

CHAPTER 159. IMPACT FEES

ARTICLE II. MOBILITY FEES

Sec. 159.101. Short Title, Authority, and Applicability; Adoption of Technical Report and 2045 Mobility Plan.

- (A) This article shall be known and may be cited as the "Port St. Lucie Mobility Fee Ordinance."
- (B) The ~~Council City of Port St. Lucie~~ has the authority to adopt this article pursuant to its home rule powers under its City Charter granted by Article VIII of the Constitution of the State of Florida and Chapter 166 Florida Statutes, and pursuant to Chapters 163 and 380 Florida Statutes and Florida case law.
- (C) The ~~Council City of Port St. Lucie~~ has the power and responsibility to provide a multimodal transportation system comprised of bicycle lanes, boardwalks, corridors, dedicated transit lanes, greenways, hardscape, high-visibility crosswalks, landscape, lighting, interchanges, intersections, mid-block crossings, mobility hubs, multimodal lanes and ways, multi-use paths, overpasses, pedestrian and vehicle signals, roads, roundabouts, shared mobility services and programs, sidewalks, stormwater management facilities, safety enhancements, streets, streetscape, traffic control devices, trails, transit circulators and transit facilities, underpasses, water taxi service and stops, in the City.
- (D) New development, redevelopment, change of use, and alterations ~~or changes of use~~ in land within the City (~~collectively known as "development activity"~~), that generates an increase in ~~pPerson tTravel dDemand~~ above that generated by the existing use of land, ~~and therefore~~ generates a need for ~~mMultimodal eCapital iImprovements~~ in the City.
- (E) Development of a Mobility Plan for ~~mMultimodal eCapital iImprovements~~ needed to serve ~~dDevelopment aActivity~~ that generates additional ~~pPerson tTravel dDemand~~ for multimodal facilities, services and programs, and the subsequent implementation of a Mobility Plan, ~~is a~~ are the responsibility of the City. Moreover, development of a Mobility Plan, based on projected growth in ~~pPerson mMiles of tTravel~~ and the increase in ~~pPerson tTravel dDemand~~, is in the best interests of the health, safety, and welfare of the citizens of the City.
- (F) The Technical Report, as defined herein, is hereby approved, and adopted by the Council. The adoption by the Council specifically includes, but is not limited to, the following: the ~~mMultimodal eCapital iImprovements~~ included in the Phase Two Mobility Plan; the basis of the assumptions, conclusions and findings in the Technical Report as to the basis of the ~~mMobility fFee~~; the areawide level of service (LOS) and multimodal quality of service (QOS) standards; the methodology for calculating the ~~mMobility fFee~~; the extraordinary increase in ~~pPerson mMiles of tTravel~~; the ~~pPerson mMiles of cCapacity~~ assigned to ~~mMultimodal eCapital iImprovements~~; and the ~~pPerson tTravel dDemand~~ assigned to various land use categories. The Technical Report presents the technical analysis and detailed methodology supporting the ~~mMobility fFees~~ adopted herein consistent with the ~~mMultimodal eCapital iImprovements~~ included in the Phase Two Mobility Plan. The Phase Two Mobility Plan consists of mobility and multimodal corridors and intersections identified to meet the extraordinary projected growth in ~~pPerson mMiles of tTravel~~ and the increase in ~~pPerson tTravel dDemand~~ by 2045. The Technical Report shall be maintained by the City and is available to the public upon request.
- (G) Notwithstanding any provision in this article to the contrary, the City will honor all credit agreements for City road impact fees against the obligation to pay the City ~~mMobility fFee~~. For Applicants that hold City road impact fee credit, the obligation to pay the City ~~mMobility fFee~~ will be met by applying the existing credit assessed at the rate in accordance with the last updated City road impact fee schedule (Ord. 13-26; 2013). The City will

enter into true-up credit agreements with all ~~Applicants~~ Applicants with City road impact fee credits within six (6) months following October 1st, 2022. The true-up credit agreement will establish a base road impact fee credit amount, define the amount of road impact fee credit already utilized, and define the drawdown of the road impact fee credit for the Applicant's ~~d~~Development aActivity.

- (H) The Council adopts the 2045 Mobility Plan as anticipated in the Technical Report to serve as a source for identifying Multimodal Capital Improvements to be included in updates of the Multimodal Program. For purposes of Mobility Fee calculations, the Phase Two Mobility Plan included in the Technical Report served as the basis of the Mobility Fee. Multimodal Projects include Mobility Plan Implementation projects recognizing that the City's multimodal transportation system is dynamic, that Development Activity in certain instances may request Mobility Fee credit, that Florida Statute limits updates of Mobility Fees, and the needs and available revenues to the City are annually evaluated as part of updates to the Multimodal Program.

Sec. 159.102. Purpose and Intent.

- (A) This article is intended to implement and be consistent with the goals, objectives, and policies of the City of Port St. Lucie Comprehensive Plan.
- (B) It is the purpose of this article to ensure Applicants mitigate their impact to the City's ~~m~~Multimodal eCapital ~~i~~Improvement through payment of the City's ~~m~~Mobility fFee, so that development may occur in a manner consistent with the ~~e~~Comprehensive pPlan and state law.
- (C) The purpose of this article is to regulate the use and development of land so as to assure that Applicants bears their proportionate share of the cost of ~~m~~Multimodal eCapital ~~i~~Improvements that will be necessary to adequately serve the future extraordinary projected growth in ~~p~~Person mMiles of ~~t~~Travel and the increase in ~~p~~Person tTravel ~~d~~Demand within the City and to implement the ~~e~~Comprehensive pPlan.
- (D) The Florida Legislature, through the enactment of the Community Planning Act, Sections 163.3201 and 163.3202, Florida Statutes, and the Environmental Land and Water Management Act of 1972, Section 380.06(5), Florida Statutes, and the entirety of Chapters 163 and 380, respectively, encourages local governments to enact ~~m~~Mobility fFee systems as a part of their land development regulations to implement their ~~e~~Comprehensive pPlans.
- (E) ~~The Council hereby finds and declares that the mobility fees imposed pursuant to this article comply with the requirements of Sections 163.3180 and 163.31801, Florida Statutes. Specifically, the requirements of Section 163.31801, Florida Statutes, are fulfilled by the findings set forth in Section 159.104, Florida Statutes. All expenditures of fees shall be consistent with the principles set forth in Florida case law on fees, including, but not limited to, Board of County Commissioners, Santa Rosa County v. Home Builders Association of West Florida, Inc., 325 So. 3d 981 (Fla. 1st DCA 2021), Contractors and Builders Association of Pinellas County v. City of Dunedin, 329 So. 2d 314 (Fla. 1976), Hollywood, Inc., v. Broward County, 431 So. 2d 606 (Fla. 4th DCA 1983), rev. denied, 440 So.2d 352 (Fla. 1983), and Home Builders and Contractors Association of Palm Beach County, Inc. v. Board of County Commissioners of Palm Beach County, 446 So. 2d 140 (Fla. 4th DCA 1984), rev. denied, 451 So. 2d 848 (Fla. 1984).~~

Sec. 159.103. Definitions.

The Technical Report shall be referenced for definitions related to the ~~Phase Two Mobility Plan and m~~Mobility fFee not addressed below. The 2045 Mobility Plan shall be referenced for definitions related to the Mobility Plan not addressed below. For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning, and shall control over any similar definitions ~~in the Technical Report; or~~ 2045 Mobility Plan.

2045 MOBILITY PLAN. The 2045 Mobility Plan dated March 2023 and developed by NUE Urban Concepts, LLC, as amended, identifies multimodal projects on maps and tables consisting of corridors, intersections, and transit further defined herein as Multimodal Capital Improvements on City, private, and State Roads, and outside of a road right-of-way

that are needed to meet future Person Travel Demand. County Roads, per the adopted Interlocal Agreement, are excluded from the 2045 Mobility Plan. The 2045 Mobility Plan serves as one of the sources for identifying the Multimodal Capital Improvements to be included in the Multimodal Program.

ADDITIVE FEE. A Mobility Fee rate based on a unit of measure that generates high levels of Person Travel Demand per unit such as service bays, car wash stalls, or fueling for Motor Vehicles or drive-thru lanes for banks, quick service restaurants, and pharmacies. Additive Mobility Fees per unit of measure are assessed in addition to Mobility Fees assessed per use based on square footage or the applicable unit of measure for the use.

APPLICANT. A Person commencing a Development Activity or requesting approval of a Development Activity that results in an increase in Person Travel Demand above the demand created by the current use of land. Applicant includes a Person requesting approval of Mobility Fee credit independently of an application for Development Activity.

ASSESSMENT AREA. A geographic area or a unique development pattern such as mixed-use with a specific Mobility Fee rate per use assessed uniformly over the area that differs from other areas of the City. These areas have similar characteristics such as Multimodal improvement needs, development patterns, mixture-of-uses, transportation network, master planning, or special district funding of Multimodal Capital Improvements. The two Assessment Areas west of Interstate 95 feature common Multimodal Capital Improvements that has have been or will be constructed by private development entities. These areas also feature differing level of Person Travel Demand based on Person Trips, Person Trip Lengths, and internal capture.

BENEFIT DISTRICT. A geographic area where fees that are paid by the Applicant are expended on Multimodal Capital Improvements within the district to provide a mobility benefit to the Applicant that paid the fees.

BUILDING PERMIT. Permits issued by the City, authorizing the construction or installation of buildings, structures, and other improvements including mobile homes and recreational vehicles.

CITY MANAGER. The City Manager of the City of Port St. Lucie, as defined in its City Charter, or a person or persons designated by the City Manager to carry out a function described in this article.

COMPREHENSIVE PLAN. The Comprehensive Plan of the City of Port St. Lucie, Florida, adopted pursuant to F.S. § 163.3161 et. seq. Section 163.3161, et seq., Florida Statutes.

COUNCIL. The City Council of the City of Port St. Lucie, Florida.

DEVELOPMENT ACTIVITY. 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 above the demand generated by the existing use of property.

