

NO. 2015-XXX

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, CREATING ARTICLE XII OF CHAPTER 70 OF THE SARASOTA COUNTY CODE; ESTABLISHING A SYSTEM OF MOBILITY FEES TO BE IMPOSED ON NEW DEVELOPMENT THAT IS PROPORTIONAL TO THE COST TO PROVIDE FOR THE MOBILITY NEEDS GENERATED BY SUCH DEVELOPMENT; PROVIDING FOR ADOPTION OF A MOBILITY FEE STUDY; PROVIDING FOR THE IMPOSITION AND COLLECTION OF MOBILITY FEES; ESTABLISHING THE METHOD FOR COMPUTING MOBILITY FEES; PROVIDING FOR PREPARATION AND APPROVAL OF AN ADMINISTRATIVE PROCEDURES MANUAL; PROVIDING FOR INDEPENDENT MOBILITY FEE STUDIES; PROVIDING FOR MOBILITY FEE CREDITS; PROVIDING FOR COUNTY ENFORCEMENT OF THE MOBILITY FEE ORDINANCE, ESTABLISHING MOBILITY FEE DISTRICTS AND MOBILITY FEE FUNDS; PROVIDING FOR THE USE OF AMOUNTS ON DEPOSIT IN THE MOBILITY FEE FUNDS; PROVIDING FOR REFUNDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

**SECTION 1.** This Ordinance hereby amends Chapter 70 of the Sarasota County Code of Ordinances to add a new Article XII, which shall read as follows:

**ARTICLE XII - MOBILITY FEE**

**Sec. 70-500. Short title.**

This article shall be known and cited as the “Sarasota County Mobility Fee Ordinance.”

**Sec. 70-501. Findings.**

The Board of County Commissioners of Sarasota County, Florida (hereinafter “Board” hereby finds and declares that:

- (1) Pursuant to Article VIII, Section (1)(g) of the Florida Constitution and Sections 125.01(1)(m) and (w), Florida Statutes, Sarasota County has broad home rule powers to adopt ordinances to provide for and operate transportation systems, including roadways, transit facilities, and bicycle/pedestrian facilities within the County.
- (2) Sarasota County currently has a long established road impact fee system, set forth in

Ordinance 89-97, as amended, which has been one part of an overall growth management program as set forth in the Sarasota County Comprehensive Plan. The road impact fee system is principally focused on vehicular mobility. The mobility fee system takes a comprehensive view on the provision of mobility through walking, biking, transit and motor vehicles.

- (3) The mobility fee system focuses on person miles of travel, which includes walking, biking, transit and motor vehicular trips, generated by new development and the resulting impact on multimodal capacity and accordingly requires the expenditure of revenue derived under that system to be used on multimodal improvement projects that increase multimodal capacity.
- (4) The mobility fee system includes, but is not limited to, considerations of the impact of person miles of travel generated by new development on multimodal capacity as well as considerations of the impact of new development on overall mobility within the community.
- (5) Sarasota County is experiencing growth and new development that necessitates the expansion of transportation facilities for a variety of modes to meet the demands of new development and redevelopment including adequate and efficient mobility and multimodal corridors along with different mobility options.
- (6) Section 163.3180, Florida Statutes, encourages local governments to (1) develop tools and techniques including (a) adoption of long-term strategies to facilitate development patterns that support multi-modal solutions, including urban design, and appropriate land use mixes, including intensity and density, (b) adoption of an areawide level of service not dependent on any single road segment function, and (c) establishing multi-modal level of service standards that rely primarily on non-vehicular modes of transportation where existing or planned community design will provide adequate level of mobility; and (2) adopt an alternative mobility funding system that uses one or more of the foregoing tools and techniques.
- (7) Goal 1 of the transportation element of the Sarasota County Comprehensive Plan is as follows:

“It shall be the Goal of Sarasota County to develop and maintain a safe, convenient, efficient transportation system which: recognizes present need; reflects the Future Land Use Plan and the plans of adjacent jurisdictions; provides for an affordable balance of alternative transportation modes; provides for safe, efficient intermodal transportation linkages; and respects the integrity of environmentally sensitive areas and wildlife habitat.”

- (8) Enactment of a mobility fee is consistent with Policy 1.3.1 of the Capital Improvements Chapter of the Sarasota County Comprehensive Plan, which states:

“Continue the implementation of the Road Impact Fee System (Chapter 70, Article III. Road Impact Fee of the Sarasota County Code), to ensure that new development pays its fair share of road capital facility capacity needed to address the demand for such facilities generated by new development. Mobility Fees, based upon an adopted Mobility Plan, may replace impact fees to ensure new development mitigates its impact.”

- (9) Imposition of the mobility fee implements the capital funding portion of the Capital Improvements Chapter Policy 1.5.2 of the Sarasota County Comprehensive Plan, which states that:

“Sarasota County shall ensure that future development pays its share of the costs of capital facility capacity needed to accommodate new development and, where applicable, assist in maintaining adopted level of service standards, via impact fees, mobility fees, and other legally available and appropriate methods in development conditions.”
- (10) Imposition of a mobility fee requiring future growth to contribute its fair share of the cost of growth-necessitated transportation facilities is necessary and reasonably related to the public health, safety, and welfare of the people of the County; provided that the mobility fee does not exceed the actual amount necessary to offset the demand on transportation facilities generated by new development.
- (11) Imposition of a service charge is also necessary and appropriate to ensure that the County's general fund does not bear the full burden of administering and implementing the mobility fees; provided that the service charge does not exceed the County's actual costs of administration and implementation of the mobility fee system.
- (12) Sarasota County has studied the necessity for, and implications of, imposing mobility fees and service charge within the County to fund the multimodal transportation facilities required to serve new development, and determined that mobility fees and service charges are an appropriate funding mechanism to fund such multimodal transportation facilities.
- (13) All mobility fees collected will be deposited in the mobility fee fund for the corresponding mobility fee district and expended for the purposes set forth herein.
- (14) The establishment of mobility fee districts to regulate mobility fee expenditures is the best method of ensuring that the multimodal transportation facilities funded by mobility fees have the rational nexus and benefit to the development for which the mobility fees were paid.
- (15) The mobility fees imposed hereunder achieve the goals, objectives and policies of Sarasota County Comprehensive Plan and utilize the tools and techniques encouraged by Section 163.3180, Florida Statutes.
- (16) Sarasota County developed a mobility plan and fee technical report dated June 2015 that provided a plan and the technical analysis based on the plan to determine the mobility fee and constitutes a proper factual predicate for imposition and expenditure of the mobility fees.
- (17) Based upon the foregoing, the mobility fees imposed hereby (1) are in compliance with the "dual rational nexus test" developed under Florida case law, (2) meet the "essential nexus" and "rough proportionality" requirements established by the United States Supreme Court in *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987) and *Dolan v. City of Tigard*, 512 U.S. 374 (1994), (3) are consistent with the requirements set forth in Section 163.3180, *Florida Statutes*, and (4) are consistent with and being imposed in accordance with Section 163.31801, *Florida Statutes*.

