



# LAND DEVELOPMENT CODE

## Chapter 4 Concurrency Management

### CHAPTER 4 CONCURRENCY MANAGEMENT

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### CHAPTER 4 CONCURRENCY MANAGEMENT

**4.00.00 PURPOSE:** It is the purpose of this chapter to describe the requirements and procedures for determination of concurrency requirements of the Comprehensive Plan, Ordinance 90-1, as amended.

**4.01.00 CONCURRENCY MANAGEMENT SYSTEM:** This Concurrency Management System (CMS) is to verify that facilities and services needed to support development are available concurrent with the impacts of such development. Prior to the issuance of a development order, development permit, building permit, or certificate of occupancy, as may be applicable, the system shall ensure that the adopted level of service standards in this chapter for potable water, sanitary sewer, solid waste, drainage, and recreation will be maintained. Annexation by any municipality shall not change the service provider or service area for water and sewer services. Concurrency approval must be certified by the water and sewer provider providing services to the geographic location of the proposed residential, commercial or industrial project.

**4.01.01 Exemptions and Exceptions:** The following exemptions and exceptions shall apply to the requirements of this chapter.

1. The concurrency requirements specified herein do not apply to public transit facilities. For the purposes of this paragraph, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the maintenance or storage of aircraft. As used in this paragraph, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development constructed in conjunction with a public transit facility [s.163.3180(4)(b), Fla. Stat.].
2. Parcels of record recorded prior to July 10, 1990 shall be vested for the development of one dwelling unit. A "parcel of record" is a piece of property duly recorded by plat or deed in the Official Records of the Clerk of Court, and may include metes and bounds legal descriptions when such descriptions apply to individual, discreet parcels of land.
3. For the purpose of development order or permit, a proposed development may be deemed to have a de minimis impact and may not be subject to the concurrency requirements if all of the following conditions are met:
  - a. The development proposal is for an increase in density or intensity of less than or equal to twice the density or intensity of the existing development of a vacant parcel of land, at a residential density of less than four dwelling units per acre, or, for nonresidential uses, at an intensity of less than 0.1 floor area ratio. Isolated vacant lots in predominantly built residential areas where construction of a single family house would be the most suitable use, may be developed for single family residential under the de minimis exception even if smaller than one quarter acre in size.



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- b. Small projects or additions that will have a negligible impact upon facilities and services as determined by mutual agreement between Public Works and the utility service provider.
4. Notwithstanding Section 4.01.06, the LOS may be degraded during the actual construction of new facilities if upon completion the prescribed standards will be met.

**4.01.02 Determination of Concurrency:** Concurrency shall be evaluated and a final determination made by the Public Works Director prior to authorization of development or as described in subsection 4.01.02A. Any final determinations of concurrency by the Public Works Director shall be based upon initial concurrency determinations as follows.

1. The Public Works Department shall be responsible for initial determinations regarding, drainage and stormwater management facilities, and solid waste facilities and recreation facilities.
2. Okaloosa County Water and Sewer shall be responsible for initial determinations regarding potable water facilities and sanitary sewer facilities for areas within its designated service area.
3. New development shall mitigate its transportation impact through payment of a mobility fee or through an agreement with the County to construct multimodal projects identified in the mobility plan or capital improvements program that are determined by the Public Works Department to be eligible for mobility fee credits.
4. The facility & parks maintenance department shall be responsible for initial determinations regarding parks and recreation facilities.

**4.01.03 Development Authorization:** Development authorization indicating compliance with this Concurrency Management System is required prior to obtaining development orders or permits. An approved development order or permit shall be valid for a period of one (1) year from the date of issuance, unless otherwise specified in this Code. Development activity authorized must commence within the one year period or the development order shall become invalid. Extensions of time for an approved development order or permit may be granted by concurrent agreement of the Public Works Director. Any such extension must be requested in writing by the permit holder who must demonstrate justifiable cause for the extension. An approved development order or permit shall expire at the time the authorized development activity is completed.

**4.01.04 Burden of Proof:** The burden of proof for showing concurrency shall be upon the developer.

**4.01.05 Phased Construction:** The construction of any development project may be phased or staged so as to coincide with the phased or staged construction of infrastructure facilities so that levels of service for such facilities are maintained upon completion of each phase or stage of the development project.

**4.01.06 Quantitative Methods for Sanitary Sewer, Solid Waste, Stormwater, Potable Water, and Recreation:** For purposes of these regulations, ensuring that minimum standards are maintained requires calculation of existing capacity and planned new capacity of facilities less demand imposed by the planned development.



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### 1. Adding Capacity:

- a. Add total capacity of existing facilities (sanitary sewer, solid waste, stormwater, potable water, and recreation).
- b. Add to the above, total capacity of new facility expansion that will result from planned activity. Capacity of new facility shall be counted only when construction is underway. In no event will the capacity of new facilities be reserved longer than one (1) year after a development and building permits have been issued unless construction has commenced within one (1) year time frame.

### 2. Subtracting Capacity: From the sum calculated above, subtract the following:

- a. The demand for the service or facility created by existing development as documented in the data and analysis of the Comprehensive Plan plus the demand upon any new facility, expansions, or improvements anticipated as a result of the planned activity.
- b. Demand shall be calculated using the adopted LOS shown in Section 4.02.

### 3. Deficient Capacity: Where capacity is shown to be deficient, the following methods may be used to maintain adopted levels of service.

- a. The developer may agree to provide necessary capacity improvements to maintain levels of service. In such case, the planned activity shall be modified guarantee no degradation of existing capacity.
- b. The planned activity may be reduced in scope so that demand does not exceed capacity.

**4.01.07 Pro Rata Share or Fair Share Costs for Improvements:** Reference Objective 14.A.4 and Policies 14.A.4.1 and 14.A.4.2 in comprehensive plan. All user fees collected as a fair share cost will be used in the commission district where the project is located and will be used only for the design, construction and/or maintenance of county roads and the design, construction and/or maintenance of county stormwater facilities. For purposes of this section the following rates will be charged:

1. Fees for new Residential construction on previously vacant property: \$10.00 per dwelling unit
2. Fees for new Commercial construction: \$10.00 per 1,000 square feet of floor area or fraction thereof.

**4.01.08 Physical Improvements in Lieu of Fees:** Developers may submit proposals to the Public Works Department for approval to provide additional improvements to the county roads or County stormwater systems in lieu of fees or portions thereof. The additional improvements shall be in addition to the normal requirements for the project.

**4.01.09 Payment of Fees:** The user fees will be paid at the same time a development permit is purchased at the planning and inspection department. Mobility Fees shall be paid before a development order is issued. The county finance department will credit user fees to the public works department



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**4.02.00. Levels of service and general requirements.** The following minimum levels of service and general requirements shall guide the issuance of development authorizations. Except as stated in section 4.01.01, no proposed development shall commence without a finding of concurrency which establishes that levels of service will not be degraded.

**4.02.01. General Requirements:** As a minimum, at least one of the following standards will be met prior to development authorization.

