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**ORDINANCE 4, 2025**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, AMENDING CHAPTER 78 - LAND DEVELOPMENT AT ARTICLE III. - DEVELOPMENT REVIEW PROCEDURES BY REPEALING DIVISION 4. - CITYWIDE IMPACT FEES AND MOBILITY FEES AND READOPTING SAME, AS REVISED, IN ORDER TO REVISE THE CITY'S IMPACT FEE AND MOBILITY FEE SCHEDULE IN ACCORDANCE WITH THE MOST RECENT LOCALIZED DATA FOR MOBILITY; PROVIDING FOR AND DECLARING THE FINDING OF EXTRAORDINARY CIRCUMSTANCES THAT NECESSITATE THE ADOPTION OF THE UPDATED MOBILITY FEES AT THE FULLY CALCULATED RATE AS OF THE EFFECTIVE DATE OF THIS ORDINANCE; 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, which 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 are 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 establishment of multimodal service standards that rely primarily on non-vehicular modes of transportation where existing or planned community design will provide an adequate level of personal mobility; and

**WHEREAS**, Section 163.3180, *Florida Statutes*, allows for local governments to repeal transportation concurrency and encourages the adoption of alternative transportation systems; and

1           **WHEREAS**, the City's current mobility fees were adopted and imposed by  
2 Ordinance 19, 2019 on September 19, 2019; and  
3

4           **WHEREAS**, on September 10, 2020, the City Council of the City of Palm Beach  
5 Gardens adopted Ordinance 8, 2020, revising the City's Comprehensive Plan to  
6 incorporate the City's 2019 Mobility Plan and Mobility Fee and providing various policies  
7 that established the process and framework for the development of a Citywide Mobility  
8 Plan and Mobility Fee pursuant to Section 163.3180, *Florida Statutes*; and  
9

10           **WHEREAS**, on December 6, 2023, the City Council of the City of Palm Beach  
11 Gardens adopted Ordinance 5, 2023, revising the City's impact fee schedule and  
12 declaring the extraordinary circumstances that necessitated the adoption of the updated  
13 impact fees; and  
14

15           **WHEREAS**, the City has developed a Citywide Mobility Plan and Citywide Mobility  
16 Fee Technical Report pursuant to Section 163.3180, *Florida Statutes*; and  
17

18           **WHEREAS**, the City of Palm Beach Gardens intends to fully replace collection  
19 of the current Palm Beach County road impact fee within the City and the City of Palm  
20 Beach Gardens road impact fee with a mobility fee system administered and  
21 programmed by the City for new development and redevelopment in the Mobility Fee  
22 Assessment Area, comprised of all areas of the City, consistent with the  
23 requirements for alternative transportation system pursuant to Section 163.3180,  
24 *Florida Statutes*; and  
25

26           **WHEREAS**, the mobility fee system focuses on person travel demand, which  
27 includes on-street, off-street, transit, and motor vehicular trips, generated by new  
28 development and redevelopment and the resulting impact such travel demand has  
29 on multimodal capacity, and then requires the expenditure of funds generated by the  
30 mobility fee system to be used on mobility projects identified in the adopted mobility  
31 plan that increase multimodal capacity; and  
32

33           **WHEREAS**, the mobility fee system includes, but is not limited to,  
34 considerations of the impact of person travel demand generated by new development  
35 and redevelopment on multimodal capacity as well as considerations of the impact  
36 of new development on overall mobility within the community; and  
37

38           **WHEREAS**, imposition of a mobility fee requiring future growth to contribute its  
39 fair share of the cost of growth-necessitated multimodal facilities is necessary and  
40 reasonably related to the public health, safety, and welfare of the people of the City,  
41 provided that the mobility fee does not exceed the actual amount necessary to offset  
42 the demand on transportation facilities generated by new development and  
43 redevelopment; and  
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46

1       **WHEREAS**, the Citywide Mobility Plan and the Citywide Mobility Fee  
2 Schedule (included in the Citywide Mobility Fee Technical Report) adopted hereby  
3 satisfy the "dual rational nexus test" established by Florida case law, satisfy the  
4 "essential nexus" and "rough proportionality" standards established by *Nollan v.*  
5 *California Coastal Commission*, 483 U.S. 825 (1987) and *Dolan v. City of Tigard*, 512  
6 U.S. 374 (1994), are consistent with the requirements set forth at Section 163.3180,  
7 *Florida Statutes*, and are imposed in accordance with Sections 163.3180 and  
8 163.31801, *Florida Statutes*; and

9  
10       **WHEREAS**, Section 78-95 – Review. of the City's Code of Ordinances  
11 requires that the schedule of each impact fee and mobility fee be reviewed  
12 periodically to reflect current changes to the cost, credit, and demand components,  
13 and that Division 4 be amended where review warrants a change; and

14  
15       **WHEREAS**, the Citywide Mobility Plan dated March 2025 and the Citywide  
16 Mobility Fee Technical Report dated January 2025, prepared by NUE Urban  
17 Concepts, LLC, provide the technical analysis to determine the mobility fee and  
18 constitute a proper factual predicate for the imposition and expenditure of the  
19 mobility fees; and

20  
21       **WHEREAS**, mobility fees collected will be deposited in the mobility fee fund for  
22 use citywide and expended for the purposes set forth herein; and

