



# Staff Report

City Commission Regular Meeting

April 9, 2026

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**To:** City Commission  
**From:** Lupita McClenning, Planner  
**Meeting Date:** April 9, 2026  
**Item Name:** Ordinance 2026-07. An Ordinance of the City Commission of the City of Flagler Beach, Florida, amending the City of Flagler Beach Code of Ordinances, Chapter 12, Impact Fees, to rename Chapter 12 as Impact and Mobility Fees, to amend Section 12-1 adopting the Mobility Plan and Mobility Fee Technical Report; to amend Section 12-2 Definitions; to amend Sect 12-3 to incorporate Mobility Fee Funds; to establish Sec 12-10 Mobility Fees; to establish Section 12-11 Mobility Fee Determination; providing for codification, conflicts, severability, and an effective date; and for other purposes (First Reading).

## Background:

In 2025, the City of Flagler Beach contracted NUE Urban Concepts, LLC (Consultant) to prepare a Mobility Plan and assist the City with adopting a mobility fee applicable to new development and redevelopment. Two (2) Stakeholder Meeting(s) were held, 12/09/2025 and 03/10/2026, to provide an overview of the transportation evaluation/assessment, receive feedback on preliminary recommended projects, and review design concepts of key projects. The Mobility Fee Technical Report, dated April 2026, documents the data and methodology used to develop the mobility fee(s) to mitigate the impact of new development based on the 2050 Mobility Plan. The City of Flagler Beach will determine how Mobility Fee revenues are allocated and expended through its annual Capital Improvements Program. Mobility Fee revenues may be expended on projects identified in the 2050 Mobility Plan and the City's Capital Improvements Program.

## Fiscal Impact:

The Mobility Fee is an equitable and simplified one-time payment from new development to mitigate its impact to the City's multi-modal transportation system. The City Mobility Fee, documented in the Technical Report, is consistent with legal and statutory requirements and meets the dual rational nexus test and the rough proportionality test, consistent with Florida Statute Sections 163.3164, 163.3180, 163.31801, and Florida Statute Chapter 380.

## Staff Recommendation:

Staff recommends the City Commission approve Ordinance 2026-07 on First Reading.

**Attachments:**

1. Mobility Fee Ordinance (v2)(DAS rev 033126)
2. CoFB\_DRAFT\_MobilityFee\_TechReport\_03272026
3. Flagler Beach Mobility Plan Report DRAFT 03-27-26
4. FlaglerBeach\_Stakeholders\_03102026
5. CoFB\_MPMF\_StakeholderMeeting^N2\_Memo\_c
6. CoFB\_MPMF\_StakeholderMeeting\_Memo

1           **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY**  
2           **OF FLAGLER BEACH, FLORIDA, AMENDING CHAPTER 12**  
3           **OF THE CODE OF ORDINANCES; SETTING FORTH**  
4           **GENERAL PROVISIONS FOR MOBILITY FEES,**  
5           **DEFINITIONS, PURPOSE, AND ADOPTION OF THE**  
6           **MOBILITY FEE STUDY; PROVIDING FOR IMPOSITION**  
7           **AND A MOBILITY FEE SCHEDULE; PROVIDING FOR**  
8           **CODIFICATION, CONFLICTS, SEVERABILITY, AND FOR**  
9           **AN EFFECTIVE DATE.**

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11           **WHEREAS**, pursuant to Article VIII, Section (2)(b), of the Florida Constitution and Chapter  
12 166, *Florida Statutes*, the City of Flagler Beach has broad home rule powers to adopt ordinances to  
13 provide for and operate a transportation system, including bicycle and pedestrian facilities, transit  
14 facilities, roadways, intersections, and personal mobility technology within the City; and  
15

16           **WHEREAS**, Flagler County currently has an established road impact fee system, which has  
17 been one part of an overall growth management program as set forth in the unincorporated portions  
18 of the County; and  
19

20           **WHEREAS**, Flagler County’s road impact fee system is principally focused on vehicular  
21 mobility, whereas a mobility fee system takes a comprehensive view on the provision of mobility  
22 through walking, biking, transit, motor vehicles, and personal mobility technology; and  
23

24           **WHEREAS**, § 163.3180, *Florida Statutes*, encourages local governments to develop tools  
25 and techniques including adoption of long-term strategies to facilitate development patterns that  
26 support multimodal solutions, adoption of area wide service standards that are not dependent on any  
27 single road segment function, and establishing multimodal service standards that rely primarily on  
28 non-vehicular modes of transportation where existing or planned community design will provide an  
29 adequate level of personal mobility; and  
30

31           **WHEREAS**, authorizes local governments to repeal transportation concurrency and to adopt  
32 an alternative transportation system; and  
33

34           **WHEREAS**, the City of Flagler Beach intends to replace its current transportation  
35 concurrency system with a mobility fee system administered and programmed by the City for new  
36 development in the Mobility Fee Assessment Area consistent with the requirements for alternative  
37 transportation systems pursuant with § 163.3180, *Florida Statutes*; and  
38

39           **WHEREAS**, the mobility fee system focuses on person travel demand from projected  
40 development within Flagler Beach, which includes walking, biking, transit and motor vehicular trips,  
41 generated by new development and the resulting impact on the transportation system and accordingly

42 requires the expenditure of revenue derived under that system to be used on mobility projects  
43 identified to meet the travel demand needs of projected development within Flagler Beach; and  
44

45 **WHEREAS**, the City of Flagler Beach is experiencing growth and new development that  
46 necessitates the expansion of transportation capacity for a variety of modes to meet the person travel  
47 demands of new development including adequate and efficient mobility projects along with different  
48 mobility options; and  
49

50 **WHEREAS**, imposition of a mobility fee requiring future growth within Flagler Beach to  
51 contribute its attributable share of the cost of growth-necessitated mobility projects is necessary and  
52 reasonably related to the public health, safety, and welfare of the people of the City; provided that the  
53 mobility fee does not exceed the actual amount necessary to offset the demand on the multimodal  
54 transportation system generated by new development; and  
55

56 **WHEREAS**, the City of Flagler Beach Mobility Plan, dated April 2026, prepared by NUE  
57 Urban Concepts, LLC, identifies needed mobility projects to accommodate projected travel demand  
58 from new development and provides the technical analysis to determine the mobility fee and  
59 constitutes a proper factual predicate for imposition and expenditure of the mobility fees; and  
60

61 **WHEREAS**, the establishment of a Mobility Fee Fund to regulate mobility fee expenditures  
62 is the best method of ensuring that the mobility projects funded by mobility fees have the rational  
63 nexus and benefit to the new development for which the mobility fees were paid; and  
64