1. The necessary facilities and services are in place at the time development authorization is issued; or
2. Development authorization is issued subject to the conditions that the necessary facilities and services will be in place when the impacts of the development occur, or
1. The necessary facilities are in place or under construction at the time development authorization is issued, or in the first three years after issuance of a development order as provided in the adopted five-year schedule of capital improvements or included in the first three years of the adopted FDOT five-year work program of the CIE or TIP, or an agreement is made between the county and property owner to construct improvements; or
2. The necessary facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time development authorization is issued; or (Note: This provision only relates to parks and recreation facilities and roadways).

**4.02.02. Levels of Service (LOS) and Concurrency Determinations:** The following LOS and methodologies shall be used for concurrency determinations. Level of service standards are those established for public facilities and services in the Comprehensive Plan.

### 1. Roadways

- a. New development shall mitigate its off-site impact to the multimodal transportation system through payment of a mobility fee. *Level of service:* Comprehensive Plan Transportation Element Policy 1.2.1 prescribes LOS standards for state roads as shown on Table 4.1. Transportation Element Policy 1.2.2 prescribes LOS standards for county roads as shown on Table 4.2.
- b. The following LOS standards for arterials, collectors, and major local roads established in Multimodal Transportation Element Policy 1.2.5. may be used to establish site access evaluation criteria, review traffic impacts from amendments to the future land use map or element, coordinate intergovernmental funding opportunities with municipalities, adjacent Counties, FDOT, and the TPO, and for mobility and long-range transportation planning based on the following:
  - I. South of the northern limits of Eglin Airforce Base: Road LOS Standard of "E".
  - II. North of Eglin Airforce Base: Road LOS Standard of "D".
  - III. Interstate 10, U.S. Highways, and State Roads: FDOT established Road LOS Standards.



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- c. New developments shall be required to submit a trip generation analysis with development plans per the following thresholds:
  - i. Residential development: 25 or more dwelling units;
  - ii. Industrial uses: 10,000 square feet or greater;
  - iii. Office and non-residential uses (not otherwise specified): 5,000 square feet or greater;
  - iv. Medical Office: 2,000 square feet or greater;
  - v. Overnight Lodging: 25 or more rooms;
  - vi. Retail uses: 2,000 square feet or greater;
  - vii. Any use with a drive-thru lane, regardless of square footage;
  - viii. Any extraction, mining, utility, waste management, or heavy industrial use;
  - ix. Any fast-food restaurant, convenience store, commercial use with vehicle charging or fueling, vehicle alternative, cleaning, maintenance, repair, service; or
  - x. Any use the Public Works Department determines should be required to submit a trip generation analysis.
- d. The latest edition of the Institute of Transportation Engineers Trip Generation Manual shall be used to determine trip generation rates. Any alternative trip generation rates would require approval by the County Engineer or designee.
- e. Site access evaluations are intended to address access connection impacts. Pass-by and diverted trips utilize access connections and shall not be included in the trip generation analysis. Any request to utilize internal capture requires approval by the County Engineer or designee.
- f. For development with a mixture of land uses, the thresholds shall be determined based on the size and mixture of land uses. Mixed-use developments with a cumulative development that is less than 100% of the thresholds shall not be required to submit a trip generation analysis.
- g. Development access connections to the County Road System shall be designed and constructed in a manner that maintains the health, safety, and welfare of the public.
  - i. Each access connection to a street functionally classified as an arterial or a collector shall be considered a project access subject to operational and safety requirements.
  - ii. For developments without a direct access connection to an arterial or a collector, the determination for development access connections shall be made based on the first intersection of a local street, which provides an access connection to the development, with an arterial or a collector.



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- iii. If there are multiple local streets that are used to provide access to the development, the first intersection with an arterial or a collector shall be based on the most direct and shortest distance route from each development access connection with the local street.
- h. Developments shall be required to design, and construct turn lanes on arterials or collectors at each development access connection where development exceeds the thresholds established in Table 4.1. Development may request a methodology meeting with the County Engineer or designee to conduct a site access evaluation to demonstrate that turn lanes and traffic control devices are not warranted per the thresholds established in Table 4.1.

Table 4.1: Access Connections to County Road System			
Two (2) lane road with a posted speed limit of 25 MPH or less			
Movement	Trip Threshold		
Ingress	Peak Hour Turning Movement	Peak Hour	Daily
Left turn lane	40	150	1,500
Right turn lane	80	200	2,000
Egress			
Left turn lane	100	225	2,250
Right turn lane	125	250	2,500
Two (2) lane road with a posted speed limit of 30 MPH or less			
Movement	Trip Threshold		
Ingress	Peak Hour Turning Movement	Peak Hour	Daily
Left turn lane	30	120	1,200
Right turn lane	60	180	1,800
Egress			
Left turn lane	80	200	2,000
Right turn lane	100	225	2,250
Two (2) lane road with a posted speed limit of 35 or 40 MPH			
Movement	Trip Threshold		
Ingress	Peak Hour Turning Movement	Peak Hour	Daily
Left turn lane	25	100	1,000
Right turn lane	55	150	1,500
Egress			
Left turn lane	75	175	1,750
Right turn lane	90	200	2,000
Two (2) lane road with a posted speed limit of 45 MPH or more			
Movement	Trip Threshold		
Ingress	Peak Hour Turning Movement	Peak Hour	Daily
Left turn lane	20	80	800
Right turn lane	40	120	1,200
Egress			
Left turn lane	50	150	1,500
Right turn lane	75	175	1,750
Four (4) or more lane road with a posted speed limit of 40 MPH or less			
Movement	Trip Threshold		
Ingress	Peak Hour Turning Movement	Peak Hour	Daily
Left turn lane	25	100	1,000





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Right turn lane	80	200	2,000
Egress			
Left turn lane	50	150	1,500
Right turn lane	75	175	1,750
<b>Four (4) or more lane road with a posted speed limit of 45 MPH or more</b>			
Movement	Trip Threshold		
Ingress	Peak Hour Turning Movement	Peak Hour	Daily
Left turn lane	20	80	800
Right turn lane	40	100	1,000
Egress			
Left turn lane	40	120	1,200
Right turn lane	60	140	1,400
For roads with a median, left turn lanes would be constructed at median openings consistent with access management requirements of the government entity with right-of-way authority. Should FDOT or the County Engineer determine that a turn lane is not warranted or that the turn lane would create conflicts, then the requirement for the turn lane can be waived. FDOT or the County Engineer could allow for payment in lieu of construction where multiple developments are projected, or there is a need to acquire right-of-way, relocate utilities, or there is a programmed improvement where the turn lane could be constructed in conjunction with the programmed improvement.			

