cumulative number of trips and resulting PMT from any City, County or State proposed development or School Board school facility development will be analyzed and included in the modeled capacity available. Neither the City, County or School Board will be required to pay Mobility Fees in order to proceed with their respective proposed development. However, any Mobility Fee exemption issued for a Government Building or Facilities or School shall expire if an alteration causes the Government Building or Facility or

School facility to no longer be a government Building. The Mobility Fee for other land uses shall not be increased as a result of this exemption for government facilities.

Sec. 105-17. AFFORDABLE HOUSING MOBILITY FEE DEFERRAL.

A. Pursuant to the requirements established in this Section, the City shall defer the payment of the Mobility Fees for any new Owner-occupied Residential Construction which qualifies as Affordable Housing as defined herein.

B. Any Applicant seeking an Affordable Housing deferral for proposed Residential New Construction shall file with the Mobility Fee Coordinator an Application for Deferral, prior to requesting Electrical Power Clearance for the proposed Residential New Construction. The Application for Deferral shall contain the following:

(1) The name and address of the Initial Purchaser;

(2) The legal description of the residential New Construction;

(3) The proposed selling price of the residential New Construction;

(4) Evidence that the Residential New Construction shall be occupied by Very Low-Income Persons and Low-Income Persons, as certified by the Mobility Fee Coordinator; and

(5) Evidence that the residential New Construction is funded by a governmental affordable housing program, if applicable.

C. If the proposed residential New Construction meets the requirements for an Affordable Housing Deferral as set forth in this Section, the City Manager shall be authorized to enter into an Affordable Housing Mobility Fee Deferral Agreement (the "Deferral Agreement") with the developer or the Initial Purchaser, as applicable. The Deferral Agreement shall be accepted by the City in lieu of prompt payment of the Mobility Fees that would otherwise be due

and payable but for the Agreement. The Deferral Agreement shall provide for, at a minimum, the following, and shall further include such provisions deemed necessary by the Council to effectuate the provisions of this Section:

(1) The deferred Mobility Fees shall be a lien on the New Construction for the duration of the deferral period established pursuant to this Section. The lien may be foreclosed upon in the event of noncompliance with the requirements of the Deferral Agreement. The lien shall terminate upon the expiration of a deferral period or upon payment of the lien following a sale or transfer of the New Construction as provided herein. Such termination of the lien shall be evidenced by the recording of a release or satisfaction of lien in the public records of the County. Such release shall be recorded upon payment in full.

(2) Neither the deferred Mobility Fees nor the Deferral Agreement shall be transferred, assigned, credited or otherwise conveyed from the Residential New Construction. The deferral of Mobility Fees and the Deferral Agreement shall run with the land.

(3) In the event the Owner is in default under the Deferral Agreement, and the default is not cured within 30 days after written notice is provided to the Owner, the Council may at its sole option collect the Mobility Fee amounts in default or bring a civil action to enforce the Deferral Agreement or declare that the deferred Mobility Fees are then in default and immediately due and payable. The Council shall be entitled to recover all fees and costs, including attorney's fees and costs, incurred by the City in enforcing the Deferral Agreement plus interest at the then maximum statutory rate for judgments calculated on a calendar day basis until paid. In the event the City initially funded the deferred Mobility Fee for the Residential New Construction from other available City revenues, the deferred Mobility Fees collected upon a breach of the Deferral Agreement will be used to repay such City funds.

(4) The Deferral Agreement shall be binding upon the developer and Initial Purchaser's successors and assigns, as applicable.

(5) The Deferral Agreement shall be recorded in the official records of the County at the owner’s expense.

D. To qualify for a deferral under this Section, Owner-occupied residential New Construction must meet all of the following criteria:

(1) The Initial Purchaser(s) or anticipated Initial Purchaser(s) must qualify as Very-Low Income Persons or Low-Income Persons, as defined herein, at the time of execution by the City of the Deferral Agreement.