23  
24       **WHEREAS**, the Citywide Mobility Plan and the Citywide Mobility Fee  
25 Schedule imposed thereby achieve the goals, objectives, and policies of the City's  
26 Comprehensive Plan and utilize the tools and techniques encouraged by Section  
27 163.3180, *Florida Statutes*; and

28  
29       **WHEREAS**, the City Council has determined that this Ordinance adopting a  
30 Citywide Mobility Plan and Citywide Mobility Fee Schedule will help to preserve and  
31 enhance the rational nexus between the need for person travel demand generated  
32 by new development and redevelopment in the Mobility Fee Assessment Area,  
33 comprised of all areas of the City, and the mobility fees imposed on that  
34 development; and

35  
36       **WHEREAS**, the proposed Citywide Mobility Plan and Citywide Mobility Fee  
37 Schedule are consistent with the Goals, Objectives, and Policies of the City's  
38 Comprehensive Plan; and

39  
40       **WHEREAS**, Section 163.31801, *Florida Statutes*, permits the City Council to make  
41 a finding that extraordinary circumstances exist, and upon making such a finding and after  
42 holding two (2) publicly noticed workshops, the City is further permitted to immediately  
43 implement the revised impact fees at the fully calculated rate based on documented need  
44 in accordance with the Palm Beach Gardens Extraordinary Circumstances Study,  
45 prepared by NUE Urban Concepts, LLC and dated March 2025; and

1       **WHEREAS**, for the past thirty (30) years, the City of Palm Beach Gardens has  
2 experienced extraordinary population growth that exceeds the percentage population  
3 growth experienced statewide; and  
4

5       **WHEREAS**, the City of Palm Beach Gardens is projected to continue to experience  
6 extraordinary growth that will exceed the State of Florida's population growth projections;  
7 and  
8

9       **WHEREAS**, the extraordinary growth in population projected for the City of Palm  
10 Beach Gardens will result in an extraordinary need for capital improvements to  
11 accommodate for that growth; and  
12

13       **WHEREAS**, the City held two (2) publicly noticed public workshops on March 18,  
14 2025, at 10:00 a.m. and on March 18, 2025, at 6:00 p.m., which were dedicated to  
15 providing information to the public regarding the extraordinary circumstances  
16 necessitating the need to exceed the phase-in limitations set forth at Section 163.31801,  
17 *Florida Statutes*; and  
18

19       **WHEREAS**, in order to exceed the phase-in limitations imposed by Section  
20 163.31801, *Florida Statutes*, the City Council must approve this Ordinance by at least a  
21 two-thirds majority vote; and  
22

23       **WHEREAS**, the City Council approved Ordinance 3, 2025, adopting the Citywide  
24 Mobility Plan and Citywide Mobility Fee Technical Report at its May 1, 2025, regular  
25 meeting with a vote of 5 to 0; and  
26

27       **WHEREAS**, the Planning, Zoning, and Appeals Board, sitting as the Local  
28 Planning Agency, reviewed the subject City-initiated petition (LDRA-24-12-0006) and  
29 recommended approval of the City of Palm Beach Gardens Citywide Mobility Fee  
30 Technical Report at their March 12, 2025, meeting with a vote of 5 to 0; and  
31

32       **WHEREAS**, pursuant to Section 78-54(a) of the City's Land Development  
33 Regulations and Section 166.041(3)(a), *Florida Statutes*, notice of this Ordinance was  
34 published in the Palm Beach Post at least ten (10) days prior to adoption; and  
35

36       **WHEREAS**, the City Council, having considered the proposal and all information  
37 presented at the public hearing, and being fully advised and informed of the premise, has  
38 determined that it is in the best interests of the citizens of the City to approve this  
39 Ordinance.  
40

41  
42       **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**  
43 **OF PALM BEACH GARDENS, FLORIDA, that:**  
44

45       **SECTION 1.** The foregoing recitals are hereby affirmed and ratified.  
46

1        **SECTION 2.** Based on the evidence and testimony presented at two (2) public  
2 workshops (March 18, 2025, at both 10:00 a.m. and 6:00 p.m.) and two (2) public  
3 hearings, the City Council hereby specifically finds that extraordinary circumstances exist  
4 that satisfy the requirements of Section 163.31801, *Florida Statutes*, for the immediate  
5 implementation of the revised mobility fees at the fully calculated rate based on  
6 documented need in accordance with the Palm Beach Gardens Extraordinary  
7 Circumstances Study, prepared by NUE Urban Concepts, LLC and dated March 2025.  
8

9        **SECTION 3.** Chapter 78 – Land Development of the Code of Ordinances of the  
10 City of Palm Beach Gardens, Florida is hereby amended at Article III. – Development  
11 Review Procedures by repealing Division 4. – Citywide Impact Fees and Mobility Fees  
12 and readopting same, as revised, such that Division 4. – Citywide Impact Fees and  
13 Mobility Fees shall hereafter read as follows:  
14

15                    See Exhibit “A,” which is attached hereto and made a part hereof  
16

17        **SECTION 4.** All Ordinances or parts of Ordinances in conflict be and the same  
18 are hereby repealed.  
19

20        **SECTION 5.** Should any section or provision of this Ordinance or any portion  
21 thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction  
22 to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.  
23

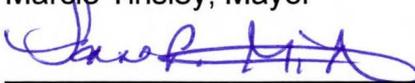
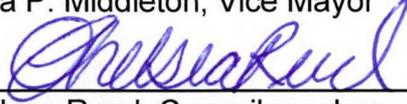
24        **SECTION 6.** Specific authority is hereby given to codify this Ordinance.  
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26        **SECTION 7.** This Ordinance shall become effective immediately upon adoption.  
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28                    (The remainder of this page intentionally left blank.)  
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PASSED this 3<sup>rd</sup> day of April, 2025, upon first reading.

