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**ORDINANCE 19, 2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, AMENDING CHAPTER 78. LAND DEVELOPMENT OF THE CODE OF ORDINANCES OF THE CITY OF PALM BEACH GARDENS, FLORIDA, AT DIVISION 4. CITYWIDE IMPACT FEES TO INCORPORATE THE CITY'S MOBILITY FEE SCHEDULE AND RELATED TEXT CHANGES, CONSISTENT WITH THE CITY'S MOBILITY FEE TECHNICAL REPORT; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to Article VIII, Section (2)(b) of the Florida Constitution and Chapter 166, *Florida Statutes*, the City of Palm Beach Gardens has broad home rule powers to adopt ordinances to provide for multimodal transportation systems, including bicycle and pedestrian facilities, transit facilities, roadways, intersections, and new personal mobility technology within the City; and

**WHEREAS**, Palm Beach County currently has an established road impact fee system that has been one part of an overall growth management program as set forth in the City of Palm Beach Gardens' Comprehensive Plan; and

**WHEREAS**, the Palm Beach County road impact fee system and the City of Palm Beach Gardens road impact fee system is principally focused on vehicular travel miles; whereas, a mobility fee system takes a comprehensive view of all modes of transportation that may function in a symbiotic manner, such as walking, biking, transit, motor vehicles, and new personal mobility technology; and

**WHEREAS**, Section 163.3180, *Florida Statutes*, encourages local governments to develop tools and techniques, including adoption of long-term strategies to facilitate development patterns that support multimodal solutions, adoption of area-wide service standards that are not dependent on any single road segment function, and establishing multimodal service standards that rely primarily on nonvehicular modes of transportation where existing or planned community design will provide an adequate level of personal mobility; and

**WHEREAS**, Chapter 163.3180, *Florida Statutes*, allows for local governments to repeal transportation concurrency and encourages the adoption of an alternative mobility funding system; and

**WHEREAS**, pursuant to Chapter 163.3180, *Florida Statutes*, the City has developed a Mobility Plan and Mobility Fee Technical Report; and

1           **WHEREAS**, the City of Palm Beach Gardens intends to replace the collection  
2 of the current Palm Beach County road impact fee and the City of Palm Beach  
3 Gardens road impact fee with a mobility fee system administered and programmed  
4 by the City for new development and redevelopment in the Mobility Fee Assessment  
5 Area, comprised of all areas of the City east of the Beeline Highway, consistent with  
6 the requirements for an alternative mobility funding system pursuant to Section  
7 163.3180, *Florida Statutes*; and  
8

9           **WHEREAS**, the mobility fee system focuses on person travel demand that  
10 includes walking, biking, transit, and motor vehicular trips generated by new  
11 development and redevelopment and the resulting impact such travel demand has  
12 on multimodal capacity, and then requires the expenditure of funds generated by the  
13 mobility fee system to be used on multimodal projects identified in the adopted mobility  
14 plan that increase multimodal capacity; and  
15

16           **WHEREAS**, the mobility fee system includes, but is not limited to,  
17 considerations of the impact of person travel demand generated by new development  
18 and redevelopment on multimodal capacity, as well as considerations of the impact  
19 of new development on overall mobility within the community; and  
20

21           **WHEREAS**, imposition of a mobility fee requiring future growth within the  
22 Mobility Fee Assessment Area to contribute its fair share of the cost of growth-  
23 necessitated multimodal facilities is necessary and reasonably related to the public  
24 health, safety, and welfare of the people of the City; provided that the mobility fee  
25 does not exceed the actual amount necessary to offset the demand on  
26 transportation facilities generated by new development and redevelopment; and  
27

28           **WHEREAS**, the Mobility Plan and the conceptual mobility fee schedule  
29 adopted hereby satisfy the "dual rational nexus test" established by Florida case law,  
30 satisfy the "essential nexus" and "rough proportionality" standards established by  
31 *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987) and *Dolan v. City of*  
32 *Tigard*, 512 U.S. 374 (1994), are consistent with the requirements set forth at Section  
33 163.3180, *Florida Statutes*, and are consistent with and imposed in accordance with  
34 Section 163.3180, *Florida Statutes*; and  
35

36           **WHEREAS**, the Mobility Plan dated April 2019 and the Mobility Fee Technical  
37 Report dated May 2019, prepared by NUE Urban Concepts, LLC, provide the  
38 technical analysis to determine the mobility fee and constitute a proper factual  
39 predicate for imposition and expenditure of the mobility fees; and  
40

41           **WHEREAS**, the establishment of a Mobility Fee Assessment Area defines the  
42 area within which mobility fees will be assessed, and the Mobility Fee Benefit District  
43 defines the area within which mobility fees will be collected and expended, ensuring  
44 a rational nexus is established and maintained between the mobility impacts created  
45 by the developments within the benefit district the mobility fees are collected, and the  
46 multimodal mobility projects funded by such fees; and

1           **WHEREAS**, mobility fees collected will be deposited in the mobility fee fund for  
2 the Mobility Fee Benefit District and expended for the purposes set forth herein; and  
3

4           **WHEREAS**, the Mobility Plan and the Mobility Fee structure imposed thereby  
5 achieve the goals, objectives, and policies of the Comprehensive Plan and utilize the  
6 tools and techniques encouraged by Section 163.3180, *Florida Statutes*; and  
7

8           **WHEREAS**, the City Council has determined that this Ordinance adopting a  
9 mobility plan and conceptual mobility fee structure will help to preserve and enhance  
10 the rational nexus between the need for multimodal person travel demands  
11 generated by new development and redevelopment in the Mobility Fee Assessment  
12 Area, comprised of all areas of the City east of the Beeline Highway and the Mobility  
13 Fees imposed on that development; and  
14

15           **WHEREAS**, on March 2, 2017, the City Council of the City of Palm Beach Gardens  
16 adopted revisions to the City of Palm Beach Gardens Comprehensive Plan that provided  
17 various policies that established the process and framework for the development of a  
18 Mobility Plan and Mobility Fee pursuant to Chapter 163.3180, *Florida Statutes*; and  
19

20           **WHEREAS**, the proposed Mobility Plan and Mobility Fee structure are consistent  
21 with the Goals, Objectives, and Policies of the City's Comprehensive Plan; and  
22

23           **WHEREAS**, the City of Palm Beach Gardens has hosted several public workshops  
24 on the proposed Mobility Plan and Mobility Fee, including the publicly noticed public  
25 workshops on June 4, 2019; and  
26