65 **WHEREAS**, mobility fees collected will be deposited in the Mobility Fee Fund for the benefit  
66 of new development and expended for the purposes set forth herein; and  
67

68 **WHEREAS**, mobility fees imposed hereunder achieve the goals, objectives and policies of  
69 the City of Flagler Beach Comprehensive Plan and utilize the tools and techniques encouraged by §  
70 163.3180, *Florida Statutes*; and  
71

72 **WHEREAS**, the City Commission has determined that this Ordinance adopting a mobility  
73 fee will help to preserve and enhance the rational nexus between the need for person travel demand  
74 generated by new development in Flagler Beach and the mobility fees imposed on that new  
75 development; and  
76

77 **WHEREAS**, the City Commission authorizes, based upon mobility project development  
78 timeframes which are often delayed depending upon economic realities, the refund of collected  
79 mobility fees for projects for which a building permit or change of occupancy approval has expired,  
80 without construction or extension; and  
81

82           **WHEREAS**, the City Commission further determines that it is in the best interests of the City  
83 of Flagler Beach to replace, within the City of Flagler Beach, the transportation concurrency systems  
84 for transportation facilities with a mobility fee system; and

85  
86           **WHEREAS**, the City Commission has noticed, advertised, scheduled, and held public  
87 hearings in compliance with Florida Statutes on this Ordinance; and

88  
89           **WHEREAS**, the City Commission has determined that it is advisable and in the public  
90 interest to adopt and implement the amended Impact Fee and Mobility Fee Ordinance.

91  
92           **NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
93 **CITY OF FLAGLER BEACH, FLORIDA, THAT:**

94  
95           **SECTION 1. Findings.** It is hereby found, ascertained, determined, and declared by the City  
96 Commission that:

97  
98           (A) Pursuant to Article VIII, Section 2(b), Florida Constitution, and §§ 166.021 and  
99 166.041, *Florida Statutes*, the City Commission has all powers of local self-government to  
100 perform municipal functions and to render municipal services in a manner not inconsistent  
101 with law, and such power may be exercised by the enactment of City ordinances.

102  
103           (B) The City Commission may exercise any governmental, corporate, or proprietary power  
104 for a municipal purpose except when expressly prohibited by law, and the City Commission  
105 may legislate on any subject matter on which the Florida Legislature may act, except those  
106 subjects described in (a), (b), (c), and (d) of § 166.021(3), *Florida Statutes*. The subject matter  
107 of paragraphs (a), (b), (c), and (d) of § 166.021(3), *Florida Statutes*, are not relevant to the  
108 imposition of a mobility fee within the City of Flagler Beach.

109  
110           (C) By § 163.3180, *Florida Statutes*, the Legislature encouraged local governments to  
111 adopt mobility plans and mobility fees as an alternative transportation system to replace  
112 transportation concurrency, proportionate share and road impact fees.

113  
114           (D) The City of Flagler Beach is experiencing growth and new development that  
115 necessitates the expansion of transportation facilities for a variety of modes to meet the  
116 mobility demands of new development, including adequate and efficient mobility projects  
117 along with different mobility options.

118  
119           (E) A mobility fee will help to preserve and enhance the rational nexus between the need  
120 for travel demands generated by new development and the mobility fees imposed on that  
121 development.

123 (F) Establishment of a Mobility Fee Fund to regulate mobility fee expenditures is the best  
124 method of ensuring that the mobility projects funded by mobility fees have the rational nexus  
125 and benefit to the development for which the mobility fees were paid.

126  
127 (G) The City Commission has determined that it is in the best interests of the City of  
128 Flagler Beach to replace its transportation concurrency system with a mobility fee system.

129  
130 **SECTION 2. Mobility Plan.** The City of Flagler Beach Mobility Plan, dated April 2026,  
131 prepared by NUE Urban Concepts, LLC, identifies mobility projects intended to meet the travel  
132 demands from new development by 2050. The mobility projects established in the Mobility Plan form  
133 the basis for calculation of the Mobility Fee. The City Commission shall prioritize mobility projects  
134 annually through its capital improvements program. The City Commission may amend the Mobility  
135 Plan as necessary to address future mobility project needs.

136  
137 **SECTION 3. Mobility Fee Analysis.** The City of Flagler Beach Mobility Fee Technical  
138 Report, dated April 2026, prepared by NUE Urban Concepts, LLC, providing the technical analysis  
139 to determine the mobility fee is hereby accepted. This Report sets forth the basis of the assumptions,  
140 conclusions and findings for the mobility fee, the methodology for calculating the mobility fee, the  
141 person miles of travel assigned to new development and mobility projects and the person travel  
142 demand assigned to various land use categories. The study presents the technical analysis and detailed  
143 methodology supporting the Mobility Fees.

144  
145 **SECTION 4. Amendment.** *Chapter 12 – Impact Fees* of the City of Flagler Beach Code of  
146 Ordinances is hereby amended as follows:

147  
148 **CHAPTER 12 - IMPACT FEES AND MOBILITY FEES**

149  
150 **Sec. 12-1. Adoption of fee study and rational nexus.**

151  
152 (a) The city commission hereby adopts by reference the impact fee study dated February 8,  
153 2024 as prepared by Tischler Bise relating to the capital costs of the City of Flagler Beach  
154 to meet facilities and infrastructure needs related to the impacts of new development for  
155 water, wastewater, police, fire, library parks and recreation, and administrative services.

156  
157 (b) The city commission hereby adopts by reference the Mobility Plan dated, April X 2026,  
158 and the Mobility Fee Technical Report dated April 2026 as prepared by NUE Urban  
159 Concepts, LLC relating to the capital costs of the City of Flagler Beach to identify the  
160 mobility project needs related to the impacts of new development on the multimodal  
161 transportation system and to provide for mobility.

162  
163 (b c) The city commission finds that there is a reasonable connection, or rational nexus, between  
164 the need for new or expanded facilities and infrastructure in the city and the growth in

165 population anticipated within the city. In addition, the city commission finds there is a  
166 reasonable connection, or rational nexus, between the anticipated expenditures of the  
167 impact fees and mobility fees collected and the benefits accruing to anticipated new  
168 development.

169  
170 **Sec. 12-2. - Definitions.**

171  
172 The following words, terms and phrases, when used in this chapter, shall have the meaning  
173 ascribed to them in this section, except where the context clearly indicates a different meaning, or  
174 except as otherwise provided.

175  
176 Additive fees for commercial services and retail uses means a land use with a mobility fee rate  
177 based on a unit of measure that generates high levels of impact per unit, such as service bays, fueling  
178 positions for motor vehicles, and drive-through lanes for banks, restaurants, and retail uses. These  
179 mobility fees per unit of measure are assessed in addition to mobility fees assessed per land use based  
180 on square footage of buildings and structures or the applicable unit of measure for the land use.