PASSED AND ADOPTED this 1<sup>st</sup> day of May, 2025, upon second and final reading.

CITY OF PALM BEACH GARDENS	FOR	AGAINST	ABSENT
BY:  Mardie Tinsley, Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Dana P. Middleton, Vice Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Chelsea Reed, Councilmember	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Robert G. Premuroso, Councilmember	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 John Kemp, Councilmember	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

BY:   
Patricia Snider, CMC, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY:   
R. Max Lohman, City Attorney



# EXHIBIT "A"

Subpart B - LAND DEVELOPMENT REGULATIONS  
 Chapter 78 - LAND DEVELOPMENT  
 ARTICLE III. - DEVELOPMENT REVIEW PROCEDURES  
 DIVISION 4. CITYWIDE IMPACT FEES AND MOBILITY FEES

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*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 an attributable share of the cost of capital expenditures necessary to provide ~~road or multimodal~~ mobility 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 results in an increase in generates personal travel demand above the demand generated by the existing use of property current use of land to fund mobility projects improvements identified in a mobility plan.
- (10) The term "mobility fee expenditure" shall mean expenditures for: (a) the repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness then outstanding consistent with statutory allowances and used to advance mobility projects identified in the mobility plan; (b) reasonable administrative and overhead expenses necessary or incidental to expanding and improving mobility projects; (c) crosswalks, elevated crossings, bridges, traffic control and crossing warning devices, landscape, trees, way finding, irrigation, hardscape, streetscape, and lighting related to projects; (d) micromobility devices, microtransit vehicles, programs and services, (e) mobility hubs, rail stations with parking structures, transit circulators, facilities, programs, shuttles, services and vehicles; (f) reasonable expenses for engineering studies, stormwater reports, soil borings, tests, surveys, construction plans, and legal and other professional advice or financial analysis relating to projects; (g) the acquisition of right-of-way and easements for the improvements, including the costs incurred in connection with the exercise of eminent domain; (h) the clearance and preparation of any site, including the demolition of structures on the site and relocation of utilities; (i) floodplain compensation, wetland mitigation and stormwater management facilities; (j) all expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of bonds, bond anticipation notes, or other forms of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes, or other form of indebtedness consistent with statutory allowances and used to advance mobility projects identified in the mobility plan; (k) reasonable costs of planning, design, survey, engineering, and construction, including mobilization, maintenance of traffic during construction and CEI (construction engineering and inspection) services of mobility projects, (l) city administration, implementation updates to the mobility plan and mobility fee, including any analysis, assessments, counts, data collection, plans, programs or studies needed

- for mobility projects, (m), local match for federal, state and county funded projects.
- (11) The term "mobility plan" shall mean the Roads & Intersection Plan, Off-Street Multimodal Plan, On-Street Multimodal Plan, and Transit Plan included in the City of Palm Beach Gardens Citywide Mobility Plan dated March 2025 and prepared by NUE Urban Concepts, LLC that identifies mobility projects within and adjacent to the City to meet future person travel demand from new development and serves as the basis for the City's mobility fee. Future updates of the Mobility Plan may be referenced as a Mobility Plan or a Mobility Plan with a future year.
- (4412) The term "mobility project" shall mean improvements such as bike lanes, buffered bike lanes, protected bike lanes, cycle tracks, raised bike lanes, intersections, interchanges, roundabouts, boardwalks, pathways, shared-use paths, sidewalks, elevated walkways, overpasses or underpasses, roads, streets, and streetscape. Mobility projects also include policies, programs and services, wayfinding, micromobility devices, and transit vehicles, circulators, lanes, stops, and facilities, along with mobility hubs and corridor studies. Projects can include new or additional travel lanes and turn lanes, upgrade of roads that results in a change in functionally classification of the road, complete and low speed streets, curbsless shared streets, new or upgraded traffic signals, traffic synchronization, mobilization, maintenance of traffic, survey, geotechnical and engineering, utilities, construction, PD&E, planning, engineering and inspection, utility relocation, right-of-way, easements, land acquisition, stormwater management facilities. These projects may also be referred to as mobility plan projects or multimodal projects.  
~~"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.~~
- (13) The term "new development" shall mean new residential and non-residential construction, any new land development or site preparation activity, any new construction of buildings or structures, any modification, reconstruction, redevelopment, or upgrade of buildings or structures, any change of use of a building, land, or structure, and any special exception approval, variance, or special use permit that results in an increase in person travel demand (aka impact) above the demand generated by the existing use of property. Property includes submerged lands. New development may also be referred to as new growth or development activity. 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.
- (4314) The land use types listed in section 78-92 for parks and recreation (PARKS &

REC), fire protection and emergency medical services (FIRE & EMS), police protection (POLICE), and public facilities (PF) impact fees shall be as defined in the Impact Fee Technical Report dated September 2023 and prepared by NUE Urban Concepts. ~~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 January 2025 ~~May 2019~~ and prepared by NUE Urban Concepts.