(2) The purchase price of the residential New Construction, shall not exceed 30 percent of the amount which represents the percentage of the median annual gross income for the applicable household category and the standards set forth for Very Low, and Low Income persons for the Jacksonville, Florida metropolitan statistical area covering the City as reported by the U.S. Department of Housing and Urban Development or its governmental successor in function

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(3) The residential New Construction shall qualify as "Owner-occupied" if:

(a) a written affirmation from the developer to the City guarantees that the requisite Affordable Housing units will be constructed; and

(b) the affirmation is in effect on the date of execution of the Deferral Agreement by the City; and

(c) within six months from the date of Electrical Power Clearance or the execution of the affirmation, whichever is later, any option to purchase is exercised and the qualified Initial Purchaser takes ownership of the residential New Construction. If the

qualified Initial Purchaser fails to purchase the residential New Construction within the six-month period, then the deferred Mobility Fees are considered in default as of the date that the Mobility Fees would have been due without the deferral and the Applicant shall pay all of the Mobility Fees that would have been assessed but for the deferral.

(4) The residential New Construction must be the homestead of the Initial Purchaser(s). The Initial Purchaser(s) of the residential New Construction must be at least 18 years of age and must be either citizen(s) of the United States or be a legal alien who permanently resides in the United States. Proof of United States Citizenship or permanent legal residency must be established to the City's sole satisfaction. The residential New Construction must be granted a homestead exemption pursuant to Chapter 196, Florida Statutes, within one year after the initial purchase of the residential New Construction.

(5) No more than 30 Mobility Fee Deferral Agreements are permitted at any single time for an individual developer, or for any developments that are under common ownership; provided, however, that a developer may apply to the Council for approval to exceed this cap on deferrals for projects that will increase the availability of Affordable Housing within the City. For purposes of this subsection, "common ownership" means ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockbroker, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

E. All Mobility Fees deferred at the time Electrical Power Clearance was issued shall become due and payable upon the first occurrence of any sale or transfer of the residential New

Construction if such sale or transfer occurs within eight years of the date of Electrical Power Clearance for the residential New Construction.

(1) All such deferred Mobility Fees shall be immediately paid in full to the City not later than the closing date of the sale or the effective date of the transfer.

(2) Repayment shall include any accrued interest. Interest shall be computed at the prevailing prime interest rate established for commercial lenders within the City not to exceed the maximum rate of interest permitted by law.

(3) If the household income of the Initial Purchaser rises above the levels for Very Low-Income or Low Income Persons, as defined herein, the Initial Purchaser shall maintain the deferral for the duration of their ownership of the residential New Construction. If, at the point of land sale or transfer, the household income of the Initial Purchaser exceeds that set out in the Deferral Agreement, the appropriate Mobility Fee will become due.

(4) The deferred Mobility Fees shall be forgiven upon the eighth anniversary of the date of Electrical Power Clearance if the Initial Purchaser does not sell or transfer the property within such deferral period.

F. The amount of the Mobility Fees shall not be increased to replace any revenue lost due to any deferral approved pursuant to this Section.

Sec. 105-18. ECONOMIC DEVELOPMENT MITIGATION PROGRAM.

A. Because the imposition of the Mobility Fees herein may place the City in a non-competitive position with other local governments that have chosen not to impose road impact fees or other programs to provide needed transportation improvements to serve future growth, and thus hinder efforts by the City and the community to (1) encourage economic development opportunities within the City; (2) create permanent employment expansion opportunities for the

City's citizens; and (3) encourage new or expanded businesses within the City to help reverse the daily commute out of the City, there is hereby created an Economic Development Mobility Fee Mitigation Program for certain land uses to mitigate any real or perceived disadvantage occurring from the imposition of the Mobility Fees.

B. The City has developed a CRA District within the city boundary. The CRA may contribute funds to offset and reduce the net mobility fee assessed to specific land uses and New Construction within specific areas of the city or for specific land use types. CRA Targeted Businesses as defined in Section 105-7 would be eligible for up to a 50% discount (CRA contribution) in mobility fee payments within the CRA.

Sec. 105-19. CHANGES OF SIZE AND USE. A Mobility Fee shall be imposed for the alteration, expansion or replacement of a Building or Dwelling Unit or the construction of an Accessory Building or Structure if the alteration, expansion or replacement of the Building or Dwelling Unit or the construction of an Accessory Building or Structure results in a land use determined to generate greater External Trips than the present use under the applicable Mobility Fee Rate, and shall be calculated as provided herein:

A. If the Building or Dwelling Unit was continuously vacant and only generating a de minimis number of External Trips for at least five (5) years prior to the date of Electrical Power Clearance for the alteration, expansion or replacement of said Building or Dwelling Unit, then this Section 105-19 shall not apply and the New Construction shall pay the Mobility Fee established in Section 105-11.

