

New development law could mean big change in Jacksonville plans

The law exempts Duval from traffic concurrency law it's been following.

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A state law that took effect Wednesday exempts Duval County from a development law it's followed since 1991. The older law requires developers to prove area roads can handle the traffic their developments will create and pitch in money for upgrades if those roads come up short.

Proponents of Senate Bill 360 say it will bring a boost to the local economy by encouraging development, but opponents say it will give developers a blank check to build without regard to the traffic impacts their projects create.

The bill took a swing at the state's "traffic concurrency" - a major piece of Florida development law. It effectively annulled it in counties with 1 million people, or more than 1,000 people per square mile, and in cities with more than 1,000 people per square mile.

But the new law's effects won't come quickly, said John Crofts, deputy director of Jacksonville Planning and Development. The Department of Community Affairs has determined that the city has two years to develop a new transportation plan, or "mobility plan," that will be the model for the city's possible replacement for traffic concurrency, he said.

"There's going to be a major rework of our transportation review and concurrency process," Crofts said. "The existing system is still in effect until we amend our comprehensive plan. I think that this is an opportunity to improve our existing system, which I think needs attention. We're looking at alternatives and this kind of crystallizes that opportunity."

The bill includes wording for a replacement for traffic concurrency - a "mobility fee." Using a mobility plan and fee, local governments will collect developer funds for planned roads as well as mass transit, such as light rail. But the law didn't create the new fee, it just mentioned that the Legislature will address it next year and requires that local governments come up with mobility plans, said Northeast Florida Regional Council CEO Brian Teeple.

Although the law specifies mobility plans and fees, it allows for home rule power in crafting transportation ordinances and fees, Teeple said.

That means governments of exempted city and counties could keep laws that require developers to pay their "fair share" of the costs for new roads, come up with new traffic funding methods, or just allow developers to build, no traffic strings attached.

The Department of Community Affairs will have to approve changes to exempted city and county comprehensive plans if their respective governments choose to toss traffic concurrency and go with something else, Teeple said.

The Florida Legislature's Office of Economic and Demographic Research confirmed Wednesday that Duval County qualifies for the exemption. Nassau, Clay and St. Johns counties don't and will continue to use the concurrency system.

Officials across the state are wondering what this means for development in areas that qualify for the exemption, said DCA spokesman James Miller.

"I think local county governments are just trying to get their heads around Senate Bill 360 first," Miller said. "It's causing a lot of confusion, without a doubt."

T.R. Hainline, a shareholder for Jacksonville commercial law firm Rogers Towers - a firm that often represents people in land development issues, said Senate Bill 360 will bring a welcome change. Under traffic concurrency, development might cost more on one Jacksonville street than it does on another, due to a knotted web of formulas determining when and where traffic "trips" happen and how too many can push a road to too much congestion, or "failure" under concurrency standards.

That can lead to a "fair share" price tag for road improvements or other construction that a developer thinks isn't fair at all, he said.

"The results are wildly inconsistent and unpredictable," he said. "What the mobility fee will wind up being is a more standard, predictable fee, which everyone will have to pay. It will be a standard and more predictable dollar amount."

St. Johns County Commissioner Ken Bryan was less sanguine.

"I was amazed that Gov. (Charlie) Crist passed it. I was shocked. It wasn't a good move," he said. "Developers will get anything they want."

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