

CHAPTER 154: DEVELOPMENT IMPACT FEES

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§ 154.01 Title

This Chapter shall be referred to as the “Development Impact Fee Chapter for the Town of Mount Pleasant, South Carolina”.

§ 154.02 Authority

This Chapter is adopted pursuant to and in compliance with the authority of the South Carolina Development Impact Fee Act, Code of Laws of South Carolina, Title 6, Article 9, Chapter 1 (the “Act”), and is to be interpreted in accordance with such Act, or as it may be amended in the future.

§ 154.03 Findings

The Mount Pleasant Town Council hereby declares that:

(A) Adequate parks and recreation facilities, fire protection, municipal facilities and equipment, and transportation system are vital and necessary to the health, safety, welfare and prosperity of the Town and its citizens. Substantial growth and new construction is taking place

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within the Town and is anticipated to continue. This growth creates substantial need for new infrastructure capacity. Meeting these needs is very costly; however, failure to do so will result in an inadequate system of facilities and equipment to accommodate anticipated demand. This would make the Town a less desirable place to live and do business and be detrimental to the health, safety, welfare and prosperity of the Town and its citizens.

(B) To the extent that future growth and new construction in the Town place demands on parks and recreation facilities, fire protection, municipal facilities and equipment, or the transportation system those demands and needs should be met by shifting a portion of the capital costs for providing new capacity to serve new development, which creates, in whole or in part, these demands and needs.

(C) By Resolution adopted on January 10, 2017, the Town Council directed the Planning Commission to conduct the necessary studies and develop a recommended development impact fee ordinance in accordance with the requirements of the Act.

(D) The Planning Commission recommended to Town Council a *Development Impact Fee Study Report for Mount Pleasant* dated January 11, 2017, a *Town of Mount Pleasant Transportation Impact Fee Program Update Report*, a *Town of Mount Pleasant Capital Improvements Plan* with projects eligible for impact fee funding dated January 11, 2017, and a *Housing Affordability Analysis in Support of a Development Impact Fee Study Report in Mount Pleasant* dated January 11, 2017, each of which have an updated final version dated March 28, 2017, adopted by the Town Council, as modified, on April 3, 2017, effective July 1, 2017.

(E) This Chapter is enacted to implement the findings and recommendations of the *Development Impact Fee Study Report* for Mount Pleasant and endorse the list of capital projects eligible for impact fee funding in the *Town of Mount Pleasant Capital Improvements Plan*.

(F) The impact fees prescribed in this Chapter are equitable, do not impose an unfair or disproportionate burden on developers and new construction, and are in the best interests of the general welfare of Mount Pleasant and its citizens.

(G) New facilities or equipment eligible for development impact fee funding will benefit all new development or redevelopment in Town limits. Therefore, it is appropriate to treat the entire town as one service area for calculating, collecting and spending development impact fees.

(H) This Chapter provides the procedures for timely processing of applications for determination of appropriate development impact fees applicable to all development inside Town limits subject to the impact fees, and for the timely processing of applications for individual assessment of development impact fees, credits or reimbursements allowed or paid.

(I) The transportation impact fees presented in Appendix A of this Chapter reflect the Town's commitment to provide road capacity for future vehicle trips using maximum service capacities defined by the 2010 Highway Capacity Manual.

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(J) The Transportation Impact Fees reflect the Institute of Transportation Engineer's *Trip Generation Manual*, Tenth Edition, or such edition noted in Appendix A.