B. If Subsection A. of this Section 105-19 is not applicable, then the Mobility Fee shall be calculated as follows:

(1) If the Mobility Fee is calculated on land use and not square footage, the Mobility Fee imposed shall be the Mobility Fee due under the applicable Mobility Fee Rate for the Mobility Fee Land Use Category resulting from the alteration, expansion or replacement, less the Mobility Fee that would be imposed under the applicable Mobility Fee Rate for the Mobility Fee Land Use Category prior to the alteration, expansion or replacement.

(2) If the Mobility Fee is calculated on the basis of square footage and the Square Footage of a Building is increased, the Mobility Fee Rate for the increased Square Footage represented by the New Construction shall be at the Mobility Fee Rate applicable to New Construction with Square Footage resulting from the alteration, expansion or replacement, less the Mobility Fee that would be imposed under the applicable Square Footage prior to the alteration, expansion or replacement.

(3) The Mobility Fee imposed for any Accessory Building or Structure shall be that applicable under the Mobility Fee Rate for the land use for the primary Building.

(4) The Mobility Fee applicable to occupied spec construction and the finished spec space shall be determined pursuant to Section 105-12D herein.

Sec. 105-20. DEVELOPER CONTRIBUTION CREDIT.

A. Subject to the terms and conditions of this Section 105-20, a credit shall be granted against the Mobility Fees imposed by this Ordinance for the construction of all or any portion of a Designated Mobility Improvement or for the donation of land or contribution of funds for a Designated Mobility Improvement made pursuant to a development order or voluntarily in connection with New Construction. The donation, contribution or construction shall only provide improvements or additions to Designated Mobility Improvements which are required to accommodate growth as projected in the Mobility Fee Study. No credit shall be given for the

construction of Access Improvements. Further, no credit shall be given for the donation of land or construction of a capital improvement unless such property is conveyed, in fee simple to the City without remuneration. Such conveyance and construction shall be subject to the approval of the Mobility Fee Coordinator and the following standards:

(1) Any land to be conveyed shall be suitable as right-of-way for the contemplated Designated Mobility Improvement;

(2) Any monetary contribution shall be used in accord with Section 105-15 herein for capital improvements and additions to a Designated Mobility Improvement;

(3) Any improvements to be constructed shall be an integral part of the contemplated Designated Mobility Improvement, shall improve the function thereof, and shall exclude Access Improvements;

(4) Any road right of way or land required to be dedicated to the City as a condition of development approval shall be dedicated by plat or deed no later than the time at which Mobility Fees are required to be paid under this Ordinance. The portion of the fee represented by a credit for construction shall be deemed paid when the construction is completed and accepted by the City for maintenance or when adequate security for the completion of the construction has been provided.

(5) The design and/or construction of a Designated Mobility Improvement shall be performed by professionals who are qualified under Florida law and the City Code to perform such work.

B. Prior to requesting Electrical Power Clearance, the Applicant shall submit to the Mobility Fee Coordinator a proposed plan for donation, contribution or construction. The proposed plan shall include:

(1) a designation of the New Construction for which the plan is being submitted;

(2) a legal description of any land proposed to be donated and a written appraisal prepared in conformity with subsection D. of this section;

(3) the amount and source of any monetary contribution;

(4) a list of any contemplated improvements to Designated Mobility Improvements;

(5) a proposed time schedule for completion of the proposed plan.

C. The Mobility Fee Coordinator shall review the proposed plan and determine:

(1) If such proposed plan is in conformity with contemplated capital improvements for and additions to Designated Mobility Improvements;

(2) If the proposed donation, contribution or construction by the Applicant is consistent with the public interest; and

(3) If the proposed time schedule for the conveyance of land, contribution of funds or construction is consistent with the City's capital improvement program for the Designated Mobility Improvements;

(4) Upon approval of a proposed plan, the Mobility Fee Coordinator shall determine the amount of credit based upon the standards contained in Subsection D. of this Section and shall approve the timetable for completion of the plan. The Mobility Fee Coordinator shall issue a decision within forty-five days after the filing of the completed proposed plan.

D. The amount of developer credit to be applied to the Mobility Fee shall be:

(1) The value of constructing an improvement to a Designated Mobility Improvement as estimated in the Mobility Fee Study and which formed the basis of the fee. The

successful completion of the project shall comply with Transportation Design Standards accepted by the City Engineer.

(2) The amount of any monetary contribution for a Designated Mobility Improvement.

