

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA AMENDING CHAPTER 29 ENTITLED "LAND DEVELOPMENT REGULATIONS", SPECIFICALLY AT ARTICLE 3 ENTITLED "DEVELOPMENT REVIEW", ESTABLISHING A NEW DIVISION 15, ENTITLED "MOBILITY FEES"; PROVIDING FOR THE ADOPTION OF THE CITY OF NORTH MIAMI 2045 MOBILITY ACTION PLAN AND MOBILITY FEE TECHNICAL REPORT; PROVIDING FOR THE ADOPTION OF THE MOBILITY FEE SCHEDULE, PROVIDING FOR AUTHORITY, GENERAL PROVISIONS, DEFINITIONS, FINDINGS, DECLARATIONS, PURPOSE, AND REQUIREMENTS FOR REVIEW AND UPDATES TO THE MOBILITY ACTION PLAN AND MOBILITY FEE SCHEDULE; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council have authority to adopt this ordinance through general home rule powers pursuant to Article VIII of the 1968 Florida Constitution, and Chapters 166 and 163, Florida Statutes; and

WHEREAS, the City has developed a Mobility Action Plan, attached hereto as Exhibit "A", to plan and provide for and operate multimodal transportation systems, including bicycle lanes, boardwalks, curbless shared streets, hardscape, green streets, intersections, landscape, lighting, micromobility, microtransit, transit, and water based transit facilities, programs, and services, mobility hubs, priority pedestrian streets, shared-use paths, sidewalks, streets, traffic calming, trails, and mobility programs within the City; and;

WHEREAS, Section 163.3180(5)(f), Florida Statutes, encourages local governments (including municipalities such as the City) to develop tools and techniques including adoption of long-term strategies to facilitate development patterns that support multimodal solutions, adoption of area-wide service standards that are not dependent on any single road segment function, and establish multimodal service standards that rely primarily on non-vehicular modes of transportation where existing or planned community design will provide an adequate level of personal mobility; and

WHEREAS, Section 163.3180(5)(i), Florida Statutes, authorizes local governments to adopt an alternative transportation system; and

WHEREAS, the City has adopted a mobility fee system, based on the mobility projects included in a mobility action plan, as an alternative transportation system consistent with Section 163.3180(5)(i), Florida Statutes; and

WHEREAS, the City has adopted a mobility fee system, based on the mobility projects included in a mobility action plan, as an alternative transportation system consistent with Section 163.3180(5)(i), Florida Statutes; and

WHEREAS, the City intends to replace its transportation concurrency system, with the adopted mobility fee system consistent with the requirements of Section 163.3180(5)(i), Florida Statutes; and

WHEREAS, the adopted mobility fee system focuses on person travel demand, which includes walking, biking, transit, and motor vehicular trips, generated by development activity and the resulting impact on the person capacity of the multimodal transportation system and accordingly requires the expenditure of revenue derived under that system to be used on mobility projects identified in an adopted mobility action plan that increases person miles of capacity to accommodate the person travel demand from development activity; and

WHEREAS, imposition of a mobility fee, requiring development activity within the City to contribute its attributable and assignable share of the cost of growth necessitated mobility projects, is necessary and reasonably related to the public health, safety, and welfare of the people of the City, provided that the mobility fee does not exceed the amount necessary to offset the person travel demand generated by development activity; and

WHEREAS, the mobility fees imposed hereby (1) are in compliance with the "dual rational nexus test" developed under Florida case law, (2) meet the "essential nexus" and "rough proportionality" requirements established by the United States Supreme Court, in *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987) and *Dolan v. City of Tigard*, 512 U.S. 374 (1994), (3) are consistent with the requirements set forth in Section 163.3180, Florida Statutes, and (4) are consistent with and being imposed in accordance with Section 163.31801, Florida Statutes; and

WHEREAS, the City Council has determined that the adopted mobility fee will help to preserve and enhance the rational nexus between the need for person travel demands generated by development activity in the City and the mobility fees imposed on that development activity based on the mobility projects established in the mobility action plan; and

WHEREAS, mobility fees collected will be deposited into a special mobility fee revenue fund created for the related mobility fee benefit district established herein and expended for the purposes set forth herein; and

WHEREAS, the City is desirous of adopting the 2045 Mobility Action Plan and Mobility Fee Technical Report dated October 2024 prepared by NUE Urban Concepts, LLC, that provides the technical analysis to determine the mobility fee, based on the mobility projects on City, County, and State right-of-way within and adjacent to the City identified in the mobility action plan, constitutes a proper factual predicate for imposition and expenditure of the mobility fees; and