181  
182 Applicant means any person, developer, builder or entity which requires public services as a result  
183 of development for the benefit of itself or a prospective future occupant.

184  
185 Building is any structure, either temporary or permanent, designed or built for the support,  
186 enclosure shelter or protection of persons, chattels or property of any kind. This term shall include  
187 trailers, mobile homes or any other vehicles serving in any way the function of a building. This term  
188 shall not include temporary construction sheds or trailers erected to assist in construction and  
189 maintained during the time of a construction.

190  
191 Chain means a retail use with seven or more locations and may be either corporate-owned,  
192 individually-owned, or use a franchise model, or some combination thereof. Chain uses benefit from  
193 pooled sourcing of goods and advertising and branding that covers multiple locations and platforms.  
194 Signage, logos, color schemes, goods, services, or perishable items are often the same regardless of  
195 location.

196  
197 Commercial recreational uses mean those public or quasi-public uses that serve a community's  
198 social, cultural, fitness, entertainment, and/or recreational needs, and which include applicable land  
199 uses specified in the ITE Trip Generation Manual under Land Use Code Series 400.

200  
201 Commercial and retail uses mean those commercial activities which provide for sale, lease, or  
202 rent of goods, products, services, motor vehicles, or accommodations for use by individuals,  
203 businesses, or groups and which include those uses specified in the ITE Trip Generation Manual  
204 under Land Use Code Series 800 and 900.

206 Community serving means those uses that are operated by non-profit civic organizations,  
207 governmental entities, foundations, or fraternal organizations, including places of assembly.  
208 Community serving also includes uses such as YMCA, museum, art studio, gallery, cultural center,  
209 community centers, community theater, library, or a fraternal or masonic lodge or club, or any  
210 community and civic-based uses that do not sell retail goods or services for profit and that participates  
211 in community and public activities. Food, beverages, goods, and services may be offered for ancillary  
212 fundraising and sales to support the community serving use.

213  
214 Convenience retail means car washes, chain fast food, convenience markets or stores, and gas  
215 stations. Convenience retail with fast food restaurant drive-through lanes or motor vehicle charging  
216 or fueling shall be assessed an additive impact fee per drive-through and charging or fueling position.  
217 ITE Land Use Codes 851, 930, 933 through 938, and 944 through 949.

218  
219 Enclosed commercial recreation means facilities that primarily focus on individual or group  
220 fitness, exercise, training or provide recreational activities. The uses typically provide exercise, dance  
221 or cheerleading classes, weightlifting, yoga, Pilates, cross-fit training, fitness, and gymnastics  
222 equipment. Indoor commercial recreation also includes uses such as bowling, pool, darts, arcades,  
223 video games, batting cages, trampolines, laser tag, bounce houses, skating, climbing walls, and  
224 performance centers. Food, beverages, equipment, and services may be offered for ancillary sales.  
225 The use would generally fall under the ITE Land Use Code Series 400.

226  
227 High impact retail shall mean chain grocery stores, supermarkets, superstores, variety stores,  
228 package stores, liquor, or alcohol for off-site consumption, where 50% or more of the gross square  
229 footage of the use is for the sale of edible or drinkable goods. These uses may offer other goods,  
230 products, and services such as on-site consumption of food or beverages, pharmacies, cleaning and  
231 household supplies, pharmacies, and other personal services. High Impact Retail uses also include  
232 banks, credit unions, sit-down restaurants, and pharmacies. These uses generally generate between  
233 75 and 250 daily trips per 1,000 sq. ft.

234  
235 Institutional uses mean those public or quasi-public uses that serve one or more community's  
236 social, educational, health, cultural, and religious needs and which include those uses specified in the  
237 ITE Trip Generation Manual under the Land Use Code Series 500, and includes Land Use Codes 253,  
238 254, 255, and 620. Land Use Codes 540 and 550 are included in office uses and 580 and 590 falls  
239 under community serving.

240  
241 Local means a grocery store, pharmacy, or restaurant with six or fewer locations that is not owned  
242 by a chain corporation or is not part of a chain franchise model. Local uses do not generally have  
243 statewide or national advertisements and do not benefit from pooled sourcing of goods, advertising,  
244 and branding that covers multiple locations and platforms.

245

246 Long term care means communities designed for long term care of on-site residents, such as  
247 assisted living facilities, care or recovery homes, congregate living facilities, and nursing homes, with  
248 common dining and on-site health facilities for residents that is not a general retail or commercial use  
249 open to the public. This use includes ITE Trip Generation Manual Land Use Codes 253, 254, 255,  
250 and 620.

251  
252 Marina means facilities that provide docks and berths for boats, including yacht clubs. Any  
253 buildings for shops, retail, or restaurants accessible to the public would fall under retail land use and  
254 pay the mobility fee rate for retail uses.

255  
256 Mobile residence means land uses for the temporary or permanent placement of manufacture  
257 homes, mobile homes, recreational vehicles, tiny homes on wheels, or travel trailers, within  
258 predefined lots or spaces that have connections for communications, electric, water, and wastewater.  
259 Mobile residence maybe located on an individual lot or parcel, or part of a unified development, park,  
260 or resort. Mobile residential parks may have common amenities and building with recreational uses,  
261 laundry, and park offices.

262  
263 Mobility fee means a monetary exaction imposed on new development to fund mobility projects  
264 identified in the most recently adopted mobility plan.

265  
266 Mobility fee technical report means the City of Flagler Beach Mobility Fee Technical Report  
267 dated April 2026 and prepared by NUE Urban Concepts, LLC that identifies mobility projects within  
268 and adjacent to the City to meet future person travel demand from new development and serves as  
269 the basis for the City’s mobility fee. The Technical Report documents the analysis, data and  
270 methodology used to develop a mobility fee and is adopted pursuant to an implementing ordinance  
271 which authorizes imposition of the mobility fee.

272  
273 Mobility Plan means the City of Flagler Beach 2050 Mobility Plan dated April 2026 that identifies  
274 mobility projects within and adjacent to the City and includes a separate document that details the  
275 description, cost, and capacity of each mobility project.

276  
277 Mobility project means improvements such as bike lanes, buffered bike lanes, protected bike  
278 lanes, cycle tracks, raised bike lanes, intersections, interchanges, roundabouts, boardwalks, pathways,  
279 shared-use paths, multi-use paths/trails, sidewalks, traffic calming, elevated crossings, pedestrian  
280 bridges, overpasses or underpasses, roads, streets, and streetscape. Mobility projects also include  
281 policies, programs and services, wayfinding, micromobility devices, and transit vehicles, circulators,  
282 lanes, stops, and facilities, along with mobility hubs and corridor studies. Projects can include new or  
283 additional travel lanes and turn lanes, upgrade of roads that results in a change in functionally  
284 classification of the road, complete and low speed streets, curbsless shared streets, new or upgraded  
285 traffic signals, traffic synchronization, mobilization, maintenance of traffic, survey, geotechnical and  
286 engineering, utilities, construction, PD&E, planning, engineering and inspection, utility relocation,

287 right-of-way, easements, land acquisition, stormwater management facilities. These projects may also  
288 be referred to as mobility plan projects or multimodal projects.