(3) The value of donated land (when not part of an above Designated Mobility Improvement) based upon a written appraisal of fair market value by an M.A.I. Appraiser who was selected and paid for by the Applicant, and who used generally accepted appraisal techniques. If the appraisal does not conform to the requirements of this Ordinance and any applicable administrative regulations, the appraisal shall be corrected and resubmitted. In the event the Mobility Fee Coordinator accepts the methodology of the appraisal but disagrees with the appraised value, the Mobility Fee Coordinator may engage another M.A.I. Appraiser at the City's expense, and the value shall be an amount equal to the average of the two appraisals. If either party does not accept the average of the two appraisals, a third appraisal shall be obtained, with the cost of said third appraisal being shared equally by the City and the Owner or Applicant. The third appraiser shall be selected by the first two appraisers and the third appraisal shall be binding on the parties.

E. If a proposed plan is approved for an infrastructure credit by the Mobility Fee Coordinator, the Applicant or Owner and the Council shall enter into a Credit Agreement which shall provide for the parties' obligations and responsibilities, including, but not limited to:

(1) The timing of actions to be taken by the Applicant and the obligations and responsibilities of the Applicant, including, but not limited to, the construction standards and requirements to be complied with;

(2) The obligations and responsibilities of the City, including, but not limited to, inspection of the project;

(3) The amount of the credit as determined in accordance with Subsection D. of this section; and

(4) If required, provisions for a payment bond or an irrevocable letter of credit to be posted with the City, in an amount representing the difference between the Mobility Fee obligation and the amount of any credit from donated land.

F. A credit for a monetary contribution or a land donation shall be granted at such time as the City is in receipt of the full amount of the monetary contribution and/or the donated land has been conveyed to the City, and a Credit Agreement is approved and executed by both the Council and the Applicant or Owner. A credit for a land donation in conjunction with construction of a Designated Mobility Improvement, or portion thereof, shall be available after a Credit Agreement is approved and executed by both the Council and the Applicant or Owner, and upon dedication and acceptance by the Council of the donated land, up to the value of the donated land. A credit for the construction of the Designated Mobility Improvement shall be available once the improvement is completed, dedicated to, and accepted by the City. In the alternative, following the dedication and acceptance of the donated land for a Designated Mobility Improvement, the Applicant or Owner may access the credit for the construction of the Designated Mobility Improvement early by posting a payment bond or irrevocable letter of credit with the City in an amount representing the difference between the Mobility Fee obligation and the value of the donated land. Provided, however, that in the event the Applicant or Owner fails to convey the land to be donated or fails to convey the completed Designated Mobility Improvement or such property or improvement is not ultimately accepted by the City in accordance with the terms of the Credit

Agreement, then the credit shall be revoked and all Mobility Fees shall immediately become due and payable and collected in any manner authorized by law. The administration of said credits shall be the responsibility of the Mobility Fee Coordinator. Mobility Fee credits available for use as provided for in this subsection which are in excess of those required to satisfy the Mobility Fee obligation generated by the New Construction may be transferred in accord with the provisions of Section 163.31801, Florida Statutes, as amended.

H. All construction cost estimates shall be based upon and all construction plans and specifications shall be in conformity with the road construction standards of the City or the Florida Department of Transportation as deemed appropriate by the City Engineer. All plans and specifications shall be approved by the City Engineer prior to commencement of construction. For construction projects within City-owned right-of-way, the requirements set forth in Sections 101-327 through 101-331 of the City of Green Cove Springs Code, state law and city ordinance bidding requirements and construction bonding requirements shall be deemed to apply to such construction only to the extent required by law.

I. Any Applicant who submits a proposed plan pursuant to this Section and who desires Electrical Power Clearance prior to the resolution of a pending credit shall pay the applicable Mobility Fee at the time of requesting Electrical Power Clearance. Said payment shall be deemed paid "under protest" and shall not be construed as a waiver of any review rights. Any difference shall be refunded to the Applicant or Owner upon the execution of a Credit Agreement.

J. Nothing contained herein shall be construed to qualify the conveyance of land which is required as right-of-way for the construction of Access Improvements for a developer contribution credit.

Sec. 105-21. APPLICABILITY. This Ordinance and the obligations herein for the payment of the Mobility Fee shall apply to all New Construction that requests an Electrical Power Clearance on or after the effective date of this Ordinance, as provided in Section 105-30.