WHEREAS, the City has determined that the adopted mobility action plan and mobility fee will help to preserve and enhance the rational nexus between the increase in person travel demands generated by development activity in the City, and the mobility fees imposed on that development activity to fund mobility projects on City, County, and State right-of-way within and adjacent to the City identified in the mobility action plan to address that demand; and

WHEREAS, the mobility fee shall be adjusted annually, based on the most recently published construction cost inflation factor index established based on local cost to provide mobility projects, the Florida Department of Transportation, or the National Highway Construction Cost Index, or the Consumer Price Index, and the City shall publish the adjusted mobility fees, not more than 90 calendar days before the annual adjustment, consistent with Florida Statute Section 163.31801; and

WHEREAS, pursuant to the requirements of Article 3, Division 10, Section 3-1006 of the City LDRs, at duly noticed public meeting held on October 17, 2024, the Planning Commission reviewed the proposed Amendment to the LDRs, the recommendation of City staff, testimony provided at the public hearing (if any), and issued a recommendation to the Mayor and the City Council to take the appropriate action and adopt the proposed Amendment by passage of this ordinance; and

WHEREAS, the City Council has determined that it is advisable and in the public interest to enact this Ordinance and implement the Mobility Action Plan and Mobility Fee and to amend the City's Land Development Regulations to include the adopted Mobility Action Plan and Mobility Fee Schedule.

WHEREAS, this ordinance shall apply to the incorporated area of the City of North Miami; and

WHEREAS, the Mayor and City Council desire to hereby formally adopt this ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Adopt the North Miami 2045 Mobility Action Plan and Mobility Fee Technical Report. The Mayor and City Council of the City of North Miami, Florida, hereby approve and adopt the North Miami 2045 Mobility Action Plan and Mobility Fee Technical Report attached hereto as Exhibit "A".

Section 2. Adopt Mobility Fee Ordinance. Division 15 – Development Activity; Mobility Fees of Article 3, Chapter 29 of the City of North Miami Code of Ordinances is hereby amended as follows.

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CITY OF NORTH MIAMI CODE OF ORDINANCES

CHAPTER 29. LAND DEVELOPMENT REGULATIONS

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ARTICLE 3: DEVELOPMENT REVIEW

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DIVISION 15. –DEVELOPMENT ACTIVITY; MOBILITY FEES

Sec. 3-1501. Short title.

This division shall be known and may be cited to as the "City of North Miami Mobility Fee Ordinance."

Sec. 3-1502. Findings.

A. The city council hereby finds and declares that:

1. Development activity generates increased person travel demands upon city public facilities and services and requires additional person capacity and mobility projects in order to accommodate those demands.

2. The potential for development activity on properties is a direct result of city policy as expressed in the city comprehensive plan and as implemented via the city zoning ordinances and map.

3. It is the policy of the city that development activity should bear its attributable and assignable share of the costs of providing mobility projects and person capacity needed to accommodate the person travel demand generated by development activity.

4. The amount of the "mobility fee" to be imposed shall be based upon the person travel demand attributable and assignable to development activity and the person miles of capacity rate to provide mobility projects to provide the needed person miles of capacity to meet the travel demands from development activity.

5. The mobility fees established in this division are applicable to development activity submitting building permit applications accepted as complete by the city on or after [insert effective date] and are based on the methodology and data presented in the 2045 Mobility Action Plan and Mobility Fee Technical Report prepared by NUE Urban Concepts, LLC, dated October 2024 (hereinafter referred to as "technical report"). The city council hereby adopts and incorporates by references the technical report. A copy of the technical report was submitted as a part of the record of the public hearings on the ordinance, and a copy of the technical report shall be maintained on file in the office of the city clerk.

B. The city council hereby finds and declares that the mobility fees imposed herein upon development activity, in order to fund mobility projects needed to accommodate the person travel demand created by development activity are in the best interest of the city and its residents, are equitable, and do not impose an unfair burden on such development activity. The city council hereby finds and declares that development activity, as defined herein, within the city limits generates an increased person travel demand for mobility projects. The city council hereby finds and declares that the mobility projects to be funded by the mobility fees imposed herein will provide benefit to development activity within the city.

Sec. 3-1503. Intent.