289  
290 *Motor vehicle charging or fueling* means the total number of motor vehicles that can be charged  
291 or fueled at one time (fueling positions). Increasingly, land uses such as superstores, (i.e., super Wal-  
292 Mart), variety stores, (i.e., Dollar General), and wholesale clubs (i.e., Costco) are also offering motor  
293 vehicle charging and fueling with or without small convenience stores. Outside of Florida, several  
294 grocery store chains are also starting to sell fuel. Free standing motor vehicle charging stations that  
295 charge a fee for use and are not a requirement of the City as an ancillary use of a development shall  
296 be required to pay a mobility fee. The impact fee rate per charging or fueling position would be in  
297 addition to any mobility fee per square foot under the applicable retail land use with motor vehicle  
298 charging or fueling. Motor vehicle charging stations that are not a primary use or function of a  
299 commercial or retail use and are either required by the City or provided as an ancillary use are exempt  
300 from payment of the mobility fee. The City shall have the ability to determine if a charging or fueling  
301 station is a commercial use.

302  
303 *Motor vehicle repair service* means a building, bays, service bays, stalls, or stations for the routine  
304 maintenance of motor vehicles including oil changes, cleaning, or replacing filters, replacing  
305 windshield wipers, changing tires, providing for maintenance, service, and repair, and changing and  
306 topping off motor vehicle fluids and falls under the description of ITE Trip Generation Manual Land  
307 Use Code Series 800 and 900. Any building square footage associated with motor vehicle service  
308 would fall under retail uses and pay the applicable impact fee per the square footage of the building  
309 not associated with the quick lube service.

310  
311 *Multimodal* means travel by multiple modes of transportation, including travel lanes, sidewalks,  
312 pathways, shared-use paths, boardwalks, trails, canals, waterways for walking, jogging, running,  
313 bicycling, rollerblading, skating, scootering, driving, or use of a device for mobility impaired persons,  
314 and where allowed use of micromobility devices. Multimodal also means transit travel by  
315 microtransit, autonomous transit shuttles, buses, trolleys, boats or water born vehicles.

316  
317 *Multimodal transportation system* means the right-of-way, easements, roads, streets, canals,  
318 alleyways, curb-cuts, traffic control devices, stormwater management facilities, utilities, bridges,  
319 waterways, and multimodal facilities that allow for circulation, mobility, and parking within the City  
320 and accessibility to land uses, property, and modes of transportation within the City.

321  
322 *Nonresidential* includes all land uses not otherwise specified as residential on impact fee  
323 schedules or exempted as set forth herein. This shall include, but is not limited to, day care facilities,  
324 residential care facilities, nursing homes, boarding houses, educational facilities, cultural facilities,  
325 churches, all commercial uses, all transient lodging and entertainment facilities except those which  
326 are temporary in nature, all automotive facilities and/or structures, all miscellaneous business uses  
327 and services and all industrial uses.

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Non-residential square feet mean the sum of the gross floor area (in square feet) of the area of each floor level 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. Included are 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 of their use. 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 gross floor area is considered part of the overall 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 square feet.

Overnight lodging means places of accommodations, such as bed and breakfast, inns, motels, hotels and resorts that provide places for sleeping and bathing and may include supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, and limited recreational facilities (pool, fitness room) intended for primary use by guest(s) and which include those uses specified in the ITE Trip Generation Manual under the Land Use Code Series 300. Overnight lodging also includes short term vacation rentals where fees shall be assessed per habitable room where a person could reasonably sleep overnight.

Owner of record means the most recent owner of a parcel of property appearing in the official records of Flagler County, Florida.

Parking means a motor vehicle oriented non-residential use of land or structures primarily dedicated to the temporary or long-term parking garages or lots, storage, renting, staging, movement, or disposition of vehicles or equipment, towing or transitional lots whether operated for a fee or as part of a commercial enterprise.

Private Education means building or buildings used for pre-school, private school, childcare, or daycare where students are educated by a non-governmental entity with grades ranging from pre-kindergarten to 12th grade. Private schools do not include Charter Schools, which are exempt from local government fees per Florida Statute. Childcare and daycare shall mean a facility where care for young children is provided, normally during the daytime hours. Daycare facilities generally include classrooms, offices, eating areas and playgrounds. Post-secondary education falls under office uses. These uses are under ITE Trip Generation Manual under Land Use Code Series 500.

Residential square feet mean the sum of 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. Square feet include all livable, habitable, and temperature controlled enclosed spaces (enclosed by doors,

369 windows, or walls). This square footage does not include unconditioned garages or unenclosed areas  
370 under roof. For multifamily and dormitory uses, common hallways, lobbies, leasing offices, and  
371 residential amenities are not included in the square feet calculation, unless that space is leased to a  
372 third-party use and provides drinks, food, goods, or services to the public or paid memberships  
373 available to individuals that do not reside in a dwelling unit.

374  
375 Residential on impact fee schedules means multifamily dwelling units, mobile homes, and single-  
376 family detached houses.

377  
378 Residential and lodging uses shall mean a dwelling unit or room in overnight accommodations or  
379 mobile home or RV park and shall include those uses specified in the ITE Trip Generation Manual  
380 under the Land Use Code Series 200 and 300 and land use code 416. Land use codes 253, 254, and  
381 255 are considered institutional uses.

382  
383 Retail means personal service and retail uses, including local grocery, pharmacy, or restaurant  
384 uses. This includes land uses under ITE Land Use Codes Series 800, and 900. Retail includes all uses  
385 that do not fall under High Impact or Convenience Retail uses.

386  
387 Retail drive-through means any drive-through lane associated with a personal service or retail  
388 use. The drive-through may include an order window or a door, window, or other means of access to  
389 drop off or pick up up goods, items, services, ordered through a mobile app or online. Common uses  
390 include dry cleaners, pharmacies, or restaurants. Increasingly retail uses are including drive-through  
391 lanes to pick up ordered goods. Drive-through lanes associated with a bank, fast food or quick service  
392 restaurant, or financial institution are assessed additive mobility fees. Retail uses include those under  
393 ITE Land Use Codes Series 800 and 900, except those uses included on the mobility fee schedule  
394 with defined mobility fee rates.