Sec. 105-22. ALTERNATIVE COLLECTION METHOD. In the event that an equipment check inspection for Electrical Power Clearance is granted in error by reason of the failure to collect the applicable Mobility Fee, then prompt demand for payment of the Mobility Fee shall be made to the Building Permit holder of the New Construction, and no final inspection shall be made or certificate of occupancy issued until payment of the Mobility Fee has been received. In the event that an Equipment Check Inspection for Electrical Power Clearance is performed in error by reason of the failure to collect the applicable Mobility Fee, and the New Construction has been completed and final authorization for occupancy has been granted, then prompt demand for payment of the Mobility Fee shall be made to the Owner of New Construction for which the Building Permit was issued, and such Mobility Fee shall be subject to collection in any manner authorized by law.

Sec. 105-23. REVIEW HEARINGS.

A. An Applicant or Owner who is required to pay a Mobility Fee shall have the right to request a review hearing.

B. Such hearing shall be limited to the review of the following:

(1) The application or calculation of the Mobility Fee under Sections 105-11 and 105-12 of this Ordinance.

(2) The rejection of the Alternative Mobility Fee calculation pursuant to Section 105-9.

(3) The denial or partial denial of a credit pursuant to Section 105-20.

(4) The denial of an Affordable Housing Mobility Fee Deferral pursuant to Section 105-17.

(5) The denial or partial denial of an Economic Development Mobility Fee Mitigation waiver pursuant to Section 105-18.

C. Such hearing shall be requested by the Applicant or Owner in writing within thirty (30) days of the following dates:

(1) The issuance of a Building Permit which shall contain the amount of the Mobility Fee that is due for the New Construction;

(2) A negative determination in writing on a proposed Individual or Alternative Mobility Fee pursuant to Sections 105-12 and 105-13, respectively; credit pursuant to Section 105-20; Mobility Fee deferral pursuant to Section 105-17; or Mobility Fee mitigation pursuant to Section 105-18.

(3) Failure to request a hearing within the time provided shall be deemed a waiver of such right.

D. The request for hearing shall be filed in writing with the Mobility Fee Coordinator with copy to the City Manager and shall contain the following:

(1) The name and address of the Applicant or Owner;

(2) The legal description of the property in question;

(3) If issued, the date the Building Permit was issued.

(4) A brief description of the nature of the construction being undertaken;

(5) If paid, the date the Mobility Fee was paid; and

(6) A statement of the reasons why the Applicant or Owner is requesting the hearing.

E. Upon receipt of such request, the Mobility Fee Coordinator shall schedule a hearing before the City Manager called for the purpose of conducting the hearing and shall provide the Applicant and/or Owner written notice of the time and place of the hearing. Such hearing shall be held within sixty (60) days of the date the request for hearing was filed.

F. Such hearing shall be before the City Manager and shall be conducted in a manner designed to obtain all information and evidence relevant to the requested hearing. Formal rules of civil procedure and evidence shall not be applicable; however, the hearing shall be conducted in a fair and impartial manner with each party having an opportunity to be heard and to present information and evidence.

G. Any Applicant who requests a hearing pursuant to this Section who desires Electrical Power Clearance prior to the hearing shall pay the applicable Mobility Fee pursuant to Section 105-11 or Section 105-12, as applicable, at the time of requesting Electrical Power Clearance. Said payment shall be deemed paid "under protest" and shall not be construed as a waiver of any review rights.

H. An Applicant may request a hearing under this Section without paying the applicable Mobility Fee, but Electrical Power Clearance shall not be granted until such Mobility Fee is paid in the amount initially calculated, or the amount approved upon completion of the review provided in this Section.

Sec. 105-24. REVIEW REQUIREMENT. This Ordinance and the Mobility Fee Study shall be reviewed by the City Council at least every five (5) years and not sooner than every four (4) years. The initial and each review thereafter shall consider new estimates of population and other socioeconomic data, changes in construction, land acquisition and related costs, and adjustments to the assumptions, conclusions or findings set forth in the Mobility Fee Study adopted

by Section 105-10. Each review shall additionally consider changes in right-of-way acquisition and related costs and changes in Trip Generation rates, External Trip lengths, traffic volume counts, and a review of the administrative fees authorized herein. The purpose of this review is to evaluate and revise the Mobility Fee, if necessary, to ensure that they do not exceed the reasonable anticipated costs associated with the improvements and additions necessary to offset the demand generated by the New Construction on the City Transportation System. In the event the review of the Ordinance required by this Section alters or changes the assumptions, conclusions and findings of the studies adopted by reference in Section 105-10, revises or changes the Designated Mobility Improvements, or alters or changes the amount or classification of the Mobility Fee, the Mobility Fee Study adopted by reference in Section 105-10 shall be amended and updated to reflect the assumptions, conclusions and findings of such reviews and Section 105-10 shall be amended to adopt by reference such updates studies.