- i. Developments shall be required to design and construct a traffic signal or a roundabout at the primary development access connection with an arterial or collector where peak hour or daily traffic from the development exceeds the following threshold:
  - i. 500 peak hour trips during the development's highest peak hour; or
  - ii. 5,000 daily trips; and
  - iii. Developments that exceed the 500 peak hour trip or 5,000 daily trip threshold may also be required to construct more than one traffic signal or roundabout at development access connection with an arterial or collector, as warranted by a study, if deemed warranted by the County Engineer to protect the general health, safety, and welfare of the public.
  - iv. The County Engineer may allow the development to make a monetary contribution to a special revenue fund established for the primary access connection to fund the design and construction of the traffic control device when warranted or when the necessary right-of-way is acquired, or utilities are relocated. The County Engineer may allow the development to make a monetary contribution for an attributable portion of the cost of traffic control devices and intersection improvements where more than one development is projected to impact an intersection or where there is a programmed improvement.
- j. Developments with 250 or more peak-hour trips during the development's highest peak-hour or 2,500 or more daily trips shall be required to submit a site access evaluation. The site access evaluation will address the impact of a development's access connection(s) on external arterial and collector roads and adjacent parcels access connections. The site access evaluation shall address the need for turn lanes, turn lane storage, traffic control devices, access management improvements, multimodal cross-access connections, along with safety and operational improvements attributable to the impact of the Development. The following thresholds establish the extent of the site access evaluation:





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- i. Developments with 250 to 499 peak-hour trips during the development's highest peak-hour or with 2,500 to 4,999 daily trips shall be required to evaluate each development access connection to an arterial or collector and the closest intersection of two roads functionally classified as an arterial or a collector or a signalized intersection within one-quarter (.25) mile radius of each access connection.
  - ii. Developments with 500 or more peak-hour trips during the development's highest peak-hour or with 5,000 or more daily trips shall be required to evaluate each Development access connection to an arterial or collector and the first intersection on either side of the Development access connection of two roads functionally classified as an arterial or a collector or a signalized intersection within one-half (.50) mile radius of each access connection.
- k. If the County Engineer can demonstrate to the County's Public Works and Growth Management Director and the County Attorney, that a development's access connection could endanger the health, safety, and welfare of the public, then a site access evaluation can be required for a development less than 250 peak hour trips or 2,500 daily trips or the distance radius can be extended beyond the established thresholds. The criteria for consideration of a site access evaluation below thresholds or extending the radius of evaluation shall include, but not be limited to, the following:
  - i. Development access connection location in proximity to the intersection;
  - ii. Access management or limited access restrictions;
  - iii. High crash or existing traffic volumes restricted access connection location;
  - iv. No other intersections, other than the access connections were in the influence area;
  - v. Traffic speeds restricted access location;
  - vi. Site distance requirements (e.g., topography, road curvature, obstructions);
  - vii. Environmental or natural areas;
  - viii. Drainage, flooding, or impairments to stormwater facilities or water bodies;
  - ix. Proximity to access restricted land uses such as governmental, military, or utility uses; or
  - x. Number of conflicts points restricted access location.
- l. Prior to the preparation of the site access evaluation, a methodology meeting shall be held with the Public Works Department. The site access evaluation shall include documentation indicating that the Public Works Department has approved the methodology and a signed statement that the site access evaluation has been conducted per the approved methodology. The following shall be provided as part of the site access evaluation:
  - i. Aerial Location Map;
  - ii. Proposed Development Access Connection Locations;
  - iii. Location of adjacent driveways, intersections, bike lanes, sidewalks and transit stop;
  - iv. Trip Generation;
  - v. Trip Distribution;



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- vi. Trip Assignment (access connections);
  - vii. Turn Lane Warrants;
  - viii. Traffic Control Device Warrants (if required);
  - ix. Detailed Intersection Analysis (if required);
  - x. Identification of operation and safety improvements;
  - xi. Identification of improvements assignable and attributable to development impact; and
  - xii. A Technical Study that compiles the assessment, data, methodology, and outcome.
- m. The Public Works Department maintains and periodically updated the arterial and collector roads established in Table 4.2. The County Engineer may identify additional functional class upgrades, collector roads, along with major local roads, that would require turn lanes, traffic control devices, or site access evaluations beyond those established in Table 4.2.
- n. The roadway segments presented within Table 4.2, for purposes of determining land use, turn lane warrants, traffic control devices, and site access evaluations, shall be the official list of arterial and collector roadways.

Table 4.2 County and State Roadway Functional Classification

Roadway	From	To	Functional Classification
County Roadways* (*Roads do not qualify for Non-Residential Allowance for Suburban Residential (SR) Land Uses per Future Land Use Element Policy 10.1A)			
CARMEL DR	COMANCHE DR	SR 189/BEAL PKWY	Minor Collector
COMMONS DR W	INDIAN BAYOU TRAIL	SR 293 / SPENCE PKWY	Major Collector
<b>CR 2*</b>	<b>SR 189</b>	<b>SR 85</b>	<b>Minor Arterial</b>
CR 4 / ANTIOCH RD	US 90	PJ ADAMS PKWY	Major Collector
CR 4 / ANTIOCH RD	PJ ADAMS PKWY	SR 85 / S FERDON BLVD	Major Collector
CR 4A	SR 4	SR 189	Minor Collector
CR 30F/ AIRPORT RD	US 98 / SR 30 / HARBOR BLVD	COMMONS DR W	Major Collector
CR 188 / AIRPORT RD	SR 85	POVERTY CREEK RD	Major Collector
CR 188 / GARDEN CITY RD	POVERTY CREEK RD	SR 85	Major Collector
CR 188 / OLD BETHEL RD	US 90	SR 85	Major Collector



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CR 189 / GALLIVER CUT-OFF	US 90	SR 4	Minor Arterial
CR 189 / LOG LAKE RD	US 90	I-10	Major Collector
<b>CR 189 / LOG LAKE RD*</b>	<b>I-10</b>	<b>WHIPPOORWILL DR</b>	<b>Minor Collector</b>
CR 190 / E & W COLLEGE BLVD	SR 85	FOREST RD	Major Collector
CR 285B / BAYSHORE DR	SR 20 / JOHN SIMS PKWY	7TH ST	Major Collector
CR 285B / REDWOOD AVE	7TH ST	SR 20 / JOHN SIMS PKWY	Major Collector
CR 393 / ROBINSON RD	SR 85	US 90	Major Collector
FOREST RD	SR 293 / SPENCE PKWY	ROCKY BAYOU DR	Major Collector
GREEN ACRES RD	GREEN ACRES BLVD	SR 189 / BEAL PKWY	Major Collector
JOHN KING RD	SR 85	SR 85 / S FERDON BLVD	Minor Collector
HILL AVE	LOVEJOY RD NW	FREEDOM WAY	Minor Arterial
HOLLYWOOD BLVD	SR 393 / MARY ESTHER	SR 85/EGLIN PKWY NW	Major Collector
HURLBURT RD	MLK BLVD	SR 189/BEAL PKWY	Major Collector
LEWIS ST	SR 189 / BEAL PKWY	DENTON BLVD	Minor Collector
MAYFLOWER AVE	DENTON BLVD	JAMES LEE RD	Minor Collector
MLK BLVD	FREEDOM WAY	GREEN ACRES RD	Minor Arterial
MOONEY RD NE	SR 188 / RACETRACK RD	SR 189 / LEWIS TURNER BLVD	Major Collector
NORTH BEAL EXT	SR 189/BEAL PKWY	WRIGHT LANDFILL	Minor Collector
P J ADAMS PKWY	CR 4 / ANTIOCH RD	SR 85	Principal Arterial
<b>POVERTY CREEK RD*</b>	<b>CR 188 / AIRPORT RD</b>	<b>CR 393 /ROBINSON RD</b>	<b>Minor Collector</b>
ROCKY BAYOU DR	SR 20/JOHN SIMS PKWY	FOREST RD	Major Collector
<b>ROCKY BAYOU DR*</b>	<b>FOREST RD</b>	<b>HUNTINGTON RD</b>	<b>Minor Collector</b>
SANTA ROSA BLVD	EGLIN AFB E GATE	US 98 / SR 30 / HARBOR BLVD	Major Collector
SANTA ROSA BLVD	US 98 / SR 30 / HARBOR BLVD	ROSS MARLER PARK	Major Collector
SCENIC HIGHWAY 98	WESTERN TERMINUS OF SCENIC HWY 98	WALTON COUNTY	Major Collector