- (18) The Board has considered the Mobility Plan and Fee Technical Report dated June 2015, the May 20, 2015, recommendation of the Development Services Advisory Committee (DSAC), the May 27, 2015 recommendation of the Public Facilities Financing Advisory Board (PFFAB), and comments from the public and other interested parties.
- (19) The Board has provided the City of North Port, City of Venice, and the Town of Longboat Key with adequate notice and time for review, comment and public hearings based on the processes established per Ordinance No. 89-97, as amended, pursuant to Section 7 of the Road Impact Fee Interlocal Agreement between Sarasota County and the City of North Port, Section 12 of the Road Impact Fee Interlocal Agreement between Sarasota County and the City of Venice, and Section 10 of the Road Impact Fee Interlocal Agreement between Sarasota County and the Town of Longboat Key. The City of Sarasota has developed and imposed its own functionally equivalent mobility fee within the incorporated limits of the City of Sarasota.
- (20) The Board has noticed, advertised, scheduled and held a public hearing in compliance with Florida Statutes on this proposed Ordinance.
- (21) The Board has determined that the proposed Ordinance adopting a mobility fee will help to preserve and enhance the rational nexus between the need for multi-modal travel demands generated by new development in Sarasota County and the mobility fees imposed on that development.
- (22) The adoption of a Mobility Fee is intended to replace the road impact fee system,. Any development assessed a Mobility Fee shall not be assessed a road impact fee.
- (23) The Board has determined that, pursuant to the authority granted by the Sarasota County Charter, Florida Constitution, and Florida Statutes, the imposition of this Article within all unincorporated areas of the County as well as within the municipal boundaries of the City of North Port, the City of Venice, and the Town of Longboat Key is appropriate and desirable to assist in providing funding for multimodal improvements in the County. This Article will not be imposed on development within the municipal boundaries of the City of Sarasota, which has adopted its own mobility fee and is responsible for the provision of transportation facilities within its boundaries.
- (24) The Board has provided notice by letter to the elected officials of the City of North Port, City of Venice, and the Town of Longboat Key regarding the adoption of this proposed Ordinance intended at replacing the road impact fee system, Ordinance No. 89-97, as amended, to provide for the imposition of the County mobility fees within those municipalities, recognized as the City of North Port, City of Venice, and Town of Longboat Key mobility fee facilities service districts.
- (25) The Board, sitting as the Land Development Regulation Commission, has reviewed the proposed amendments and has found them consistent with the Sarasota County Comprehensive Plan.
- (26) The Board has determined that it is advisable and in the public interest to adopt and implement the proposed Mobility Fee Ordinance, as codified in Chapter 70, Article XII of the Sarasota County Code.

**Sec. 70-502. Intent.**

- (a) This article is intended to impose a mobility fee, payable at the time of Certificate of Occupancy issuance, in an amount based upon the average amount of new person miles of travel attributable to new development and the average cost of providing the multimodal capacity needed to serve such new travel. This article shall not be construed to authorize imposition of fees related to multimodal improvement needs attributable to existing development. This article is intended to allow new development in compliance with the Comprehensive Plan and to provide for such new development to share in the burdens of growth. New development shares in this burden by paying a pro rata share of the reasonably anticipated average costs of multimodal facilities needed to accommodate the person miles of travel demands created by new development as well as by complying with other appropriate development approval conditions. This article is intended to provide flexibility to address the needs of individual developments that, because of location, timing, or other characteristics, require different treatment in the form of reduced fees or supplemental requirements.
- (b) Towards this end, the Mobility Fees, that will replace road impact fees adopted pursuant to Ordinance No. 89-97, as amended, are based upon the calculation methodology incorporated in the “Sarasota County Mobility Plan and Fee Technical Report” dated June 2015.

**Sec. 70-503. Authority.**

- (a) Home Rule and Local Authority. In the creation of the Mobility Fees, the Board is exercising its Sarasota County Charter home rule powers and its local authority, including police powers, pursuant to Article VIII, Section 1(g) of the Florida Constitution and Sections 163.3161 et seq., *Florida Statutes*, as amended. The aforementioned provisions authorize Sarasota County: to provide and finance public facilities; to provide for the health, safety and general welfare of the County; to coordinate the provision of adequate public facilities with land development; and to implement its Comprehensive Plan.
- (b) For Implementation of Comprehensive Plan. The Board is authorized to implement the Comprehensive Plan pursuant to Chapter 163, Part II, *Florida Statutes*. The Florida Statutes require that local comprehensive plans include plan elements, correlated to principles and guidelines for future land use, which indicate the manner by which public facilities requirements will be met. The Comprehensive Plan, as herein defined, includes such plan elements as a Traffic Circulation Element and a Capital Improvements Element identifying multimodal facility needs attributable to new growth and development.
- (c) Pursuant to Florida Statutes, including Section 125.01, *Florida Statutes*, Sarasota County has the responsibility for planning, constructing and maintaining the County multimodal transportation systems, which serves person miles of travel from municipalities as well as the unincorporated area. Pursuant to the Sarasota County Charter, the Florida Constitution and Florida Statutes, the Board has the authority to adopt and amend the road impact fee ordinance, as codified in Chapter 70, Article III of the Sarasota County Code, to achieve County purposes, including providing funds for improving the County multimodal system.

**Sec. 70-504. Definitions.**

As applied in this article, the following words and terms shall have the following meaning, unless another meaning is plainly intended:

*Alternative mobility fee* means any alternative mobility fee calculated in an independent mobility fee study approved by the Impact Fee Administrator under this Article.

*Applicant* shall mean the property owner, or duly designated agent of the property owner, of land on which a Certificate of Occupancy or Business Use Permit is requested and a mobility fee is due pursuant to this article, or shall mean the property owner, or duly designated agent of the property owner, of land identified in a credit agreement pursuant to Section 70-510 of the Sarasota County Code where such property owner or agent is responsible for the provision of Road Facility Project(s) as described in Section 70-510 of the Sarasota County Code.

*Board* shall mean the Board of County Commissioners of Sarasota County, Florida.

*Building permit* shall mean the permit required for new construction and additions pursuant to the Sarasota County Zoning Ordinance, as amended, and the Land Development Regulations of Sarasota County, as amended, and any comparable permit authorized by local ordinance of a municipality in Sarasota County.

*Business use permit* shall mean the last step for new commercial construction and allows for the business occupying the building or tenant space to open and conduct business. It is also required for any business moving into an existing commercial space or when there is a change of use to an existing business.

*Capital expenses* shall consist of the following expenditures for transportation facilities and associated stormwater management areas: (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; (b) reasonable administrative and overhead expenses necessary or incidental to expanding and improving the transportation facilities; (c) expenses of planning, corridor and alternatives analysis, route studies and pond siting analysis reports, soil borings, tests, surveys, construction plans, and legal and other professional advice or financial analysis relating to transportation facilities, including the reimbursement of the county for such expenses incurred before the transportation facilities were approved and adopted into the capital improvement plan; (d) the acquisition of right-of-way and easements for the transportation facilities, including the costs incurred in connection with the exercise of eminent domain; (e) the clearance and preparation of any transportation facility site, including the demolition of structures on the site and relocation of utilities; (f) floodplain compensation and wetland mitigation; (g) 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; and (h) costs of design and construction, including mobilization, maintenance of traffic during construction and CEI (construction engineering and inspection) services.