Sec. 105-25. PERIODIC MOBILITY FEE RATE ADJUSTMENT.

A. Beginning on October 1, 2024, and on each October 1 thereafter, the Council shall escalate the base Mobility Fees by a percent change for the previous Fiscal Year using available data from the Florida Department of Transportation Construction Cost Indictor Reports.

B. Provided, however, that in the event the Mobility Fee Coordinator determines that this annual rate adjustment of the Mobility Fees will cause New Construction to pay more than its fair share of the cost of the Designated Mobility Improvements to the City Transportation System that are necessary to accommodate the traffic generated by such growth, said automatic rate adjustment will be decreased accordingly.

C. The adjusted Mobility Fees must be noticed in conformance with Section 105-28 prior to going into effect if the adjustment results in an increased Mobility Fee.

Sec. 105-26. DECLARATION OF EXCLUSION FROM ADMINISTRATIVE PROCEDURES ACT.

Nothing contained in this Ordinance shall be construed or interpreted to include the City in the definition of Agency as contained in Section 120.52, Florida Statutes, or to otherwise subject the City to the application of the Administrative Procedures Act, Chapter 120, Florida Statutes. This declaration of intent and exclusion shall apply to all proceedings taken as a result of or pursuant to this Ordinance, including specifically, but not limited to, a determination of an Alternative Fee Calculation pursuant to Section 105-13, developer credit hearings pursuant to Section 105-20, and review hearings under Section 105-23.

Sec. 105-27. ACCOUNTING AND REPORTING OF MOBILITY FEE. The revenues realized from Mobility Fees imposed pursuant to this Ordinance shall be identified in the City's budget as a separate trust fund account required by Section 163.31801(4)(b), Florida Statutes (2022) as amended. The City shall maintain adequate records to justify all expenditures from the Mobility Fee trust fund and any accounts established within such trust fund. The City shall prepare an annual report reflecting the collection and expenditures during the previous year of the Mobility Fees imposed pursuant to this Ordinance.

Sec. 105-28. NOTICE OF MOBILITY FEE RATES. Upon adoption of this Ordinance or any amendment hereto imposing new or revised Mobility Fee rates or revising the land use categories for any Mobility Fee, the Mobility Fee Coordinator shall publish a notice once in a newspaper of general circulation within the City which notice shall include: (1) a brief and general description of the affected Mobility Fee, (2) a description of the geographic area (City limits) in which the Mobility Fee will be collected; (3) the Mobility Fee Rates to be imposed for

each land use category; and (4) the date of implementation of the Mobility Fee Rates set forth in the notice, which date shall not be earlier than ninety (90) days after the date of publication of the notice.