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SOUTH AVE	JAMES LEE RD	SR 85 / EGLIN PKWY	Minor Collector
State Roadways			
INTERSTATE 10	WALTON COUNTY	SANTA ROSA COUNTY	Principal Arterial Limited Access
SR 123 / ROGER J CLARY HWY	SR 85	SR 85 / EGLIN PKWY	Principal Arterial
SR 145 / PERRY AVE SE	US 98 / SR 30	SR 85 / EGLIN PKWY	Minor Arterial
SR 188 / RACETRACK RD	SR 189 / BEAL PKWY	SR 85 / EGLIN PKWY	Minor Arterial
SR 189	SR 4	STATE OF ALABAMA	Minor Arterial
SR 189/BEAL PKWY N	US 98 / SR 30	MEMORIAL PKWY NW	Minor Arterial
SR 189/BEAL PKWY N	MEMORIAL PKWY NW	GREEN ACRES RD	Minor Arterial
SR 189 / LEWIS TURNER BLVD	GREEN ACRES RD	SR 397 / EGLIN BLVD	Minor Arterial
SR 190 / VALPARAISO PKWY	SR 85	SR 397 / JOHN SIMS PKWY	Major Collector
SR 20	WALTON COUNTY	EDGEWATER DR	Principal Arterial
SR 20 / JOHN SIMS PKWY	EDGEWATER DR	SR 85	Principal Arterial
SR 285 / BAYSHORE DR	SR 20 / JOHN SIMS PKWY	WALTON COUNTY	Minor Arterial
SR 293 / DANNY WUERFFEL WAY	US 98 / EMERALD COAST PKWY	MIDDLE SCHOOL RD	Minor Arterial
SR 293 / SPENCE PKWY	MIDDLE SCHOOL RD	SR 85 / S FERDON BLVD	Principal Arterial Limited Access
SR 393 / MARY ESTHER CUT-OFF	US 98 / MIRACLE STRIP	SR 189 / BEAL PKWY	Minor Arterial
SR 397 / EGLIN PKWY	SR 85 NB	EGLIN AFB GATE	Minor Arterial
SR 397 / JOHN SIMS PKWY	EGLIN AFB E GATE	GOVERNMENT AVE	Principal Arterial
SR 4	SANTA ROSA COUNTY	US 90/SR 10	Minor Arterial
SR 85/FLORIDA PL SE	FIRST ST SE	US 98 / MIRACLE STRIP PKWY	Principal Arterial
SR 85/EGLIN PKWY	US 98 / MIRACLE STRIP PKWY	SR 190 / VALPARAISO PKWY	Principal Arterial
SR 85 / GOVERNMENT AVE	SR 190 / VALPARAISO PKWY	SR 397	Principal Arterial



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SR 85 / JOHN SIMS PKWY	SR 397	SR 20	Principal Arterial
SR 85	SR 20	PJ ADAMS PKWY	Principal Arterial
SR 85 / S FERDON BLVD	PJ ADAMS PKWY	LONG DR	Principal Arterial
SR 85	LONG DR	WALTON COUNTY	Principal Arterial
US 90 / SR 10	SANTA ROSA COUNTY	SR 4	Minor Arterial
US 90 / SR 10 / WEST JAMES LEE BLVD	SR 4	SR 85	Minor Arterial
US 90 / SR 10 / EAST JAMES LEE BLVD	SR 85	CR 393 / HWY 393	Minor Arterial
US 90 / SR 10	CR 393/HWY 393	WALTON COUNTY	Minor Arterial
US 98 / SR 30 / HARBOR BLVD	SR 189/BEAL PKWY SW	AIRPORT RD	Principal Arterial
US 98 / EMERALD COAST PKWY	AIRPORT RD	WALTON COUNTY	Principal Arterial



### **2. Sanitary Sewer**

Level of Service: Comprehensive Plan Sanitary Sewer Element Policy 2.3 prescribes LOS standards for sanitary sewer facilities as follows:

- I. Provide the capacity to collect and treat a minimum of 100 gallons per capita per day (225 gpd peak demand) for all County operated systems, and;
- II. If served by other than County operated systems, the provider's LOS must be met.
- III. Presumption of Adequate Capacity: For purposes of concurrency determinations and development authorizations there shall be a presumption of adequate capacity until 80% of permitted treatment capacity for any given service area is met.
- IV. All sewer lines and treatment plants or treatment facilities shall have the approval of the Florida D.E.P., the Okaloosa County Water and Sewer Department and other concerned federal, state and local agencies.
- V. Developments in the vicinity of operating sewer systems or districts shall connect into that system, if it is adequate.
- VI. For developments not accessible to operating sewer systems either one of the following may be used:
  - a. Obtain approval from the Health Department and/or other concerned agencies for individual septic tanks for each lot after issuance of a letter of sewer non-availability from the Okaloosa County Water and Sewer Department for lots located within the OCWS urban service area.
  - b. Developments not meeting the standards specified hereinabove shall install collection system and an approved sewage treatment facility. Such facility shall be designed so as to be capable of tying in with an operating central system when such a central system becomes available.
- VII. Inspection: Sanitary sewer lines on County right-of-way or easements shall be inspected and approved by the County Water and Sewer and Public Works Departments if the lines will be a part of the County system. The developer shall complete all construction punch list items prior to final project approval, and shall provide two (2) sets of "as-built" plans and a copy of the Department of Environmental Protection Certification of Completion and Letter of Clearance to place the system into service within thirty (30) days of construction completion.
- VIII. Utility Easements: Reference Section 6.01.051.
- IX. Percolation Ponds: Reference Section 6.05.09 for required trees to be planted around percolation ponds.



### 3. Potable Water

Level of Service: Comprehensive Plan Potable Water Element Policy 2.2 prescribes the potable water LOS standard as follows:

- i. The level of service standard for all public and private potable water systems serving unincorporated Okaloosa County shall be a minimum of 100 gallons per capita per day peak demand.
- ii. Presumption of Adequate Capacity: For purposes of concurrency determinations and development authorizations there shall be a presumption of adequate capacity until 80% of permitted capacity for any given service area is met.