27           **WHEREAS**, the City Council approved Ordinance 16, 2019, adopting the City's  
28 Mobility Plan and Mobility Fee Technical Report at its September 5, 2019, regular meeting  
29 with a vote of 5 to 0; and  
30

31           **WHEREAS**, the Mayor was authorized and did provide written notice to Palm  
32 Beach County regarding the intent to terminate the existing Interlocal Agreement for  
33 Traffic Concurrency via a letter dated July 22, 2019; and  
34

35           **WHEREAS**, the Planning, Zoning, and Appeals Board recommended approval of  
36 the Mobility Fee Technical Report at its August 13, 2019, regular meeting with a vote of  
37 7 to 0; and  
38

39           **WHEREAS**, pursuant to Section 78-54(a) of the City's Land Development  
40 Regulations, notice of this Ordinance was published in the Palm Beach Post at least  
41 fourteen (14) days prior to adoption; and  
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1           **WHEREAS**, the City Council, having considered the proposal and all information  
2 presented at the public hearing, and being fully advised and informed of the premise, has  
3 determined that it is in the best interests of the health, safety, and welfare of the residents  
4 and citizens of the City of Palm Beach Gardens and the public at large to approve this  
5 Ordinance.  
6

7  
8           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**  
9 **OF PALM BEACH GARDENS, FLORIDA**, that:

10  
11           **SECTION 1.** Chapter 78. Land Development of the Code of Ordinances of the City  
12 of Palm Beach Gardens, Florida, is hereby amended, as revised, providing that Article III.  
13 Development Review Procedures, Division 4. Citywide Impact Fees of Chapter 78. Land  
14 Development shall hereafter read as follows:  
15

16                           See Exhibit "A" that is attached hereto and made a part hereof.  
17

18           **SECTION 2.** All Ordinances or parts of Ordinances in conflict be and the same are  
19 hereby repealed.  
20

21           **SECTION 3.** Should any section or provision of this Ordinance or any portion  
22 thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction  
23 to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.  
24

25           **SECTION 4.** Specific authority is hereby given to codify this Ordinance.  
26

27           **SECTION 5.** This Ordinance shall become effective immediately upon adoption.  
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30                           (The remainder of this page intentionally left blank.)  
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PASSED this 5<sup>th</sup> day of September, 2019, upon first reading.

PASSED AND ADOPTED this 19<sup>th</sup> day of September, 2019, upon second and final reading.

CITY OF PALM BEACH GARDENS	FOR	AGAINST	ABSENT
BY: <u>[Signature]</u> Mark T. Marciano, Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Rachelle A. Litt, Vice Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Maria G. Marino, Councilmember	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Carl W. Woods, Councilmember	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Matthew Jay Lane, Councilmember	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

BY: [Signature]  
Patricia Snider, CMC, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: [Signature]  
R. Max Lohman, City Attorney

[Signature]

## EXHIBIT "A"

### DIVISION 4. CITYWIDE IMPACT FEES AND MOBILITY FEES

#### Sec. 78-91. **Applicability.**

(a) *Applicability.* This article shall apply to the incorporated portions of the city. For lands east of the Beeline Highway, as more specifically indicated in Map E of the City of Palm Beach Gardens Mobility Fee Technical Report dated May 2019 and prepared by NUE Urban Concepts, the Mobility Fee Schedule shall be utilized in lieu of the Transportation (Roads) Impact Fee Schedule.

(b) *Intent and purpose.* This division shall implement the city's comprehensive plan. The purpose of this division is to ensure that new development bears a proportionate share of the cost of capital expenditures necessary to provide road or multimodal projects, parks and recreation, police, fire/emergency medical service protection services, and public facilities in the city as established by the comprehensive plan.

(c) *Rules of construction.* The provisions of this division shall be liberally construed so as to effectively carry out its purpose in the interest of public health, safety, and welfare. For purposes of administration and enforcement of this article, unless otherwise stated in this article, the rules of construction listed below shall apply to the text of this division.

- (1) If there is any difference of meaning or implication between the text of this article and any caption, illustration, summary table, or illustrative table, the text shall control.
- (2) The term "shall" is always mandatory and not discretionary; the term "may" is permissive.
- (3) Words used in the present tense shall include the future, and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
- (4) The phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."
- (5) The term "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (6) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:
  - a. "and" indicates that all the connected items, conditions, provisions, or events shall apply;
  - b. "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination; and
  - c. "either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

- (7) The term "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.
- (8) Unless the context clearly indicates to the contrary, the terms "public safety," "police protection," "fire protection," "emergency medical services (EMS)," "parks and recreation," "public facilities," and "public buildings" shall have the same meanings given those terms in the city's comprehensive plan.
- (9) For the purposes of this division, the term "road" shall mean those roads identified in the city's thoroughfare plan and city center linkages plan, as incorporated into the city's comprehensive plan.
- (10) The term "mobility fee" shall mean a monetary exaction imposed on new development or redevelopment that generates personal travel demand above the current use of land to fund improvements identified in a mobility plan.
- (11) The term "multimodal improvements" shall mean sidewalks, bike lanes, trails, paths, protected bike lanes, transit stops, transit pull-outs, transit stations, shared streets, dedicated transit lanes, streetscape, landscape, high-occupancy vehicle lanes, roundabouts, raised medians, crosswalks, and high visibility crosswalks. Improvements can include new or additional travel lanes and turn lanes, new or upgraded traffic signals, traffic synchronization, mobilization, maintenance of traffic, planning, survey, geotechnical and engineering, utilities, construction, engineering and inspection, utility relocation, right-of-way, easements, and stormwater facilities. Improvements may also include the repayment of bonds, local match for federal, state, and/or county-funded projects, repayment of loans from the State of Florida Infrastructure Bank used to front-end the design and/or construction of multimodal improvements.
- (12) The term "multimodal project" shall mean a mobility project that is comprised of one or more multimodal improvements and/or mobility oriented services and/or programs.
- (13) The land use types listed in section 78-92 for police, fire/EMS, parks and recreation, and public facilities fees shall have the same meaning as in article IV pertaining to zoning. The land use types listed in section 78-92 for collector road fees shall be as described in the latest edition of the Institute for Transportation Engineers, *Trip Generation* manual, or as determined by the city engineer. The land use types listed in section 78-92 for mobility fees shall be as defined in the Mobility Fee Technical Report dated May 2019 and prepared by NUE Urban Concepts.
- (d) *Imposition of fees.*
- (1) *Fees required.* Any person who seeks to develop land by applying for the issuance of a building permit for one of the land use types specified in section 78-92 shall be required to pay an impact and/or mobility fee for the following services: roads or multimodal projects, police protection, fire protection/EMS, parks and recreation, and public facilities in the manner and amount set forth in this chapter.