Sec. 105-29 Mobility Fee Rate Schedule

Land Use Code	Land Use Categories	Land Use Categories	Unit of measure	Base Impact fee per unit
220	*Residential*	Multiple Family (low rise)	dwelling	$ 2,981
221	*Residential*	Multiple Family (mid-rise)	dwelling	$ 2,008
251	*Residential*	Senior Adult Housing - detached and independent	dwelling/bed	$ 1,906
253	*Residential*	Assisted Living/Congregate Care Facility	dwelling	$ 977
210.3	*Residential*	Single Family (less than 1,500 sqft)	dwelling	$ 2,946
210	*Residential*	Single Family (1,500 sqft to 2,499 sqft)	dwelling	$ 3,693
210.4	*Residential*	Single Family (> 2,499 sqft)	dwelling	$ 4,171
240	*Residential*	Mobile Home	dwelling	$ 3,149
255	*Residential*	Continuing Care Retirement Community	occupied units	$ 1,092
260	*Residential*	Recreational Home/Vehicle	dwelling	$ 1,570
110	*Industrial*	Light Industry (110)	ksq ft of GFA	$ 2,154
150	*Industrial*	Warehouse	ksq ft of GFA	$ 756
151	*Industrial*	Mini-Warehouse	ksq ft of GFA	$ 641
140	*Industrial*	Manufacturing	ksq ft of GFA	$ 2,101
565	*Commercial – Services*	Day Care	ksq ft of GFA	$ 21,062
492	*Commercial – Services*	Health Club / Fitness	ksq ft of GFA	$ 579
310	*Commercial – Services*	Hotel	rooms	$ 3,534
320	*Commercial – Services*	Motel	rooms	$ 1,482
312	*Commercial – Services*	Business Hotel	rooms	$ 1,778
947	*Commercial – Services*	Carwash (self wash)	wash stall	$ 16,719
948	*Commercial – Services*	Carwash (automated wash)	wash stall	$ 11,997
420	*Commercial – Retail*	Marina	berth	$ 1,066
850	*Commercial – Retail*	Supermarket	ksq ft of GFA	$ 26,563
815	*Commercial – Retail*	Free Standing Retail Store	ksq ft of GFA	$ 17,631
816	*Commercial – Retail*	Hardware / Paint Store	ksq ft of GFA	$ 2,641
817	*Commercial – Retail*	Nursery (Garden Center)	ksq ft of GFA	$ 22,289
818	*Commercial – Retail*	Nursery (Wholesale)	ksq ft of GFA	$ 14,292
880	*Commercial – Retail*	Pharmacy/Drugstore w/o Drive Thru	ksq ft of GFA	$ 18,726
881	*Commercial – Retail*	Pharmacy/Drugstore with Drive Thru	ksq ft of GFA	$ 22,534
820	*Commercial – Retail*	Shopping Center (>150k)	ksq ft of GFA	$ 10,804

Land Use Code	Land Use Categories	Land Use Categories	Unit of measure	Base Impact fee per unit
821	*Commercial – Retail*	Shopping Plaza (40-150k)	ksq ft of GFA	$ 19,710
822	*Commercial – Retail*	Strip Retail Plaza (<40k)	ksq ft of GFA	$ 15,895
850	*Commercial – Retail*	Supermarket	ksq ft of GFA	$ 26,563
814	*Commercial – Retail*	Variety Store	ksq ft of GFA	$ 18,583
857	*Commercial – Retail*	Discount Club	ksq ft of GFA	$ 15,587
863	*Commercial – Retail*	Electronics Superstore	ksq ft of GFA	$ 11,983
849	*Commercial – Retail*	Tire Superstore	ksq ft of GFA	$ 6,487
890	*Commercial – Retail*	Furniture Store	ksq ft of GFA	$ 2,786
931	*Quality Restaurant*	High-Turnover (sit-down) restaurant	ksq ft of GFA	$ 19,140
932	*Commercial – Restaurant*	High-Turnover (sit-down) restaurant	ksq ft of GFA	$ 19,140
710	*Commercial – Office*	General Office Building	ksq ft of GFA	$ 4,794
760	*Commercial – Office*	Research & Development Center	ksq ft of GFA	$ 4,901
550	*Institutional*	University / College / Jr College	students	$ 599
520	*Institutional*	School, K-12	students	$ 1,411
536	*Institutional*	Private School, K-12	students	$ 818
411	*Institutional*	Park	acre	$ 293
610	*Institutional*	Hospital	ksq ft of GFA	$ 4,763
620	*Institutional*	Nursing home	ksq ft of GFA	$ 2,985
560	*Institutional*	Place of worship	ksq ft of GFA	$ 3,361

Section 5. Conflicts. If any portion of this Ordinance is in conflict with any other ordinance, then the provisions of this Ordinance shall govern.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 7. Effective Date.

This Ordinance and the obligations herein for the payment of Mobility Fees shall apply to all New Construction that submits a building permit application on or after the effective date of the ordinance pursuant to the notice requirements set forth in Section 105-28,

INTRODUCED AND APPROVED AS TO FORM ONLY ON THE FIRST READING BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, ON THIS 16th DAY OF MAY 2023.

CITY OF GREEN COVE SPRINGS, FLORIDA

_____
Constance W. Butler, Mayor

ATTEST:

_____
Erin West, City Clerk

PASSED ON SECOND AND FINAL READING BY THE CITY COUNCIL OF THE CITY OFGREEN COVE SPRINGS, FLORIDA, THIS 6TH DAY OF JUNE 2023.

CITY OF GREEN COVE SPRINGS, FLORIDA

_____
Constance W. Butler, Mayor

ATTEST:

_____
Erin West, City Clerk

APPROVED AS TO FORM ONLY:

_____
L.J. Arnold, III, City Attorney

ATTEST:

By: _____