~~(44)15)~~ A finding of extraordinary circumstances, consistent with § 163.31801, Florida Statutes has been documented in the Impact Fee Technical Report dated September 2023 and prepared by NUE Urban Concepts for police protection, fire protection/EMS, parks and recreation, and public facilities impact fees. Two publicly noticed workshops were held on October 19<sup>th</sup>, 2023, at 9:00 am and October 19<sup>th</sup>, 2023, at 6:00 pm. The City Council has approved the finding of extraordinary circumstances by a two-thirds majority of the City Council. The fully calculated impact fee rates have been adopted as of the effective date of the impact fee update.

~~(45)16)~~ A finding of extraordinary circumstances, consistent with § 163.31801, Florida Statutes has been documented in the Citywide Mobility Fee Extraordinary Circumstances Study dated March 2025 and prepared by NUE Urban Concepts for the Citywide Mobility Fee. Two publicly noticed workshops were held on March 18, 2025, at 10:00 am and March 18, 2025, at 6:00 pm. The City Council has approved the finding of extraordinary circumstances by a two-thirds majority of the City Council. The fully calculated mobility fee rates have been adopted as of the effective date of the mobility fee update. ~~The finding of extraordinary circumstances, consistent with F.S. § 163.31801 does not apply to the road impact fees and the mobility fees. Road impact fees and mobility fees are proposed to be updated under separate studies and any increase in either fee shall be subject to demonstrate a finding of extraordinary circumstances or be phased in per the requirements of F.S. § 163.31801.~~

(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~~ mobility 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.

- (4) **Thresholds.** The assessment of impact fees and mobility fees for residential land uses shall be capped at the maximum square footage threshold per residential land use specified in section 78-92.
  - (5) **Units of measure.** The most common unit of measure is per 1,000 square feet (sf) for land uses in section 78-92. While the amounts are illustrated per 1,000 square feet, the actual calculation of impact fees is done on a per square foot basis. This is achieved by dividing the square footage of a land use by 1,000. Other impact and/or mobility fees assessed on a unique unit of measure are done so per unit of measure, unless otherwise defined in a technical report.
  - (6) **Additive fees.** High impact land uses are assessed an impact fee and mobility fee for both the square footage of buildings associated with a primary use of land plus an impact ~~and/or~~ mobility fee per unit of measure for the structure or component of the land use which creates the impact. These land uses fall under the non-residential land use classifications of the land use types specified in section 78-92.
  - ~~(7) Road impact fees and mobility fees. Until such time as the road impact fees and mobility fees are updated, the fees shall be assessed per the rates and schedules in section 78-92. The residential thresholds and the additive fees will not apply to these fees until they are updated.~~
- (e) A copy of the citywide mobility plan and citywide mobility fee technical report, as adopted by Ordinance 3, 2025 Ordinance 16, 2019 on May 1, 2025 ~~September 5, 2019~~, is available for review and inspection in the city clerk's office and on the city's website: [www.pbgfl.gov](http://www.pbgfl.gov).

**Sec. 78-92. Fees.**

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

**PARKS AND RECREATION (PARKS & REC)**

Land Use Schedule (Example Representative Land Uses)	Per Unit of Measure	Parks & Rec Impact Fee
<b>Residential &amp; Lodging Uses</b>		
Single Family Detached (Single-Family Detached, Mobile Home) Maximum 9,500 sf	1,000 sf	\$1,323
Single-Family Attached (Condo, Duplex,	1,000 sf	\$2,230

Townhome, Villa) Maximum 4,500 sf		
Multi-Family Residential (Active Adult, 3 or more Units Attached) Maximum 2,500 sf	1,000 sf	\$2,556
Overnight Lodging (Hotel, Inn, Motel, Resort)	room	\$2,772
<b>Institutional Uses</b>		
Community Serving (Arts, Civic, Clubhouse, Lodge, Place of Assembly or Worship)	1,000 sf	\$60
Long Term Care (Assisted Living, Congregate Care Facility, Nursing Facility)	1,000 sf	\$2,946
Private Education (Day Care, Private Primary School, Pre-K)	1,000 sf	\$2,673
<b>Industrial Uses</b>		
Industrial (Assembly, Fabrication, Manufacturing, Processing, Production, Trades, Utilities)	1,000 sf	\$152
Commercial Storage (Distribution, Mini-Warehouse, Outdoor Storage, Warehouse)	1,000 sf	\$76
<b>Recreational Uses</b>		
Marina (any additional structures pay applicable fee per use)	berth	\$38
Outdoor Commercial Recreation (Amusement, Golf, Multi-purpose, Parks, Sports, Tennis)	acre	\$755
Indoor Commercial Recreation (Fitness, Health, Indoor Sports, Kids Activities, Movies)	1,000 sf	\$453
<b>Office Uses</b>		
Office 100,000 sq. ft. or less (General, Higher Education, Hospital, Professional, Tutoring)	1,000 sf	\$173