(K) The maximum allowable recreation impact fee determined in the *Development Impact Fee Study Report* for Mount Pleasant has been reduced by twenty percent (20%) for the General Development Impact Fee Schedule provide in Appendix A of this Chapter, setting the fees at eighty percent (80%) of the maximum amount to provide a reasonable fee for residential investment and to ensure that the impact fees collected do not exceed the cost to provide capital facilities that accommodate new development:

(L) The maximum allowable fire protection impact fee determined in the *Development Impact Fee Study Report* for Mount Pleasant has been reduced by twenty percent (20%) for the General Development Impact Fee Schedule provided in Appendix A of this Chapter, setting the fees at eighty percent (80%) of the maximum amount to provide a reasonable fee for residential and non-residential investments and to ensure that the impact fees collected do not exceed the cost to provide capital facilities and equipment that accommodate new development:

(M) The maximum allowable municipal facilities and equipment impact fee determined in the *Development Impact Fee Study Report* for Mount Pleasant has been reduced by twenty percent (20%) for the General Development Impact Fee Schedule provided in Appendix A of this Chapter, setting the fees at eighty percent (80%) of the maximum amount to provide a reasonable fee for residential and non-residential investments and to ensure that the impact fees collected do not exceed the cost to provide capital facilities and equipment that accommodate new development:

(N) The maximum allowable cost per trip for the transportation impact fee determined in the *Town of Mount Pleasant Transportation Impact Fee Program Update Report* has been reduced by twenty percent (20%) for the General Development Impact Fee Schedule summarized in Appendix A of this Chapter, setting the fees at eighty percent (80%) of the maximum amount to account for the planning level nature of cost estimates; the forecasting methodology and various data sources utilized; and to provide a margin of confidence that transportation impact fee expenditures go toward identified needs that are not likely to change:

(O) Property for which a valid building permit has been issued prior to the effective date of this Chapter shall not be subject to the updated development impact fees.

§ 154.04 Definitions

The following definitions apply within this Chapter consistent with the provisions set forth in the South Carolina Development Impact Fee Act, or as it may be amended in the future. Where terms are not defined, the definitions used in the Town of Mount Pleasant Code of Ordinances shall apply.

(A) Affordable Housing. Housing affordable to families whose incomes do not exceed 80% of the median income for the service area or areas within the jurisdiction of the Town.

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- (B) Building Permit. A permit issued for construction on or development of land.
- (C) Capital Improvement. Improvements with a useful life of five years or more, by new construction or other action, which increase the service capacity of the public facility. Public facility categories for the purpose of this Chapter include parks and recreation facilities, fire protection, municipal facilities and equipment and transportation.
- (D) Capital Improvements Plan (CIP). A multi-year planning tool used to identify capital projects and coordinate financing and implementation. The Plan also identifies capital improvements for which impact fees may be used as a funding source.
- (E) Certificate of Occupancy. A certificate allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with the Town of Mount Pleasant Code of Ordinances and all other applicable regulations.
- (F) Credits. Impact fee deductions allowed to a fee payer for eligible off-site capital improvements funded by the fee payer.
- (G) Developer. An individual, corporation, partnership or other legal entity undertaking new development.
- (H) Development. Construction or installation of a new building or structure, or a change in use of an existing building or structure, any of which creates additional demand and need for public facilities (i.e., parks and recreation, fire protection, municipal facilities and equipment, or transportation). A building or structure shall include, but not be limited to, modular buildings and manufactured housing. Development does not include alterations made to existing single-family homes.
- (I) Development Approval. A document that authorizes the commencement of a development.
- (J) Development Impact Fee. A financial payment imposed as a condition of development approval to pay a proportionate share of the cost for certain off-site system improvements needed to accommodate future growth. Development impact fees (or “impact fees”) are collected by the Town for recreation facilities, fire protection, municipal facilities and equipment, and transportation.
- (K) Development Permit. A permit issued for construction on or development of land when no subsequent building permit issued pursuant to Chapter 9 of Title 6 is required.
- (L) Dwelling Unit. Shall include the definitions for Dwelling, Big House; Dwelling, Duplex; Group Dwelling; Group Care Dwelling; Manufactured Housing Unit; Multi-Family Dwelling; Single-Family Dwelling; and Townhouse Dwelling contained in the Town of Mount Pleasant Zoning Ordinance.

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(M) Fee payer. A fee payer is any person who, after the effective date of this Chapter, seeks to develop land by applying for the issuance of a building permit, or other development permit, subject to development impact fees.