DWELLING UNIT. Single-family, active adult, and multi-family residential dwellings, attached and detached dwellings, houses of conventional or manufactured construction, and all other structures that may be used for permanent residence, regardless of whether occupied by a tenant or owner. Pursuant to the Technical Report, Mobility Fees shall be imposed per square foot, up to the maximum square foot, per Dwelling Unit.

GROSS FLOOR AREA. Total area (in square feet) of all floors of a structure that are within the principal outside faces of exterior walls including for example halls, stairways, corridors, lobbies, and elevator shafts, but excluding architectural setbacks or projections. Also includes areas where business is conducted outside the walls of the structure. If a site contains multiple buildings, the Gross Floor Area shall be computed separately for each building. The definition of Gross Floor Area (GFA) in the Institute of Transportation Engineers (ITE) Trip Generation Manual shall be used to resolve any questions regarding calculation of Gross Floor Area.

INTERLOCAL AGREEMENT. The Interlocal Agreement between the City of Port St. Lucie and St. Lucie County (the "County") dated April 19, 2022, regarding road impact fees.

~~**PERSON.** Any individual, company, corporation, association, or other legal entity.~~

MOBILITY FEE. A monetary exaction imposed by the City on Development Activity to fund Multimodal Capital Improvements identified in the Multimodal Program. The Mobility Fee is based on the data, methodology and Multimodal Capital Improvements established in the Technical Report.

MOBILITY PLAN. A forward-looking plan that identifies Multimodal Capital Improvements needed to meet projected increases in Person Miles of Travel from the Person Travel Demand generated by future Development Activity.

MOBILITY PLAN IMPLEMENTATION. Multimodal Projects established in recognition that the City's multimodal transportation system is dynamic, new mobility technologies are being developed, Development Activity responds to market demand and that there may be development order requirements that are beyond those needed to mitigate Development Activity impact to the City's multimodal transportation system that may be eligible for Mobility Fee credit. Florida Statute limits Mobility Fee updates to once every four years unless there is a finding of extraordinary circumstances; the City annually updates the Multimodal Program to reflect needs and available revenues.

MOTOR VEHICLE. A car, SUV, truck, van, or motorcycle that is either electric powered, gasoline powered, a hybrid, or some other fuel source that propels the ~~M~~Motor ~~V~~Vehicle.

MULTIMODAL. Multiple modes of travel including, but not limited to walking, bicycling, jogging, rollerblading, skating, scootering, riding transit or a water taxi, driving a golf cart, low speed electric vehicle or ~~M~~Motor ~~V~~Vehicle.

MULTIMODAL CAPITAL COST. An expenditure which, under generally accepted accounting principles for local governments, would be considered a one-time ~~M~~Multimodal ~~C~~Capital ~~I~~Improvement expense or an expenditure that results in an increase multimodal person capacity or utilization.

MULTIMODAL CAPITAL IMPROVEMENT. Includes, but is not limited to, planning, engineering, design, surveys, inspection, drainage, traffic control devices, signage, testing, right-of-way acquisition, construction, lighting, and other costs associated with the construction of Multimodal Projects consisting of bicycle lanes, boardwalks, corridors, dedicated transit lanes, greenways, hardscape, high-visibility crosswalks, landscaping, lighting, interchanges, intersections, mid-block crossings, mobility hubs, multimodal lanes and ways, multi-use paths, overpasses, pedestrian and vehicle signals, roads, roundabouts, shared mobility services and programs, sidewalks, stormwater management facilities, safety enhancements, streets, streetscape, traffic control devices, trails, transit circulators and transit facilities, underpasses, water taxi service and stops and other multimodal transportation facilities that add or improve multimodal person capacity. Improvements may include payment of debt service used to advance improvements where future ~~M~~Mobility ~~F~~Fees were pledged as a funding source for the debt service and identified in the Multimodal Program. All physical components of the construction of improvements such as mobilization, maintenance of traffic, clearing, grading, excavation, embankment, stabilization, bases, root barricades, friction courses, asphalt overlays, concrete, surface treatments, pavement markings, buffers, easements, medians, barriers, retaining walls, slopes, bridges, and structures. All stormwater conveyance and storage, such as curb and gutter, culverts, drains, swales, ditches, waterways, basins, retention, and any environmental or wetlands mitigation or remediation.

MULTIMODAL PROGRAM. That portion of the "Five Year Capital Improvement Program" identifying ~~M~~Multimodal ~~C~~Capital ~~I~~Improvements with funding programmed from ~~M~~Mobility ~~F~~Fees, as that program may be amended from time to time and the ~~M~~Multimodal ~~C~~Capital ~~I~~Improvements identified in the City's 2045 Mobility Plan. ~~most recently adopted Mobility Plan and included in Mobility Fee calculations.~~

MULTIMODAL PROJECTS. Are corridor and intersection improvements, programs, services, and transit within existing and future easements or rights-of-way within the City established in the Phase Two Mobility Plan and the 2045 Mobility Plan.

NONRESIDENTIAL SQUARE FEET. The gGross fFloor aArea (in square feet) of all nonresidential floor levels under cover, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices, that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Floor levels include all areas that have floor surfaces with clear standing head room (six feet six inches, minimum) and are used as part of primary use of the property. If an area within or adjacent to the principal outside faces of the exterior walls is not enclosed, such as outdoor restaurant seating, areas used for storage of goods and materials, or merchandise display, and is determined to be a part of the primary use of property, this gGross fFloor aArea is considered part of the overall nonresidential square footage of the building. Areas for parking, circulation, ingress, egress, buffers, conservation, walkways, landscape, stormwater management, and easements or areas granted for transit stops or multimodal parking are not included in the calculation of nonresidential square feet.

PERSON. Any individual, company, corporation, association, or other legal entity.

RESIDENTIAL SQUARE FEET. The area (in square feet) of each dwelling unit measured from the exterior surface of the exterior walls or walls adjoining public spaces such as multifamily or dormitory hallways, or the centerline of common walls shared with other dwelling units. Residential square feet include all livable, habitable, or temperature controlled enclosed spaces (enclosed by doors, windows, or walls) in a dwelling unit. Residential square feet does not include unconditioned garages or unenclosed areas under roof. For multifamily and dormitory uses, common hallways, lobbies, leasing offices, and residential amenities not accessible to the public are not included in the square feet calculation, unless that space is leased to a person who is not the owner of the residential building and who provides drinks, food, goods, or services either to the public or to paid memberships available to individuals that do not reside in a dwelling unit in the residential building.

TECHNICAL REPORT. ~~The "City of Port St. Lucie Phase Two Mobility Plan and Mobility Fee Technical Report, dated September 2022 and prepared by NUE Urban Concepts, LLC."~~

PERSON MILES OF CAPACITY (PMC). The number of pPersons of "capacity" that can be accommodated, at a determined standard, on a facility while walking, bicycling, riding transit or water taxis, driving, or using a mobility assisted device over a defined distance.

PERSON MILES OF TRAVEL (PMT). A unit used to measure pPerson travel made by one pPerson where each mile traveled is counted as one pPerson mile. PMT is calculated by multiplying Person Trip Length by the number of Person Trips. The increase in future Person Miles of Travel is used to plan mMultimodal eCapital improvements needs that form the basis for a mMobility fFee.

PERSON TRAVEL DEMAND (PTD). Travel demand from dDevelopment aActivity based on-trip generation, internal capture, pass-by tTrips, pPerson tTrips, pPerson tTrips lLength, external travel, and both the origin and destination of tTrips. The resulting mMobility fees are roughly proportional to the Person Travel Demand per use and aAssessment aArea provided on the mMobility fFee schedule.

PERSON TRIP. A tTrips by one Person by one or more modes of travel including, but not limited to, driving a mMotor vehicle or low speed electric vehicle, riding transit, walking, bicycling or form of Person powered, electric powered or gas powered device.

PERSON TRIP LENGTH. The length, in miles, of a pPerson tTrips per tTrips pPurpose.

PHASE TWO MOBILITY PLAN. The maps and tables identifying planned Multimodal Capital Improvements for corridors, intersections, and transit needed to meet projected increases in Person Miles of Travel by 2045. The Phase Two Mobility Plan is incorporated into the Technical Report and serves as the basis for calculating the City's Mobility Fee.

RESIDENTIAL SQUARE FEET. The area (in square feet) of each Dwelling Unit measured from the exterior surface of the exterior walls or walls adjoining public spaces such as multifamily or dormitory hallways, or the centerline of common walls shared with other Dwelling Units. Residential Square Feet includes all livable, habitable, or temperature controlled enclosed spaces (enclosed by doors, windows, or walls) in a Dwelling Unit. Residential Square Feet does not include unconditioned garages or unenclosed areas under a roof. For multifamily and dormitory uses, common hallways, lobbies, leasing offices, and residential amenities not accessible to the public are

not included in the square feet calculation, unless that space is leased to a Person who is not the owner of the residential building and who provides drinks, food, goods, or services either to the public or to paid memberships available to individuals that do not reside in a Dwelling Unit in the residential building.

TECHNICAL REPORT. The "City of Port St. Lucie Phase Two Mobility Plan and Mobility Fee Technical Report, dated September 2022 and prepared by NUE Urban Concepts, LLC."

TRIP. Travel between locations, often times between an origin, such as a home, to a destination, such as a business, but the trip can end and begin at the same location, such as walking a dog in the neighborhood where the home is both the origin and destination.

TRIP GENERATION MANUAL. The report entitled "Trip Generation Manual" of the Institute of Transportation Engineers, latest edition. Official updates to the Trip Generation Manual may be accepted and used by the City as appropriate.

TRIP PURPOSE. The primary purpose at the destination of a trip such as travel to buy goods, services, or meals, entertainment, recreation, school, work, places of assembly, errands, medical, day care, or work related. Purpose may be either home based, meaning the trip originates at a residence, or non-home based, meaning the trip originates at a destination other than a residence.