Office greater than 100,000 sq. ft. (General, Higher Education, Hospital, Professional)	1,000 sf	\$138
Medical Office (Clinic, Dental, Emergency Care, Medical, Veterinary)	1,000 sf	\$250
<b>Commercial &amp; Retail Uses</b>		
Retail (Discount, Entertainment, Financial, Pharmacy, Repair, Retail, Sales, Services)	1,000 sf	\$201
Grocery & Liquor Store (Grocery, Package Store, Supermarket, Wine & Spirits)	1,000 sf	\$227
Convenience Store (With or Without Motor Vehicle Fueling)	1,000 sf	\$151
Sit-Down Restaurant (Drinking Establishment, Full Service, Quality, Table Service)	1,000 sf	\$529
Quick Service Restaurant (Casual, Delivery, Drive-up, Fast Casual, Fast Food, Take Away)	1,000 sf	\$605
<b>Non-Residential Additive Uses (Fee in addition to Fee per 1,000 sf)</b>		
Financial Service Drive-Thru Lane or Free-Standing ATM	lane or ATM	\$19
Motor Vehicle & Boat Cleaning (Detailing Stations, Wash Tunnels, Wax)	bay, lane, stall	\$8
Motor Vehicle Fueling (Charging or Fueling per vehicle position)	position	\$9
Motor Vehicle Service (Maintenance, Repair, Service, Tires)	bay or stall	\$76
Quick Service Restaurant Drive-Thru	lane	\$605

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**FIRE PROTECTION/EMERGENCY MEDICAL SERVICES (FIRE & EMS)**

Land Use Schedule (Example Representative Land Uses)	Per Unit of Measure	Fire & EMS Impact Fee
<b>Residential &amp; Lodging Uses</b>		
Single Family Detached (Single-Family Detached, Mobile Home) Maximum 9,500 sf	1,000 sf	\$218
Single-Family Attached (Condo, Duplex, Townhome, Villa) Maximum 4,500 sf	1,000 sf	\$367
Multi-Family Residential (Active Adult, 3 or more Units Attached) Maximum 2,500 sf	1,000 sf	\$421
Overnight Lodging (Hotel, Inn, Motel, Resort)	room	\$567
<b>Institutional Uses</b>		
Community Serving (Arts, Civic, Clubhouse, Lodge, Place of Assembly or Worship)	1,000 sf	\$245
Long Term Care (Assisted Living, Congregate Care Facility, Nursing Facility)	1,000 sf	\$788
Private Education (Day Care, Private Primary School, Pre-K)	1,000 sf	\$723
<b>Industrial Uses</b>		
Industrial (Assembly, Fabrication, Manufacturing, Processing, Production, Trades, Utilities)	1,000 sf	\$311
Commercial Storage (Distribution, Mini- Warehouse, Outdoor Storage, Warehouse)	1,000 sf	\$173
<b>Recreational Uses</b>		
Marina (any additional structures pay applicable fee per use)	berth	\$54

Outdoor Commercial Recreation (Amusement, Golf, Multi-Purpose, Parks, Sports, Tennis)	acre	\$1,326
Indoor Commercial Recreation (Fitness, Health, Indoor Sports, Kids Activities, Movies)	1,000 sf	\$1,362
<b>Office Uses</b>		
Office 100,000 sq. ft. or less (General, Higher Education, Hospital, Professional, Tutoring)	1,000 sf	\$645
Office greater than 100,000 sq. ft. (General, Higher Education, Hospital, Professional)	1,000 sf	\$460
Medical Office (Clinic, Dental, Emergency Care, Medical, Veterinary)	1,000 sf	\$759
<b>Commercial &amp; Retail Uses</b>		
Retail (Discount, Entertainment, Financial, Pharmacy, Repair, Retail, Sales, Services)	1,000 sf	\$1,159
Grocery & Liquor Store (Grocery, Package Store, Supermarket, Wine & Spirits)	1,000 sf	\$1,171
Convenience Store (With or Without Motor Vehicle Fueling)	1,000 sf	\$2,688
Sit-Down Restaurant (Drinking Establishment, Full Service, Quality, Table Service)	1,000 sf	\$3,067
Quick Service Restaurant (Casual, Delivery, Drive-up, Fast Casual, Fast Food, Take Away)	1,000 sf	\$4,124
<b>Non-Residential Additive Uses (Fee in addition to Fee per 1,000 sf)</b>		
Financial Service Drive-Thru Lane or Free-Standing ATM	lane or ATM	\$1,180
Motor Vehicle & Boat Cleaning (Detailing Stations,	bay, lane,	\$451

Wash Tunnels, Wax)	stall	
Motor Vehicle Fueling (Charging or Fueling per vehicle position)	position	\$1,009
Motor Vehicle Service (Maintenance, Repair, Service, Tires)	bay or stall	\$1,045
Quick Service Restaurant Drive-Thru	lane	\$4,124

### POLICE PROTECTION (POLICE)

Land Use Schedule (Example Representative Land Uses)	Per Unit of Measure	Police Impact Fee
<b>Residential &amp; Lodging Uses</b>		
Single Family Detached (Single-Family Detached, Mobile Home) Maximum 9,500 sf	1,000 sf	\$161
Single-Family Attached (Condo, Duplex, Townhome, Villa) Maximum 4,500 sf	1,000 sf	\$270
Multi-Family Residential (Active Adult, 3 or more Units Attached) Maximum 2,500 sf	1,000 sf	\$310
Overnight Lodging (Hotel, Inn, Motel, Resort)	room	\$418
<b>Institutional Uses</b>		
Community Serving (Arts, Civic, Clubhouse, Lodge, Place of Assembly or Worship)	1,000 sf	\$180
Long Term Care (Assisted Living, Congregate Care Facility, Nursing Facility)	1,000 sf	\$581
Private Education (Day Care, Private Primary School, Pre-K)	1,000 sf	\$532
<b>Industrial Uses</b>		
Industrial (Assembly, Fabrication, Manufacturing,	1,000 sf	\$229