This division is intended to impose mobility fees, payable at the time of building permit issuance, in order to fund mobility projects needed to address person travel demand for mobility projects attributable to development activity. This division is not intended to authorize imposition of fees related to mobility project needs attributable to existing development. This division is intended to allow development activity in compliance with the comprehensive plan and to provide a mechanism for development activity to help address the burdens created by development activity.

Sec. 3-1504. Authority.

The city council is authorized to establish and adopt a mobility fee ordinance pursuant to the authority granted by F.S. section 163.3180, the Florida Constitution, article VII, sections 1(f), 1(g) and 2(b), the Municipal Home Rule Powers Act, F.S. Ch. 166, as amended, the City of North Miami Charter, and the Community Planning Act, as amended. In addition, the Community Planning Act, as amended, encourages the use of innovative land development regulations, including mobility fees. The provisions of this division shall not be construed to limit the power of the city to adopt such ordinance pursuant to any other source of local authority nor to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with these Land Development Regulations.

Sec. 3-1505. Definitions.

The Technical Report includes definitions related to the mobility action plan and mobility fee. For the purpose of this division, the following definitions shall supersede any other mobility related definitions:

Development Activity shall mean new residential and non-residential construction, any new land development or site preparation activity, any new construction of buildings or structures, any modification, reconstruction, redevelopment, or upgrade of buildings or structures, any change of use of a building, land, or structure, and any special exception approval, variance, or special use permit that results in an increase in person travel demand (aka impact) above the demand generated by the existing use of property. Property includes submerged lands.

Mobility shall mean the ability to move people and goods from an origin to a destination by multiple modes of travel in a timely manner based on the speed of travel.

Mobility fee shall mean a monetary exaction imposed on development activity at building permit issuance pursuant to division 15 of this article 3 to fund mobility projects identified in the most recently adopted mobility action plan.

Mobility action plan shall mean the Streets Plan, Multimodal Plan, Transit Plan, Mobility Action Plan Programs included in the City of North Miami 2045 Mobility Action Plan and Mobility Fee Technical report dated October 2024 and prepared by NUE Urban Concepts, LLC that identifies mobility projects within the City to meet future person travel demand between 2024 and 2045 and serves as the basis for the city's mobility fee. Future updates of the mobility action plan may be referenced as a mobility plan.

Mobility action plan program shall mean mobility programs identified in the mobility action plan in recognition that the mobility action plan is the first part of a multi-part plan to develop and construct mobility projects and implement mobility programs. These mobility programs include a variety of mobility initiatives, plans, services, and studies that the city will undertake as part of implementation of the mobility action plan and expenditure of the mobility fee.

Mobility fee expenses shall mean expenditures for: (a) the repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness then outstanding consistent with statutory allowances and used to advance mobility projects identified in the Mobility Plan; (b) reasonable administrative and overhead expenses necessary or incidental to expanding and improving mobility projects; (c) crosswalks, traffic control and crossing warning devices, landscape, trees, multimodal way finding, irrigation, hardscape, and lighting related to projects; (d) micromobility devices, microtransit vehicles, programs and services, (e) mobility hubs, transit circulators, water taxis, docks, facilities, programs, shuttles, services, vehicles and vessels; (f) reasonable expenses for engineering studies, stormwater reports, soil borings, tests, surveys, construction plans, and legal and other professional advice or financial analysis relating to projects; (g) the acquisition of right-of-way and easements for the improvements, including the costs incurred in connection with the exercise of eminent domain; (h) the clearance and preparation of any site, including the demolition of structures on the site and relocation of utilities; (i) floodplain

compensation, wetland mitigation and stormwater management facilities; (j) all expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of bonds, bond anticipation notes, or other forms of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes, or other form of indebtedness consistent with statutory allowances and used to advance mobility projects identified in the Mobility Plan; (k) reasonable costs of planning, design, engineering, and construction, including mobilization, maintenance of traffic during construction and CEI (construction engineering and inspection) services of mobility projects, (l) city administration, implementation updates to the mobility plan and mobility fee, including any analysis, assessments, counts, data collection, plans, programs or studies needed for mobility projects, (m), local match for federal, state and county funded projects.

Mobility fee technical report shall mean the City of North Miami 2045 Mobility Action Plan and Mobility Fee Technical Report dated October 2024 and prepared by NUE Urban Concepts, LLC that documents the analysis, data and methodology used to develop a mobility fee and is adopted pursuant to an implementing ordinance which authorizes imposition of the mobility fee.