395  
396 Unenclosed commercial recreation means outdoor recreational activity including land uses with  
397 miniature golf, batting cages, video arcade, bumper boats, go-carts, golf driving ranges, tennis,  
398 racquet or basketball courts, soccer, baseball and softball fields, paintball, skating, cycling, or biking  
399 that require paid admittance, membership, or some other type of fee for use. Buildings for  
400 refreshments, bathrooms, changing, and retail may be included. The fee shall be based upon the total  
401 acreage of the facility for active uses outside of buildings and all buildings used to carry out a primary  
402 function of the land use activity. Areas for parking, buffers and stormwater that are not active features  
403 of the land use are excluded from the fee acreage. The use would generally fall under the ITE Land  
404 Use Code Series 400.

405  
406 **Sec. 12-3. - General terms related to collection and accounting of impact fee and mobility fee**  
407 **funds.**

408

- 409 (a) There are established capital fund accounts for impact fees, to be generally designated as  
410 the “Impact Fee Capital Improvement Trust Fund for the Extension of Primary Water  
411 Systems,” “Impact Fee Capital Improvement Trust Fund for the Extension of Primary  
412 Wastewater Systems,” “Police Impact Fee Account,” “Fire Impact Fee Account,” “Library  
413 Impact Fee Account,” and “Parks and Recreation Impact Fee Account,” and “Mobility  
414 Fee Account.” Each capital fund account for impact fees and mobility fees shall continue  
415 to be maintained separate and apart from all other accounts of the city. The monies  
416 deposited into the impact fee capital fund accounts and mobility fee fund accounts shall  
417 be used solely for the purposes allowed by Florida Statutes and as set forth in this chapter.  
418
- 419 (b) Funds on deposit in impact fee and mobility fee accounts established within this chapter  
420 shall not be used for any expenditure that would be classified as an operational expense, a  
421 maintenance expense or a repair expense.  
422
- 423 (c) Any funds on deposit in an impact fee or mobility fee account not immediately necessary  
424 for expenditure shall be invested in interest-bearing accounts. Applicants shall not receive  
425 a credit for or be entitled to interest from the investment of such funds, except as otherwise  
426 required in this chapter.  
427
- 428 (d) An applicant may request an estimate of impact fees and mobility fees which may be  
429 imposed by filing a written request to the city. Any estimate which the city provides is  
430 non-binding and may be subject to change when the impact fees and mobility fees become  
431 due and payable pursuant to this chapter. Non-binding estimates are for the sole benefit of  
432 the prospective applicant and neither bind the city, nor preclude it from making  
433 amendments or revisions to any provisions of this chapter. No vested rights, legal  
434 entitlements, or equitable estoppel accrue by reason of a non-binding estimate. A non-  
435 binding fee estimate does not constitute a final decision and may not be appealed pursuant  
436 to this chapter.  
437
- 438 (e) Any person who disagrees with a decision or interpretation of this chapter may appeal to  
439 the city manager or designee by filing a written notice of appeal within ten (10) days after  
440 the date of the action or decision complained of. The written notice of appeal shall set  
441 forth concisely the action or decision appealed as well as the grounds upon which the  
442 appeal is based. The city manager or designee shall consider all facts material to the appeal  
443 and render a written decision within thirty (30) days of receiving the appeal. Any person  
444 who disagrees with the decision of the city manager or designee may appeal to the city  
445 commission by filing a written notice of appeal with the city manager's office setting forth  
446 concisely the decision appealed within ten (10) days after the date of the city manager's  
447 decision. The appeal shall be set for the next available city commission meeting for  
448 consideration. The city commission's written decision shall constitute final administrative  
449 review.

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(f) In accordance with state law, impact fees and mobility fees for new construction shall not become due until issuance of building permits for such construction. Notwithstanding the foregoing, impact fees and mobility fees may be prepaid at the developer's option. Failure to pay an impact fee or mobility fee when determined by the city that an obligation is required to satisfy the impact of development may result in the amount due becoming a lien against the property. The city shall provide a written notice of the and impact fees and mobility fees due by personal service, certified, return receipt requested United States Mail or Federal Express or other equivalent overnight letter delivery company. Upon failure to pay the impact fees and mobility fees within thirty (30) days of the date of the notice, a notice of lien may be served upon the applicant owing impact fees or mobility fees and recorded in official records of Flagler County, Florida. Such lien may be foreclosed in the manner provided by law, and there shall be added to the amount of such lien all costs incident to such proceedings including reasonable attorney's fees.

(g) If impact fees and mobility fees have not been expended or encumbered by the end of the calendar quarter immediately following ten (10) years from the date the fees were paid, upon application of the fee payer of proof of payment, or proof of the date the development permit was approved by the city and that development was never begun, the fees shall be returned with interest at the rate determined by the city based upon the average interest earning rate incurred by the city in accordance with the following procedure:

- (1) The present owner must petition the city commission for the refund within one (1) year following the end of the calendar quarter immediately following ten (10) years from the date on which the fee was received.
- (2) The petition must be submitted to the city manager and must contain:
  - 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 fee or other document evidencing the date the development was approved by the city, which development was never begun;
  - c. A certified copy of the latest recorded deed; and
  - d. A copy of the most recent ad valorem tax bill.

If reimbursement is approved, the city shall remit to the petitioner within sixty (60) days of approval. In determining whether a petitioner is entitled to a refund, it shall be assumed that impact fees and mobility fees are expended or encumbered in the same order in which they were received

492 (that is, “first in, first out”). No refund shall be made of any administrative fee authorized and  
 493 collected pursuant to this chapter.

494  
 495 (h) Any change in the use of property shall require payment of an impact fee and mobility fee  
 496 in an amount equal to any increase in density or intensity.

497  
 498 (i) All impact fee and mobility fee revenues expended from an impact fee fund and mobility  
 499 fee fund shall be used for the purpose of providing growth necessitated capital  
 500 improvements and acquiring, designing, constructing, extending, expanding, relocating,  
 501 and/or separating capital facilities and infrastructure or mobility projects determined by  
 502 the city commission to be necessary to serve new development.

503  
 504 (j) The city shall be exempt from impact fee and mobility fee charges.

505

506 **Sec. 12-4. - Potable water impact fee.**

507  
 508 (a) Any applicant who seeks to develop land or make improvements to real property shall pay  
 509 the following potable water impact fees in the manner and amount established and  
 510 computed pursuant to this article chapter.