Processing, Production, Trades, Utilities)		
Commercial Storage (Distribution, Mini-Warehouse, Outdoor Storage, Warehouse)	1,000 sf	\$128
<b>Recreational Uses</b>		
Marina (any additional structures pay applicable fee per use)	berth	\$40
Outdoor Commercial Recreation (Amusement, Golf, Multi-purpose, Parks, Sports, Tennis)	acre	\$976
Indoor Commercial Recreation (Fitness, Health, Indoor Sports, Kids Activities, Movies)	1,000 sf	\$1,003
<b>Office Uses</b>		
Office 100,000 sq. ft. or less (General, Higher Education, Hospital, Professional, Tutoring)	1,000 sf	\$475
Office greater than 100,000 sq. ft. (General, Higher Education, Hospital, Professional)	1,000 sf	\$339
Medical Office (Clinic, Dental, Emergency Care, Medical, Veterinary)	1,000 sf	\$559
<b>Commercial &amp; Retail Uses</b>		
Retail (Discount, Entertainment, Financial, Pharmacy, Repair, Retail, Sales, Services)	1,000 sf	\$853
Grocery & Liquor Store (Grocery, Package Store, Supermarket, Wine & Spirits)	1,000 sf	\$862
Convenience Store (With or Without Motor Vehicle Fueling)	1,000 sf	\$1,979
Sit-Down Restaurant (Drinking Establishment, Full Service, Quality, Table	1,000 sf	\$2,258

Service)		
Quick Service Restaurant (Casual, Delivery, Drive-up, Fast Casual, Fast Food, Take Away)	1,000 sf	\$3,037
<b>Non-Residential Additive Uses (Fee in addition to Fee per 1,000 sf)</b>		
Financial Service Drive-Thru Lane or Free-Standing ATM	lane or ATM	\$869
Motor Vehicle & Boat Cleaning (Detailing Stations, Wash Tunnels, Wax)	bay or stall	\$332
Motor Vehicle Fueling (Charging or Fueling per vehicle position)	position	\$743
Motor Vehicle Service (Maintenance, Repair, Service, Tires)	bay or stall	\$770
Quick Service Restaurant Drive-Thru	lane	\$3,037

### PUBLIC FACILITIES (PF)

Land Use Schedule (Example Representative Land Uses)	Per Unit of Measure	Public Facilities Impact Fee
<b>Residential &amp; Lodging Uses</b>		
Single Family Detached (Single-Family Detached, Mobile Home) Maximum 9,500 sf	1,000 sf	\$92
Single-Family Attached (Condo, Duplex, Townhome, Villa) Maximum 4,500 sf	1,000 sf	\$154
Multi-Family Residential (Active Adult, 3 or more Units Attached) Maximum 2,500 sf	1,000 sf	\$177
Overnight Lodging (Hotel, Inn, Motel, Resort)	room	\$238
<b>Institutional Uses</b>		
Community Serving (Arts, Civic, Clubhouse, Lodge, Place of Assembly or	1,000 sf	\$103

Worship)		
Long Term Care (Assisted Living, Congregate Care Facility, Nursing Facility)	1,000 sf	\$331
Private Education (Day Care, Private Primary School, Pre-K)	1,000 sf	\$303
<b>Industrial Uses</b>		
Industrial (Assembly, Fabrication, Manufacturing, Processing, Production, Trades, Utilities)	1,000 sf	\$130
Commercial Storage (Distribution, Mini-Warehouse, Outdoor Storage, Warehouse)	1,000 sf	\$73
<b>Recreational Uses</b>		
Marina (any additional structures pay applicable fee per use)	berth	\$23
Outdoor Commercial Recreation (Amusement, Golf, Multi-purpose, Parks, Sports, Tennis)	acre	\$557
Indoor Commercial Recreation (Fitness, Health, Indoor Sports, Kids Activities, Movies)	1,000 sf	\$572
<b>Office Uses</b>		
Office 100,000 sq. ft. or less (General, Higher Education, Hospital, Professional, Tutoring)	1,000 sf	\$271
Office greater than 100,000 sq. ft. (General, Higher Education, Hospital, Professional)	1,000 sf	\$193
Medical Office (Clinic, Dental, Emergency Care, Medical, Veterinary)	1,000 sf	\$318
<b>Commercial &amp; Retail Uses</b>		
Retail (Discount, Entertainment, Financial, Pharmacy, Repair, Retail, Sales, Services)	1,000 sf	\$486