VEHICLE MILES OF TRAVEL (VMT). A unit used to measure vehicle travel made by a Motor Vehicle where each mile traveled is counted as one vehicle mile regardless of the number of Persons in the vehicle. VMT is calculated by multiplying the length of a road segment by the total number of vehicles on that road segment.

VEHICLE TRIP. A trip by a single Motor Vehicle, regardless of the number of Persons in the Motor Vehicle.

Sec. 159.104. Findings and Declarations.

- (A) It is the policy of the City to provide for Multimodal mobility on a City-wide basis. The Council hereby finds that Development Activity in the City requires additional Multimodal Capital Improvements and services to address its mobility demands.
- (B) The Council hereby finds that the use of impact fees to achieve and maintain state roadway levels of service for automobiles has resulted in multi-lane, congested roadways in urban areas to the exclusion of other modes of transportation.
- (C) The Council finds that it is in the best interests of the City to replace its transportation concurrency and road impact fee system for transportation facilities with a Mobility Fee system.
- (D) The Council finds that the Florida Department of Economic Opportunity's Community Planning, Development and Services Division encourages the adoption of Mobility Fees in lieu of traditional road impact fees.
- (E) The Council finds that the Technical Report is based upon the most recent and localized data and provides the technical analysis necessary for the Council to determine the Mobility Fee, based on the Multimodal Capital Improvements identified in the Phase Two Mobility Plan, and constitutes a proper factual predicate for imposition and expenditure of the Mobility Fees.
- (F) The Council has determined herein to account for and provide for a separate accounting fund for the collection of Mobility Fees, and to separately account for expenditure of such Mobility Fees to address its Multimodal Capital Improvements needs.
- (G) The Council has determined herein to limit administrative charges for Mobility Fee collection to actual costs.
- (H) The Council has determined not to require the payment of the Mobility Fee earlier than the date on which the Building Permit or functional equivalent is issued ~~application was determined complete of the building permit~~ for the property subject to such Mobility Fee.

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- (I) The Council finds that the Technical Report provides that the ~~mobility~~ Fee is proportional and reasonably connected to or has a rational nexus with, the need for additional ~~multimodal~~ capital improvements and the increased ~~person~~ travel demand generated by the new residential or ~~commercial~~ nonresidential construction.
- (J) The Council finds that the Technical Report provides that the ~~mobility~~ Fee is proportional and reasonably connected to or has a rational nexus with, the expenditure of funds for such ~~multimodal~~ capital improvements and the benefits accruing to the new residential or nonresidential construction.
- (K) The Council has determined to specifically earmark the ~~mobility~~ Fees collected for use in acquiring, constructing, or improving ~~multimodal~~ capital improvements to benefit new users.
- (L) The Council has determined that the revenues generated by the ~~mobility~~ Fee will not be used in whole or in part to pay existing debt service for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased ~~person~~ travel demand generated by the new residential or non-residential construction.
- (M) For those ~~mobility~~ Fees that may result in a fee increase, the Technical Report has been prepared within twelve (12) months prior to the adoption of the ~~mobility~~ Fee establishing that extraordinary circumstances exist, based on projected extraordinary increases in future ~~person~~ travel demand, that will necessitate ~~multimodal~~ capital improvements to accommodate that demand, such that an increase in ~~mobility~~ Fees for certain uses above current road impact fees is required, and notice was provided at least ninety (90) days prior to the effective date of any increased impact ~~mobility~~ Fees, two publicly noticed workshops were held, and the ordinance adopting the ~~mobility~~ Fee was adopted by a 2/3 vote of the Council.
- (N) Unless the result is to reduce the total mitigation costs or impact fees imposed on an Applicant, new or increased ~~mobility~~ Fees will not apply to current or pending permit applications submitted before the effective date of the ordinance imposing a new or increased fee.
- (O) Any contribution, whether identified in a proportionate share agreement or other form of exaction, related to ~~multimodal~~ capital improvements, including land dedication, site planning and design, or construction that is included in the calculation of ~~mobility~~ Fees will be credited against the collection of the ~~mobility~~ Fee, on a dollar-for-dollar basis at fair market value.
- (P) The holder of any road impact fee credits with the City, whether such credits are granted under s. 163.3180, s. 380.06, or otherwise, will mitigate its impact and utilize its credit towards payment of road impact fees based on the last adopted road impact fee schedule per the applicable rates in the schedule.
- (Q) Road impact fee credits shall be utilized to pay the assessed road impact fees for the development entities that were granted the credit by the City. Those credits may be assigned or transferred per the developer agreement between the City and the development entity. Once a development entity has fully utilized its City road impact fee credits, the entity, or its successor in interest, shall pay the ~~mobility~~ Fees rate in effect at the time of Building Permit or functional equivalent issuance ~~the Applicant applies for a permit~~.
- (R) The City shall collect a County road impact fee per the ~~interlocal~~ Agreement between the City and County. The City shall not allow the use of County road impact fee credits to address the assessed County road impact fee unless authorized by the County. The Applicant shall coordinate County road impact fee credit utilization with the County.
- ~~(S) In limited instances, the Council, at its discretion, may reallocate County Road impact fee credits to pay down City Road impact fees based on the last adopted City Road impact fee schedule. Applicants meeting the following criteria are entitled to apply to Council for approval to reallocate County Road impact fee credits:~~
- ~~(1) Applicant holds County road impact fee credits (existing or contingent) originating from a County road impact fee credit agreement established on or prior to October 1, 2021; and~~
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- (2) ~~The development entity that generated the applicable credits (recognizing an Applicant may be a successor in interest) constructed improvements on City roads and has only received County Road impact fee credits and has not yet received any City Road impact fee credits for those improvement on City roads; and~~
- (3) ~~Applicant, or its predecessor(s) in interest, has not previously obtained approval from Council to reallocate the applicable credits.~~

The City will require that an agreement be entered into between the County, City and Applicant to identify the terms of an approved reallocation in a form agreeable to the City Attorney, prior to reallocated credits being available for use by the Applicant. The agreement must include, but will not be limited to, (i) consent to the reallocation by the County, and (ii) an accounting of how the applicable County Road impact fee credit will be reduced by the same amount as City Road impact fee credit granted through the reallocation.

There are limitations on applications for reallocations. No applications for reallocation shall be accepted for filing if all or any portion of the County Road impact fee credits subject to the application were part of a previous application which meets any of the following conditions:

- (1) ~~An application for the same County Road impact fee credits was denied by the Council within the previous 12-month period;~~
- (2) ~~An application for the same County Road impact credits was allowed to be withdrawn by the Council within the previous 12-month period.~~

The time limits set forth above may be waived by the City Manager when waiver is deemed necessary to prevent injustice or to facilitate the proper development of the City. An Applicant aggrieved by a waiver determination made by the City Manager shall have the right to appeal to the Council.

- (S) ~~Audits of the City performed pursuant to F.S. § Section 218.39, Florida Statutes, will include an affidavit from the chief financial officer of the City stating that the City has complied with F.S. § Section 163.31801, Florida Statutes.~~
- (T) ~~The Council hereby finds and declares that the Mobility Fees imposed pursuant to this article comply with the requirements of Sections 163.3180 and 163.31801, Florida Statutes. Specifically, the requirements of Section 163.31801, Florida Statutes, are fulfilled by the findings set forth in Section 159.104 hereof. All expenditures of fees shall be consistent with the principles set forth in Florida case law on fees, including, but not limited to, *Board of County Commissioners, Santa Rosa County v. Home Builders Association of West Florida, Inc.*, 325 So. 3d 981 (Fla. 1st DCA 2021), *Contractors and Builders Association of Pinellas County v. City of Dunedin*, 329 So. 2d 314 (Fla. 1976), *Hollywood, Inc., v. Broward County*, 431 So. 2d 606 (Fla. 4th DCA 1983), rev. denied, 440 So.2d 352 (Fla. 1983), and *Home Builders and Contractors Association of Palm Beach County, Inc. v. Board of County Commissioners of Palm Beach County*, 446 So. 2d 140 (Fla. 4th DCA 1984), rev. denied, 451 So. 2d 848 (Fla. 1984).~~
- (U) ~~The Mobility Plan shall be used as one of the sources for identifying Multimodal Capital Improvements for inclusion in the annual update of the Multimodal Program. The Mobility Plan includes Multimodal Capital Improvements identified as Mobility Plan Implementation. These improvements were included in recognition that Multimodal needs are dynamic and may change over time as the City annually updates its Multimodal Program. These improvements also recognize that Multimodal Capital Improvements may be added to the Multimodal Program by the City to allow for the establishment of Mobility Fee credit for improvements constructed by Development Activity.~~

Sec. 159.105. Imposition of Mobility Fee.