Water Supply:

- i. All subdivision or other types of development water systems shall have the approval of the Northwest Florida Water Management District (NFWFMD), the Florida D.E.P., the Okaloosa County Water and Sewer Department, when applicable, and other required approvals. Subdivisions developed in the vicinity of operating water systems shall connect to that system if the system has adequate capacity available.
- ii. For developments not accessible to operating water systems, either one of the following may be used:
  - (1) Obtain approvals from the NFWFMD and/or other concerned agencies for individual wells for each lot; or
  - (2) Install a Community Water System approved by F.D.E.P. and other concerned agencies.
- iii. Adequate water supplies and facilities must be available to serve new development no later than the date on which a Certificate of Occupancy or equivalent is issued, and the applicable water provider must be consulted prior to issuing a building permit to determine if adequate supply will be available to serve the new development.

Inspection: Water and/or sewer lines on County ROW or on County easements must be inspected and approved by the County Water and Sewer and Public Works Departments if the lines will be a part of the County system. The developer shall complete all construction punch list items prior to final project approval, and shall provide two (2) sets of "as-built" plans and a copy of the Department of Environmental Protection Certification of Completion and Letter of Clearance to place the system into service within 30 days of construction completion.

Utility Easements: Reference Section 6.01.051.

### 4. Solid Waste

- a. Level of Service: Comprehensive Plan Solid Waste Element Policy 2.5 prescribes the level of service standard for solid waste as follows.





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- i. The LOS standard for solid waste collection and disposal shall be six (6) pounds per capita per day.

### **5. Drainage and Stormwater Management**

Level of Service: Comprehensive Plan Stormwater Element Policy 2.3 prescribes the level of service for drainage and stormwater management facilities as follows:

- I. Single-Family Detached Residential Subdivisions: Post development runoff shall not exceed the pre-development runoff rate for a twenty-five (25)-year storm event, up to and including an event with a twenty-four (24)-hour duration;
- ii. All Other Development: The first one (1) inch of runoff from the property shall be retained on the site of the development and post development runoff shall not exceed the pre-development runoff rate for a twenty-five (25)-year storm event, up to and including an event with a twenty-four (24)-hour duration; and
- iv. A “pop off” shall be provided for stormwater runoff beyond the above requirements. The developers must provide a pop off to an outfall with adequate capacity to handle additional stormwater runoff and must document that the pop off to the outfall has been authorized by the owner of the outfall system. If no pop off is available the stormwater storage facility shall be designed with a minimum capacity to retain a storm event of one hundred (100)-year frequency up to and including a twenty-four (24)-hour duration for post development.
- v. The level of service standard for stormwater management on county roads shall be Level II (capacity maximum): Street gutter systems are flowing full however ten to twelve feet of the road crown is not submerged and traffic can move at a slightly reduced speed. Stormwater swales and ditches are full with water overflowing the tops and edges in some locations. Water may be ponded eight (8) to ten (10) feet onto private property and yards. Inlets and culverts are flowing full to overfull slightly backing up water at entrances.

### **6. Recreation**

Level of Service: Comprehensive Plan Recreation and Open Space Element Policy 3.1 prescribes level of service standards for recreation facilities as follows:

- i. The level of service standard for recreation for the unincorporated areas of Okaloosa County shall be 0.6 acres of parks per 1000 population.

#### **4.03.00. Mobility Fees.**

Mobility fees are an alternative transportation system that replace transportation concurrency and proportionate share and allow new development in compliance with the Comprehensive Plan to share in the burdens of growth and to equitably mitigate its off-site impact to the multimodal transportation system through payment of a mobility fee. New development activity shares in this burden by paying an attributable share of the reasonably anticipated costs of multimodal projects needed to accommodate the person travel demands created by new development activity as well as by complying with other appropriate development order conditions. The imposition, exemption, determination, credits, collection,



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expenditure, administration, implementation, maintenance, and update of the mobility fee shall be collectively referred to as the mobility fee system.

### 4.03.01. Intent and Purpose.

The mobility fee system is intended to impose a mobility fee, assessed at development order application and payable prior to development order approval, in an amount based upon the most recently adopted mobility fee schedule maintained by the Public Works Department. The mobility fee schedule is reflective of that amount of person travel demand attributable to new development activity, the person miles of capacity needed to serve new development activity, and the cost of multimodal projects established in the mobility plan.

### 4.03.02. Mobility Plan and Mobility Fee Technical Report.

The Okaloosa County 2045 Mobility Plan and the Okaloosa County Mobility Fee Technical Report ("Technical Report") dated September 2024 and prepared by NUE Urban Concepts, LLC, is hereby adopted. This adoption includes, but is not limited to, the following: the multimodal projects included in the mobility plan, the basis of the assumptions, conclusions, and findings in such report as to the basis of the mobility fee, the methodology for calculating the mobility fee, the person miles of travel person miles of capacity assigned to mobility projects, the person travel demand and mobility fee rates assigned to various land use categories. The report presents the technical analysis and detailed methodology supporting the mobility fees consistent with the multimodal projects included in the mobility plan. The mobility plan includes mobility implementation projects and provides for the funding of projects not expressly identified in the mobility plan to address mobility needs that may arise prior to the next update. Florida Statute limits updates of mobility fees to once every four years, unless there is a finding of extraordinary circumstances. The latest mobility plan and mobility fee technical report shall be maintained by the Public Works Department and made available upon request.

### 4.03.03. Definitions.

Appendix A of the Land Development Code includes definitions for mobility fee specific terms in this ordinance. The Technical Report includes definitions of mobility terms used in the Report and not in this ordinance.

### 4.03.04. Mobility Fee Imposition.

The mobility fee imposed by the County shall apply to all development orders applications that result in an increase in person travel demand above the existing use of a parcel(s) in unincorporated Okaloosa County submitted 91 days or more after the adoption of the mobility fee ordinance.

1. *Imposition.* There is hereby imposed upon all new development activity, a mobility fee assessed at the time of development order application. Mobility fees shall be assessed at the mobility fee rate in effect at the time of application. The total mobility fee shall be assessed for all new development activity included in the development order approval.
2. *Payment.* The mobility fee shall be paid prior to approval of the development order. No development order requiring payment of a mobility fee shall be issued until said mobility fee has been paid except as otherwise herein provided. The obligations for payment of mobility fees shall run with the parcel(s) for which the development order is approved.
3. *Unpaid fees.* If mobility fees are owed, no new development order approvals of any type or certificates of occupancy may be issued while the mobility fee remains unpaid. The County may authorize the initiation of any action as permitted by law or equity to collect the unpaid fees.
4. *Calculation.* The mobility fee shall be calculated based on applicable unit of measure detailed on the mobility fee schedule multiplied by the total number of units.