Grocery & Liquor Store (Grocery, Package Store, Supermarket, Wine & Spirits)	1,000 sf	\$491
Convenience Store (With or Without Motor Vehicle Fueling)	1,000 sf	\$1,128
Sit-Down Restaurant (Drinking Establishment, Full Service, Quality, Table Service)	1,000 sf	\$1,287
Quick Service Restaurant (Casual, Delivery, Drive-up, Fast Casual, Fast Food, Take Away)	1,000 sf	\$1,731
<b>Non-Residential Additive Uses (Fee in addition to Fee per 1,000 sf)</b>		
Financial Service Drive-Thru Lane or Free-Standing ATM	lane or ATM	\$495
Motor Vehicle & Boat Cleaning (Detailing Stations, Wash Tunnels, Wax)	bay or stall	\$189
Motor Vehicle Fueling (Charging or Fueling per vehicle position)	position	\$424
Motor Vehicle Service (Maintenance, Repair, Service, Tires)	bay or stall	\$439
Quick Service Restaurant Drive-Thru	lane	\$1,731

### MOBILITY

<u>Land Use Schedule (Example Representative Land Uses)</u>	<u>Per Unit of Measure</u>	<u>Mobility Fee</u>
<b><u>Residential &amp; Lodging Uses</u></b>		
<u>Single Family Detached (Single-Family Detached, Mobile Home) Maximum 9,500 sf</u>	<u>1,000 sf</u>	<u>\$2,862</u>
<u>Single-Family Attached (Condo, Duplex, Townhome, Villa) Maximum 4,500 sf</u>	<u>1,000 sf</u>	<u>\$3,129</u>
<u>Multi-Family Residential (Active Adult, 3 or more Units Attached) Maximum 2,500 sf</u>	<u>1,000 sf</u>	<u>\$5,105</u>
<u>Overnight Lodging (Hotel, Inn, Motel, Resort)</u>	<u>room</u>	<u>\$6,143</u>
<b><u>Institutional Uses</u></b>		
<u>Community Serving (Arts, Civic, Clubhouse, Lodge,</u>	<u>1,000 sf</u>	<u>\$4,721</u>

<u>Place of Assembly or Worship)</u>		
<u>Long Term Care (Assisted Living, Congregate Care Facility, Nursing Facility)</u>	<u>1,000 sf</u>	<u>\$4,335</u>
<u>Private Education (Day Care, Private Primary School, Pre-K)</u>	<u>1,000 sf</u>	<u>\$5,533</u>
<b><u>Industrial Uses</u></b>		
<u>Industrial (Assembly, Fabrication, Manufacturing, Processing, Production, Trades, Utilities)</u>	<u>1,000 sf</u>	<u>\$4,434</u>
<u>Commercial Storage (Distribution, Mini-Warehouse, Outdoor Storage, Warehouse)</u>	<u>1,000 sf</u>	<u>\$1,973</u>
<b><u>Recreational Uses</u></b>		
<u>Marina (any additional structures pay applicable fee per use)</u>	<u>berth</u>	<u>\$2,018</u>
<u>Outdoor Commercial Recreation (Amusement, Golf, Multi-purpose, Parks, Sports, Tennis)</u>	<u>acre</u>	<u>\$24,290</u>
<u>Indoor Commercial Recreation (Fitness, Health, Indoor Sports, Kids Activities, Movies)</u>	<u>1,000 sf</u>	<u>\$11,007</u>
<b><u>Office Uses</u></b>		
<u>Office 100,000 sq. ft. or less (General, Higher Education, Hospital, Professional, Tutoring)</u>	<u>1,000 sf</u>	<u>\$7,187</u>
<u>Office greater than 100,000 sq. ft. (General, Higher Education, Hospital, Professional)</u>	<u>1,000 sf</u>	<u>\$6,440</u>
<u>Medical Office (Clinic, Dental, Emergency Care, Medical, Veterinary)</u>	<u>1,000 sf</u>	<u>\$14,794</u>
<b><u>Commercial &amp; Retail Uses</u></b>		
<u>Retail (Discount, Entertainment, Financial, Pharmacy, Repair, Retail, Sales, Services)</u>	<u>1,000 sf</u>	<u>\$11,662</u>
<u>Grocery &amp; Liquor Store (Grocery, Package Store, Supermarket, Wine &amp; Spirits)</u>	<u>1,000 sf</u>	<u>\$17,811</u>
<u>Convenience Store (With or Without Motor Vehicle Fueling)</u>	<u>1,000 sf</u>	<u>\$67,446</u>
<u>Sit-Down Restaurant (Drinking Establishment, Full Service, Quality, Table Service)</u>	<u>1,000 sf</u>	<u>\$29,091</u>
<u>Quick Service Restaurant (Casual, Delivery, Drive-up, Fast Casual, Fast Food, Take Away)</u>	<u>1,000 sf</u>	<u>\$65,950</u>
<b><u>Non-Residential Additive Uses (Fee in addition to Fee per 1,000 sf)</u></b>		
<u>Financial Service Drive-Thru Lane or Free-Standing ATM</u>	<u>lane or ATM</u>	<u>\$48,525</u>
<u>Motor Vehicle &amp; Boat Cleaning (Detailing Stations, Wash Tunnels, Wax)</u>	<u>lane or stall, plus per five (5) stations</u>	<u>\$24,431</u>
<u>Motor Vehicle Fueling (Charging or Fueling per vehicle position)</u>	<u>position</u>	<u>\$21,258</u>

Motor Vehicle Service (Maintenance, Repair, Service, Tires)	bay or stall	\$13,642
Quick Service Restaurant Drive-Thru	lane	\$94,407
Retail Drive-Thru	lane	\$30,975

### ROADS

LUC	Land-Use	Impact Unit	Roads 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	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 stand 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 Restaurant 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