- (A) Effective October 1, 2022, Applicants shall be required to pay a ~~m~~Mobility ~~f~~Fee in the manner and amount set forth in this article.
- (B) No Applicant's ~~d~~Development ~~a~~Activity shall be approved unless and until the ~~m~~Mobility ~~f~~Fee hereby required has been paid.
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- (C) The Applicant shall pay the applicable ~~m~~Mobility ~~f~~Fee to the City no earlier than the issuance of a ~~b~~Building ~~p~~Permit or functional equivalent for ~~d~~Development ~~a~~Activity not requiring a ~~b~~Building ~~p~~Permit. The Applicant shall pay the ~~m~~Mobility ~~f~~Fee to the City ~~at prior to~~ the time of issuance of such ~~b~~Building ~~p~~Permit or ~~d~~Development ~~a~~Activity approval. The City Manager, in limited instances, such as request for credit, dispute, or a unique land use, may allow payment of the ~~m~~Mobility ~~f~~Fee prior to issuance of a certificate of occupancy, or other ~~d~~Development ~~a~~Activity approval established in writing that specifies the type of approval and timing. A letter shall be issued by the City, upon satisfaction of the assessed ~~m~~Mobility ~~f~~Fee, that states payment of the ~~m~~Mobility ~~f~~Fee to the City, and or use of credit, addresses the full impact of the proposed ~~d~~Development ~~a~~Activity.
- (D) If ~~m~~Mobility ~~f~~Fees are owed, no ~~d~~Development ~~a~~Activity approvals of any type or certificates of occupancy may be issued for the building or structure in question while the ~~m~~Mobility ~~f~~Fee remains unpaid. The City Manager may authorize the initiation of any action as permitted by law or equity to collect the unpaid Mobility Fees.
- (E) A violation of this article is punishable as an ordinance violation as provided in the City Charter and City Code. In addition to or in lieu of any criminal prosecution, the City has the power to sue for relief in civil court to enforce the provisions of this article. Knowingly furnishing false information to the City Manager or any municipal official who is charged with the administration of this article on any matter relating to the administration of this article constitutes a violation hereof.
- (F) The City shall collect the County's road impact fee for ~~d~~Development ~~a~~Activity per the ~~i~~nterlocal ~~a~~greement between the City and County.
- (G) The assessment of City Road impact fees for ~~d~~Development ~~a~~Activity applications shall only be applicable for development entities with a City road impact fee credit agreement between the City and the development entity. Development entities shall enter into a true-up City road impact fee credit agreement with the City no later than six (6) months after October 1st, 2022. This deadline may be extended due to extraneous circumstances at the discretion of the City Manager. After the six (6) month period, if the Applicant has not been granted an extension of the true-up period, and if a true-up agreement is not adopted by the City, then the development entity would be required to pay ~~m~~Mobility ~~f~~Fees for all ~~d~~Development ~~a~~Activity applications until such time as an agreement is adopted. Otherwise, ~~T~~here shall be no retroactive application of City road impact fee credits. Any ~~d~~Development ~~a~~Activity application that is not authorized to utilize City road impact fee credit shall be required to pay the applicable ~~m~~Mobility ~~f~~Fee. There shall be no retroactive application of City road impact fee credits for uses not previously authorized to utilize road impact fee credits.
- (H) ~~For a~~Any application made prior to October 1st, 2022, the Applicant shall pay the assessed ~~m~~Mobility ~~f~~Fee, unless the ~~b~~Building ~~p~~Permit or ~~d~~Development ~~a~~Activity approval expires. Applicants reapplying for an expired permit or approval shall be required to pay the ~~m~~Mobility ~~f~~Fees in effect at the time of the re-application for an expired permit or approval.
- (I) Any ~~b~~Building ~~p~~Permits that were assessed a City road impact fee that have not expired shall pay the assessed City road impact fee. Any collected City road impact fees or previously collected City road impact fees shall be expended on those road capacity improvements listed in the Multimodal Program that were eligible for City road impact fee credit or expenditure. All legal and statutory requirements related to the collection, expenditure, tracking, and use of City road impact fees shall apply until all City road impact fee funds are expended or returned to Applicants.
- (J) The City Manager, in consultation with the City Attorney's office, shall have the ability to act regarding the imposition of the fee, payment of the fee, determination of credit or off-set utilization, or other such action to ensure that the ~~m~~Mobility ~~f~~Fee meets all legal and statutory requirements and to address unique circumstances that may arise for time to time that are not expressly addressed herein.
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Sec. 159.106. Exemptions.

- (A) The following shall be exempt from payment of the ~~m~~Mobility ~~f~~Fee:
- (A1) Alterations or expansion of an existing building or structure or a change of use where no additional livable square footage, excluding bathrooms, kitchens, or accessibility improvements for mobility impaired persons, will be produced, where the use will not be changed, and where no additional ~~p~~Person ~~t~~Travel ~~d~~Demand will be generated above that generated by the existing building, structure, or use.
 - (B2) The construction of accessory buildings or structures or a change of use which will not produce additional ~~p~~Person ~~t~~Travel ~~d~~Demand above that produced by the principal building or use of the land.
 - (C3) The replacement of a demolished or partially demolished building or structure with a new building or structure which will not generate additional ~~p~~Person ~~t~~Travel ~~d~~Demand above that generated by the original building or structure, provided that there is no change of use of the land and that the new building or structure is permitted.
- (D) Any claim of exemption must be made no later than the time of application for a ~~b~~Building ~~p~~Permit for construction or ~~d~~Development ~~a~~Activity approval.
- (E) The City Manager, in consultation with the City Attorney's office, shall have the ability to act regarding declaring or revoking an exemption of the fee to ensure that the exemption or denial of an exemption meets all legal and statutory requirements and to address unique circumstances that may arise ~~from~~ ~~for~~ time to time that are not expressly addressed herein. Any request for exemptions shall be supported by convincing and competent evidence provided by the Applicant at the time of the request.

Sec. 159.107. Accounting and Use of Funds, and Benefit Districts.

- (A) All funds collected from ~~m~~Mobility ~~f~~Fees shall be used solely for ~~m~~Multimodal ~~e~~Capital ~~i~~Improvements listed in the Multimodal Program, as may be amended. The ~~m~~Mobility ~~f~~Fee amounts collected may include an additional service charge not to exceed actual cost to offset the costs of administering, updating, maintaining, and enforcing this article. Additional fees may also be established associated with a specific application request such as conducting an independent ~~m~~Mobility ~~f~~Fee study. The service charge and fees shall be based on actual costs. The service charge and fees may be established by resolution of the Council as necessary to conform to this paragraph based on a technical study establishing actual cost. Alternatively, any application fees may also be included in the City's resolution for application fees related to City functions. Any such administrative service charge and application fee imposed by the City is in addition to the ~~m~~Mobility ~~f~~Fees due, is nonrefundable, is payable at the time of payment of ~~m~~Mobility ~~f~~Fees, and may include, but is not limited to, costs associated with consultants, administrative staff, equipment, software, and other associated expenses.
- (B) The City shall ensure that payers of the ~~m~~Mobility ~~f~~Fee receive benefit of funds collected, consistent with the requirements of F.S. § Sections 163.3180 and F.S. § 163.31801, Florida Statutes.
- (C) A total of six (6) ~~m~~Mobility ~~f~~Fee ~~b~~Benefit ~~d~~Districts are hereby established, consistent with the benefits requirement of the dual rational nexus test, to ensure that development which pays a ~~m~~Mobility ~~f~~Fee receives a mobility benefit from payment of the ~~m~~Mobility ~~f~~Fee. The following are the six (6) ~~m~~Mobility ~~f~~Fee districts, as illustrated on the Mobility Fee Benefits District Map in the Technical Report:
- (1) Northeast Benefit District (predominately east of Interstate 95 and north of Crosstown Parkway);
 - (2) Southeast Benefit District (predominately east of Interstate 95 and south of Crosstown Parkway);
 - (3) Glades Benefit District (predominately along Glades Cut-off from Midway Road to the C 24 Canal);
 - (4) Village Parkway Benefit District (between I-95 and Village Parkway, south of Crosstown Pkwy);

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- (5) Northwest Benefit District (south of Midway and predominately west of Glades Cut-off); and
- (6) Southwest Benefit District (south of C 24 Canal, east of Glades Cut-off, west of Village Pkwy).
- (D) In recognition that ~~p~~Person ~~t~~Travel ~~d~~Demand along certain mobility and ~~M~~multimodal corridors provides a mobility benefit beyond the limits of a single ~~m~~Mobility ~~f~~Fee ~~b~~Benefit ~~d~~District, the following are limited instances in which ~~m~~Mobility ~~f~~Fee may be expended on corridors from multiple ~~b~~Benefit ~~d~~Districts:
- (1) The City may spend ~~m~~Mobility ~~f~~Fee on corridors from adjacent ~~b~~Benefit ~~d~~Districts if the corridors form a boundary between ~~b~~Benefit ~~d~~Districts.
 - (2) The City may spend ~~m~~Mobility ~~f~~Fee from adjacent ~~b~~Benefit ~~d~~Districts where a corridor traverses or is planned to traverse the boundary of one or more ~~b~~Benefit ~~d~~Districts. For purposes of traversing corridors, Gatlin Blvd, Port St. Lucie Blvd, Tradition Parkway, and the extension of Tradition Parkway shall be considered a unified corridor.
 - (3) In recognition of the citywide mobility benefit provided by the Crosstown Parkway and the fact that it traverses or forms a boundary with five (5) ~~b~~Benefit ~~d~~Districts and is less than one (1) mile south of the Northwest Benefit District, ~~m~~Mobility ~~f~~Fee may be expended from all ~~b~~Benefit ~~d~~Districts for improvements within the existing or future Crosstown Parkway.
 - (4) The City may spend ~~m~~Mobility ~~f~~Fee from the Northeast and Southeast ~~b~~Benefit ~~d~~Districts where a corridor traverses or is planned to traverse the boundary of either or both ~~b~~Benefit ~~d~~Districts or is part of a continuous principal or major ~~M~~multimodal corridor. Major corridors that traverse both ~~b~~Benefit ~~d~~Districts, include, but are not limited to, Airoso Blvd, Bayshore Blvd, C-24 Canal Greenway, Cashmere Blvd, California Blvd, East Torino Parkway (unified corridor with Cashmere Blvd), Floresta Blvd, Savona Blvd (unified corridor with California Blvd), Selvitz Road (unified corridor with Bayshore Blvd), Village Green Drive (as an extension of the Crosstown Parkway), and US Hwy 1.
 - (5) Multimodal crossings (overpass and underpass) and new bridges or interchanges over Interstate 95 or the Florida Turnpike that connect corridors that traverse multiple ~~b~~Benefit ~~d~~Districts may utilize funds from the ~~b~~Benefit ~~d~~Districts that receive a mobility benefit from these connections.
 - (6) Any use of ~~m~~Mobility ~~f~~Fee revenues from an adjacent ~~b~~Benefit ~~d~~District as permitted in this section 159.107 (D) shall require a written finding by the City Manager that the use of ~~m~~Mobility ~~f~~Fee funds in an adjacent ~~b~~Benefit ~~d~~District provides a direct mobility benefit to development within the ~~b~~Benefit ~~d~~District that is the source of the revenues. Given the extent of the ~~m~~Multimodal ~~e~~Capital ~~i~~Improvement need within the Northeast and Southeast ~~b~~Benefit ~~d~~Districts, additional documentation shall demonstrate that other funds are not reasonably available before funds from either ~~b~~Benefit ~~d~~District can be expended in an adjacent ~~b~~Benefit ~~d~~District west of Interstate 95. Council approval shall also be required for the expenditure of ~~m~~Mobility ~~f~~Fee funds from either ~~b~~Benefit ~~d~~District within an adjacent ~~b~~Benefit ~~d~~District west of Interstate 95.
 - (7) The City Manager shall be permitted to make a written finding that a ~~m~~Multimodal ~~e~~Capital ~~i~~Improvement identified in the Multimodal Program provides a mobility benefit to development within multiple ~~b~~Benefit ~~d~~Districts and that, due to circumstances documented in the finding, there is a need to utilize ~~m~~Mobility ~~f~~Fee from multiple ~~b~~Benefit ~~d~~Districts to fund the ~~m~~Multimodal ~~e~~Capital ~~i~~Improvement. The finding shall be required to demonstrate how the use of funds from one ~~b~~Benefit ~~d~~District on a ~~m~~Multimodal ~~e~~Capital ~~i~~Improvement in another ~~b~~Benefit ~~d~~District meets the benefits requirement of the dual rational nexus test.
 - (8) The City Attorney's Office shall review and concur with a finding that a fee may be expended in a different district than the one from which it was collected, before review and approval by the Council City Manager of the finding. Council approval shall also be required for the expenditure of ~~m~~Mobility ~~f~~Fee funds from the Northeast or Southeast ~~b~~Benefit ~~d~~Districts within a ~~b~~Benefit ~~d~~District west of Interstate 95.
- (E) All ~~m~~Mobility ~~f~~Fee funds collected by the City shall be placed in an interest-bearing separate accounting fund until such time as the expenditures authorized by this article will take place. Interest proceeds from these
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funds will accrue to the separate accounting fund. Mobility ~~f~~Fee funds shall be used only for those ~~m~~Multimodal ~~e~~Capital ~~i~~Improvements specified in the Multimodal Program and within the ~~b~~Benefit ~~d~~District in which they are collected, except as provided for in Section 159.107(D). Mobility ~~f~~Fees shall not be used for periodic or routine maintenance as defined in ~~F.S. § Sections~~ 334.03(18) and (23), Florida Statutes.