Mobility project shall mean corridor and intersection improvements such as bike lanes, buffered bike lanes, protected bike lanes, intersections, interchanges, landscape, shared-use paths, trails, greenways, boardwalks, pedestrian overpasses or underpasses, roads, roundabouts, sidewalks, streets, curbsless shared streets, green streets, traffic calming, and streetscape. Mobility projects also include policies, programs and services, wayfinding, micromobility devices, and transit vehicles and vessels, lanes, stops, docks, and facilities, along with mobility hubs. Projects can include new or additional road travel lanes and turn lanes, upgrade of roads that results in a change in functionally classification of the road, complete and green streets, curbsless shared streets, new or upgraded traffic signals, traffic synchronization, mobilization, maintenance of traffic, survey, geotechnical and engineering, utilities, construction, PD&E, planning, engineering and inspection, utility relocation, right-of-way, easements, land acquisition, stormwater management facilities.

Multimodal shall mean multiple modes of travel including, but not limited to walking, bicycling, jogging, rollerblading, skating, scootering, riding transit, driving a golf cart, low speed electric vehicle or motor vehicle.

Transportation system shall mean the arterial, collector, local, and residential roads and streets within the city and includes city, county, and state facilities, as well as bicycle lanes, boardwalks, buffers, intersections, landscape, lighting, mobility hubs, on-street parking, paths, railways, sidewalks, streetscape, swales, trails, and transit facilities, stops, and stations.

Sec. 3-1506. Applicability of mobility fees.

This division shall be uniformly applicable to development activity within the city limits for mobility projects identified in the Mobility Action Plan or Capital Improvements Program. It shall not be applicable to any government-owned and operated facility or other uses exempt from impact fees or mobility fees by Florida Statute.

Sec. 3-1507. Imposition of mobility fees.

A. Mobility fee schedule. Mobility fees are hereby levied on all development activity imposed pursuant to this division, as set forth in the following mobility fee schedule:

<u>Use Categories, Use Classifications, and Representative Uses</u>	<u>Unit of Measure</u>	<u>Mobility Fee</u>
<u>Residential Uses</u>		
<u>Residential (Single-Family, Multifamily, Active Adult)</u>	<u>sq. ft.</u>	<u>\$2.46</u>
<u>Institutional Uses</u>		
<u>Community Serving (Assembly, Centers, Lodges, Museum, Performance Venues, Religious Institution, Studios)</u>	<u>sq. ft.</u>	<u>\$1.62</u>
<u>Long Term Care (Adult Day Care, Assisted Living, Continuum of Care Facility, Skilled Nursing Facility)</u>	<u>sq. ft.</u>	<u>\$2.02</u>
<u>Private Education (Afterschool, Child Care or Day Care, K-12, Pre-K, Trade School, Tutor)</u>	<u>sq. ft.</u>	<u>\$1.67</u>
<u>Commercial Recreational Uses</u>		
<u>Marina (wet berths, dry slips, ancillary repair, any publicly accessible land uses pay applicable fee per use)</u>	<u>berth, plus per 10 dry slips</u>	<u>\$1,462</u>
<u>Recreation / Entertainment, Outdoor (Golf, Multi-Purpose, Sports, Tennis)</u>	<u>acre</u>	<u>\$14,082</u>
<u>Recreation / Entertainment, Indoor (Exercise Studio, Fitness, Gym, Health, Indoor Sports, Recreation)</u>	<u>sq. ft.</u>	<u>\$7.38</u>
<u>Industrial Uses</u>		
<u>Industrial (Assembly, Development and Testing, Distribution and Processing, Microbrewing, Trades, Utilities)</u>	<u>sq. ft.</u>	<u>\$2.29</u>
<u>Commercial Storage (Junk /Salvage Yard, Mini-Warehouse, Outdoor Storage, Recycling / Waste Management, Warehouse)</u>	<u>sq. ft.</u>	<u>\$0.92</u>
<u>Office Uses</u>		
<u>Office (Administrative, Business, Professional, Professional School, Higher Education, Hospital)</u>	<u>sq. ft.</u>	<u>\$4.57</u>
<u>Medical Office (Clinic, Dental, Health Service, Laboratory, Professional Care, Emergency Care, Rehab, Veterinary)</u>	<u>sq. ft.</u>	<u>\$8.31</u>