LUC	Land Use	Impact Unit	Mobility Fees
<b>Residential:</b>			
210	Single Family (detached/attached):		
	- Less than 1,500 sf	du	\$4,991.00
	- 1,500 to 2,499 sf	du	5,823.00
	- 2,500 sf or more	du	6,655.00
220/230	Multi-Family (Apartment/Condo):		
	- Less than 1,000 sf	du	3,137.00
	- 1,000 sf or more	du	3,835.00
240	Mobile Home	du	3,525.00
<b>Transient, Assisted, Group:</b>			
253	Congregate Care Facility	du	573.00
254	Assisted Living Facility	bed	720.00
620	Nursing Home	1,000 sf	1,882.00
310	Hotel	room	3,164.00
<b>Recreational:</b>			
412	General Recreation	acre	285.00
443	Movie Theater	seat	643.00
491	Racquet/Tennis Club	court	10,124.00
495	Recreational Community Center	1,000 sf	6,536.00
<b>Institution:</b>			
520	Elementary School (Private)	student	1,161.00
522	Middle School (Private)	student	1,161.00
530	High School (Private)	student	1,161.00
540	University (7,500 or fewer students) (Private)	student	478.00
550	University (more than 7,500 students) (Private)	student	478.00
560	Place of Assembly/Worship	1,000 sf	2,832.00
565	Day Care Center	1,000 sf	6,105.00
566	Cemetery	acre	2,334.00
610	Hospital	1,000 sf	4,136.00
640	Animal Hospital/Veterinary Clinic	1,000 sf	8,295.00
n/a	Funeral Home	1,000 sf	2,334.00
<b>Office:</b>			
710	Office	1,000 sf	3,978.00
720	Medical Office	1,000 sf	9,250.00
<b>Retail:</b>			

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

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

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

- (a) *Annual report.* The city shall prepare an annual report of impact and mobility fees collected and expended for each trust fund. The annual report should include the use of credits by building permit applicants. The annual report should identify any changes in the underlying data, funding, methodology, plans, studies cost or capacity that would warrant an update of impact or mobility fees. When any such review warrants a revision of the schedule of impact and/or mobility fees, this chapter shall be amended, to ensure the fees satisfy the requirements set forth in state law.
- (b) *Update.* Pursuant to F.S. § 163.31801, impact fees and/or mobility fees may not be increased more than once every four years, unless there is a finding of extraordinary circumstances. Future updates shall be based on the most recent and localized data. Updates of the fees should commence at least a year before the four-year statutory update period.
- (c) *Audit.* Audits of financial statements of local governments, which are performed by a certified public accountant pursuant to F.S. § 218.39, and submitted to the auditor general must include an affidavit signed by the chief financial officer of the local

government that the local government has complied with F.S. §§ 163.3180 and 163.31801.

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

- (a) *Trust funds established.* There are established six impact fee trust funds: one for parks and recreation, one for fire protection and EMS, one for police protection, one for public facilities, one for roads, and one for mobility.
- (1) *Parks and recreation trust fund.* The parks and recreation impact fees shall be deposited in the parks and recreation 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) *Police protection trust fund.* The police protection impact fees shall be deposited in the police protection impact fee trust fund.
  - (4) *Public facilities trust fund.* The public facilities fees shall be deposited in the public facilities impact fee trust fund.
  - (5) *Road trust fund.* The road impact fees shall be deposited in the road impact fee trust fund. Upon expenditure of all road impact fees, the trust fund shall be reviewed for sunset.
  - (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 parks and recreation, fire protection/EMS, police protection, and public facilities, and road impact fees, and mobility fees will be spent. Road impact fees shall be budgeted and expended per their original purpose until all such funds are expended. 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 parks and recreation, fire protection/EMS, police protection, and public facilities and road impact fees, and mobility fees. The audit shall reflect once all road impact fee funds have been expended and indicate the road impact fees are no longer collected by the City.

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

- (a) *Time of payment.* The fee payer shall pay the parks and recreation, fire protection/EMS, police protection, and public facilities and road 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(b) 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 parks and recreation, fire protection/EMS, police protection, 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 parks and recreation, fire protection/EMS, police protection, 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 110 percent of the full cost of such construction. If the construction project will not be constructed within one year of the acceptance of the offer by the city council, the amount of the security shall be increased by ten 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 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 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 years from the date the impact and/or mobility fee was paid shall, upon application of the fee payer within 180 days of that date, be returned to the fee payer with interest at the rate of one 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 mobility ~~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 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 parks and recreation, fire protection and EMS, police protection, ~~or public facilities~~ or mobility projects required under city development approval shall be credited against impact fees and/or mobility 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 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 and/or making such land dedications to pool impact fees 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.

- (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~~ mobility projects, police, fire and EMS, parks and recreation, or public facilities for which the impact fee and/or mobility fees 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 and/or mobility 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 and/or mobility 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 all or a portion of the ~~road impact and/or mobility~~ fee, the fee payer may elect to construct ~~transportation (road) improvements, or multimodal mobility~~ projects identified in the city's ~~thoroughfare 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~~ mobility 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 mobility~~ 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 mobility ~~multimodal~~ projects included in the capital improvements program are eligible for mobility fee credits. An applicant may request that the city council add ~~multimodal~~ mobility projects to the capital improvements program. The ~~multimodal /~~ mobility 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.**