511  
 512 (b) Subject to the phase-in of fees pursuant to F.S. § 163.31801, as set forth in paragraph (c)  
 513 below, impact fees charged and collected for potable water shall be as follows:

514

Meter Size and Type	Capacity Ratio	Total Impact Fee to be Collected after Phase-In <sup>1</sup>	Existing Impact Fee at Time of Adoption <sup>2</sup>	Increase Over Existing
0.75 Displacement	1.00	\$3,007	\$2,509	\$498
1.00 Displacement	1.67	\$5,022	\$4,190	\$832
1.50 Displacement	3.33	\$10,015	\$8,356	\$1,659
2.00 Displacement	5.33	\$16,029	\$13,374	\$2,655
3.00 Single jet	10.67	\$32,089	\$26,773	\$5,316
3.00 Compound	10.67	\$32,089	\$26,773	\$5,316
3.00 Turbine	11.67	\$35,096	\$29,282	\$5,814
4.00 Single jet	16.67	\$50,133	\$41,828	\$8,305
4.00 Compound	16.67	\$50,133	\$41,828	\$8,305
4.00 Turbine	21.00	\$63,155	\$52,693	\$10,462
6.00 Single jet	33.33	\$100,236	\$83,631	\$16,604
6.00 Compound	33.33	\$100,236	\$83,631	\$16,604
6.00 Turbine	43.33	\$130,310	\$108,723	\$21,586
8.00 Compound	53.33	\$160,383	\$62,396	\$31,198

8.00 Turbine	93.33	\$163,794	\$133,815	\$26,568
10.00 Turbine	140.00	\$421,032	\$351,287	\$69,746
12.00 Turbine	176.67	\$531,313	\$443,299	\$88,014

515 <sup>1</sup> AWWA Manual of Water Supply Practices M-1, 7<sup>th</sup> Ed.

516 <sup>2</sup> Base meter fee is the current water fee and then is scaled up using the proposed meter capacity ratio.

517

518 (c) Implementation of the increased fees provided herein shall be phased in over two (2) equal  
519 installments. During the twelve-month period beginning October 1, 2024, the impact fee  
520 to be collected shall be the existing impact fee at time of adoption amount plus one-half  
521 (½) of the increase over existing amount. During the twelve-month period beginning  
522 October 1, 2025, the impact fee to be collected shall be the total impact fee to be collected  
523 after phase-in.

524

525 **Sec. 12-5. - Wastewater impact fee.**

526

527 (a) Any applicant who seeks to develop land or make improvements to real property shall pay  
528 the following wastewater impact fees in the manner and amount established and computed  
529 pursuant to this ~~article~~ chapter.

530

531 (b) Subject to the phase-in of fees pursuant to F.S. § 163.31801, as set forth in paragraph (c)  
532 below, impact fees charged and collected for wastewater shall be as follows:

533

Meter Size and Type	Capacity Ratio	Total Impact Fee to be Collected after Phase-In <sup>3</sup>	Existing Impact Fee at Time of Adoption <sup>4</sup>	Increase Over Existing
0.75 Displacement	1.00	\$3,806	\$3,083	\$723
1.00 Displacement	1.67	\$6,356	\$5,148	\$1,208
1.50 Displacement	3.33	\$12,673	\$10,265	\$2,408
2.00 Displacement	5.33	\$20,284	\$16,430	\$3,855
3.00 Single jet	10.67	\$40,607	\$32,890	\$7,717
3.00 Compound	10.67	\$40,607	\$32,890	\$7,717
3.00 Turbine	11.67	\$44,412	\$35,973	\$8,440
4.00 Single jet	16.67	\$63,441	\$51,385	\$12,056
4.00 Compound	16.67	\$63,441	\$51,385	\$12,056
4.00 Turbine	21.00	\$79,920	\$64,733	\$15,187
6.00 Single jet	33.33	\$126,844	\$102,740	\$24,104
6.00 Compound	33.33	\$126,844	\$102,740	\$24,104
6.00 Turbine	43.33	\$164,901	\$133,565	\$31,336
8.00 Compound	53.33	\$202,958	\$202,958	\$38,568
8.00 Turbine	93.33	\$355,186	\$287,690	\$67,496

10.00 Turbine	140.00	\$532,798	\$431,550	\$101,248
12.00 Turbine	176.67	\$672,353	\$544,585	\$127,767

534 <sup>3</sup> AWWA Manual of Water Supply Practices M-1, 7<sup>th</sup> Ed.

535 <sup>4</sup> Base meter fee is the current water fee and then is scaled up using the proposed meter capacity ratio.

536

537 (c) Implementation of the increased fees provided herein shall be phased in over four (4)  
 538 equal installments. During the twelve-month period beginning October 1, 2024, the  
 539 impact fee to be collected shall be the existing impact fee at time of adoption amount  
 540 plus one-half (½) of the increase over existing amount. During the twelve-month  
 541 period beginning October 1, 2025, the impact fee to be collected shall be the total  
 542 impact fee to be collected after phase-in.

543

544 **Sec. 12-6. - Police impact fee.**

545

546 (a) Any applicant who seeks to develop land or make improvements to real property shall pay  
 547 the following police impact fees in the manner and amount established and computed  
 548 pursuant to this ~~article~~ chapter.

549

550 (b) Beginning October 1, 2024, the police impact fee to be charged and collected shall be as  
 551 follows:

552

<b>Residential Fee per Unit</b>	
<b>Square Footage</b>	<b>Impact Fee to be Collected</b>
1,100 or less	\$455
1,101 to 1,500	\$717
1,501 to 2,000	\$905
2,001 to 2,500	\$1,054
2,501 to 3,000	\$1,176
3,001 to 3,500	\$1,281
3,501 or more	\$1,373

553

<b>Nonresidential Fee per 1,000 Square Feet</b>	
<b>Development Type</b>	<b>Impact Fee to be Collected</b>
Industrial	\$381
Commercial	\$1,911
Office & Other Services	\$848
Institutional	\$1,166

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**Sec. 12-7. - Fire impact fee.**

- (a) Any applicant who seeks to develop land or make improvements to real property shall pay the following fire impact fees in the manner and amount established and computed pursuant to this ~~article~~ chapter.
- (b) Beginning October 1, 2024, the fire impact fee to be charged and collected shall be as follows:

<b>Residential Fee per Unit</b>	
<b>Square Footage</b>	<b>Impact Fee to be Collected</b>
1,100 or less	\$538
1,101 to 1,500	\$849
1,501 to 2,000	\$1,071
2,001 to 2,500	\$1,247
2,501 to 3,000	\$1,392
3,001 to 3,500	\$1,516
3,501 or more	\$1,625

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<b>Nonresidential Fee per 1,000 Square Feet</b>	
<b>Development Type</b>	<b>Impact Fee to be Collected</b>
Industrial	\$451
Commercial	\$2,261
Office & Other Services	\$1,003
Institutional	\$1,380

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**Sec. 12-8. - Library impact fee.**