- (F) The City may use funds for ~~m~~Multimodal ~~e~~Capital ~~i~~Improvements on County and State ~~r~~Roads that are specified in the Multimodal Program. Funding of roadway capacity improvements on County ~~r~~Roads is addressed through the assessment of a portion of the County's road impact fee within the City per the ~~i~~Interlocal ~~a~~Agreement between the City and County.
- (G) Audits of the City performed pursuant to ~~F.S. § Section~~ 218.39, Florida Statutes, shall include an affidavit from the chief financial officer of the City stating that the City has complied with ~~F.S. § Section~~ 163.31801, Florida Statutes.

Sec. 159.108. Mobility Fee Schedule.

- (A) The amount of the ~~m~~obility fee shall be determined by the applicable adopted ~~m~~Mobility ~~f~~Fee schedule. The 2022 ~~m~~Mobility ~~f~~Fee schedule in Table 159.108.1 is effective October 1st, 2022.
- (B) The ~~m~~Mobility ~~f~~Fee schedule includes three (3) ~~a~~Assessment ~~a~~Areas with varying ~~m~~Mobility ~~f~~Fee rates per the applicable unit of measure. The following three (3) ~~a~~Assessment ~~a~~Areas are illustrated on the Mobility Fee Assessment Areas Map in the Technical Report with a general location described below:
 - (1) East Assessment Area (east of Interstate 95),
 - (2) Southwest Assessment Area (west of Interstate 95, south of C-24 Canal, east of Glades-Cut-Off),
 - (3) Northwest Assessment Area (south of Midway Road, west of Interstate 95, north of C-24 Canal between Interstate 95 and Glades Cut-Off, west of Glades-Cut-Off south of the C-24 canal),
 - (4) Each Assessment Area includes an expansion area that would enable the assessment of ~~m~~Mobility ~~f~~Fees to areas that annex into the City. In conjunction with future Technical Report updates, that Assessment Areas map shall be updated to incorporate any annexed areas,
 - (5) Mobility ~~f~~Fees are only assessed by the City of Port St. Lucie within the municipal limits of the City. Any areas illustrated on the Assessment Areas map that are within unincorporated St. Lucie County or Ft. Pierce would not be assessed a ~~m~~Mobility ~~f~~Fee, unless they annex into the City and undertake a ~~d~~Development ~~a~~Activity that requires payment of a ~~m~~Mobility ~~f~~Fee.
- (C) The City Manager ~~or designee~~ shall determine the applicable land use type.
 - (1) The assessed ~~m~~Mobility ~~f~~Fee shall be based on the applicable unit of measure per the ~~m~~Mobility ~~f~~Fee rate for the closest comparable use, within the ~~a~~Assessment ~~a~~Area in which the ~~d~~Development ~~a~~Activity is located ~~within~~. Additive ~~m~~Mobility ~~f~~Fees shall be assessed, per the applicable unit of measure, in addition to the ~~m~~Mobility ~~f~~Fee rate due for the building, structure, or ~~d~~Development ~~a~~Activity use.
 - (2) If a building or structure is requested for mixed uses, then the ~~m~~Mobility ~~f~~Fee shall be determined for each use using the applicable ~~m~~Mobility ~~f~~Fee schedule and the appropriate unit of measure on the ~~m~~Mobility ~~f~~Fee schedule.
 - (3) If the type of ~~d~~Development ~~a~~Activity for which a ~~b~~Building ~~p~~Permit is applied or change of use is not specified on the applicable ~~m~~Mobility ~~f~~Fee schedule, the City Manager shall use the ~~m~~Mobility ~~f~~Fee applicable to the most nearly comparable type of land development on the ~~m~~Mobility ~~f~~Fee schedule per the definition of each use. The City Manager shall be guided in the selection of a comparable type of land use development by the Trip Generation Manual.
- (D) In the case of a change of use, redevelopment, or modification of an existing use the ~~m~~Mobility ~~f~~Fee shall be based upon the net increase in the ~~m~~Mobility ~~f~~Fee for the new use as compared to the previous use in

accordance with the ~~mobility fee~~ schedule. No ~~mobility fee~~ refund will be granted if a net decrease results.

- (E) Any request to utilize ~~mobility fee~~ credit, City road impact fee credit (per an approved developer credit agreement) or to receive an offset based on a change of use, redevelopment, or modification of an existing use, shall be made in writing and submitted along with a credit or offset application to the City prior to submitting an application for ~~development activity~~.
- (1) Request to use credit or an offset shall not be permitted after an application for ~~development activity~~ approval has been submitted.
 - (2) The City Manager may allow submittal of a ~~development activity~~ application once the City has received a written request and application for credit or an offset and has provided a written response to the Applicant indicating they may submit said application pending final review of the request.
 - (3) No ~~development activity~~ approval requiring payment of a ~~mobility fee~~ shall be issued until a determination has been made by the City Manager regarding the request or the City Manager details in writing under what conditions approval may be granted.
- (F) If the ~~mobility fee~~ has been calculated and paid based on error or misrepresentation, it will be recalculated, and the difference refunded to the original Applicant. If ~~mobility fees~~ are owed, no permits of any type may be issued for the building or structure in question, or for any other portion of a development of which the building or structure in question is a part, until ~~mobility fees~~ are paid.
- (G) The Applicant may submit evidence to the City Manager demonstrating that the ~~mobility fees~~ set out in subsection (A) are not reasonable when applied to the particular project. Based upon convincing and competent evidence, the City Manager may adjust the ~~mobility fees~~ to be reasonable for the particular project.
- (H) The Applicant may provide a schedule and method for payment of the ~~mobility fees~~ in a manner appropriate to the particular circumstances of the proposed development in lieu of the requirements for payment of the ~~mobility fees~~ as set forth in ~~section 159.105~~, hereof; provided that the City receives acceptable security ensuring payment of the ~~mobility fees~~ prior to the issuance of approval of ~~development activity~~. Such security may take the form of a cash bond, surety bond, irrevocable letter of credit, or a negotiable certificate of deposit. Liens or mortgages on lands to be covered by the ~~development activity~~ approval are not acceptable. Any agreement proposed by an Applicant pursuant to this subsection must be approved by the Council prior to the issuance of the ~~development activity~~ approval. The Council may approve such agreements only if it finds that the agreement will apportion the burden of new ~~multimodal capital improvements~~ in a just and equitable fashion, consistent with the Florida statutory and case law.
- (I) The City Manager may authorize City initiated updates of the ~~mobility fee~~ schedule to ensure that ~~mobility fees~~ meet legal and statutory requirements. Updates may be required based on the availability of additional funding or the removal of ~~multimodal capital improvements~~ that is ten (10) percent or more of the total cost of the ~~multimodal capital improvements~~ identified in the ~~mobility plan~~. Further updates may be required due to updates of technical documents such as the ITE Trip Generation Manual, the Highway Capacity Manual, or the National Household Travel Survey or adoption of an updated Long Range Transportation Plan and Regional Travel Demand Model that results in a significant change in needed ~~multimodal capital improvements~~ that is ten (10) percent or more of the total ~~person miles of capacity, person miles of travel, or person travel demand~~ in the Technical Report.
- (J) The City Manager, in consultation with the City Attorney's office, shall have the ability to act regarding determination of use, request to reconsider determinations, use of credit or off-sets, acceptance of alternative studies, payment of the fee, timing of payment, updates of the fee and to address unique circumstances that may arise ~~from~~ ~~for~~ time to time that are not expressly addressed herein, consistent with legal and statutory requirements.

TABLE 159.108.1

The following Mobility Fee schedule shall be effective October 1st, 2022, for all development order approvals except those permitted to use City road impact fee credits per a developer agreement between the City of Port St. Lucie and a Development entity.