(N) Fire Protection Impact Fee. A payment of money imposed as a condition of approval to pay a proportionate share of the cost for improvements to the fire protection system identified to serve new development.

(O) Municipal Facilities and Equipment Impact Fee. A payment of money imposed as a condition of approval to pay a proportionate share of the cost for improvements to the municipal facilities and equipment system identified to serve new development: public services, police, stormwater and government services associated with managing growth (i.e., planning and development, public services, and the administrative offices on the Town Hall Complex only for recreation, transportation and fire).

(P) Off-Site Improvements. Capital improvements located outside of the boundaries of a development that are required to serve the development's proportionate share of future year system demands and needs.

(Q) Proportionate Share. The portion of system improvements costs for public facilities determined in the Development Impact Fee Study Report for Mount Pleasant and the Town of Mount Pleasant Transportation Impact Fee Program Update Report that reasonably relates to the service demands and needs of the development.

(R) Public Facilities. Improvements to and/or construction of capital improvements identified in the Town of Mount Pleasant Capital Improvements Plan, the Development Impact Fee Study Report for Mount Pleasant, or the Town of Mount Pleasant Transportation Impact Fee Program Update Report. Public facilities for the purpose of this chapter shall include parks and recreation facilities, fire protection, municipal facilities and equipment, and transportation.

(S) Recreation Impact Fee. A payment of money imposed as a condition of approval to pay a proportionate share of the cost for improvements to the recreation system identified to serve new development.

(T) Service Area. A defined geographic area in which specific public facilities provide service to development within the area defined.

(U) Square Footage. The total floor space within the exterior walls of a building not including space in cellars or basements.

(V) System Improvement. A capital improvement to a public facility which is designed to provide service to a service area.

(W) System Improvement Costs. The costs incurred for construction and reconstruction of system improvements, including design, acquisition, engineering and other costs attributable to

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the improvements, and also including the cost of providing additional public facilities needed to serve new growth and development. System improvement costs do not include:

(1) construction, acquisition, or expansion of public facilities other than capital improvements eligible for impact fee funding that are identified in the *Town of Mount Pleasant Capital Improvements Plan*;

(2) repair, operation or maintenance of existing or new capital improvements;

(3) upgrading, updating, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;

(4) upgrading, updating, expanding or replacing existing capital improvements to provide better service to existing development;

(5) administrative and operating costs of the governmental entity; or

(6) principle payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the governmental entity to finance capital improvements eligible for impact fee funding that are identified in the *Town of Mount Pleasant Capital Improvements Plan*.

(X) Transportation Impact Fee. A payment of money imposed as a condition of approval to pay a proportionate share of the cost for improvements to the transportation system identified to serve new development.

(Y) Volume to Service Capacity Ratio. A measurement of the relationship between average daily traffic volumes (demand) and average daily maximum service capacities (supply) for transportation facilities in the Mount Pleasant Study Area. A volume to service capacity ratio greater than 1.00 identified the need for a capacity-enhancing improvement. This measurement is consistent with the methodology used by the Charleston Area Transportation Study (CHATS) Metropolitan Planning Organization for developing the 2035 Long Range Transportation Plan.

§ 154.05 Supporting documentation

(A) This Chapter is based upon the conclusions and recommendations presented in the *Development Impact Fee Study Report for Mount Pleasant, Town of Mount Pleasant Transportation Impact Fee Program Update Report, Town of Mount Pleasant Capital Improvements Plan*, and *Housing Affordability Analysis in Support of a Development Impact Fee Study in Mount Pleasant* prepared consistent with the provisions set forth in the Act and adopted by Town Council on April 3, 2017, effective July 1, 2017. All four documents are on file in the Town's Clerk of Council Office and are incorporated into this Chapter by reference.

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(B) All development impact fees collected pursuant to this Chapter shall be used to implement any or all of the public facilities deemed eligible for impact fee funding identified in the Town of Mount Pleasant Capital Improvements Plan as prioritized therein.