- (2) *Building permits.* A building permit shall not be issued until all applicable impact and/or mobility fees required have been paid. The amount of the impact and/or mobility fees shall be as set forth in the schedules provided herein.
- (3) *Existing uses.* When change of use, redevelopment, or modification of an existing use requires the issuance of a building permit, any impact and/or mobility fees imposed shall be based upon the net increase in the impact and/or mobility fee for the new use as compared to the previous and/or "like" use as set forth in the schedules provided herein below and as determined by city policy. Changes in use that do not require a building permit, but yield a net increase in applicable impact and/or mobility fees shall not be allowed until the net impact and/or mobility fees associated with that change in use have been paid.

### Sec. 78-92. Fees.

The amount of the impact and/or mobility fees shall be determined by the schedules contained herein.

#### PARKS AND RECREATION

LUC	Land Use	Impact Unit	Parks and Rec. Calculated Impact Fee
<b>Residential:</b>			
210	Single Family (detached/attached):		
	- Less than 1,500 sf	du	\$3,363.00
	- 1,500 to 2,499 sf	du	3,703.00
	- 2,500 sf or more	du	4,114.00
220/230	Multi-Family (Apartment/Condo):		
	- Less than 1,000 sf	du	2,450.00
	- 1,000 sf or more	du	3,041.00
240	Mobile Home	du	3,381.00
<b>Transient, Assisted, Group:</b>			
253	Congregate Care Facility	du	1,746.00
254	Assisted Living Facility	bed	1,575.00
620	Nursing Home	1,000 sf	2,980.00
310	Hotel	room	2,638.00
<b>Recreational:</b>			
412	General Recreation	acre	N/A
443	Movie Theater	seat	N/A

491	Racquet/Tennis Club	court	N/A
495	Recreational Community Center	1,000 sf	N/A
<b>Institution:</b>			
520	Elementary School (Private)	student	N/A
522	Middle School (Private)	student	N/A
530	High School (Private)	student	N/A
540	University (7,500 or fewer students) (Private)	student	N/A
550	University (more than 7,500 students) (Private)	student	N/A
560	Church/Synagogue	1,000 sf	N/A
565	Day Care Center	1,000 sf	N/A
566	Cemetery	acre	N/A
610	Hospital	1,000 sf	N/A
640	Animal Hospital/Veterinary Clinic	1,000 sf	N/A
n/a	Funeral Home	1,000 sf	N/A
<b>Office:</b>			
710	Office (50,000 sf and less)	1,000 sf	N/A
	Office (50,001—100,000 sf)	1,000 sf	N/A
	Office (100,001—200,000 sf)	1,000 sf	N/A
	Office (200,001—400,000 sf)	1,000 sf	N/A
	Office (greater than 400,000 sf)	1,000 sf	N/A
720	Medical Office (less than 10,000 sf)	1,000 sf	N/A
720	Medical Office (10,000 sf and greater)	1,000 sf	N/A
<b>Retail:</b>			
820	Retail 50,000 sf and less	1,000 sf	N/A
	Retail 50,001—200,000 sf	1,000 sf	N/A
	Retail 200,001—400,000 sf	1,000 sf	N/A
	Retail 400,001—600,000 sf	1,000 sf	N/A
	Retail 600,001—800,000 sf	1,000 sf	N/A
	Retail greater than 800,000 sf	1,000 sf	N/A
841	New/Used Car Sales	1,000 sf	N/A
853	Convenience Store w/Gas Pumps	1,000 sf	N/A

880	Pharmacy/Drugstore without Drive-Thru	1,000 sf	N/A
881	Pharmacy/Drugstore with Drive-Thru	1,000 sf	N/A
890	Furniture Store	1,000 sf	N/A
911	Bank/Savings Walk-In	1,000 sf	N/A
912	Bank/Savings Drive-In	1,000 sf	N/A
931	Quality Restaurant	1,000 sf	N/A
932	High-Turnover Restaurant	1,000 sf	N/A
934	Fast-Food Rest. <u>Restaurant</u> w/Drive-Thru	1,000 sf	N/A
941	Quick Lube	bay	N/A
942	Automobile Care Center	1,000 sf	N/A
944	Gas/Service Station	fuel pos.	N/A
945	Gas/Service Station with Convenience Market	fuel pos.	N/A
947	Car Wash	bay	N/A
<b>Industrial:</b>			
110	General Industrial	1,000 sf	N/A
150	Warehousing	1,000 sf	N/A
151	Mini-Warehouse	1,000 sf	N/A

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## FIRE RESCUE

LUC	Land Use	Impact Unit	Fire Rescue Calculated Impact Fee
<b>Residential:</b>			
210	Single Family (detached/attached):		
	- Less than 1,500 sf	du	\$424.73
	- 1,500 to 2,499 sf	du	468.56
	- 2,500 sf or more	du	519.12
220/230	Multi-Family (Apartment/Condo):		
	- Less than 1,000 sf	du	310.12
	- 1,000 sf or more	du	384.28
240	Mobile Home	du	428.10
<b>Transient, Assisted, Group:</b>			
253	Congregate Care Facility	du	289.50
254	Assisted Living Facility	bed	303.97
620	Nursing Home	1,000 sf	470.43
310	Hotel	room	329.30
<b>Recreational:</b>			
412	General Recreation	acre	72.37
443	Movie Theater	seat	36.19
491	Racquet/Tennis Club	court	1,143.51
495	Recreational Community Center	1,000 sf	1,053.04
<b>Institution:</b>			
520	Elementary School (Private)	student	21.71
522	Middle School (Private)	student	25.33
530	High School (Private)	student	28.95
540	University (7,500 or fewer students) (Private)	student	36.19
550	University (more than 7,500 students) (Private)	student	25.33
560	Church/Synagogue	1,000 sf	184.55
565	Day Care Center	1,000 sf	322.06
566	Cemetery	acre	43.42