City of Port St. Lucie Mobility Fee Schedule			
Use Categories, Use Classifications, and Representative Uses	Assessment Areas		
	EAST	SW	NW
Residential & Lodging Uses per sq. ft., or the applicable unit of measure listed			
Single-Family Residential (Maximum 3,500 sq. ft.) ¹	\$1.60	\$1.13	\$1.42
Active Adult (55+) Residential (Maximum 3,500 sq. ft.) ¹	\$1.45	\$1.03	\$1.29
Multi-Family Residential (Maximum 2,500 sq. ft.) ¹	\$2.65	\$1.87	\$2.34
Overnight Lodging (Hotel, Inn, Motel, Resort) per room ²	\$1,998	\$1,409	\$1,770
Mobile Residence (Mobile Home, Recreational Vehicle, Tiny Home on Wheels, Travel Trailer) per space or lot ²	\$1,605	\$1,132	\$1,422
Institutional Uses per sq. ft.			
Community Serving (Civic, Place of Assembly, Museum, Gallery)	\$1.99	\$1.48	\$2.21
Long Term Care (Assisted Living, Congregate Care, Nursing Home)	\$1.11	\$0.79	\$0.99
Private Education (Child Care, Day Care, Private School K-12, Pre-K)	\$2.14	\$1.60	\$1.89
Industrial Uses per sq. ft.			
Industrial (Assembly, Fabrication, Manufacturing, R&D, Trades, Utilities)	\$0.70	\$0.55	\$0.74
Commercial Storage (Mini-Warehouse, Boats, Cars, RVs, & Outdoor Storage, Warehouse) ³	\$0.56	\$0.44	\$0.59
Distribution Center (Cold Storage, Fulfillment Centers, High-Cube)	\$0.45	\$0.36	\$0.48
Recreational Uses per sq. ft., or the applicable unit of measure listed			
Marina (Including dry storage) <i>per berth</i> ²	\$663	\$487	\$704
Outdoor Commercial Recreation (Amusement, Courts, Golf, Fields, Multi-purpose, Performance Venues, Ranges, Sports, Tennis) <i>per acre</i>	\$2,189	\$1,692	\$2,327
Indoor Commercial Recreation (Fitness, Gym, Health, Kids Activities, Ranges, Sports, Recreation)	\$3.45	\$2.67	\$3.67
Office Uses per sq. ft.			
Office (Bank, Dental, Financial Services, General, Higher Education, Hospital, Medical, Professional, Research, Technical)	\$2.66	\$2.12	\$2.85
Free-Standing Medical Office (Clinic, Dental, Emergency Care, Medical, Physical Therapy, Outpatient Facility, Veterinary)	\$4.46	\$3.61	\$4.69

Commercial Services & Retail Uses per sq. ft.			
Local Retail [<i>Non-Chain or Franchisee</i>] (Entertainment, Restaurant, Retail, Services) ⁴	\$2.39	\$1.65	\$2.02
Multi-Tenant Retail (Entertainment, Restaurant, Retail, Services) ⁵	\$4.78	\$3.30	\$4.05
Free-Standing Retail (Entertainment, Restaurant, Retail, Services) ⁶	\$6.53	\$4.50	\$5.53
Additive Fees for Commercial Services & Retail Uses per the applicable unit of measure listed ⁷			
Bank Drive-Thru Lane or Free-Standing ATM ⁸ <i>per lane or per ATM</i>	\$15,711	\$10,868	\$12,234
Motor Vehicle & Boat Cleaning (Detailing, Wash, Wax) ⁹ <i>per lane or stall</i>	\$13,857	\$9,962	\$12,227
Motor Vehicle Charging or Fueling ¹⁰ <i>per charging or fueling position</i>	\$12,793	\$9,197	\$11,288
Motor Vehicle Service (Maintenance, Quick Lube, Service, Tires) ¹¹ <i>per service-bay</i>	\$5,993	\$4,308	\$5,288
Pharmacy drive-thru ¹² <i>per lane</i>	\$10,575	\$7,603	\$9,331
Quick Service Restaurant Drive-Thru Lane ¹³ <i>per lane</i>	\$30,012	\$18,971	\$25,517
Footnotes provided in Table 159.108.3			

TABLE 159.108.2 (RESERVED)

TABLE 159.108.3

City of Port St. Lucie Mobility Fee Schedule Footnotes
¹ The maximum square footage for each residential use denotes the maximum square footage per dwelling unit that a mobility fee will be assessed at. Residential additions, except for expansion of bathrooms, kitchens, or non-temperature-controlled spaces, shall be required to pay a mobility fee up to the maximum square footage threshold for the entire dwelling unit. Accessory dwelling units shall also be required to pay a mobility fee per square foot.
² Any space that is leased to a third-party use (i.e., business owner, but not building owner) or provides drinks, food, goods, or services to the public shall be required to pay the applicable mobility fee per the individual uses identified in the mobility fee schedule.
³ Acreage for any unenclosed material and vehicle storage, sales and display shall be converted to square footage.
⁴ Local Retail shall mean entertainment, restaurant, retail, or personal service uses under Institute of Transportation Engineers (ITE) Land Use Codes 800 and 900 that are locally owned and are not national chains or national franchisee. Local shall be defined as five or fewer locations in Florida and no locations outside Florida.
⁵ Multi-Tenant Retail means a single building, with two or more separate uses under lease or ownership where no single use exceeds 75% of the total square footage of the building. Institute of Transportation Engineers (ITE) Land Use Codes under the 800 and 900 series and ITE Land Use Codes 444 and 445 (Movie Theater & Multi-Plex).
⁶ Free-Standing Retail means a single building where any single use under a common lease or ownership exceeds 75% of the total square footage of the building. ITE Land Use Codes under the 800 and 900 series and ITE Land Use Codes 444 and 445 (Movie Theater & Multi-Plex). This category does not apply to uses specifically listed under the commercial, entertainment, retail use category with its own mobility fee rate per applicable unit of measure.
⁷ Additive mobility fees are in addition to mobility fees assessed for the square footage or applicable unit of measure for a given use.
⁸ Each bank building shall pay the office rate for the square footage of the building. Drive-thru lanes, Free Standing ATM's and Drive-thru lanes with ATM's are assessed a separate fee per lane or per ATM and are added to any office rate mobility fee associated with a bank building. The free-standing ATM is for an ATM only and not an ATM within or part of another non-financial building, such as an ATM within a grocery store.

<p>⁹ Motor Vehicle or Boat cleaning shall mean any car wash, wax, or detail where a third party or automatic system performs the cleaning service. Mobility Fees are assessed per lane or stall, plus the applicable mobility fee retail rate associated with any additional building square footage.</p>
<p>¹⁰ Rates per motor vehicle charging or fueling position apply to a convenience store, gas station, general store, grocery store, supermarket, superstore, variety store, wholesale club or service stations with charging stations or fuel pumps. In addition, there shall be a separate mobility fee for the square footage of any multi-tenant or free-standing retail building per the applicable mobility fee rate. The number of charging or fueling positions is based on the maximum number of motor vehicles that could be charged or fueled at one time.</p>
<p>¹¹ Motor Vehicle Service shall mean routine maintenance or service such as changing belts, brakes, fluids, filters, tires, or wipers. Service may also include functions such as alignments or tune-ups, but does not include body work, engine repair or replacement, or painting. Motor Vehicle Service would pay per service bay plus the applicable mobility fee retail rate associated with any additional building square footage, including any lobby, offices, show rooms or waiting area.</p>
<p>¹² Any drive-thru associated with a pharmacy will be an additive fee in addition to either the multi-tenant or free-standing retail mobility fee per square foot of the building. The number of drive-thru lanes will be based on the number of lanes present when an individual places or picks-up a prescription or item.</p>
<p>¹³ Any drive-thru associated with a quick-service restaurant will be an additive fee in addition to either the multi-tenant or free-standing retail mobility fee per square foot of the building. The number of drive-thru lanes will be based on the number of lanes present when an individual places or picks-up an order, whichever is greater. Drive-thru lanes include lanes associated with picking up any beverage or food order made on-line, by an app, or a third party or drive-thru.</p>

TABLE 159.108.4

For any development with a City road impact fee credit established per an agreement between the Applicant and the City, the following road impact fee schedule shall be utilized to assess ~~development activity~~, and draw down the road impact fee credit amount.

Use	Unit of Measure	Amount	Equivalent use
Single Residential	Per Dwelling	\$1,169	Single-Family, Active Adult, Mobile Residence
2+ Units per Structure	Per Dwelling	\$919	Multi-Family
Commercial	Per Sq. Ft.	\$1.945	Retail: Local, Multi-Tenant, Free-Standing
Research & Dev Center	Per Sq. Ft.	\$0.619	Office
Office	Per Sq. Ft.	\$0.842	Office, Free-Standing Medical Office
Nursing Home	Per Sq. Ft.	\$0.580	Long Term Care
Hospital	Per Sq. Ft.	\$1.009	Office, Free-Standing Medical Office
Day Care	Per Sq. Ft.	\$0.640	Private Education
University/College	Per Sq. Ft.	\$0.520	Office
Secondary School	Per Sq. Ft.	\$0.708	Private Education
Elementary School	Per Sq. Ft.	\$0.777	Private Education
Lodging	Per Room	\$429.00	Overnight Lodging
Assisted Living	Per Sq. Ft.	\$0.406	Long Term Care

Sec. 159.109. Adoption, Review and Revision.

(A) The Council shall adopt all revisions and updates to the Multimodal Program by ordinance.