- (a) Any applicant who seeks to develop land or make improvements to real property for residential development shall pay the following library impact fees in the manner and amount established and computed pursuant to this ~~article~~ chapter.
- (b) Beginning October 1, 2024, the library impact fee to be charged and collected shall be as follows:

<b>Residential Fee per Unit</b>
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<b>Square Footage</b>	<b>Impact Fee to be Collected</b>
1,100 or less	\$123
1,101 to 1,500	\$193
1,501 to 2,000	\$244
2,001 to 2,500	\$284
2,501 to 3,000	\$317
3,001 to 3,500	\$345
3,501 or more	\$370

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**Sec. 12-9. - Parks and recreation impact fee.**

- (a) Any applicant who seeks to develop land or make improvements to real property for residential development shall pay the following parks and recreation impact fees in the manner and amount established and computed pursuant to this ~~article~~ chapter.
- (b) Beginning October 1, 2024, the parks and recreation impact fee to be charged and collected shall be as follows:

<b>Residential Fee per Unit</b>	
<b>Square Footage</b>	<b>Impact Fee to be Collected</b>
1,100 or less	\$539
1,101 to 1,500	\$850
1,501 to 2,000	\$1,073
2,001 to 2,500	\$1,250
2,501 to 3,000	\$1,395
3,001 to 3,500	\$1,519
3,501 or more	\$1,628

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**Sec. 12-10. - Administrative fee.**

Beginning October 1, 2024, the administrative fee charged and collected for new development shall be as follows:

<b>Residential Fee per Unit</b>	
<b>Square Footage</b>	<b>Administrative Charge</b>

1,100 or less	\$3
1,101 to 1,500	\$5
1,501 to 2,000	\$6
2,001 to 2,500	\$7
2,501 to 3,000	\$8
3,001 to 3,500	\$8
3,501 or more	\$9

593

<b>Nonresidential Fee per 1,000 Square Feet</b>	
<b>Development Type</b>	<b>Administrative Charge</b>
Industrial	\$4
Commercial	\$6
Office & Other Services	\$9
Institutional	\$8

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596 **Sec. 12-11. - Mobility fee.**

597

598 (a) Any applicant who seeks to develop land or make improvements to real property shall pay  
 599 the following mobility fees in the manner and amount established and computed pursuant  
 600 to this chapter.

601

602 (b) Beginning MONTH (TBD) DAY (TBD), 2026, the mobility fee charged and collected for  
 603 new development shall be as follows:

604

<b>Land Use Categories (Grey Shade), Use Classifications, and Representative Uses (In Parentheses)</b>	<b>Unit on Measure (UOM)</b>	<b>Mobility Fee to Be Collected</b>
<b>RESIDENTIAL &amp; LODGING USES</b>		
Residential (ADU, Apartments, Attached, Condo, Detached, Duplex, Townhouse, 3 or more attached units)	per 1,000 sq. ft.	\$2,981
Overnight Lodging (B&B, Condo Hotel, Hotel, Motel, Short-term Rental, Transient)	per room	\$3,843
Mobile Residence (Mobile Home, Recreational Vehicle, Travel Trailer)	per space or lot	\$3,524

<b>INSTITUTIONAL USES</b>		
Community Serving (Center, Civic / Fraternal Club, Gallery, Museum, Performance Venues, Place of Assembly or Worship)	per 1,000 sq. ft.	\$3,014
Long Term Care (Assisted Living, Care or Recovery Homes, Congregate Living Facility, Nursing Home)	per 1,000 sq. ft.	\$3,715
Private Education (Afterschool, Family Day Care, K-12, Pre-K, Trade School, Tutor)	per 1,000 sq. ft.	\$3,541
Institutional (College, Hospital, Post-Secondary Education, University)	per 1,000 sq. ft.	\$6,349
<b>INDUSTRIAL USES</b>		
Industrial (Assembly, Brewing, Distribution, Fabrication, Flex, Manufacturing, Processing, Storage, Trades, Utilities)	per 1,000 sq. ft.	\$1,654
<b>COMMERCIAL RECREATIONAL USES</b>		
Marina (Wet Berths, Dry Slips, Ancillary Repair, Yacht Club)	per Berth plus per 10 slips	\$830
Unenclosed Commercial Recreation (Commercial Amusement, Golf, Multi-Purpose, Recreation, Sports, Tennis)	per Acre	\$9,779
Enclosed Commercial Recreation (Commercial Amusement, Fitness, Gym, Health, Indoor Sports)	per 1,000 sq. ft.	\$8,785
<b>OFFICE USES</b>		
Office (Administrative, Business Service, Clinic, Dental, Medical, Professional Service, Real Estate, Veterinary)	per 1,000 sq. ft.	\$7,311
<b>COMMERCIAL &amp; RETAIL USES</b>		
Retail (Goods, Local: [Grocery, Pharmacy, or Restaurant], Sales, Services, Stores)	per 1,000 sq. ft.	\$10,621
High Impact Retail (Alcoholic Beverage Sales, Banks, Chain: [Grocery, Pharmacy, or Restaurant])	per 1,000 sq. ft.	\$18,511
Convenience Retail (Car Wash, Chain Fast Food, Convenience Market or Store, Gas Stations, Service Stations)	per 1,000 sq. ft.	\$29,931
<b>ADDITIVE FEES FOR COMMERCIAL SERVICES &amp; RETAIL USES</b>		

Motor Vehicle Charging	per Charging Position	\$24,938
Motor Vehicle Fueling	per Fueling Position	\$30,069
Motor Vehicle Repair (Accessories, Brakes, Heavy, Light, Maintenance, Quick Lube, Repair, Tires)	per Bay or Stall	\$18,886
Parking (Private Paid Parking Garages Or Lots, Vehicle Or Equipment Auction, Storage, Rental, Towing, Transitional Lots)	per Space	\$1,737
Retail Drive-Through (ATM, Bank, Drive-in Business, Dry Cleaner, Dollar Store, Grocery Store, Pharmacy, Restaurant)	per Lane	\$21,754

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**Sec. 12-12. - Mobility fee determination.**

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(a) The mobility fee per land use shall be determined using the closest land use category and unit of measure on the mobility fee schedule.

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(b) In the event a project involves a land use not contemplated under the mobility fee land use categories on the mobility fee schedule, the mobility fee shall be determined utilizing the closest land use category based on the latest ITE Trip Generation Manual.

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(c) In the event new development involves a mixture of land uses, the mobility fee shall be based on each individual mobility fee land use classification.

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(d) The mobility fee shall be determined using the appropriate land use category, land use classification, unit of measure, and mobility fee rate established on the mobility fee schedule.