610	Hospital	1,000 sf	495.76
640	Animal Hospital/Veterinary Clinic	1,000 sf	839.54
n/a	Funeral Home	1,000 sf	199.03
<b>Office:</b>			
710	Office (50,000 sf and less)	1,000 sf	510.24
	Office (50,001—100,000 sf)	1,000 sf	430.63
	Office (100,001—200,000 sf)	1,000 sf	365.49
	Office (200,001—400,000 sf)	1,000 sf	307.59
	Office (greater than 400,000 sf)	1,000 sf	278.64
720	Medical Office (less than 10,000 sf)	1,000 sf	412.53
720	Medical Office (10,000 sf and greater)	1,000 sf	600.70
<b>Retail:</b>			
820	Retail 50,000 sf and less	1,000 sf	886.58
	Retail 50,001—200,000 sf	1,000 sf	832.30
	Retail 200,001—400,000 sf	1,000 sf	846.78
	Retail 400,001—600,000 sf	1,000 sf	882.96
	Retail 600,001—800,000 sf	1,000 sf	922.77
	Retail greater than 800,000 sf	1,000 sf	875.73
841	New/Used Car Sales	1,000 sf	531.95
853	Convenience Store w/Gas Pumps	1,000 sf	2,109.70
880	Pharmacy/Drugstore without Drive-Thru	1,000 sf	687.55
881	Pharmacy/Drugstore with Drive-Thru	1,000 sf	720.12
890	Furniture Store	1,000 sf	83.23
911	Bank/Savings Walk-In	1,000 sf	806.97
912	Bank/Savings Drive-In	1,000 sf	825.06
931	Quality Restaurant	1,000 sf	2,467.95
932	High-Turnover Restaurant	1,000 sf	2,453.48
934	Fast-Food Rest. Restaurant w/Drive-Thru	1,000 sf	3,220.64
941	Quick Lube	bay	419.77
942	Automobile Care Center	1,000 sf	542.81
944	Gas/Service Station	fuel pos.	716.50
945	Gas/Service Station with Convenience Market	fuel pos.	705.65

947	Car Wash	bay	314.83
<b>Industrial:</b>			
110	General Industrial	1,000 sf	249.69
150	Warehousing	1,000 sf	101.32
151	Mini-Warehouse	1,000 sf	21.71

### POLICE

LUC	Land Use	Impact Unit	Police Protection Calculated Impact Fee
<b>Residential:</b>			
210	Single Family (detached/attached):		
	- Less than 1,500 sf	du	\$278.60
	- 1,500 to 2,499 sf	du	307.34
	- 2,500 sf or more	du	340.51
220/230	Multi-Family (Apartment/Condo):		
	- Less than 1,000 sf	du	203.42
	- 1,000 sf or more	du	252.07
240	Mobile Home	du	280.81
<b>Transient, Assisted, Group:</b>			
253	Congregate Care Facility	du	207.34
254	Assisted Living Facility	bed	217.70
620	Nursing Home	1,000 sf	336.92
310	Hotel	room	235.84
<b>Recreational:</b>			
412	General Recreation	acre	51.83
443	Movie Theater	seat	25.92
491	Racquet/Tennis Club	court	818.98
495	Recreational Community Center	1,000 sf	754.18
<b>Institution:</b>			
520	Elementary School (Private)	student	15.55

522	Middle School (Private)	student	18.14
530	High School (Private)	student	20.73
540	University (7,500 or fewer students) (Private)	student	25.92
550	University (more than 7,500 students) (Private)	student	18.14
560	Church/Synagogue	1,000 sf	132.18
565	Day Care Center	1,000 sf	230.66
566	Cemetery	acre	31.10
610	Hospital	1,000 sf	355.06
640	Animal Hospital/Veterinary Clinic	1,000 sf	601.27
n/a	Funeral Home	1,000 sf	142.54
<b>Office:</b>			
710	Office (50,000 sf and less)	1,000 sf	365.43
	Office (50,001—100,000 sf)	1,000 sf	308.41
	Office (100,001—200,000 sf)	1,000 sf	261.76
	Office (200,001—400,000 sf)	1,000 sf	220.29
	Office (greater than 400,000 sf)	1,000 sf	199.56
720	Medical Office (less than 10,000 sf)	1,000 sf	295.45
720	Medical Office (10,000 sf and greater)	1,000 sf	430.22
<b>Retail:</b>			
820	Retail 50,000 sf and less	1,000 sf	634.97
	Retail 50,001—200,000 sf	1,000 sf	596.09
	Retail 200,001—400,000 sf	1,000 sf	606.46
	Retail 400,001—600,000 sf	1,000 sf	632.37
	Retail 600,001—800,000 sf	1,000 sf	660.88
	Retail greater than 800,000 sf	1,000 sf	627.19
841	New/Used Car Sales	1,000 sf	380.98
853	Convenience Store w/Gas Pumps	1,000 sf	1,510.96
880	Pharmacy/Drugstore without Drive-Thru	1,000 sf	492.42
881	Pharmacy/Drugstore with Drive-Thru	1,000 sf	515.75
890	Furniture Store	1,000 sf	59.61
911	Bank/Savings Walk-In	1,000 sf	577.95
912	Bank/Savings Drive-In	1,000 sf	590.91

931	Quality Restaurant	1,000 sf	1,767.54
932	High-Turnover Restaurant	1,000 sf	1,757.17
934	Fast-Food Rest. <u>Restaurant</u> w/Drive-Thru	1,000 sf	2,306.61
941	Quick Lube	bay	300.64
942	Automobile Care Center	1,000 sf	388.76
944	Gas/Service Station	fuel pos.	513.16
945	Gas/Service Station with Convenience Market	fuel pos.	505.38
947	Car Wash	bay	225.48
<b><i>Industrial:</i></b>			
110	General Industrial	1,000 sf	178.83
150	Warehousing	1,000 sf	72.57
151	Mini-Warehouse	1,000 sf	15.55

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### TRANSPORTATION (ROADS)

LUC	Land Use	Impact Unit	Transportation Calculated Impact Fee
<b>Residential:</b>			
210	Single Family (detached/attached):		
	- Less than 1,500 sf	du	\$1,493.00
	- 1,500 to 2,499 sf	du	1,779.00
	- 2,500 sf or more	du	2,097.00
220/230	Multi-Family (Apartment/Condo):		
	- Less than 1,000 sf	du	1,107.00
	- 1,000 sf or more	du	1,107.00
240	Mobile Home	du	662.00
<b>Transient, Assisted, Group:</b>			
253	Congregate Care Facility	du	176.00
254	Assisted Living Facility	bed	209.00
620	Nursing Home	1,000 sf	602.00
310	Hotel	room	896.00
<b>Recreational:</b>			
412	General Recreation	acre	372.00
443	Movie Theater	seat	122.00
491	Racquet/Tennis Club	court	6,442.00
495	Recreational Community Center	1,000 sf	5,368.00
<b>Institution:</b>			
520	Elementary School (Private)	student	158.00
522	Middle School (Private)	student	222.00
530	High School (Private)	student	217.00
540	University (7,500 or fewer students) (Private)	student	404.00
550	University (more than 7,500 students) (Private)	student	299.00
560	Church/Synagogue Place of Assembly / Worship	1,000 sf	1,097.00
565	Day Care Center	1,000 sf	3,640.00