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- (B) The City Manager shall direct staff or consultants to annually review the ~~mobility fee~~ ordinance, procedures, assumptions, and fee calculations and to issue, on or before July 1, an annual report summarizing information on the ~~mobility fees~~. Information on all impact and ~~mobility fees~~ imposed by the City may be included in one annual report. The annual report shall be distributed to the Council by the City Manager. The annual report should include, for example, information on account balances, annual collections, annual expenditures, ~~Multimodal Capital Improvement~~ projects funded in whole or in part with ~~mobility fees~~, administrative costs and administrative fees charged, if any, and may include any other issues of concern related to the City's ~~mobility fee~~ system and ordinance. Information from the comprehensive annual financial report (CAFR), the capital improvements program (CIP) and any other reports or plans adopted by the City may be included by reference or duplicated in part for the annual ~~mobility fee~~ report. The annual report should include recommendations related to the ~~mobility fee~~ system, including, but not limited to, whether there is a need to update the fees based on the FDOT construction cost Index pursuant to subsection (E) below, the need for any updates to the ~~mobility fee~~ calculations, and the need for any modifications to the ordinance. When increased ~~mobility fees~~ are recommended, the report should include a discussion of affordable housing and how the increase might affect housing affordability. Based upon the annual report, the Council may, but is not required to, direct further action on the ~~mobility fee~~ system. Nothing in this article shall be construed to limit the Council's authority to amend this article at any time.
- (C) The Council shall, through staff or consultants, conduct a complete review and, if needed, update the ~~mobility fee~~ Technical Report and the ~~mobility fee~~ ordinance at least once every four (4) years. The ~~mobility fee~~ Technical Report may require update earlier than every four (4) years if there is an update of any of the following: Trip Generation Manual, the FDOT Generalized Maximum Service Volume Tables, the Treasure Coast Regional Planning Model as part of a Long-Range Plan update, or the National Household Travel Survey. The new ~~mobility fee~~ ~~Technical Report~~ should specifically address affordable housing methodologies or alternative methods of setting ~~mobility fees~~, such as ~~mobility fees~~ based on square footage or housing in different ~~Assessment Areas~~ of the City, such as a Community Redevelopment Area CRA, or both. The new ~~mobility fee~~ ~~Technical Report~~ issued based on this review shall be distributed to the Council by the City Manager. Changes to the ~~mobility fee~~ system, including updated ~~mobility fee~~ calculations, should be adopted within a year of completion of the quadrennial report. This quadrennial report shall be issued on or before July 1 in the applicable years and may substitute for the annual report in that year. In the event that a full reevaluation and updates are not complete within the required four (4) year period, the last adopted ~~mobility fee~~ shall remain in effect until the reevaluation is complete.
- (D) The Mobility Plan ~~Multimodal Program~~ shall be updated at least once every four (4) years and reviewed annually during either the Multimodal Program development during the capital improvements budget process or the preparation of the ~~mobility fee~~ annual report. The Mobility Plan shall serve as the basis for updates of the Mobility Fee. The review shall include a recommendation regarding the need to update the Mobility Plan ~~Multimodal Program~~ earlier than the four (4) year schedule due to factors such as increased cost, amendments to the Future Land Use Element and Map that result in the need for additional ~~Multimodal Capital Improvements~~, or the addition or subtraction of ~~Multimodal Capital Improvements~~ or funding to the Multimodal Program and ~~Capital Improvement program~~ with a cost that is less than or more than ten (10) percent of the cumulative cost of the Mobility Plan. The Mobility Plan shall serve as a primary source for identifying Multimodal Capital Improvements as part of the annual update of the Multimodal Program.
- (E) To ensure that ~~mobility fees~~ keep pace with inflation, on either October 1st of each calendar year, starting October 1, 2023, or January 1~~st~~st, of each calendar year, starting January 1, 2024, the ~~mobility fees~~ in Section 159.108 shall be adjusted by the projected rate of inflation for the upcoming calendar year as determined by the most recent FDOT Transportation Cost Report Construction Cost Inflation Factors released on or about July of each calendar year. Should FDOT cease to prepare the report, then annual inflation factor adjustments shall be based on either the national Producers Price Index for transportation projects, the engineering news record (ENR) construction cost index, or such other indexes or computations determined by the City Manager to be suitable for use.
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- (F) The City shall adopt, by ordinance, any update of the ~~mobility fees~~ in Section 159.108. Any increase in ~~mobility fees~~ due to updates of the ~~Mobility Plan Multimodal Program and or mobility fee~~ or adjustments due to inflation shall not go into effect until at least 90 days after public notice has been provided. Notice of the increase in ~~mobility fees~~ shall be provided in a publication of general circulation available to City residents and businesses or as permitted by State Statute, on the City's website. The advertisement shall be published and posted 90 days prior to the increase of the ~~mobility fees~~ ~~becoming~~ ~~is~~ effective.

Sec. 159.110. Construction or Donation of Property in Lieu of Mobility Fee Payments.

- (A) In lieu of cash payment of all or part of the ~~mobility fee~~, the Applicant may offer to construct ~~multimodal capital improvements~~, or donate property for a ~~multimodal capital improvement~~ listed in the Multimodal Program. Such capital improvement or property donation must be in addition to any ~~multimodal capital improvements~~ required pursuant to other regulations, ordinances, laws, or agreements and must only be for a ~~multimodal capital improvement~~ that is listed in the Multimodal Program and that meets the requirements set out in section 159.107 hereof. The Applicant shall submit an estimate of the costs of the proposed ~~multimodal capital improvement~~ certified by a registered Florida professional engineer acceptable to the Council and an appraisal of the fair market value of a proposed dedication of right-of-way or donation of property prepared by a state certified general appraiser who is a member of the Appraisal Institute (MAI), acceptable to the Council.
- (1) For ~~multimodal capital improvements~~ not included in the Multimodal Program, the Applicant may request that the Council amend the Multimodal Program to add the ~~multimodal capital improvements~~ to the program.
 - (2) Multimodal ~~capital improvements~~ included in the Mobility Plan and the ~~mobility fee~~ calculations that are not a development order condition shall be eligible to request ~~mobility fee~~ credit. Multimodal ~~capital improvements~~ that are in the Mobility Plan and are a development order condition, may be eligible for credits for providing additional lanes per section 159.111 (G) and (H).
 - (3) The Council may elect to add ~~multimodal capital improvements~~ to the Multimodal Program that are included in the Mobility Plan, Long Range Transportation Plan, FDOT Work Program, or a special City, County, FDOT, or TPO study. The ~~multimodal capital improvements~~ are not required to be specifically listed in the ~~mobility fee~~ calculations to be eligible for ~~mobility fee~~ credits, if the City adds the ~~multimodal capital improvements~~ to the Multimodal Program.
- (B) If it finds the offer acceptable, the Council may enter into an agreement with the Applicant to apply the cost of the construction of ~~multimodal capital improvements~~ and fair market value of the right-of-way dedication or property donation to the ~~mobility fee~~ otherwise due. The portion of the ~~mobility fee~~ represented by the construction of ~~multimodal capital improvements~~ or right-of-way dedication or property donation shall be considered paid when the construction, dedication, or donation is completed and accepted by the City (or other governmental entity as may be approved by the City) for maintenance or when adequate security for the completion of the construction has been provided. If ~~mobility fees~~ are owed, no ~~development activity~~ approvals of any type may be issued for the building or structure in question while the ~~mobility fee~~ remains unpaid. The City Manager may authorize the initiation of any action as permitted by law or equity to collect the unpaid ~~mobility fees~~.
- (C) No payment in lieu shall be given for any site-related transportation improvements or site-related right-of-way dedications. Site-related transportation and right-of-way improvements, include, but are not limited to:
- (1) All driveway connection turn lanes, and other site-specific access improvements connecting property owned by the Applicant to any ~~mobility fee~~ eligible roadway.
 - (2) All driveways, ~~multimodal capital improvements~~, and attendant support systems, including, but not limited to, drainage facilities and mitigation areas, within, or immediately adjacent to, the defined limits of the approved final development order.

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- (D) No payment in lieu shall be given for safety-related improvements which do not increase Person Miles of Capacity.
 - (E) No payment in lieu shall be given for improvements necessary to provide safe and adequate access to the project site.
 - (F) Non-site-related ~~M~~Multimodal eCapital improvements may receive payment in lieu only to the extent that they are identified in the Multimodal Program and that they provide increased Person Miles of Capacity.
 - (G) In the event a property owner offers to donate right-of-way for a ~~M~~Multimodal eCapital improvement designated in the Multimodal Program in advance of an application for development activity approval, the Council may consider the offer and proceed to establish the fair market value of the right-of-way. No right-of-way value determination may include the consideration of any enhancement to the value of property dedicated as a result of the new or expanded right-of-way. The ~~C~~ity Council may accept or reject the offer. The ~~C~~ity Council may accept a property owner's offer only through a written agreement with the property owner consistent with this subsection.
 - (H) Any request for donation of property or right-of-way or construction of ~~M~~Multimodal eCapital improvements in lieu of ~~M~~Mobility fee payments must be made no later than the time of application for a building permit, certificate of occupancy, or other permit. Any request not so made shall be deemed waived.
 - (I) The City shall not give ~~M~~Mobility fee credits for road impact fees or ~~M~~Mobility fees paid, or ~~M~~Multimodal eCapital improvements constructed, or dedications of right-of-way or donations of property, except to the extent that such credit was specifically granted by the City to an Applicant in a written agreement with the City or as otherwise provided for in Section 159.111. If an Applicant or successor in interest or predecessor in title has agreed in a written agreement with the City or other governmental agency not to seek or accept any road impact fee or ~~M~~Mobility fee credits then it shall not be given any ~~M~~Mobility fee credits, and shall not be eligible for payments in lieu for the construction of ~~M~~Multimodal eCapital improvements or the dedication of right-of-way or donation of property required by the agreement.
 - (J) The City may adopt policies and procedures related to the construction of ~~M~~Multimodal eCapital improvements or dedication of right-of-way or donation of property in lieu of ~~M~~Mobility fee payment by resolution.

Sec. 159.111. Developer Agreements and Credit.