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5. *Change in use or size.* If the person travel demand increases due to a change in size of a structure or use of land, the mobility fee due shall be the incremental difference resulting from the change in size or use as determined by the latest mobility fee schedule, less the mobility fee that would be imposed under the applicable rate prior to the change in size or use.
6. *Refund.* If there is a change in size or use that results in a decrease in person travel demand generated by the prior land use, the applicant shall not be entitled to a refund or credit.
7. *Abandoned structures.* A structure or use that is inactive and has been abandoned or vacant for a period of more than four (4) years shall not be considered an existing or active use for purposes of calculating mobility fee off-sets. The mobility plan and mobility fee are to be updated at least once five (5) years and person travel demand is measured on a yearly basis. Thus, person travel associated with the structure or use is no longer captured in the collected travel demand data that serves as a component to determine the need for multimodal projects. The burden of demonstrating the existence of a use or structure shall be upon the fee payer where an off-set request is made.
8. *Prior payment.* For structures and uses considered to be active, any previous payment of mobility fees may be credited against the appropriate mobility fees owed as a result of a change of use or re-establishing a use of land or structure that has been abandoned or vacant.
9. *Request for credit or off-set.* Any request for credit or offsets of a mobility fee shall be made prior to submittal of a development order application and shall be resolved prior to issuance of a development order approval, unless otherwise stated in a written agreement between the applicant and the County. Any off-sets or credits not so claimed shall be deemed waived by the applicant. Credits and off-sets shall be further detailed in an administrative manual.
9. *Municipalities.* A municipality may elect, through an interlocal agreement, to collect mobility fees from new development activity on behalf of the County. Unless a municipality elects to collect the County's mobility fee through an interlocal agreement, the mobility fee shall not be assessed on any new development activity within a municipality. This ordinance in no way prohibits a municipality to establish its own alternative transportation system or impact fee system.
10. *Administration.* The Public Works Director or designee, in consultation with the County Attorney and Growth Management Department, shall administer, implement, maintain, and update the Mobility Plan and Mobility Fee on behalf of the County and shall have the ability to act regarding the imposition of the fee, payment of the fee, determination of credit or off-set utilization, or other such action to ensure that the mobility fee meets all legal and statutory requirements and to address unique circumstances that may arise from time to time that are not expressly addressed herein.

### 4.03.05. Mobility Fee Exemption.

A general exemption from liability for mobility fee assessment applies to all active development orders which were subject to transportation concurrency analysis under the prior proportionate fair share system approved by Ordinance 2024-23 adopted on December 3, 2024 that were issued prior to the adoption of the mobility fee ordinance AND all previously approved Development of Regional Impact (DRI) Development Orders. All exempt projects shall have valid unexpired development orders as of the date of adoption of the mobility fee ordinance. Any application for a development order in process as of the date of the adoption of the mobility fee ordinance shall also be exempt from liability for mobility fee



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assessment, provided that a Development Order is issued within one year of the adoption of the mobility fee ordinance.

The following specific types of new development activity will be exempt from payment after the date of adoption unless otherwise administratively determined to be subject to mobility fees:

1. *Recorded plats.* Lots of record platted prior to the adoption of the mobility fee ordinance; or
2. *Modifications.* Additions, remodeling, rehabilitation, or other improvements to an existing residential structure, provided there is no increase in the number of dwelling units for residential land uses; or
3. *Rebuilding.* Rebuilding of a damaged or destroyed structure, provided there is no increase in the number of dwelling units for residential uses, increase in square footage for non-residential uses, or intensity from a change of use; or
4. *Change of use.* A change in use that does not generate additional person travel demand; or
5. *Amenities.* Development amenities not available to the public and accessory buildings that do not result in an increase in person travel demand.
6. *Governmental entity.* A federal, state, county, municipal, or governmental entity structure, excluding community development districts or special districts. Public and charter schools for pre-K to 12th grade are exempt from mobility fees per Florida Statute; community colleges, colleges, and universities are not exempt.
7. *Timing.* Any claim of exemption must be made no later than the time of application for a development order approval.
8. *Administration.* The Public Works Director or designee shall have the ability to act regarding declaring or revoking an exemption of the fee to address unique circumstances that may arise from time to time that are not expressly addressed herein. Any request for exemptions shall be supported by substantial and competent evidence provided by the applicant at the time of the request.

#### **4.03.06. Mobility Fee Schedule.**

Any person who shall initiate any new development activity, except as otherwise provided for herein, shall pay a mobility fee, based on the applicable unit of measure, as set forth in the most recently adopted mobility fee schedule. The mobility fee schedule may be updated from time to time. The most recently adopted mobility fee schedule shall be maintained by the Public Works Department. The most recently adopted version of the schedule shall be provided in Land Development Regulations Chapter 12 Schedule of Fees.

#### **4.03.07. Mobility Fee Determination.**

The mobility fee per land use shall be determined using the closest land use category on the mobility fee schedule.

1. *Closest Use Determination.* 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 administrative manual.
2. *Mixed-Use.* In the event new development involves a mixture of land uses, the mobility fee shall be based on each separate mobility fee land use classification.



3. *Assessment.* 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. The administrative manual shall provide further detail related to the assessment of mobility fees.
4. *Additive mobility fee.* The total mobility fee for non-residential land uses with an additive mobility fee shall be based on the mobility fee assessed based on square footage and the mobility fee assessed based on the applicable unit of measure such as bay, lane, position, or stall. The administrative manual shall include additional detail related to the calculation of additive mobility fees.
5. *Alternative land use.* In the event an applicant disagrees with the mobility fee assessment based on the proposed land use, the applicant may submit an alternative land use determination application consistent with the criteria established in the administrative manual.
6. *Alternative mobility study.* 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 application consistent with the criteria established in the administrative manual.
7. *Prior Approved Development.* New development activity approved prior to the effective date of the mobility fee that entered into a developer agreement or other agreement with the County that exempted the new development from some or all of a proportionate fair share payment shall be required to mitigate its impact as required in the agreement. The administrative manual shall include additional provisions related to new development approved prior to the mobility fee effective date and requirements for payment of a mobility fee.
8. *County Determination.* The Public Works Director or designee, in consultation with the County Attorney and the Growth Management Department, shall have the ability to act regarding determination of use, request to reconsider determinations, use of credit or off-sets, acceptance of alternative studies, payment of the fee, timing of payment, updates of the fee and to address unique circumstances that may arise for time to time that are not expressly addressed herein, consistent with legal and statutory requirements.

#### 4.03.08. Agreements.

In lieu of the payment of mobility fees, an applicant may propose to enter into a mobility fee agreement with the County to advance a multimodal project identified in the mobility plan or capital improvements program.

1. *Impact.* New development activity shall be presumed to generate the maximum impact generated by the most intensive use permitted under the applicable land use consistent with the Comprehensive Plan or development order approvals.
2. *Credit account.* A mobility fee credit account may be established against which mobility fees assessments from new development activity within the overall proposed development would be debited against at a time period defined in the agreement; or
3. *Benefit district.* A development specific benefit district maybe established in which



subsequent new development activity would pay the assessed mobility fee and the applicant would be reimbursed from the mobility fees collected within the benefit district at time periods defined in the agreement.

4. *Application.* The administrative manual shall detail the application requirements for the agreement, as well as the schedule and approval process.

### 4.03.09. Mobility Fee Credits.

An applicant may request credit against any assessed mobility fee in an amount equal to the cost of multimodal projects or contributions of land, money, or services for mobility projects contributed, paid for, or committed to by the applicant or his predecessor in interest.