566	Cemetery	acre	1,019.00
610	Hospital	1,000 sf	2,334.00
640	Animal Hospital/Veterinary Clinic	1,000 sf	1,487.00
n/a	Funeral Home	1,000 sf	428.00
<b>Office:</b>			
710	Office (50,000 sf and less)	1,000 sf	2,531.00
	Office (50,001—100,000 sf)	1,000 sf	2,132.00
	Office (100,001—200,000 sf)	1,000 sf	1,814.00
	Office (200,001—400,000 sf)	1,000 sf	1,544.00
	Office (greater than 400,000 sf)	1,000 sf	1,397.00
720	Medical Office (less than 10,000 sf)	1,000 sf	4,047.00
720	Medical Office (10,000 sf and greater)	1,000 sf	5,899.00
<b>Retail:</b>			
820	Retail 50,000 sf and less	1,000 sf	3,095.00
	Retail 50,001—200,000 sf	1,000 sf	2,941.00
	Retail 200,001—400,000 sf	1,000 sf	2,777.00
	Retail 400,001—600,000 sf	1,000 sf	2,710.00
	Retail 600,001—800,000 sf	1,000 sf	2,771.00
	Retail greater than 800,000 sf	1,000 sf	2,816.00
841	New/Used Car Sales	1,000 sf	3,530.00
853	Convenience Store w/Gas Pumps	1,000 sf	11,172.00
880	Pharmacy/Drugstore without Drive-Thru	1,000 sf	2,047.00
881	Pharmacy/Drugstore with Drive-Thru	1,000 sf	2,388.00
890	Furniture Store	1,000 sf	572.00
911	Bank/Savings Walk-In	1,000 sf	4,711.00
912	Bank/Savings Drive-In	1,000 sf	6,180.00
931	Quality Restaurant	1,000 sf	7,581.00
932	High-Turnover Restaurant	1,000 sf	9,021.00
934	Fast-Food Rest. <u>Restaurant</u> w/Drive-Thru	1,000 sf	20,811.00
941	Quick Lube	bay	3,585.00
942	Automobile Care Center	1,000 sf	2,828.00
944	Gas/Service Station	fuel pos.	2,513.00

945	Gas/Service Station with Convenience Market	fuel pos.	2,442.00
947	Car Wash	bay	2,231.00
<b>Industrial:</b>			
110	General Industrial	1,000 sf	1,135.00
150	Warehousing	1,000 sf	580.00
151	Mini-Warehouse	1,000 sf	217.00

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**MOBILITY**

<u>LUC</u>	<u>Land Use</u>	<u>Impact Unit</u>	<u>Mobility Calculated Impact Fee</u>
<b><u>Residential:</u></b>			
<u>210</u>	<u>Single Family (detached/attached):</u>		
	<u>- Less than 1,500 sf</u>	<u>du</u>	<u>\$4,991.00</u>
	<u>- 1,500 to 2,499 sf</u>	<u>du</u>	<u>5,823.00</u>
	<u>- 2,500 sf or more</u>	<u>du</u>	<u>6,655.00</u>
<u>220/230</u>	<u>Multi-Family (Apartment/Condo):</u>		
	<u>- Less than 1,000 sf</u>	<u>du</u>	<u>3,137.00</u>
	<u>- 1,000 sf or more</u>	<u>du</u>	<u>3,835.00</u>
<u>240</u>	<u>Mobile Home</u>	<u>du</u>	<u>3,525.00</u>
<b><u>Transient, Assisted, Group:</u></b>			
<u>253</u>	<u>Congregate Care Facility</u>	<u>du</u>	<u>573.00</u>
<u>254</u>	<u>Assisted Living Facility</u>	<u>bed</u>	<u>720.00</u>
<u>620</u>	<u>Nursing Home</u>	<u>1,000 sf</u>	<u>1,882.00</u>
<u>310</u>	<u>Hotel</u>	<u>room</u>	<u>3,164.00</u>
<b><u>Recreational:</u></b>			
<u>412</u>	<u>General Recreation</u>	<u>acre</u>	<u>285.00</u>
<u>443</u>	<u>Movie Theater</u>	<u>seat</u>	<u>643.00</u>
<u>491</u>	<u>Racquet/Tennis Club</u>	<u>court</u>	<u>10,124.00</u>
<u>495</u>	<u>Recreational Community Center</u>	<u>1,000 sf</u>	<u>6,536.00</u>
<b><u>Institution:</u></b>			
<u>520</u>	<u>Elementary School (Private)</u>	<u>student</u>	<u>1,161.00</u>
<u>522</u>	<u>Middle School (Private)</u>	<u>student</u>	<u>1,161.00</u>
<u>530</u>	<u>High School (Private)</u>	<u>student</u>	<u>1,161.00</u>
<u>540</u>	<u>University (7,500 or fewer students) (Private)</u>	<u>student</u>	<u>478.00</u>
<u>550</u>	<u>University (more than 7,500 students) (Private)</u>	<u>student</u>	<u>478.00</u>
<u>560</u>	<u>Place of Assembly / Worship</u>	<u>1,000 sf</u>	<u>2,832.00</u>
<u>565</u>	<u>Day Care Center</u>	<u>1,000 sf</u>	<u>6,105.00</u>
<u>566</u>	<u>Cemetery</u>	<u>acre</u>	<u>2,334.00</u>
<u>610</u>	<u>Hospital</u>	<u>1,000 sf</u>	<u>4,136.00</u>