<u>Retail Uses</u>		
<u>Local Retail (Café, Restaurant, Retail, Sales and Services, Personal Services)</u>	<u>sq. ft.</u>	<u>\$3.43</u>
<u>Retail (Discount, Large Scale Retail, Superstore, Sales & Services, Variety Store, Vehicle Sales)</u>	<u>sq. ft.</u>	<u>\$7.94</u>
<u>High Impact Retail (Banks, Financial Services, Pharmacy, Sit-Down Restaurants, Supermarket, Wine & Spirits)</u>	<u>sq. ft.</u>	<u>\$13.89</u>
<u>Convenience Retail (Convenience Store, Fast Food Restaurant, Motor Vehicle Charging / Fueling)</u>	<u>sq. ft.</u>	<u>\$32.56</u>
<u>Non-Residential Uses Per Unit of Measure</u> <u>(All uses are Additive Mobility Fees except overnight lodging)</u>		
<u>Fast Food Drive Thru</u>	<u>lane</u>	<u>\$21,181</u>
<u>Financial Service Drive-Thru Lane or Free-Standing ATM</u>	<u>lane / ATM</u>	<u>\$16,402</u>
<u>Overnight Lodging (B&B, Hotel, Motel, Transient)</u>	<u>room</u>	<u>\$2,868</u>
<u>Vehicle Cleaning (Detailing, Wash, Wax)</u>	<u>lane or stall plus</u> <u>per five (5)</u> <u>stations</u>	<u>\$28,818</u>
<u>Vehicle Charging or Fueling (Commercial Facility which requires Payment)</u>	<u>per charging or</u> <u>fueling position</u>	<u>\$14,495</u>
<u>Vehicle Repair or Service (Accessories, Brakes, Maintenance, Major, Minor, Quick Lube, Repair, Tires)</u>	<u>bay or stall</u>	<u>\$9,978</u>

B. Mobility fee calculation. The mobility fee shall be calculated based on the effective mobility fee rate and the unit of measure for each use established in the mobility fee in accordance with the following:

1. The mobility fee for any residential land use, regardless of type of residential use is based on the total livable, habitable, and temperature controlled enclosed (by doors, windows, or walls) square footage per dwelling unit. Residential square feet are 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. This square footage does not include unconditioned garages or unenclosed areas under roof. For condominiums, multifamily and dormitory uses, common hallways, lobbies, leasing offices, and residential amenities not accessible to the public are not included in the square feet calculation. The square footage of areas leased to a third-party use, or a use that provides drinks, food, goods, or services to the public or paid memberships available to persons that do not reside in a dwelling unit would be assessed the applicable mobility fee rate per square foot for the use.

2. For commercial recreation uses that feature both indoor facilities and outdoor recreation, the indoor shall be based on the indoor mobility fee rate, the outdoor shall be made on the outdoor rate. Any square footage that is leased to a third-party use, or a use that provides drinks, food, goods, or services to the public, shall be required to pay the applicable mobility fee per the individual uses identified in the mobility fee schedule.

3. For commercial storage uses, acreage for any unenclosed material and vehicle storage, including but not limited to boats, commercial vehicles, recreational vehicles (RV), and trailers, sales and display shall be converted to square footage by multiplying the total acreage by 43,560.

4. The city may elect to establish a program that establishes criteria to qualify as a local retail business. A lower mobility fee rate has been calculated as permitted per Florida Statute (Fla. Sta.) 163.3180 (5) (f) 6. Until the city establishes a program for designation as a small retail business, and an applicant receives formal approval as a local retail business, the local retail business mobility fee rate would not be applicable.

5. Retail includes all commercial or retail land uses that do not fall under high impact or convenience retail and generate less than 75 daily trips per 1,000 sq. ft. per the latest ITE Generation Manual or alternative trip generation study.

6. High impact retail uses include banks, marijuana dispensaries, pharmacies, sit down restaurants (non-fast food), grocery stores, supermarkets, beer, liquor, package, wine and spirits stores, bars, nightclubs, and lounges. These uses generate between 75 and 250 daily trips per 1,000 sq. ft. per the latest ITE Generation Manual or alternative trip generation study.

7. Convenience retail uses include convenience stores, gas stations, service stations, coffee, donut, sandwich, food and beverage that would be considered fast food or quick service restaurants. These uses generate between more than 250 daily trips per 1,000 sq. ft. per the latest ITE Generation Manual or alternative trip generation study.