*Capital Improvements Element (CIE)* shall mean the capital improvements chapter of the County or applicable municipal comprehensive plan.

*Capital Improvements Program (CIP)* shall mean the five- year schedule of capital improvements adopted by the County annually as part of the County budget process and the Comprehensive Plan.

*Certificate of occupancy* shall mean a Certificate of Occupancy issued by the County Building

Department pursuant to the County building code, or equivalent municipal permit. If no Certificate of Occupancy is required for the construction or occupation of a structure then the term shall be deemed to include the Building Permit, Business Use Permit, or other form of final County approval, or equivalent municipal permit or approval, for the construction or occupancy of a structure. The term "Certificate of Occupancy," as used in this article, shall be deemed to include a Mobile Home installation permit issued pursuant to the County building code.

*City Council* shall mean the legislative body of a municipality in Sarasota County.

*Collecting Agency* shall mean the County or municipal department or official authorized to issue Certificates of Occupancy within the applicable Road Facility Service District.

*Complete Streets* means a transportation policy and design approach that requires transportation facilities to be planned, designed, operated, and maintained to enable safe, convenient and comfortable travel and access for users of all ages and abilities regardless of their mode of transportation and to allow for safe travel by those walking, bicycling, riding public transportation or driving automobiles.

*Commercial Uses* shall mean those business, institutional, office, and/or professional activities which provide products and services to individuals, businesses, or groups and which include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 300, 400, 500, 600, 700, 800 and 900, but excluding governmental uses.

*Community Retail* shall mean retail uses that are between 10,000 square feet and 100,000 square feet in size that are not otherwise specifically included in the Mobility Fee Schedule.

*Comprehensive Plan* shall mean the plan adopted by the Board of County Commissioners pursuant to Ordinance No. 89-18, as amended, as the Sarasota County Comprehensive Plan as required by F.S. ch. 163, pt. II (F.S. § 163.3161 et seq.), or the Comprehensive Plan adopted by the City Council of a Municipality.

*County* shall mean the County of Sarasota, Florida, a geographical area and a political subdivision of the State of Florida.

*Development* means the execution of any building activity or any material change in the use of a structure or property that requires issuance of a building permit or tenant occupancy permit and attracts or produces vehicular or person trips over and above that produced by the existing use of the structure or property.

*Dwelling Unit* shall mean a room or rooms connected together, constituting a separate, independent housekeeping entity, for owner occupancy or rental or lease on a daily, weekly, monthly, or longer basis, and physically separated from any other rooms or Dwelling Units which may be in the same structure and containing sleeping and sanitary facilities and one kitchen. The term "Dwelling Unit," as used in this Ordinance, shall be deemed to include mobile home dwellings.

*FDOT* means the State of Florida Department of Transportation.

*FHWA* means the Federal Highway Administration, a division of the United States Department of Transportation.

*Fiscal year* means that period commencing October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the county.

*Governing Body* shall mean and refer to the Board of County Commissioners of Sarasota County or the City Council of a municipality.

*Governmental Use* shall mean and refer to the use of property exclusively for public purposes by, and which property is owned or leased by, any department or branch of any local government unit, State Government or the Federal Government.

*Gross Floor Area* shall mean the sum (in square feet) of the area of each floor level, 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. Included are all areas that have floor surfaces with clear standing head room (six feet six inches, minimum) regardless of their use. If a ground level area, or part thereof, within or adjacent to the principal outside faces of the exterior walls is not enclosed and is determined to be a part of the Principal Use, this GFA is considered part of the overall square footage of the building. However, unroofed areas and unenclosed roofed-over spaces which are considered accessory and do not create a demand to the Principal Use should be excluded from the area calculations. For purposes of this article, the GFA of any parking garages within the building shall not be included within the GFA of the entire building.

*Impact Fee Administrator* shall mean the Sarasota County official responsible for administration, implementation and interpretation of all mobility fee and impact fee ordinances, policies and manuals. Absent an Impact Fee Administrator, the County Administrator or designee shall be responsible for administration of all mobility fee and impact fee ordinances.

*Independent mobility fee study* means a study conducted pursuant to Section 70-509 hereof, to calculate the mobility fee for a particular development.

*Industrial Uses* shall mean those activities which are predominantly engaged in the assembly, finishing, processing, packaging and/or storage of products and which include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 000 and 100, but excluding governmental uses.

*ITE Trip Generation Manual* shall mean and refer to the latest edition of the report entitled “Trip Generation” produced by the Institute of Transportation Engineers, and any official updates hereto, as approved by Public Works.

*Living Area* shall mean the sum of the area (in square feet) of each floor of the Dwelling Unit, measured from the exterior surface of the exterior walls or walls adjoining public spaces such as apartment hallways, or the centerline of common walls shared with other Dwelling Units. This square footage does not include garages or unenclosed areas.

*Mixed-use* shall mean development within either a multi-story building with at least two different uses such as office, retail or residential on different floors, or development within a Village Center per the 2050 Plan, or a Special Area Plan adopted in the Comprehensive Plan that requires Form Based Code Design; municipalities shall have the option of defining Mixed-Use within their incorporated boundaries subject to an approved inter-local agreement with Sarasota County.



*Mobile Home* shall mean a detached Single-Family Dwelling Unit with all the following characteristics: (1) designed for long term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; (2) designed for transportation after fabrication on streets or highways on its own wheels; and (3) arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connection to utilities and the like. A travel trailer is not to be considered as a Mobile Home.

*Mobility corridor* means a new transportation facility with at least 2 vehicular travel lanes or the addition of vehicular travel lanes to an existing transportation facility and the inclusion of bicycle facilities, pedestrian facilities and where appropriate transit facilities designed as Complete Streets to accommodate multiple modes of travel.

*Mobility fee* means the fee assessed at the time of issuance of a Certificate of Occupancy on a proportional basis associated with the average demand for mobility facilities created by the Development of a Principal Use to provide funds for mobility facilities needed to address demand generated by new development.

*Mobility fee credit* means the mobility fee credit for off-site improvements described in Section 70-510 hereof.

*Mobility fee corridors* means those mobility and multi-modal corridors depicted in Map A of the mobility fee study, that are hereby established pursuant to Section 70-505 hereof for the purposes of expending mobility fees.

*Mobility fee districts* means those geographic areas within the unincorporated area of the county depicted in Map B of the mobility fee study as well as the territorial boundaries of the Town of Longboat Key, the City of Venice and the City of North Port, that are established pursuant to section 70-507 hereof for the purposes of collecting and expending mobility fees.

*Mobility fee funds* means the funds created pursuant to Section 70-515 hereof.

*Mobility fee schedule* means the mobility fee rate established in the Mobility Plan and Fee Technical Report and codified herein as Section 70-522.

*Mobility fee study* means the Sarasota County Mobility Plan and Fee Technical Report adopted pursuant to Section 70-505 hereof and which supports the imposition of the mobility fee.

*Multifamily Dwelling Unit* shall mean a structure containing two or more Dwelling Units.