<u>640</u>	<u>Animal Hospital/Veterinary Clinic</u>	<u>1,000 sf</u>	<u>8,295.00</u>
<u>n/a</u>	<u>Funeral Home</u>	<u>1,000 sf</u>	<u>2,334.00</u>
<b><u>Office:</u></b>			
<u>710</u>	<u>Office</u>	<u>1,000 sf</u>	<u>3,978.00</u>
<u>720</u>	<u>Medical Office</u>	<u>1,000 sf</u>	<u>9,250.00</u>
<b><u>Retail:</u></b>			
<u>820</u>	<u>Retail</u>	<u>1,000 sf</u>	<u>8,931.00</u>
<u>841</u>	<u>New/Used Car Sales</u>	<u>1,000 sf</u>	<u>9,741.00</u>
<u>853</u>	<u>Convenience Store w/Gas Pumps</u>	<u>1,000 sf</u>	<u>59,651.00</u>
<u>880</u>	<u>Pharmacy/Drugstore without Drive-Thru</u>	<u>1,000 sf</u>	<u>9,520.00</u>
<u>881</u>	<u>Pharmacy/Drugstore with Drive-Thru</u>	<u>1,000 sf</u>	<u>9,520.00</u>
<u>890</u>	<u>Furniture Store</u>	<u>1,000 sf</u>	<u>2,981.00</u>
<u>911</u>	<u>Bank/Savings Walk-In</u>	<u>1,000 sf</u>	<u>19,119.00</u>
<u>912</u>	<u>Bank/Savings Drive-In</u>	<u>1,000 sf</u>	<u>19,119.00</u>
<u>931</u>	<u>Quality Restaurant</u>	<u>1,000 sf</u>	<u>19,521.00</u>
<u>932</u>	<u>High-Turnover Restaurant</u>	<u>1,000 sf</u>	<u>26,119.00</u>
<u>934</u>	<u>Fast-Food Restaurant w/Drive-Thru</u>	<u>1,000 sf</u>	<u>58,589.00</u>
<u>941</u>	<u>Quick Lube</u>	<u>bay</u>	<u>3,823.00</u>
<u>942</u>	<u>Automobile Care Center</u>	<u>1,000 sf</u>	<u>5,255.00</u>
<u>944</u>	<u>Gas/Service Station</u>	<u>fuel pos.</u>	<u>18,032.00</u>
<u>945</u>	<u>Gas/Service Station with Convenience Market</u>	<u>fuel pos.</u>	<u>18,032.00</u>
<u>947</u>	<u>Car Wash</u>	<u>bay</u>	<u>10,321.00</u>
<b><u>Industrial:</u></b>			
<u>110</u>	<u>General Industrial</u>	<u>1,000 sf</u>	<u>3,213.00</u>
<u>150</u>	<u>Warehousing</u>	<u>1,000 sf</u>	<u>1,199.00</u>
<u>151</u>	<u>Mini-Warehouse</u>	<u>1,000 sf</u>	<u>649.00</u>

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## PUBLIC FACILITIES

LUC	Land Use	Impact Unit	Public Facilities Calculated Impact Fee
<b>Residential:</b>			
210	Single Family (detached/attached):		
	- Less than 1,500 sf	du	\$188.90
	- 1,500 to 2,499 sf	du	208.39
	- 2,500 sf or more	du	230.88
220/230	Multi-Family (Apartment/Condo):		
	- Less than 1,000 sf	du	137.93
	- 1,000 sf or more	du	170.91
240	Mobile Home	du	190.40
<b>Transient, Assisted, Group:</b>			
253	Congregate Care Facility	du	128.24
254	Assisted Living Facility	bed	134.65
620	Nursing Home	1,000 sf	208.39
310	Hotel	room	145.87
<b>Recreational:</b>			
412	General Recreation	acre	32.06
443	Movie Theater	seat	16.03
491	Racquet/Tennis Club	court	506.55
495	Recreational Community Center	1,000 sf	466.47
<b>Institution:</b>			
520	Elementary School (Private)	student	9.62
522	Middle School (Private)	student	11.22
530	High School (Private)	student	12.82
540	University (7,500 or fewer students) (Private)	student	16.03
550	University (more than 7,500 students) (Private)	student	11.22
560	Church/Synagogue	1,000 sf	81.75
565	Day Care Center	1,000 sf	142.67
566	Cemetery	acre	19.24
610	Hospital	1,000 sf	219.61

640	Animal Hospital/Veterinary Clinic	1,000 sf	371.90
n/a	Funeral Home	1,000 sf	88.17
<b>Office:</b>			
710	Office (50,000 sf and less)	1,000 sf	226.02
	Office (50,001—100,000 sf)	1,000 sf	190.76
	Office (100,001—200,000 sf)	1,000 sf	161.90
	Office (200,001—400,000 sf)	1,000 sf	136.26
	Office (greater than 400,000 sf)	1,000 sf	123.43
720	Medical Office (less than 10,000 sf)	1,000 sf	182.74
720	Medical Office (10,000 sf and greater)	1,000 sf	266.10
<b>Retail:</b>			
820	Retail 50,000 sf and less	1,000 sf	392.74
	Retail 50,001—200,000 sf	1,000 sf	368.69
	Retail 200,001—400,000 sf	1,000 sf	375.10
	Retail 400,001—600,000 sf	1,000 sf	391.13
	Retail 600,001—800,000 sf	1,000 sf	408.77
	Retail greater than 800,000 sf	1,000 sf	387.93
841	New/Used Car Sales	1,000 sf	235.64
853	Convenience Store w/Gas Pumps	1,000 sf	934.55
880	Pharmacy/Drugstore without Drive-Thru	1,000 sf	304.57
881	Pharmacy/Drugstore with Drive-Thru	1,000 sf	319.00
890	Furniture Store	1,000 sf	36.87
911	Bank/Savings Walk-In	1,000 sf	357.47
912	Bank/Savings Drive-In	1,000 sf	365.48
931	Quality Restaurant	1,000 sf	1,093.25
932	High-Turnover Restaurant	1,000 sf	1,086.83
934	Fast-Food Rest. <u>Restaurant w/Drive-Thru</u>	1,000 sf	1,426.67
941	Quick Lube	bay	185.95
942	Automobile Care Center	1,000 sf	240.45
944	Gas/Service Station	fuel pos.	317.39
945	Gas/Service Station with Convenience Market	fuel pos.	312.59
947	Car Wash	bay	139.46

<b>Industrial:</b>			
110	General Industrial	1,000 sf	110.61
150	Warehousing	1,000 sf	44.88
151	Mini-Warehouse	1,000 sf	9.62

**Secs. 78-93,78-94. Reserved.**

**Sec. 78-95. Review.**

(a) Under this article, the schedule of each impact and/or mobility fee shall be reviewed from time to time to update costs, credits, and generation rates. Additionally, during this review period, an analysis of the level of service for each impact fee shall be included and based on the most recent and localized data. When any such review warrants a revision to the schedule of impact and/or mobility fees, this chapter shall be amended.