- (A) An Applicant may enter into a developer or development agreement with the City to establish development specific ~~M~~Mobility fees in lieu of the ~~M~~Mobility fees set forth herein, based on an independent study subject to review and approval by the City, or to construct ~~M~~Multimodal eCapital improvements necessary to mitigate the person travel demand impact of the development.
- (B) Any agreement proposed by an Applicant pursuant to this Section shall be presented to and approved by the Council prior to the issuance of a building permit or approval of development activity. Any such agreement shall provide for execution by any mortgagees, lienholders, or contract purchasers in addition to the landowner, and shall require the Applicant to record such agreement in the public records of St. Lucie County. The Council shall approve such an agreement only if it finds that the new agreement will apportion the burden of expenditure for new facilities in a just and equitable manner, consistent with applicable Florida Statutes, case law and this Article.
- (C) The City shall honor all existing developer agreements between the City and an Applicant that provides a City road impact fee credit. Within six (6) months from October 1st, 2022, development entities shall enter into a true-up agreement with the City that verifies the City road impact fee credit granted, the amount of City road impact fee utilized, and the net City road impact fee credit balance. This deadline may be extended due to extraneous circumstances at the discretion of the City Manager.

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- (D) For development entities with City road impact fee credit agreements and true-up agreements, the Applicant shall be assessed City road impact fees per the rates established in Table 159.108.4. These rates shall remain in effect until such time as the development entity has exhausted the City road impact fee credit.
- (E) For Applicants that are not authorized to utilize the City road impact fee credit or for ~~d~~Development ~~a~~Activity occurring after six (6) months from October 1st, 2022, by Applicants that have not entered into a true-up credit agreement or obtained an extension, the Applicant shall pay the ~~m~~Mobility ~~f~~Fee per Table 159.108.1. upon application for approval of ~~d~~Development ~~a~~Activity that would require payment of a ~~m~~Mobility ~~f~~Fee. Applicants shall not be permitted to retroactively request use of City road impact fee credit.
- (F) In limited instances, the Council, at its discretion, may reallocate County Road impact fee credits to pay down City Road impact fees based on the last adopted City Road impact fee schedule. Applicants meeting the following criteria are entitled to apply to Council for approval to reallocate County Road impact fee credits:
- (1) Applicant holds County road impact fee credits (existing or contingent) originating from a County road impact fee credit agreement established on or prior to October 1, 2021; and
 - (2) The development entity that generated the applicable credits (recognizing an Applicant may be a successor in interest) constructed improvements on City roads and has only received County Road impact fee credits and has not yet received any City Road impact fee credits for those improvements on City roads; and
 - (3) Applicant, or its predecessor(s) in interest, has not previously obtained approval from Council to reallocate the applicable credits.

The City will require that an agreement be entered into between the County, City and Applicant to identify the terms of an approved reallocation in a form agreeable to the City Attorney, prior to reallocated credits being available for use by the Applicant. The agreement must include, but will not be limited to, (i) consent to the reallocation by the County, and (ii) an accounting of how the applicable County Road impact fee credit will be reduced by the same amount as City Road impact fee credit granted through the reallocation.

There are limitations on applications for reallocations. No applications for reallocation shall be accepted for filing if all or any portion of the County Road impact fee credits subject to the application were part of a previous application which meets any of the following conditions:

- (1) An application for the same County Road impact fee credits was denied by the Council within the previous 12-month period;
- (2) An application for the same County Road impact credits was allowed to be withdrawn by the Council within the previous 12-month period.

The time limits set forth above may be waived by the City Manager when waiver is deemed necessary to prevent injustice or to facilitate the proper development of the City. An Applicant aggrieved by a waiver determination made by the City Manager shall have the right to appeal to the Council, based on a showing of just cause.

- (G) An Applicant may request ~~m~~Mobility ~~f~~Fee credit for adding two lanes to an existing two-lane road or four-lane road if the additional lanes are a development order condition and the improvement is required by the City but is not warranted to accommodate the traffic demand from the development entity. If the Applicant does add traffic to the two additional lanes but does not utilize more than eighty-five (85) percent of the capacity provided, then the development entity may request a share of the cost proportional to the additional capacity added from the two additional lanes, less the development entity's traffic. Should the Council approve the request, then the ~~m~~Multimodal ~~e~~Capital ~~i~~Improvement shall be added to the Multimodal Program.
- (H) An Applicant may request ~~m~~Mobility ~~f~~Fee credit for advancing the construction of a new two-lane road or four lane road or adding two lanes to an existing two-lane road or four lane road, if the requirement for the improvement is a development order condition of another development, but not if the Applicant constructing the improvement is required to do so through a contractual agreement or settlement agreement. The development entity that was required to construct the new two lane or four lane road shall not be entitled to
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credit for adding additional lanes in the future if the initial two or four lanes were a requirement of the ~~d~~Development ~~a~~Activity. If the improvement has not yet been constructed, the request should be submitted to the Council for review, and if adopted, incorporated into the Multimodal Program.

- (I) An Applicant may request ~~m~~Mobility ~~f~~Fee credit for constructing ~~m~~Multimodal ~~e~~Capital ~~i~~Improvement that are above the requirements of the City's design requirements, or the road design requirements of the City's land development regulations, Comprehensive Plan or Public Works design manuals. The City Manager, in consultation with the City Attorney's Office and the Public Works Department, may make a finding that a ~~m~~Multimodal ~~e~~Capital ~~i~~Improvement constructed by a development entity is above the requirements of a development agreement or development order condition, and therefore, eligible to request credit. For improvements that have not yet been constructed, a request should be made to the Council to add the ~~m~~Multimodal ~~e~~Capital ~~i~~Improvement to the Multimodal Program and any credit granted would be subject to the Council adding the improvement to the Multimodal Program.
- (J) An Applicant may request ~~m~~Mobility ~~f~~Fee credit for constructing ~~m~~Multimodal ~~e~~Capital ~~i~~Improvements or required transportation mitigation payments, unless an agreement with the City expressly prohibits request for a ~~m~~Mobility ~~f~~Fee, road impact fee, or functionally equivalent credit. The improvement or mitigation payment should be reviewed against the Multimodal Program, Mobility Plan, Comprehensive Plan, ~~Capital Improvement Plan~~, or other transportation plan to review consistency with an adopted plan. The request shall be evaluated on a case-by-case basis, and the conditions that required the ~~m~~Multimodal ~~e~~Capital ~~i~~Improvements shall also be evaluated in determining if credits should be granted, where the credits may be utilized, and who is authorized to use the credits.

Sec. 159.112. Refund of Fees Paid.

- (A) If a ~~b~~Building ~~p~~Permit or other permit for a mobile home or recreational vehicle expires and no construction has commenced, then the Applicant, or its successors may request, within three (3) months of permit expiration, a refund of the ~~m~~Mobility ~~f~~Fee paid as a condition for its issuance without payment of interest. The refund request should substantially follow the submittal requirements of a refund petition described in subsection (B). If administrative service charges are adopted by resolution under section 159.107, the City shall retain the appropriate service charge amount as reimbursement for the City's costs of processing the refund.
- (B) The following establishes the process for refunds:
 - (1) Any ~~m~~Mobility ~~f~~Fee funds not expended or encumbered by the end of the calendar quarter immediately following seven (7) years from the date the ~~m~~Mobility ~~f~~Fee was paid shall, upon application of the current owner of the property within one hundred eighty (180) days of the expiration of the seven (7) year period, be returned to the current owner of the property with interest at the rate of three (3) percent per annum.
 - (2) If such funds have not been spent during this time period, the then-present owner of the property may obtain a refund according to the following procedure:
 - (i) The then-present owner must petition the Council for a refund within one hundred eighty (180) days of the expiration of the seven (7) year period.
 - (ii) The petition must be submitted to the City Manager and must include the following:
 - (a) A notarized, sworn statement that the petitioner is the current owner of the property;
 - (b) A copy of the dated receipt issued for payment of the ~~m~~Mobility ~~f~~Fee;
 - (c) A certified copy of the latest recorded deed; and
 - (d) A copy of the most recent ad valorem tax bill.
 - (3) Within sixty (60) days from the date of receipt of the petition for refund, the City Manager ~~or his designee~~, shall advise the petitioner and the Council of the status of the fee requested for refund. For

purposes of determining whether ~~mobility~~ fees have been spent or encumbered, the first money placed into the special revenue account shall be deemed to be the first money taken out of that account.

- (4) When the money requested is still in the special revenue account and has not been spent or encumbered by the end of the calendar quarter immediately following seven (7) years from the date the ~~mobility~~ fees were paid, the funds shall be returned with interest at the rate of three (3) percent per annum.

Sec. 159.113. Effect on Land Use and Development Code.

- (A) The listing of a use of land in the ~~mobility~~ fee schedule is solely for purposes of establishing the applicable ~~mobility~~ fee schedule for such use, and such listing does not mean that the use of land is permitted or available under applicable zoning and Comprehensive Plan requirements. In addition, the listing of the use of land in the ~~mobility~~ fee schedule shall not be considered evidence that the use is appropriate or approved in any land use classification or zoning district.
- (B) The payment of ~~mobility~~ fees does not ensure nor grant compliance with the City's land development code, including regulations relating to transportation corridor management, access management, substandard roads, secondary access, timing and phasing, and, where applicable, development of regional impact review. However, if such regulations require ~~person~~ travel ~~demand~~ mitigation for the same impacts addressed through the payment of ~~mobility~~ fees, such regulations shall be deemed to provide for ~~mobility~~ fee credit against imposed ~~mobility~~ fees consistent with state and federal law and this Article.

Sec. 159.114. Appeals.

- (A) Any decision made by the City Manager in the course of administering the provisions of this Article may be appealed to the Council by filing a petition of appeal with the City Clerk within thirty (30) calendar days of the date of the rendition of the decision.
- (B) The Council shall review the petition within thirty (30) calendar days from the date of filing the appeal. The petitioner shall be provided reasonable notice of the time, date, and place of the public meeting by certified mail, return receipt requested, and invited to attend. The Council's decision shall be final for the purpose of administrative appeals. The Council shall revoke the decision of the City Manager only if there is no competent and substantial evidence in the record that supports the decision of the City Manager or if there is no adequate legal basis for the decision of the City Manager or there was a failure to substantially comply with this article.

Secs. ~~159.115 116~~—159.200. Reserved.