*Multi-modal corridor* means a transportation facility intended to be upgraded, excluding the addition of thru vehicular travel lanes, as a Complete Street to include bicycle facilities, pedestrian facilities and where appropriate transit facilities along with where needed the addition or extension of vehicular turn lanes and where appropriate roundabouts to accommodate multiple modes of travel.

*Municipality* shall mean one of the following: the City of Venice; the City of North Port; or the

Town of Longboat Key, all political subdivisions of the State of Florida.

*Neighborhood Retail* shall mean any retail, banking or restaurant uses not otherwise defined in the Mobility Fee schedule that are less than 10,000 square feet in size and do not include a vehicular drive-thru lane, window or service.

*Pre-occurring developer contribution* means the amount of a cash payment in lieu of construction, cost of construction and/or value of donated right-of-way, including any property donated for county transportation facilities, made during the pre-occurring development period as a condition for approval of a site development plan or other applicable site development permit for an improvement included in the transportation element of the county's comprehensive plan on the date such site development plan or other applicable site development permit was approved.

*Pre-occurring development* means development occurring or existing during the period beginning on the effective date of Article XII, Chapter 70 of the Sarasota Code of Ordinances.

*Principal Use* shall mean the carrying out of any building activity or the making of any material change in the use of a structure or land that requires the issuance of a Certificate of Occupancy or Business Use Permit and which generates traffic over and above the existing use of the structure or land, but excluding Governmental Uses.

*Regional Retail* shall mean retail uses that are greater than 100,000 square feet in size that are not otherwise specifically included in the Mobility Fee Schedule.

*Residential Use* shall mean a Dwelling Unit or Dwelling Units and shall include those uses specified in the ITE Trip Generation Manual under the Land Use Code Series 200.

*Right-of-way* shall mean land, property, or interest therein, that is necessary to accommodate all of the required elements for and to support the construction and/or improvement of transportation facilities.

*Rural Residential* shall mean a single-family detached unit one acre or greater in size located outside the Urban and Future Urban Service Area Boundary and not located within an existing platted subdivision as of the date of this ordinance or within a 2050 Plan designated Hamlet, Settlement or Village.

*Service Charge* shall mean a charge, in addition to the applicable mobility fee amount, for expenses associated with the establishment, amendment and annual updates of the mobility fee ordinance and for expenses associated with the Certificate of Occupancy and financial administration of the mobility fee ordinance. The service charge shall be established by resolution of the Board as part of the annual review provided for in Section 70-513 of the Sarasota County Code or at such other times as deemed necessary based upon information submitted by the County Administrator. The service charge is in addition to and shall be paid separately from the mobility fee, but shall be payable at the time of Certificate of Occupancy issuance or Business Use Permit, as applicable for a change of use, and shall be for the sole purpose of defraying expenses as provided herein.

*Single-Family Dwelling Unit* shall mean a structure containing only one Dwelling Unit.

*Transportation facilities* means capital facilities necessary or convenient for the movement of people from one location to another including but not limited to through-lanes, turn-lanes, bridges, curbs, gutters, medians and/or shoulders, drainage facilities and/or mitigation areas, signage, advanced traffic management systems and/or traffic signalization, roundabouts, sidewalks, multi-use paths and trails, bicycle lanes, paved shoulders, bicycle racks, shelters/kiosks, benches, buses, transit stops, bus pullout bays, and park and ride lots.

*Transportation operation and maintenance expenses* means expenses associated with the operation and maintenance of transportation facilities, including cleaning, repairs, mowing, landscape maintenance, resurfacing that does not expand transportation capacity, and fuel and salary costs for the operation of transit systems.

*Urban Infill* means areas within Sarasota County designated on Map C in the Sarasota County Mobility Plan and Fee Technical Memorandum that are fully within the Urban Service Area, are largely built out with a mixture of adjacent residential, office and retail uses, have an existing roadway network and are served by existing schools and parks, water and sewer as of the adoption of this ordinance and are located within or in close proximity to a municipality; municipalities shall have the option of designating Urban Infill areas within their incorporated boundaries subject to an approved inter-local agreement with Sarasota County.

**Sec. 70-505. Adoption of Mobility Fee Study.**

The Board hereby adopts and incorporates the following by reference:

The mobility fee study entitled "Sarasota County Mobility Plan and Fee Technical Report – June, 2015," prepared by the County, is hereby adopted. This adoption includes but is not limited to the assumptions, conclusions and findings in such study as to the mobility fee district boundaries, the methodology for calculating the mobility fee, the trip generation rates assigned to various land use categories, as well as the Mobility Corridors and Urban Infill Areas.

**Sec. 70-506. Applicability.**

- (a) This Ordinance shall not be applicable to certificates of occupancy otherwise necessary for:
  - (1) Room additions, remodeling, rehabilitation or other improvements to an existing structure, provided there is no increase in trip generation and no increase in Gross Floor Area for Commercial or Industrial Uses and no increase in the size of Dwelling Units for Residential Uses;
  - (2) Rebuilding of a damaged or destroyed structure, whether voluntary or involuntary, provided there is no increase in the intensity of use or no increase in Gross Floor Area for Commercial or Industrial Uses and no increase in square footage of a Dwelling Unit for Residential Uses; or
  - (3) A change in occupancy that does not generate additional trips and without any increase in Gross Floor Area for Commercial or Industrial Uses or increase in the number of Dwelling Units for Residential Uses.
- (b) Where this article becomes applicable due to a development activity that generates additional trips and is either a new development, an increase in the intensity of a use or

due to a change of use or due to an increase in Gross Floor Area for Commercial or Industrial Uses or due to an increase in Dwelling Units for Residential Uses, the amount of the Mobility Fee shall be based solely upon the increase in the intensity of use or Gross Floor Area of Commercial or Industrial Uses or square footage of a Dwelling Unit or an increase in the number of Dwelling Units of Residential Uses.

**Sec. 70-507. Establishment of Mobility Fee Service Districts**

- (a) Because of the County's unique traffic characteristics, utilizing mobility fee districts to regulate mobility fee expenditures is the best method of ensuring that the mobility fees benefit the development for which the mobility fees were paid. The basis for the three districts within the unincorporated area of the County are the existing travel patterns serving the majority of daily trips and the location of existing municipal boundaries.
- (b) The Mobility Fee Districts provide a clearly defined boundary for the expenditure of mobility fee revenue. Using the Mobility Fee Districts ensures that funds paid by development are spent on projects to accommodate travel in that district, providing a reasonable nexus between the expenditure of mobility fee revenue and the development for which the mobility fees are paid.
- (c) Based upon the foregoing, the mobility fee study concludes that the unincorporated County should be divided or placed into three mobility fee service districts along with mobility fee service districts for each of the municipalities that elect to opt into the collection of the mobility fee via an approved Interlocal agreement, as depicted in Map B of the mobility fee study. The area located north of Clark Road (State Road 72) and labeled "north" shall be considered the "north" mobility district, the area located between Clark Road (State Road 72) and the Northern municipal boundaries of the City of Venice and City of North Port is labeled "central" shall be considered the "central" district and the area located south of the Northern Municipal Boundaries of the City of Venice and City of North Port is labeled "south" shall be considered the "southern" mobility district. The boundaries of the municipal mobility fee service districts shall be the same as the municipal boundaries in effect at the time of the collection of any mobility fees within the municipality. The mobility fee districts, as described in this section, are hereby established.