**Sec. 78-96. Trust funds.**

(a) *Trust funds established.* There are established ~~five~~ six (56) impact fee trust funds: one (1) for roads, one (1) for mobility, one (1) for police protection, one (1) for fire protection and EMS, one (1) for parks and recreation, and one (1) for public facilities.

- (1) *Police protection trust fund.* The police protection impact fees shall be deposited in the police protection impact fee trust fund.
- (2) *Fire and EMS trust fund.* The fire protection and EMS impact fees shall be deposited in the fire protection impact fee trust fund.
- (3) *Parks and recreation trust fund.* The parks and recreation impact fees shall be deposited in the parks and recreation impact fee trust fund.
- (4) *Road trust fund.* The road impact fees shall be deposited in the road impact fee trust fund.
- (5) *Public facilities trust fund.* The public facilities fees shall be deposited in the public facilities impact fee trust fund.
- (6) *Mobility trust fund.* The mobility fees shall be deposited in the mobility fee trust fund.

(b) *Investment, use, and budgeting.*

- (1) *Investment.* The trust funds shall be invested by the city in interest-bearing sources, and all income derived shall accrue to the applicable trust fund.
- (2) *Use.* The funds shall be used only for capital improvement or multimodal project costs for which the impact fee or mobility fee was levied and which would add capacity needed to serve new development.

- (3) *Budgeting.* The city manager shall identify in the city's annual budget those new capital improvements for which the road, police protection, fire protection, parks and recreation, ~~and public facilities impact fees,~~ and mobility fees will be spent. The funds shall remain restricted to their respective trust funds and the requirements of this division, and the city manager shall ensure that the funds are expended and accounted for in accordance with this division.
- (4) *Audit.* The city manager shall maintain such records and documentation necessary to allow the effective audit of the use of the road, police protection, fire protection/EMS, parks and recreation, and public facilities impact fees, and mobility fees.

**Sec. 78-97. Collection and administrative fees.**

(a) *Time of payment.* The fee payer shall pay the road, police protection, fire protection/EMS, parks and recreation, and public facilities impact fees, and/or mobility fees to the city prior to the issuance of a building permit that may be required for development listed in the schedules in section 78-92. A building permit shall not be issued for any development, unless exempt from such fees as provided herein, until such fees have been paid or until the city has accepted alternative payment as set out in this section; provided, however, that alternative payments for road impact fees and/or mobility fees shall be governed exclusively by section 78-97(d) below. For land uses not requiring a building permit, the authorization to proceed shall not be granted until the impact fees have been paid.

(b) *Alternative payment.* In lieu of all or part of the impact fees, the city council may accept an offer by a fee payer to dedicate land and/or construct all or part of a police protection, fire protection/EMS, parks and recreation, or public facilities project. Such construction must be in accordance with state, county, or city design standards, whichever is applicable.

- (1) *Project construction.* The fee payer shall submit a project description in sufficient detail to allow the city to prepare an engineering and construction cost estimate.
- (2) *Land value.* The manner of establishing fair market value of land to be dedicated shall be determined by the city council. Costs to determine the land value, such as an appraisal, shall be paid by the fee payer.

(c) *Acceptance.* If the city council accepts alternative payment, the city manager shall credit the cost of this construction against the police protection, fire protection/EMS, parks and recreation, or public facilities impact fees otherwise due. The portion of the fee represented by facilities construction shall be deemed paid as follows:

- (1) When the construction is completed and accepted by the city;
- (2) When the fee payer posts security, as provided herein, for the costs of such construction; or
- (3) When the city has accepted title to land dedicated by the fee payer as full or partial credit for a required impact fee payment.

All land dedicated to the city shall be conveyed free of any liens via warranty deed and the costs of conveyance shall be paid by the fee payer. Title insurance in favor of the city or an attorney's opinion of title shall be provided in a manner acceptable to the city attorney.

(d) *Surety or security.* Security shall be posted with the city council, made payable to the city in an amount approved by the city manager equal to one hundred ten (110) percent of the full cost of such construction. If the construction project will not be constructed within one (1) year of the acceptance of the offer by the city council, the amount of the security shall be increased by ten (10) percent compounded for each year of the life of the security. The type and form of the security shall be reviewed and approved by the city manager's office prior to acceptance of the security by city council.

(e) *Deposit of funds.* All funds collected pursuant to this division shall be promptly transferred for deposit into the appropriate trust fund to be held in separate accounts as determined in section 78-96. Impact and/or mobility fee collections shall be used exclusively for land acquisition, capital improvements, or expansion related to the public purpose for which such fees were collected, with the exception of impact and/or mobility fee administrative costs pursuant to paragraph (f) below. Funds shall be expended in the order in which they are collected.

(f) *Administrative fee.* The city shall be entitled to retain a portion of the impact and/or mobility fees it collects in order to offset the actual costs incurred administering this article. If impact and/or mobility fee funds which were paid by check, draft, or other negotiable instrument do not clear, the building permit or development order authorizing the development for which the impact and/or mobility fees were paid shall be suspended. The city shall send to the fee payer by certified mail notice of the suspension of a development order. If the impact and/or mobility fees, together with any charges for the funds not clearing, are not paid within ten (10) business days following mailing of the notice, the building permit or development order shall be of no further force and effect for purposes of this article and a stop-work order shall be issued. The stop-work order shall not be lifted until such time as the impact and/or mobility fees are paid.

#### **Sec. 78-98. Refund.**

(a) *Expiration of building permit.* If a building permit expires and no construction has been commenced, the fee payer shall be entitled to a refund of the impact and/or mobility fees paid as a condition for its issuance, less any administrative fees incurred as a result of administering this article. No interest will be paid to the fee payer on refunds due to non-commencement. Refunds resulting from the city's miscalculation of impact and/or mobility fees shall not be charged the administrative fees on the amount refunded.

(b) *Change in status.* No refunds shall be given for a change in land use or structure after occupancy has occurred.

(c) *Return of fees.* Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the impact and/or mobility fee was paid shall, upon application of the fee payer within one hundred eighty (180) days of that date, be returned to the fee payer with interest at the rate of ~~six (6)~~ one (1) percent per annum.

## **Sec. 78-99. Exemptions and credits.**

(a) *Exemptions.* Exemptions from payment of impact and/or mobility fees are established below.