8. Additive mobility fees are assessed per applicable unit of measure and are mobility fees in addition to the mobility fee assessed for the square footage of buildings on the same property or unified development.

9. Fast food drive-thru includes fast casual, fast food, ghost kitchens, or other restaurants primarily fulfilling online delivery orders are considered fast food. Any drive-thru associated with a fast-food service restaurant will be an additive fee in addition to the applicable retail mobility fee per square foot of the building. The number of drive-thru lanes will be based on the number of lanes present when an individual places an order or picks up an order, whichever is greater.

10. Financial services drive-thru or freestanding ATM include banks, credit unions, and financial institutions with a drive-thru shall pay the high impact retail rate for the square footage of the building under the retail use category. Drive-thru lanes, free standing ATM's and drive-thru lanes with ATM's are assessed a separate fee per lane or per ATM and are added to any mobility fee associated with the building. The free-standing ATM is for an ATM only and not an ATM

within or part of another non-financial building, such as an ATM within a grocery store or a convenience store.

11. Overnight lodging is based on the number of rooms available for guest. Any square footage that is leased to a third-party use, or a use that provides drinks, food, goods, or services to the public, shall be required to pay the applicable mobility fee per the individual uses identified in the mobility fee schedule. This does not apply to conference spaces, markets, or food and beverage service provided by the overnight lodging for its guest.

12. Vehicle or boat cleaning shall mean any car wash, wax, or detail where a third party or automatic system performs the cleaning service. Mobility fees are assessed per bay, lane, stall, or tunnel. For automated car washes, mobility fees are also assessed per five (5) finishing stations for waxing, drying, detailing, or vacuuming the vehicle. The high impact retail rate shall be used to calculate the mobility fee for any additional building square footage.

13. Mobility fees are charged per charging or fueling position. The number of charging or fueling positions is based on the maximum number of vehicles that could be charged or fueled at one time. The mobility fee rates per vehicle charging or fueling position apply to a convenience store, gas station, general store, grocery store, supermarket, superstore, variety store, wholesale club or service stations with fuel pumps. In addition, there shall be a separate mobility fee for the square footage of any retail building per the applicable mobility fee rate under commercial and retail uses. Non-commercial vehicle charging stations associated with residential or non-residential uses that are required by the city or are provided by the owner as an amenity and not a commercial purpose shall not be assessed a mobility fee.

14. Vehicle service includes maintenance, repair, and servicing of motor vehicles. Mobility fees are assessed per bay or stall, plus a retail rate associated with any additional building square footage under retail uses for waiting areas, parts, supplies, and transactions.

Sec. 3-1508. Administration of mobility fees.

A. *Collection of mobility fees.* Mobility fees due pursuant to division 15 shall be collected by the office of building services prior to issuance of a building permit or a development order approval that would allow development activity to commence where a building permit is not required.

1. Upon receipt and acceptance of a complete application for a building permit, or development order approval where a building permit is not required, for development activity, the building services office shall determine the amount of the mobility fee due.

2. The building services office shall determine whether or not the development is exempted for the levying of mobility fees. The City may elect to adopt administrative procedures or an administrative manual to establish additional exemptions.

3. The city manager shall determine whether or not development activity is entitled to any off-set for mobility fees.

4. In the case of development activity involving a change from an existing development or use or previously existing development or use on the site, the mobility fee shall be the difference between the computed fee for the proposed development activity and the computed fee for the existing development activity. No refunds will be provided for mobility fees where proposed development activity results in a lower fee than existing development.

5. The city may establish administrative procedures or an administrative manual that further defines to what extent existing development is eligible for an off-set and establish time frames where existing development or demolished buildings and structures are no longer eligible for off-set as there is no longer any impact associated with a building, structure, or use that is no longer in operation, has been abandoned, or demolished. The city may also elect to develop a traffic count program or inventory of existing uses that identifies parcels that are no longer in operation, abandoned, or demolished and no longer have an impact for which an off-set would be provided for proposed development activity.

B. *Mobility fee expenditures.* Mobility fees collected shall be expended only for mobility projects identified in the Mobility Action Plan, the most recently adopted Mobility Plan, or the Capital Improvements Program for which the mobility fee was imposed.

C. *Administrative procedures.* The city may elect to adopt administrative procedures or an administrative manual for administration and implementation of the mobility fee. These procedures may address assessments, credits, determinations, exemptions, expenditures, imposition, off-sets, payments, agreements, alternative studies, reporting, and updates.