**Sec. 70- 508. Imposition and Collection.**

The mobility fee and service charge imposed by this Article shall apply to new applications for building permits and business use permits applications for a change in use submitted on or after January 1, 2016.

- (a) Mobility fees and service charges shall be calculated upon the issuance of a building permit or upon application for a business use permit if an existing building is changing use. Mobility fees shall be calculated for the Principal Use as set forth in the applicable Mobility Fee Schedule contained in Section 70-522 by verifying the nature of the Principal Use, the respective size of the Principal Use by the unit of measure referenced in the Mobility Fee Schedule, and multiplying the rate listed in the mobility fee schedule by the number of determined number of units.
- (b) No Certificate of Occupancy or Business Use Permit shall be issued for a principal use unless the applicant has paid the applicable mobility fee and service charge imposed by this Article.

- (1) Mobility fees and service charges calculated in connection with the issuance of a building permit shall be collected and paid prior to issuance of a certificate of occupancy for a building or a certificate of completion for interior completion of a shell building. The mobility fee shall be computed at the rate established in the mobility fee schedule.
  - (2) Mobility fees and service charges calculated in connection with the issuance of a business use permit shall be collected and paid, prior to issuance of the business use permit. The mobility fee shall be computed as the difference between the rate established in the mobility fee schedule for the proposed new use and the rate established in the mobility fee schedule for the current use.
- (c) No mobility fee or service charge shall be assessed upon the issuance of a commercial retail shopping center building permit, foundation permit, or a nonretail multiuse building permit for an unfinished building, i.e., a shell permit. Each individual use shall thereafter be assessed the applicable mobility fee and service charge based on the calculations herein upon subsequent issuance of a certificate of occupancy for each unit.
  - (d) Alterations, which do not result in a higher assessment under the mobility fee schedule, shall not be charged a mobility fee and service charge for such alterations.
  - (e) Alteration or replacement of an existing residential dwelling unit that does not increase the livable square footage of such dwelling unit for the size category which the dwelling unit applies shall not be charged a mobility fee and service charge for such alteration or replacement of the dwelling unit.
  - (f) Expansion or replacement of an existing residential dwelling unit that increases the square footage to such an extent that the expanded or resulting dwelling unit exceeds the threshold established for single family residential units under the mobility fee schedule shall be required to pay the difference in the mobility fee and associated service charge between the original square footage and the resulting square footage threshold. Documentation via building plans, survey of the new structure, an issued certificate of completion shall be required to establish the original square footage of the residential dwelling unit.

**Sec. 70-509. Independent Mobility Fee Study.**

- (a) The Impact Fee Administrator is hereby authorized and directed to develop an administrative procedures manual for mobility fees addressing, among other things, standards and appeal procedures for independent mobility fee studies. The administrative procedures manual shall be presented to the Board for approval by resolution prior to implementation of the procedures outlined in the manual. Notwithstanding the foregoing, any independent mobility fee studies submitted prior to Board approval of such administrative procedures manual shall be reviewed and considered by the Impact Fee Administrator using generally accepted traffic planning and engineering industry standards.
- (b) Any applicant (1) who believes that the trip generation rate, percentage of new trips, percentage of internal capture, or percentage of transit reduction used to calculate the mobility fee for the applicant's development is incorrect, or (2) who has a unique or

restrictive land use that can be verified through the County's building permit or business use permit process and believes that this results in a different value than that used to calculate the mobility fee for the applicant's development, or (3) whose land use is not listed in the mobility fee schedule, or believes the use is incorrectly assigned in the mobility fee schedule, shall have the option to provide an independent mobility fee study prepared in accordance with the administrative procedures manual. The Impact Fee Administrator is hereby authorized to reject any independent mobility fee study not meeting such standards. The applicant shall provide notice of its intent to provide an independent mobility fee study not later than sixty days following issuance of the building permit or business use permit. Upon submission of the independent mobility fee study, the applicant shall pay a review fee to the County in an amount to be established by resolution, which shall not exceed the actual cost of reviewing the independent mobility fee study. If the independent mobility fee study cannot be completed and a final determination of sufficiency made by the Impact Fee Administrator, including any appeals, prior to issuance of the certificate of occupancy for the development, the applicant shall pay the applicable mobility fee in the mobility fee schedule. However, if the mobility fee study is subsequently accepted by the County Administrator following issuance of the certificate of occupancy or business use permit, a refund shall be made to the applicant to the extent the mobility fee paid was higher than the mobility fee determined in the independent mobility fee study.

**Sec. 70-510. Mobility Fee Credit.**

- (a) Any Applicant, as defined in this Article, who elects to construct or dedicate all or a portion of a Transportation Facility Project shown on Mobility Plan Corridors Map A of the mobility fee study, who escrows money with the Governing Body for the construction of a Transportation Facility Project shown on Mobility Plan Corridors Map A, or who makes a proportionate fair share payment consistent with County regulations adopted pursuant to Section 163.3180(16), *Florida Statutes* shall be eligible for a credit for such contribution against the mobility fee otherwise due but not against the service charge. Mobility Fee credit may also be provided for the construction of off-site bicycle and pedestrian facilities required in conjunction with a land use approval or permit that connects a gap in the existing system, or connects the development with an adjacent bicycle or pedestrian facility, park, school, place of assembly, employment or retail center. The Applicant must, prior to the Applicant's construction, dedication, escrow, or proportionate fair share payment, submit a petition to the Impact Fee Administrator and obtain a determination of credit eligibility and the amount of any credit. Any appeal of such determination under Section 70-517 of this article must be filed and heard prior to the applicant's construction, dedication, or escrow for which credit is requested.
  
- (b) A credit shall be granted and the amount of the credit shall be determined by the Impact Fee Administrator if it is determined that the Transportation Facility Project or comparable improvement project is in the Capital Improvements Program. Credit shall be based upon the additional capacity created by a development above and beyond that needed to accommodate the gross trips based upon the full build-out of a development based upon the Comprehensive Plan allowable uses and density for the development. The additional capacity created shall be based upon a traffic analysis submitted by the applicant and shall be subject to approval by Public Works. The amount of the credit shall be based upon certified cost estimates submitted by the applicant and shall be subject to approval by Public Works. The amount of future development allowed shall be based on the Comprehensive Plan and confirmed by the Planning Department. In no

event shall the credit exceed the amount of the otherwise applicable mobility fee nor shall the credit exceed the amount budgeted for that Transportation Facility Project in the Capital Improvements Program.