- (1) *No additional demand.* Alteration or expansion of an existing building or use of land where no additional living units are created, where the use is not changed, and where no additional demand for road or multimodal projects, police, or fire protection services will be produced over and above that produced by the existing use.
- (2) *No additional living or dwelling units.* The construction of accessory buildings or structures that will not produce additional living units over and above those located in the principal building or use of the land.
- (3) *Replacement.* The replacement of a building, mobile home, or structure that was in place on the effective date of the ordinance from which this article derives or the replacement of a building, mobile home, or structure that was constructed subsequent thereto and for which the correct impact and/or mobility fee had been paid or otherwise provided for, with a new building, mobile home, or structure of the same use, provided that no additional impact will be produced over and above that produced by the original use of the land.
- (4) *Public facilities.* The construction of publicly owned governmental buildings or facilities.
- (5) *Abandonments.* A use of a structure or land that has been abandoned for a period of more than five (5) years shall not be considered an existing or ongoing use for purposes of exemptions or credits. Any previous payment of impact and/or mobility fees under this article shall be credited against the appropriate impact and/or mobility fees owed as a result of the change. The burden of demonstrating the existence of a use or structure or previous payment of impact fees shall be upon the fee payer. When a use is existing, any additional fees shall be based upon the alteration to the existing use or structure.

(b) *Credit.*

(1) *Improvements.*

- a. All improvements to and/or land dedications for police protection, fire protection and EMS, parks and recreation, or public facilities required under city development approval shall be credited against impact fees up to the total of the impact fees due. A fee payer proposing credit for land dedication shall present property appraisals prepared by qualified professionals and a certified copy of the most recent assessment of the property for tax purposes

to be used in determining the amount of the credit. However, the city retains the right to determine the amount to be credited by preparing engineering and construction cost estimates and/or property appraisals for those improvements and/or land dedications.

- b. Fee payers claiming credits for construction and/or land dedication shall submit documentation sufficient to permit the growth management director to determine whether such credits are due and, if so, the amount of such credits.
  - c. In the event the cost of the improvements and/or land dedications exceed the total amount of impact fees due, the city council may, on a case-by-case basis and in the exercise of its discretion, allow the fee payer constructing such improvements and/or making such land dedications to pool impact fees for multiple developments or enter into funding agreements with other fee payers whose developments contribute to the need for such capital improvements.
- (2) *Alteration, expansion, or replacement.* Where alteration, expansion, or replacement of a building or unit, or a change in land use or presently existing which involves an increase in the number of units or square footage or a change in use resulting in new impacts on roads or person travel demand, police, fire and EMS, parks and recreation, or public facilities for which the impact fee is assessed, credit shall be allowed as provided herein. Credit shall be given for the number of existing units or square feet based upon the existing or previous land use, and impact fees shall only be assessed on the increased level of impact resulting from such alteration, expansion, or replacement.
- (3) *Residential buildings.* For an addition to an existing residential building in which additional living units are created, the fee payer shall provide to the city manager a certification of an architect setting forth the square footage of the existing building. For an addition to an existing residential building, the fee payer, at his or her sole option, may pay the impact fee for the addition as if it alone was a new building rather than provide the certification of an architect setting forth the square footage of the existing building.
- (c) *Failure to claim.* Exemptions or credits must be claimed by the fee payer at the time of the application for a building permit. Any exemptions or credits not so claimed shall be deemed waived by the fee payer.
- (d) *Alternative payment and credit for road impact and/or mobility fees.*
- (1) *In general.* In lieu of paying ~~or all~~ all or a portion of the road impact and/or mobility fee, the fee payer may elect to construct transportation (road) improvements, or multimodal projects identified in the city's thoroughfare plan, ~~or city center linkages plan, or mobility plan, whichever is applicable.~~ The fee payer shall submit a plan of construction, along with a certified engineer's cost estimate, to the growth management director and city engineer.
  - (2) *Construction standards.* All roads and multimodal projects constructed pursuant to this subsection shall comply with the requirements of the city's Code of Ordinances.

- (3) *Calculation of credit.* Based on the certified cost estimate submitted and any other relevant information acquired by or provided to the city, the city engineer shall determine the amount of credit to be given and the timetable for completion of the proposed construction. The city engineer shall certify the amount of the credit to the finance director.
- (4) *Costs creditable.* Credit shall be given only for the costs of plans preparation and construction.
- a. *Plan preparation.* Costs of plan preparation for city road network or multimodal project construction shall be credited if approved by the city engineer and the finance director based on reasonable costs associated with the preparation of such plans.
- b. *Construction costs.* Costs of construction for road impact fee credits shall include only roadway construction and all required sidewalks, striping, signage, and curbing. Only multimodal projects included in the capital improvements program are eligible for mobility fee credits. An applicant may request that the city council add multimodal projects to the capital improvements program. The multimodal projects requested for inclusion in the capital improvements program shall be based upon either the mobility plan, a bicycle, pedestrian or trails master plan, the long-range transportation plan, the transit development plan, or a multimodal plan or study accepted by the city council. On-site improvements for turn lanes, travel lanes, bike lanes, paths, sidewalks, trails, roundabouts, or traffic control devices at project entrances or immediately adjacent improvements deemed to be site related by the City Engineer are not eligible for any mobility fee credit
- (5) *Pooling.* In the event the cost of the improvements exceeds the total amount of road impact and/or mobility fees due, the city council may, on a case-by-case basis and in the exercise of its discretion, allow the fee payer constructing such improvements to pool impact and/or mobility fees for multiple developments or enter into funding agreements with other fee payers whose developments contribute to the need for such capital improvements.

### **Sec. 78-100. Appeals.**

Any decision made by the city manager or designee in the course of administering this article may be appealed in accordance with those procedures set forth in this chapter for appeals of administrative decisions.

**Sec. 78-101. Withholding of permits for nonpayment.**

(a) *Building permits.* If impact and/or mobility fees remain unpaid, no further building permits of any type shall be issued on the property for which the impact fees remain unpaid. Building permits, certificates of occupancy, or occupancy permits may be issued only upon full payment of any previously owed impact and/or mobility fees, together with any interest owing, and current impact and/or mobility fees, if any.

**Sec. 78-102. Violations and relief.**

It shall be unlawful to violate this article, and any violation shall be punishable according to law. However, in addition to or in lieu of any criminal prosecution, the city or any fee payer shall have the power to sue for relief in civil court to enforce the provisions of this article. Knowingly furnishing false information to the growth management director or other city official for any matter relating to the administration of this article shall constitute a violation thereof.

**Secs. 78-103—78-110. Reserved.**