D. *City manager determination.* The city manager may make determinations and take subsequent actions to ensure that mobility fees are consistent with case law and statutory requirements. These determinations and actions would include, but not be limited to, assessments, credits, determinations, exemptions, expenditures, imposition, off-sets, payments, agreements, alternative studies, reporting, and updates, and unique circumstances. Determination by the city manager that are not clearly addressed through this division, division 14, or administrative procedures, shall be reviewed by, and if found acceptable, signed-off by the city attorney, prior to the city manager making a final determination.

Sec. 3-1509. Updating, indexing, annual reporting, and audits.

A. *Update.* At least once every five years, the city shall update the technical report and the mobility plan which provides the basis for the mobility fees imposed under this chapter.

B. *Inflation adjustment.* During years when no update occurs, as required above, and beginning in October 2025, the mobility fee schedule set forth in this division shall be adjusted annually to account for inflationary increases in the costs to the city of providing mobility projects to development activity. These annual adjustments shall be consistent with the methodology set forth in the technical report and shall be based on either the National Highway Construction Cost Index, inflation reports prepared by the Florida Department of Transportation, or localized data from Miami Dade County and the city's public works department. If those entities do not provide inflation reports, the then inflation shall be adjusted by the Consumer Price Index.

C. Annual report. On an annual basis, the city manager, or designee, shall report to the city council as to the following:

1. The amount of mobility fee revenues currently on account for mobility fees and each public facility for which impact fees are collected;

2. The amount and nature of any expenditure or encumbrance of mobility fees since the prior annual report; and

3. The amount and nature of any planned expenditures or encumbrances of mobility fees prior to the next annual report.

D. State audit requirements. Audits of the city's financial statements, which are performed by a certified public accountant pursuant to F.S. § 218.39, and submitted to the auditor general, must include an affidavit signed by the finance director, stating that the city has complied with the requirements of F.S. § 163.31801.

E. Notice. All updates and annual adjustments to this division shall comply with statutory requirements for notice and publication.

Sec. 3-1510. Effect of mobility fee on planning, zoning, subdivision, and other regulations.

This division shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards and requirements or any other aspect of the development of land or provision of public improvements subject to the city comprehensive plan, zoning regulations, subdivisions regulations, or other regulations of the city, all of which shall be operative and remain in full force and effect without limitation with respect to all such development.

Sec. 3-1511. Mobility fees as additional and supplemental requirement.

The payment of mobility fees imposed pursuant to this division is additional and supplemental, and not in substitution, to any other requirements imposed by the city on the development of land or the issuance of building permits. It is intended to be consistent with and to further the objectives and policies of the comprehensive plan, the land development regulations, and to be coordinated with the city's capital improvement program, and other city policies, ordinances and resolutions by which the city seeks to ensure the provision of public facility improvements in conjunction with the development of land. In no event shall a property owner be required to pay impact fees for the same improvements in an amount in excess of the amount calculated pursuant to this division, provided, however, that a property owner may be required to provide or pay, pursuant to Miami-Dade County, state and/or city ordinances, policies or regulations, for mobility projects in addition

to payment of mobility fees pursuant to this division. Nothing in this division shall be construed as a guarantee of adequate public facilities at the time of development of any particular property.

Sec. 3-1512. Alternative collection method.

In the event that the appropriate amount of mobility fees due pursuant to this division are not paid prior to the issuance of a building permit or equivalent development order approval, the city may elect to collect the mobility fees due by any other method, which is authorized by law.

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Section 3. Repeal. All Ordinances and part of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Conflicts. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.


Section 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Codification. It is the intention of the City Council of the City of North Miami, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

Section 7. Effective Date. This Ordinance shall not become effective until ninety (90) days after the effective date.

PASSED AND ADOPTED by a 4 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 22nd day of October, 2024.

PASSED AND ADOPTED by a 4 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 26th day of November, 2024.


ALIX DESULME, ED.D.
MAYOR

ATTEST:



VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Estime-Irvin

Seconded by: Galvin

Vote:

Mayor Alix Desulme, Ed.D.

Vice Mayor Mary Estimé-Irvin

Councilman Scott Galvin

Councilwoman Kassandra Timothe, MPA

Councilman Pierre Frantz Charles, M.Ed.

X (Yes) _____ (No)

X (Yes) _____ (No)

X (Yes) _____ (No)

_____ (Yes) _____ (No) Absent

X (Yes) _____ (No)