1. *Capital improvements program.* Only multimodal projects included in the mobility plan or capital improvements program are eligible for mobility fee credits. An applicant may request the County Commission add a multimodal project to the capital improvements program. The administrative manual shall detail the information required to request mobility projects be added to the capital improvements program for purposes of establishing mobility fee credits.
2. *Application.* The administrative manual shall detail the application requirements for the agreement, as well as the schedule, approval process, and use of the credit.
3. *Plan and code requirements.* Multimodal projects required to meet minimum comprehensive plan or land development code requirements are not eligible for mobility fee credit. Site related access improvements such as turn lanes, sidewalks, bike lanes, or traffic signals are not eligible for mobility fee credit. The administrative manual shall provide further detail related to eligibility for mobility fee credits, including instances where required or site related improvements may be eligible for partial mobility fee credits.

### 4.03.10. Mobility Fee Benefit Districts.

The establishment of mobility fee benefit districts is the best method of ensuring that the mobility fees paid by new development are expended on multimodal projects that provide a mobility benefit to the new development activity as required in the benefits test of the dual rational nexus test.

1. *Expenditure.* Mobility fee benefit districts provide a clearly defined boundary for the expenditure of mobility fee revenue. Establishing mobility fee benefit districts ensures that funds paid by new development activity are spent on mobility projects to accommodate person travel demand within the benefit district, providing a reasonable nexus between the expenditure of mobility fee revenue and the new development activity for which the mobility fees are paid.
2. *Establishment.* There are two (2) mobility fee benefit districts. The first benefit district, herein "north benefit district", includes all portions of the County north of Eglin Air Force Base. The second benefit district, herein "south benefit district", includes all





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portions of the County south of the north benefit district. The mobility fee benefit districts map is included in the Technical Report.

3. *Municipalities.* Any municipality which elects to participate in the County's mobility fee system shall be within one of the two mobility fee benefit districts. The interlocal agreement between the municipality and the County may establish an additional benefit district based on municipal limits.
4. *New development.* The County may elect to establish a benefit district for a new development activity that agrees to advance construction of a multimodal project. The benefit district may extend beyond the boundaries of the new development where an advanced multimodal project provides a mobility benefit to adjacent areas.
5. *Special revenue funds.* The County shall establish a special revenue fund for each mobility fee benefit district. Collected mobility fees shall be deposited into the applicable special revenue fund. Mobility fees shall not be deposited into general revenue funds. Special revenue funds shall be established where a municipality elects to participate in the County's mobility fee system or where the County enters into an agreement with a new development activity to establish a new benefit district.
6. *Expenditure outside benefit district.* In recognition that person travel demand along certain corridors provides a mobility benefit beyond the limits of a mobility fee benefit district, the following are instances in which mobility fees may be expended from multiple benefit districts:
  - a. *District boundary.* The County may spend mobility fees on corridors from adjacent benefit districts if the corridors form a boundary between benefit districts.
  - b. *Traverse boundary.* The County may spend mobility fees from adjacent benefit districts where a mobility project traverses or is planned to traverse the boundary of one or more benefit districts.
  - c. *Crossings.* Multimodal crossings (overpass and underpass), new bridges, or interchanges, over either Interstate 10, Choctawhatchee Bay or its tributaries, that connect with mobility projects or to the existing transportation network may utilize funds from both benefit districts.
  - d. *Connectivity.* Mobility projects that connect to the existing transportation or multimodal network that will facilitate mobility across benefit district boundaries may utilize funds from both districts.
  - e. *Regional travel.* Mobility projects that extend outside County limits that facilitate regional travel may utilize funds from benefit districts that receive a mobility benefit.
  - f. *Finding.* The County shall be permitted to make a finding that a multimodal





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project provides a mobility benefit to new development within multiple benefit districts. The finding shall be required to demonstrate how the use of funds meets the benefits requirement of the dual rational nexus test. The administrative manual shall further detail documentation and justification to be provided.

- g. *Review.* The County Attorney shall review and concur, if consistent with the benefits requirement of the dual rational nexus test, with a finding that a mobility fee may be expended in a different benefit district than the one from which it was collected, before the finding can be considered for review and approval by the Public Works Director.

#### 4.03.11. Mobility Fee Expenditures.

Mobility fees are intended to fund multimodal project expenses such as the planning, design, and construction consistent with the following:

1. *Expenditure of funds.* Amounts on deposit in mobility fee special revenue funds shall be expended by the County for the advancement or construction of multimodal projects or for financing directly, or as a pledge against bonds, revenue certificates and other obligations of indebtedness, the expenses for multimodal projects, or portions thereof, that are:
  - a. *Location.* Located in the mobility fee benefit district from which the funds were collected;
  - b. *Planned project.* Included in the mobility plan or capital improvement program; and
  - c. *Benefit.* Beneficial to new development in terms of enhanced mobility.
  - d. *Timing.* Mobility fees shall be expended based on a first in, first out basis.
2. *Prohibition.* The amounts on deposit in the mobility fee fund shall not be used for periodic or routine maintenance as defined in F.S. § 334.03 (18) and (23).
3. *Use of funds.* Funds withdrawn from these accounts must be on eligible multimodal project expenses.
4. *Audit.* Audits of the County performed pursuant to F.S. § 218.39, shall include an affidavit from the chief financial officer of the County addressing reporting requirements of F.S. § 163.31801.
5. *Administration.* Should the County elect to not establish a service charge or the service charge does not fully capture expenses, the administration and implementation of the mobility fee system may be funded by mobility fees in an amount not to exceed that actual cost to administer and implement the mobility fee system.
6. *Municipalities.* Expenditure of funds on municipal maintained roads shall be limited to those identified either in the mobility plan, the capital improvements program, or those municipalities that elect to participate in the County's mobility fee system. The interlocal agreement between the municipality and the County shall further detail the collection, if applicable, and expenditure of mobility fees within the municipality.

#### 4.03.12. Mobility Fee Refunds.

1. *Time frame for expenditure.* Mobility fees collected shall be returned to the then present owner of the new development activity if the mobility fees have not been encumbered or



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spent by the end of the calendar quarter immediately following seven (7) years from the date the fees were collected, or if the development for which the fees were paid never commenced.

2. *Expenditure of funds.* Mobility fees collected shall be deemed to be encumbered or expended on a "first in, first out" basis.
3. *Refund process.* A landowner may request a refund of mobility fees not expended within the time frame for expenditure of funds. Request shall be reviewed by the Public Works Director or designee and approved if mobility fees have not been expended within the time frame for expenditure of funds or as provided for in refund process and procedures detailed in the administrative manual.
4. *Municipalities.* The interlocal agreement between a municipality and the County shall further detail refund of mobility fees if the process and procedures differ from the administrative manual.

### 4.03.13. Effect on Land Development Code.

1. *Land Use.* The listing of a land use in the mobility fee schedule is solely for purposes of establishing the applicable mobility fee rate to be assessed per land 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.
2. *Land Development Code.* The payment of mobility fees does not ensure nor grant compliance with the County's land development code, including regulations relating to transportation corridor management, access management, substandard roads, secondary access, timing, and phasing, and, where applicable, development of regional impact review.