- (c) Within ten days after receipt of a petition, the Impact Fee Administrator shall forward the petition and supporting documentation to Public Works for review and recommendation. The Impact Fee Administrator shall approve or deny the petition and establish the amount of credit based on the standards in subsection (b) of this section within 60 days following the filing of a complete petition. Upon agreement by the Impact Fee Administrator and the Applicant, the time limits established under this section may be waived.
- (d) If a petition is approved for credit by the Impact Fee Administrator, the Applicant and the Governing Body shall enter into a credit agreement which shall provide for the following, including but not limited to:
  - (1) The timing of the actions to be taken by the Applicant and the obligations and responsibilities of the Applicant, including, but not limited to, the construction standards and requirements to be complied with;
  - (2) The obligations and responsibilities of the Governing Body, including but not limited to inspection of the project; and
  - (3) The amount of the credit or mechanism to be used to determine the value of dedicated right-of-way qualifying for credit.
- (e) Where the Applicant eligible for credit is not the property owner or agent of the property owner requesting a Certificate of Occupancy, such Applicant shall agree to provide recorded notice to subsequent owners of the property regarding the credit, if any, available to such purchasers and shall agree to indemnify the County for any and all costs and liabilities arising from any claims related to the Impact Fee credit. If any credit available at the time of issuance of a Certificate of Occupancy is less than the Mobility Fee otherwise due, the Applicant shall pay the Mobility Fee less the credit at the time of Certificate of Occupancy issuance.
- (f) This division shall not be interpreted in a manner affecting the rights of parties to agreements entered into in connection with the payment of transportation impact fees pursuant to Ordinance No. 89-97, as amended, including, but not limited to, development agreements and credit agreements including but not limited to the following agreements, as may be amended:

| <b>Contract No.</b>             | <b>Development Agreement / Impact Fee Credit Agreement</b>   |
|---------------------------------|--|
| <b>2000-201,<br/>as amended</b> | Road Impact Fee Credit Agreement with Palmer Ranch   |
| <b>2008-041</b>                 | Development Agreement Regarding Funding of Additional Eastbound Left Turn Lane at Jacaranda Boulevard/Venice Avenue Intersection |

|                 |  |
|-----------------|--|
| <b>2008-180</b> | Development Agreement for Jacaranda Boulevard and Venice Avenue Intersection                   |
| <b>2010-018</b> | Impact Fee Credit Agreement with SCIBC Phase Two, LLC/Sunshine Venice Commercial Park, LLC     |
| <b>2010-166</b> | Impact Fee Credit Agreement with Sarasota Commerce Park, LLC                                   |
| <b>2010-110</b> | Impact Fee Credit Agreement with Commerce Drive Holdings, LLC                                  |
| <b>2010-319</b> | Alternative Capital Contribution, Road Impact Fee Credit, and Reimbursement Agreement          |
| <b>2014-039</b> | Revised and Restated Transportation Facilities Agreement: Villages of Lakewood Ranch South DRI |
| <b>2014-361</b> | Impact Fee Credit Agreement with First Baptist Church of Venice                                |
| <b>2014-362</b> | Impact Fee Credit Agreement with Jacaranda Junction I, LLC                                     |
| <b>2014-363</b> | Impact Fee Credit Agreement with Jacaranda Junction III, LLC                                   |
| <b>2014-387</b> | Impact Fee Credit Agreement with JLP Lots, LLC   |
| <b>2015-226</b> | Impact Fee Credit Agreement with Equity Resource Partners IV, LLC                              |

All such agreements shall remain in full force and effect. Development on property otherwise entitled to a transportation impact fee credit under such an agreement shall be entitled to a mobility fee credit in the amount specified in such agreement if (1) the improvement generating the transportation impact fee credit was included in the transportation element of the county's comprehensive plan on the date of the agreement, and (2) the parties, successors or assigns to the agreement acknowledge in writing that granting the mobility fee credit satisfies the County's obligation under such agreement on a dollar-for-dollar basis.

- (g) Mobility fee credit will be issued to property upon which a person paid a transportation impact fee pursuant to Ordinance No. 89-97, as amended, in connection with a commercial retail shopping center building permit, foundation permit, or a nonretail multiuse building permit for an unfinished building, i.e., a shell permit. The mobility fee credit shall be applicable to building permits for completion of units within the shell structure following the effective date of this article, computed by dividing the area of the units not completed within such shell structure on the effective date of this article by the total area of such shell structure and multiplying the result by the transportation impact fee paid in connection with the construction of such shell structure. Mobility fee credit shall run with the property located in the development for which the transportation impact fee was paid and is not transferable to other properties.

**Sec. 70-511. Enforcement by the County.**

- (a) Any person, firm, corporation, or partnership that violates any provision of this article may be punished by a fine of not more than \$500.00, or 60 days in jail, or both. Enforcement of this article may be through the issuance of a citation, in accordance with the County's code enforcement practices under Chapter 2 of the County Code.
- (b) Violations include but are not limited to failing, neglecting, or refusing to pay a mobility fee as required by this article and/or furnishing untrue, incomplete, false, or misleading information on any document, or to any County employee, concerning the calculation, exemption, or payment of a mobility fee or concerning the entitlement to, or



calculation of, a mobility fee credit.

- (c) The owner, tenant, or occupant of any land or part thereof for which a mobility fee is owed, and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this article, or who fails, neglects, or refuses to pay a mobility fee, or who furnishes any untrue, incomplete, false, or misleading information concerning the calculation, exemption, or payment of a mobility fee or concerning the entitlement to, or calculation of, a mobility fee credit, may be held responsible for the violation and be subject to the penalties and remedies provided for in this article.
- (d) In addition to enforcement of this article through issuance of a citation in accordance with the County's code enforcement practices, the County may withhold issuance of the certificate of occupancy or business use permit and/or bring suit to restrain, enjoin, or otherwise prevent violation of this article in any court of competent jurisdiction, to recover costs incurred by the County in whole or in part because of violation of this article, and/or to compel payment of a mobility fee pursuant to this article. Issuance of and/or payment of a citation for violation of this article does not preclude the County from filing such a suit. Payment of any penalties imposed does not release a person or entity from payment of the mobility fee due but shall be payable in addition to the mobility fee.
- (e) Failure to pay a mobility fee required by this article is a violation that is continuous with respect to time, and each day the violation continues, or the mobility fee remains unpaid, is hereby declared to be a separate offense.
- (f) The provisions of this section are supplemental to any other remedy or enforcement procedure provided for or recognized by ordinance, statutory law, common law, case law or the Florida Constitution and shall not be construed as an exclusive remedy or procedure available for enforcement of the codes and ordinances of the County. Nothing contained herein shall prohibit the Board of County commissioners from enforcing its codes by any other means.

**Sec. 70-512. Effect on Land Use Regulations.**

- (a) The payment of mobility fees does not ensure compliance with the County's land development regulations, 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 transportation mitigation for the same impacts addressed through the payment of mobility fees, such regulations shall be deemed to provide for mobility fee credit against mobility fees consistent with state and federal law and this article.
- (b) The listing of a land use in the mobility fee schedule is solely for purposes of establishing the applicable mobility fee for such use, and such listing does not mean that the land use is permitted or available under applicable zoning and comprehensive plan requirements. In addition, the listing of the land use in the mobility fee schedule shall not be considered evidence that the land use is appropriate in any land use classification or zoning district.