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(e) In the event an applicant believes that the cost to mitigate the impact of new development is less than the mobility fee established in the mobility fee schedule, the applicant may submit an alternative mobility fee study. An applicant will be required to hold a methodology meeting with the City and obtain an approved methodology statement from the City prior to conducting the alternative mobility fee study.

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(f) For any residential dwelling, regardless of type of residential use, the mobility fee is based on the residential square footage, divided by 1,000, and multiplied by the applicable mobility fee rate.

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(g) The mobility fee for overnight lodging is based on the number of rooms available for guests to sleep. For vacation rentals, rooms shall be based on locations where a bed, sofa

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634 bed, or temporary bed can reasonably be accommodated. Any square footage that is leased  
635 to a third-party unaffiliated use that provides drinks, food, goods, or services to the public,  
636 shall be required to pay the applicable mobility fee per use. This does not apply to  
637 conference spaces, markets, or food and beverage service provided by the overnight  
638 lodging primarily for guests.

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640 (h) Mobile residence is based on the number of lots or spaces available for a mobile residence.  
641 Any square footage that is leased to a third-party unaffiliated use that provides drinks,  
642 food, goods, or services to the public, shall be required to pay the applicable mobility fee  
643 per use. This does not apply to community spaces, laundry facilities, or food and beverage  
644 provided for residents.

645  
646 (i) For institutional, industrial, office, commercial and retail uses, the mobility fee shall be  
647 based on the total non-residential square footage, divided by 1,000, and multiplied by the  
648 applicable mobility fee rate.

649  
650 (j) For commercial storage uses under industrial, acreage for any unenclosed materials, sales  
651 and display, and recreational vehicles, including, but not limited to, boats, recreational  
652 vehicles (RV), and trailers, shall be converted to square footage by multiplying the total  
653 acreage by 43,560. Common areas for buffers, conservation, vehicle circulation, and  
654 stormwater shall be excluded from the acreage calculation.

655  
656 (k) The mobility fees for marinas are based on the total number of wet berths and the total  
657 number of dry storage slips divided by 10 and multiplied by the applicable mobility fee  
658 rate. Square footage for a bait shop, small office, maintenance, and fueling are considered  
659 ancillary uses and are not assessed a mobility fee. If a retail use or restaurant use is  
660 provided that is open to the public, then that square footage would pay the applicable  
661 mobility fee for the building square footage in addition to the mobility fee associated with  
662 berths and slips.

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664 (l) For commercial recreation facility uses that feature both enclosed buildings and  
665 unenclosed acreage, the total mobility fee shall be the sum of the enclosed recreation  
666 mobility fee based on square footage plus the unenclosed recreation mobility fee based on  
667 acreage. Any square footage that is leased to an unaffiliated third-party use that provides  
668 drinks, food, goods, services, shall be required to pay the applicable mobility fee per the  
669 individual uses identified in the mobility fee schedule. For overnight lodging, the mobility  
670 fee shall be based on the total number of rooms per the overnight lodging mobility fee  
671 rate.

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673 (m) Additive mobility fees for commercial and retail uses are in addition to mobility fees  
674 assessed for the square footage of the applicable commercial and retail use.

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- (n) Mobility fees for motor vehicle charging shall only be assessed when motor vehicle charging stations are provided as a free-standing commercial or retail use and charge for the service through either payment or subscription or are part of a retail uses that also offers fueling for motor vehicle goods or the sale of retail goods, services, food or beverages. The number of charging positions is based on the maximum number of motor vehicles that could be charged at one time. Mobility fees are not assessed for private residence, multi-family dwellings, offices, industrial uses, overnight lodging, or retail uses where charging is provided for free or a nominal charge and intended for residence, drivers, employees, guests or patrons of the land use.
- (o) Mobility fees shall be assessed for motor vehicle fueling provided at convenience stores, gas or service stations, general stores, grocery stores, supermarkets, superstores, variety stores, wholesale clubs, or other non-residential land uses with fuel pumps. 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 fueling positions is based on the maximum number of motor vehicles that could be fueled at one time. This does not include fueling provided for governmental or education uses or industrial uses for fleet refueling.
- (p) Motor vehicle repair service includes 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, and repairs such as 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.
- (q) The mobility fee for parking shall be based on the total number of spaces for the storage of vehicles. For purposes of calculating spaces, a standard parking space with dimensions of 10' wide by 20' long shall be used where parking spaces are not clearly defined. For larger equipment, areas shall be designated on a plan or a survey to determine square footage and typically dimensions of vehicles to be stored shall be provided to determine the number of spaces. If unknown, then number of spaces shall be determined by the 10' x 20' standard. Any buildings or structures shall pay applicable industrial, or retail rates based on the underlying land use.
- (r) Any drive-through associated with a bank, credit union, dry cleaner, commercial or retail use, grocery store, pharmacy, or restaurant will be assessed an additive mobility fee based on the number of drive-through lanes. The greatest number of lanes will be used to determine the additive fee. The lanes may be used to either place an order or pick up goods, items, or an order. For uses with freestanding automated teller machines (ATMs) or ATMs

716 at a financial institution, the number of lanes shall be based on the number of vehicles that  
717 can use an ATM at one time. ATMs that are attached to a building and are accessible by  
718 foot or mobility assisted device are not considered to be drive-up ATMs.

719  
720 (s) The city manager or designee shall have the ability to act regarding determination of use,  
721 request to reconsider determinations, and to address unique circumstances that may arise  
722 for time to time that are not expressly addressed herein, consistent with legal and statutory  
723 requirements.

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726  
727 **SECTION 5. Conflicts.** All ordinances or parts of ordinances in conflict herewith are hereby  
728 repealed.

729  
730 **SECTION 6. Severability.** If any section, subsection, sentence, clause, phrase, or provision  
731 of this Ordinance is held to be unconstitutional or otherwise invalid by a court of competent  
732 jurisdiction, such unconstitutionality or invalidity shall not be construed as to render unconstitutional  
733 or invalid the remaining provisions of this Ordinance.

734  
735 **SECTION 7. Codification.** It is the intent of the City Commission of the City of Flagler  
736 Beach that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal  
737 authority in codifying the provisions of this Ordinance.

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739 **SECTION 8. Effective Date.** This Ordinance shall become effective ninety (90) days from  
740 the date of adoption of this Ordinance, pursuant to § 163.31801, *Florida Statutes*.

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743 **PASSED UPON** the first reading of the City Commission on the \_\_\_\_\_ day of \_\_\_\_\_ 2026.

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745 **PASSED UPON** the second and final reading of the City Commission on the \_\_\_\_\_ day of  
746 \_\_\_\_\_ 2026.

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748 **CITY OF FLAGLER BEACH, FLORIDA**

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Patti King, Mayor

753 **ATTEST:**  
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757 Penny Overstreet, City Clerk