### 4.03.14. Administrative Manual and Service Charges.

1. *Administrative manual.* The County shall prepare and periodically update a mobility fee administrative manual that addresses day to day administration and the implementation and update of the mobility plan and fee. The administrative manual shall address assessments, credit and off-set request, fee and land use determinations, special studies, fee expenditures and monitoring. The administrative manual shall be accepted by resolution of the County Commission. Until such time as an administrative manual is adopted, determinations related to the mobility fee system shall be made by the Public Works Director or designee, in consultation with the County Attorney and Growth Management Department.
2. *Service charge.* The County may elect to prepare and periodically update mobility fee service charges to ensure that the County's general fund does not bear the full burden of administering and implementing the mobility fee system, provided that the service charges does not exceed the County's actual costs of administration and implementation of the mobility fee system. Mobility Fee service charges shall be in addition to the imposed mobility fee and shall account for future updates of the mobility plan and mobility fee in the service charge determination, along with any required application fees for special studies or credit request. The mobility fee service charge shall be based on a service charge study and accepted by resolution of the County Commission.
3. *Municipalities.* The administrative manual procedures would apply to any municipality that elects to participate in the County's mobility fee system, except as otherwise provided for in an interlocal agreement between the municipality and the County. Any municipality that collects mobility fees on behalf of the County shall be entitled to receive a portion of any



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service charge adopted by the County to offset the cost of collection and processing of mobility fees paid by new development activity.

#### 4.03.15. Annual Report.

The County, and any municipality that elects to participate in the County's Mobility Fee system, shall comply with all audit requirements of F.S. § 218.39. The County shall include in its annual capital improvement program update, an accounting of mobility projects funded by mobility fees. The annual budget shall indicate mobility fee revenues and expenditures. Audits of the County performed pursuant to F.S. § 218.39, shall include an affidavit from the chief financial officer of the County addressing requirements of F.S. § 163.31801.

#### 4.03.16. Review and Update.

1. *Mobility plan and fee update.* The Mobility Plan and Mobility Fee shall be updated by the County at least once every five (5) years from the date of the last adoption. The five (5) year time frame shall account for the 90-day notice period for any increase as required by Florida Statute. The update shall commence no later than four (4) years after the date of last adoption. If a full re-evaluation and update are not complete within the required time period, the last adopted mobility fee shall remain in effect until the update is complete.
2. *Annual report.* The mobility plan and mobility fee shall be reviewed annually, and an annual report shall be prepared documenting collections and expenditures. The review shall include a recommendation regarding the need to update the mobility plan and mobility fee earlier than the required update schedule due to extraordinary circumstances. The administrative manual shall detail additional factors to be addressed as part of the annual update to ensure the mobility plan and mobility fee is consistent with case law and Florida Statute.
3. *Annual inflation adjustment.* The County shall annually update mobility fees based on inflation adjustments, starting in 2025. The data for inflation shall be based on local cost to the extent data is available. The most recent FDOT Transportation Cost Report Construction Cost Inflation Factors or FDOT Monthly Inflation Factor Reports shall also be referenced to determine inflation factors. If local or FDOT data is not available, the annual inflation factor adjustments shall be based on either the national Producers Price Index for highways and streets, the National Highway Construction Cost Index or the Consumer Price Index.
4. *Required notice for increase.* Increases in the County mobility fees require a 90-day notice period per F.S. § 163.31801 before updated mobility fees can go into effect. The County shall advertise the fees in a publication of general circulation available to County residents and businesses, or as permitted by Florida Statute, publish the updated rates on the County's website. The advertisement shall be published and/or posted no later than 90 days prior to the increase of the mobility fees.
5. *Notice provided.* The following notice is provided that the County will annually adjust mobility fees for inflation and will be maintained by the Public Works Department.



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Applicants are encouraged to contact the Public Works Department to obtain the most recently adopted version of the mobility fees and inquire about any noticed updates of the mobility fee.

6. *Municipal notice.* The County shall provide municipalities who elect to participate in the County's mobility fee system written notice of mobility fee increases. The written notices shall be provided no later than 90 days prior to the effective date of the mobility fee increase.
7. *County initiated update.* The Public Works Director or designee may authorize County initiated updates of the mobility plan or mobility fee to ensure that mobility fees meet legal and statutory requirements. The administrative manual shall provide further detail on factors that would potentially require that the County move forward with a County initiated update.

#### 4.03.16. Appeals.

If an applicant is dissatisfied with one or more of the following decisions of the Public Works Director or designee, the applicant may appeal the decision in writing to the Board of Adjustment:

1. *Imposition.* The requirement to pay a mobility fee per 4.03.04;
2. *Exemption.* That a proposed new development does not qualify for an exemption per 4.03.05;
3. *Determination.* The assessed mobility fee per 4.03.07;
4. *Refunds.* The refund or refunded amount of mobility fees per 4.03.09;
5. *Notice of appeal.* The applicant shall file a notice of appeal with the Board of Adjustment within thirty (30) calendar days of any final decision in which the applicant does not concur.
6. *Evidence.* As part of the appeal, the applicant shall submit in writing the specific decision being appealed and shall provide documentation detailing the reasons why the applicant believes the decision is incorrect. The applicant shall also provide in writing the desired final outcome and shall provide evidence in support of that decision. Technical documentation submitted as evidence shall be prepared by either a licensed professional engineer, a certified planner, or an impact fee consultant with experience administering, implementing, or developing impact fees or mobility fees.
7. *Date of hearing.* The appeal hearing before the Board of Adjustment shall be held within 60 working days of the receipt of the notice of appeal.
8. *Hearing.* The Board of Adjustment shall base its decision on any appeal on the



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applicable standards and criteria established for the mobility fee system established per 4.03.00 and the evidence presented at a properly advertised public hearing.

9. *Board actions.* The Board of Adjustment may uphold or revoke, in whole or in part, the determination being appealed and to that end shall have the powers of the Public Works Director from whom the appeal is taken.
10. *Payment of mobility fees.* A development order approval will not be issued unless the mobility fee is paid in full, regardless of an appeal by an applicant. Any reduction of mobility fees or an exemption from mobility fees resulting from a successful appeal shall be by refund of any excess amount where a mobility fee is reduced, or the full amount where an applicant is exempt, paid at the time of the issuance of the development order with the refund to be paid within 60 days. No interest will be paid on a refund of any such overpayment or payment.

#### 4.03.17. Vested Rights.

It is not the intent of the mobility fee system to abrogate, diminish, or modify the rights of any persons that have vested rights pursuant to a valid governmental act of the County. An applicant may petition the County Commission for a vested rights determination which would exempt the applicant from the provisions of the mobility fee system. The County shall evaluate the petition and submit a recommendation to the County Commission based upon the following criteria:

1. *Valid act.* A valid, unexpired governmental act of the County, authorizing the building for which applicants seeks a certificate of occupancy, exists.
2. *Investment backed expectation.* Expenditures or obligations made or incurred in reliance upon the authorizing act are reasonably equivalent to the assessed mobility fee.
3. *Prior approvals.* That it would be inequitable to deny the applicant the opportunity to occupy a previously approved building under the conditions of the previous approval by requiring the applicant to comply with the provisions of the mobility fee system.

#### 4.03.18. Penalty.

Violations of 4.03.00 will be enforceable by all legally available remedies, including but not limited to code enforcement proceedings consistent with this code and Florida Statute Chapter 125.