**Sec. 70- 513. Annual Review.**

- (a) Prior to February 1 each year, not earlier than one year from the date this article has been enacted, the Impact Fee Administrator shall prepare and transmit a report to the Board on the subject of mobility fees, which report shall incorporate:
  - (1) Recommendations on amendments, if appropriate, to this article;
  - (2) Proposed changes to the boundaries of mobility fee district;
  - (3) Proposed changes to the mobility fee calculation methodology;
  - (4) Proposed changes to the mobility fee rates or schedules;
  - (5) Proposed changes to the mobility fee calculation variables, including but not limited to lane mile improvement costs, Trip Generation Rates, trip lengths, capture and diversion rates, and tax credits;
  - (6) Recommended changes based on prior year and projected inflation factors obtained from the Florida Department of Transportation report titled “FDOT Transportation Cost Reports, Inflation Factors”
- (b) The Impact Fee Administrator, in preparing the annual report, shall obtain and review the following information:
  - (1) A statement from the County Finance Department summarizing mobility fees collected and disbursed during the preceding fiscal year by CIP project and mobility fee district;
  - (2) A statement from Public Works summarizing CIP projects initiated and completed during the preceding fiscal year by mobility fee district;
  - (3) A statement from Planning and Development Services summarizing the Certificates of Occupancy issued, by type of Principal Use, during the preceding fiscal year, by mobility fee district, if feasible;
  - (4) A statement from Planning and Development Services that the CIP projects constructed with mobility fee funds are consistent with the adopted CIE and Comprehensive Plan.
- (c) Based on the annual report and such other factors as the Board deems relevant and appropriate, the Board may amend this article.
- (d) Nothing herein precludes the Board or limits its discretion to amend this article at such other times as may be deemed necessary.

**Sec. 70-514. Review and Update.**

- (a) The mobility fee is based on the analysis in the Sarasota County Mobility Plan and Fee Technical Report – June, 2015. Not later than five years from the date this article is enacted and not later than every five years thereafter, the County shall conduct a full reevaluation and update of the analysis in the mobility fee study and of all components of the mobility fee. However, in the event that full reevaluation and updates are not complete within the required five-year period, the last-adopted mobility fee shall remain

in effect until the reevaluation is complete. Nothing herein shall prevent the County from updating the mobility fee earlier than every five years if the County determines that significant changes in the mobility fee study have occurred, and that such changes are likely to have a significant effect on the amount of the mobility fee.

- (b) The service charge may be reviewed annually during the County's budget process and revised by resolution of the Board.

**Sec. 70-515. Establishment of Mobility Fee Funds.**

There are hereby-established separate mobility fee fund accounts, one for each of the mobility fee districts established in Section 70-507 hereof. For accounting purposes, the mobility fee funds shall be considered special revenue funds. Mobility fees collected from property located in each mobility fee district shall be deposited into the corresponding mobility fee fund. If a parcel of property is located in more than one mobility fee districts, the mobility fee paid in respect thereof shall be allocated between the mobility fee districts, based on the percentage of developable property acreage located within each mobility fee district. Funds withdrawn from these accounts shall be used solely in accordance with the provision of Section 70-516.

**Sec. 70-516. Use of Mobility Fee Funds.**

- (a) Amounts on deposit in the mobility fee fund accounts shall be used by the County solely for developing transportation facilities or for financing directly, or as a pledge against bonds, revenue certificates and other obligations of indebtedness, the costs of transportation facilities, or portions thereof, that are located in the corresponding mobility fee district from which the funds were collected or in adjacent areas, that are included in the County's capital improvement plan, mobility plan, bicycle and pedestrian plan, trails plan, transit development plan or comprehensive plan, and benefit new development located within the corresponding mobility fee district. Amounts on deposit in the mobility fee funds shall not be used for any expenditure that would be classified as a transportation operation and maintenance expense.
- (b) "Adjacent area" for the purposes of this subsection shall mean and include only those Mobility Facility Service Districts which abut the boundaries of the Mobility Fee Facility Service District from which the Mobility Fee has been collected. "Adjacent area" for purposes of the subsection shall not include any areas outside of the corporate boundaries of Sarasota County. Mobility Fee funds shall not be used in adjacent areas unless the Board adopts the following findings of fact, supported by competent evidence and data concerning the impact of the Principal Use and the capacity of the mobility systems in the adjacent area:
  - (1) The need for the Transportation Facility Project in the adjacent area is reasonably related to the needs created by the Principal Use on which the Mobility Fee has been imposed;
  - (2) The Transportation Facility Project in the adjacent area will benefit the Principal Use on which the Mobility Fee has been imposed; and
  - (3) The Transportation Facility Project in the adjacent area is an integral part of or the continuation of a Transportation Facility Project in the mobility fee service district in which the Mobility Fee has been paid; or the Transportation Facility Project in the adjacent area is designed specifically to serve the mobility needs generated by the Principal Use in the mobility fee service district in which the Mobility Fee has been paid.

**Sec. 70-517. Appeals.**

- (a) After determination of: (i) the amount of the mobility fee, which occurs at the time of issuance of a building permit as defined in this article or at the time of issuance of a determination on an independent mobility fee study under Section 70-509 of the Sarasota Code, whichever occurs later in time, (ii) the amount of the credit, which occurs at the time of issuance of a determination on an independent mobility fee study under Section 70-509, or (iii) the amount of the refund due, which occurs at the time of issuance of a determination on an independent mobility fee study under Section 70-509, an Applicant for a building permit or a property owner may appeal in writing such determination to the Impact Fee Administrator. The Impact Fee Administrator shall have 15 business days to respond in writing to the appeal request. Should the appeal request be denied, the Applicant shall have the right to file a notice of appeal with the Clerk of the Board within 30 days following the determination appeal request by the Impact Fee Administrator. The Impact Fee Administrator shall prepare a written response justifying the decision to deny the appeal request and cite applicable policies and rationale for the decision. The filing of an appeal shall stay the issuance of a building permit unless a bond, letter of credit, or other surety has been filed with the County in an amount equal to the impact fee assessed and applicable surcharge. The Board shall base its decision on any appeal on the applicable standards and criteria established in this article and the evidence presented by the Applicant and the Impact Fee Administrator at a properly advertised public hearing. The hearing shall be held within 60 days of receipt of the appeal request. The Board may uphold or revoke, in whole or in part, the determination being appealed and to that end shall have the powers of the administrative official from whom the appeal is taken.
- (b) The Impact Fee Administrator is authorized, without a hearing to the Board, to take such actions as are necessary to correct errors in the calculation and/or collection of mobility fees which are the subject of an appeal timely filed in accordance with this article.

**Sec. 70-518. Refunds.**

- (a) Upon application of the current property owner, the County shall refund the portions of any Mobility Fee which have been on deposit for more than ten years and which remain unexpended, unless the County makes findings:
  - (1) To identify the specific Transportation Facility Projects listed in the first two years of the current Capital Improvement Program for which the Mobility Fee will be expended, and the year in which the Transportation Facility Projects will be constructed; and
  - (2) To demonstrate a "rational nexus" between the Mobility Fee and the Transportation Facility Projects with respect to the applicable Principal Use.
- (b) The current owner of the property must petition the County for the refund within one year following the ten-year period or extension thereof granted pursuant to subsection (a) of this section. The time for filing of a refund petition shall run from the date on which the Mobility Fee was paid or, if a legal challenge is filed in connection with payment of the mobility fee, such ten-year period shall not begin to run until completion of the associated litigation, including appeals.
- (c) The petition must contain the following information:

- (1) A notarized sworn statement that the petitioner is the current owner of the property;
  - (2) A copy of the dated receipt issued for payment of the Mobility Fee;
  - (3) A certified copy of the latest recorded deed for the property; and
  - (4) A copy of the most recent ad valorem tax bill for the property.
- (d) Within one month from the date of receipt of a petition for refund, the County shall advise the petitioner of the status of the refund request. If the petition for refund meets all of the requirements of this section, the County shall issue the refund within three months from the date of receipt of the petition for refund.
- (e) Refunds shall be paid with interest at the rate of return earned by the County on the impact fees subject to refund.
- (f) Funds deposited in each account shall be deemed to have been expended on a first-in, first-out basis.

**Sec. 70-519. Mobility Fee as Additional or Supplemental Requirement.**

The payment of mobility fees is additional and supplemental to, and not in substitution of, any other requirements imposed by the County or Municipalities on the development of a Principal Use or the issuance of a Certificate of Occupancy. In no event shall a property owner be obligated to pay for Transportation Facility Projects in an amount exceeding the amount calculated pursuant to Section 70-508 of the Sarasota County Code; provided, however, that a property owner may be required to pay, pursuant to County or municipal ordinances, regulations or policies, for other public facilities including local roads in addition to the mobility fee for Transportation Facility Projects as specified herein. Nothing in this article shall be construed as a guarantee of adequate public facilities at the time of development of any particular property.

**Sec. 70-520. Liberal construction.**

The provisions of this article shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare, and convenience.

**Sec. 70-521. Severability.**

Should any sentence, clause, part or provision of this article be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this article as a whole, or any part thereof other than the part declared to be invalid.

**Sec. 70-522. Mobility fee rate tables.**

| Mobility Fee Schedule Category/Land Use Type | Mobility Fee | Mixed-Use Mobility Fee | Urban Infill Mobility Fee |
|--|--------------|------------------------|---------------------------|
| <i>Residential Per Dwelling Unit</i>         |              |                        |                           |
| Single Family                                |              |                        |                           |
| Less than 1,500 sq. ft.                      | \$3,603      | \$2,703                | \$1,892                   |

|   |         |         |         |
|---|---------|---------|---------|
| 1,500 - 3,500 sq. ft.   | \$4,734 | \$3,551 | \$2,485 |
| Greater than 3,500 sq. ft.  | \$5,389 | \$4,042 | \$2,829 |
| Rural Single Family   | \$7,184 | N/A     | N/A     |
| Multi-Family  | \$3,116 | \$2,337 | \$1,636 |
| Townhome / Condo / Urban Flat   | \$2,722 | \$2,042 | \$1,429 |
| Mobile Home / RV  | \$2,338 | N/A     | N/A     |
| Adult Congregate Living Facility                                      | \$1,106 | \$829   | \$581   |
| <b><i>Recreation / Entertainment per specific unit of measure</i></b> |         |         |         |
| Marina per Berth  | \$654   | \$490   | \$343   |
| Golf Course per Hole  | \$6,354 | \$4,766 | \$3,336 |
| Multipurpose Recreational Facility per Acre                           | \$7,142 | \$5,356 | \$3,749 |
| Movie Theater per Seat  | \$356   | \$267   | \$187   |
| Racquet/Tennis Club per Court   | \$6,199 | \$4,650 | \$3,255 |
| Health/Fitness/Athletic Club per 1,000 FT <sup>2</sup>                | \$6,750 | \$5,062 | \$3,544 |
| Recreational Community Center per 1,000 FT <sup>2</sup>               | \$6,015 | \$4,511 | \$3,158 |
| <b><i>Institutional per 1,000 FT<sup>2</sup></i></b>                  |         |         |         |
| Private School (K-12)   | \$1,450 | \$1,088 | \$761   |
| Place of Assembly   | \$1,695 | \$1,271 | \$890   |
| Place of Assembly with Private School (K-12)                          | \$3,349 | \$2,511 | \$1,758 |
| Day Care Center   | \$4,083 | \$3,062 | \$2,143 |
| Hospitals   | \$3,644 | \$2,733 | \$1,913 |
| Nursing Home  | \$1,584 | \$1,188 | \$831   |
| <b><i>Office per 1,000 FT<sup>2</sup></i></b>                         |         |         |         |
| Office / Medical / Dental / Research                                  | \$4,327 | \$3,245 | \$2,272 |
| <b><i>Industrial Buildings per 1,000 FT<sup>2</sup></i></b>           |         |         |         |
| Warehousing / Manufacturing / Industrial                              | \$1,984 | \$1,488 | \$1,042 |
| Mini-Warehousing  | \$617   | \$463   | \$324   |
| <b><i>General Commercial Retail per 1,000 FT<sup>2</sup></i></b>      |         |         |         |
| Neighborhood Retail (less than 10,000 FT <sup>2</sup> )               | \$3,811 | \$2,859 | \$2,001 |
| Community Retail (10,000 FT <sup>2</sup> to 100,000 FT <sup>2</sup> ) | \$7,162 | \$5,372 | \$3,760 |

|   |          |          |          |
|---|----------|----------|----------|
| Regional Retail (greater than 100,000 FT <sup>2</sup> ) | \$9,365  | \$7,024  | \$4,917  |
| Variety / Dollar Store                                  | \$8,260  | \$6,195  | \$4,336  |
| Discount Superstore with Grocery                        | \$12,730 | \$9,547  | \$6,683  |
| Wholesale / Discount Club - Membership                  | \$10,485 | \$7,864  | \$5,504  |
| Grocery Store   | \$10,379 | \$7,784  | \$5,449  |
| Pharmacy with Drive-Thru                                | \$8,040  | \$6,030  | \$4,221  |
| Restaurant with Drive-Thru                              | \$17,867 | \$13,400 | \$9,380  |
| Car Sales   | \$5,983  | \$4,487  | \$3,141  |
| Auto Parts Store  | \$7,986  | \$5,990  | \$4,193  |
| Tire & Auto Repair                                      | \$3,295  | \$2,471  | \$1,730  |
| <i>Non-Residential per specific unit of measure</i>     |          |          |          |
| Hotel / Lodging per Room                                | \$2,267  | \$1,700  | \$1,190  |
| Bank/Savings with Drive-Thru per Drive-Thru Lane        | \$8,598  | \$6,448  | \$4,514  |
| Convenience Market / Gas Station per Fuel Position      | \$21,733 | \$16,300 | \$11,410 |
| Quick Lube Vehicle Service per Bay                      | \$2,470  | \$1,852  | \$1,297  |
| Car Wash per Stall                                      | \$6,668  | \$5,001  | \$3,501  |

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon filing with the Office of the Secretary of the State of Florida.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA this \_\_\_ day of \_\_\_\_\_, 2015.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

By: \_\_\_\_\_  
Chair

ATTEST:

KAREN E. RUSHING, Clerk of  
the Circuit Court and Ex-  
Officio Clerk of The Board  
of County Commissioners of  
Sarasota County, Florida

By: \_\_\_\_\_  
Deputy Clerk