§ 154.06 Jurisdiction

A development impact fee shall apply to all new development or redevelopment located within Town limits, including those locations annexed by the Town in the future.

§ 154.07 Application and exemptions.

The provisions of the Chapter shall apply to all new development or redevelopment within Town limits for which a building permit or development permit is required except for the following:

(A) rebuilding the same amount of floor space of a structure that was destroyed by fire or other natural catastrophe;

(B) remodeling or repairing a structure with the same use of land that does not result in an increase in the number of service units or place new demand on recreation facilities, fire protection, municipal facilities and equipment, or transportation system;

(C) replacing a residential unit, including a manufactured home, with another residential unit on the same lot, if the amount of demand for facilities and services generated by the new residential unit does not increase;

(D) placing a construction trailer or temporary office on a lot during the period of construction on the same lot;

(E) construction of an addition to a residential structure that does not increase the amount of demand for facilities and services generated by the same use of land;

(F) adding uses that are typically accessory to residential uses, such as a tennis court or a clubhouse, unless it is demonstrated clearly that the use creates new demand for recreation facilities, fire protection, municipal facilities and equipment, or the transportation system;

(G) all or part of a particular development project if:

(1) the project is determined to create affordable housing; and

(2) the exempt development's proportionate share of system improvements is funded through a revenue source other than development impact fees.

(H) constructing a new elementary, middle or secondary school; and

(I) constructing a new volunteer fire department.

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§ 154.08 Provisions for affordable housing.

Because all or part of any particular development project may be exempt from development impact fees for affordable housing, the following sets forth the administrative standards for determining what constitutes affordable housing and the procedures for exemption from one or more development impact fees.

(A) Median Family Income.

Affordable housing is based upon eighty percent (80%) of the median family income for residents living within the Town of Mount Pleasant. Median family income shall be determined once a year utilizing the following procedure:

- (1) the most recently available figures from the US Census Bureau American Community Survey will serve as the base year for this evaluation;
- (2) each subsequent year will be adjusted once annually thereafter during January of the calendar year based upon the previous year's published Consumer Price Index (CPI) increase for the US Southeast Region, until the next US Census Bureau data set is published and this procedure is replicated.

(B) Maximum Expenditure.

The maximum expenditure for housing costs shall correspond to the Fannie Mae Foundation Mortgage Calculator multiplier of thirty percent (30%) of gross family income as used in the Housing Affordability Analysis in Support of a Development Impact Fee Study in Mount Pleasant. Affordable housing based upon eighty percent (80%) of median family income is:

- (1) Multifamily rental dwelling units of which the gross monthly rent cost does not exceed thirty percent (30%) of eighty percent (80%) of the gross median family monthly income.
- (2) Fee simple ownership dwelling units of which the cost of homeownership for the dwelling unit do not exceed thirty percent (30%) of eighty percent (80%) of the gross median family monthly income as reflected in the sales price using the Fannie Mae Foundation Mortgage Calculator (or comparable methodology) assuming a 20% down payment and a specified interest rate. The specified interest rate shall be determined by selecting the lowest 30-year fixed mortgage rate reported by area lending institutions as of the first week of January for any given year and shall remain so for the balance of the year.

(C) Procedures for Exemption from Development Impact Fees.

(1) A developer seeking exemption from one or more development impact fees for the construction of affordable multifamily rental dwelling units must identify the alternate source of funds for the impact fee and, unless the alternate source is from Town resources, post a financial guarantee suitable to the Town prior to the issuance of a building permit. The amount of the financial guarantee shall reflect the amount of development impact fees due for all

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affordable housing units as if they were not affordable housing units. No Certificate of Occupancy for any of the units may be issued until the impact fees for the affordable housing units have been paid by the alternate source or from the proceeds of the financial guarantee.

(2) If the alternate source of funds for impact fees is from Town resources, prior to issuance of the Certificate of Occupancy by the Town, the developer shall record an agreement approved by the Town restricting the monthly rental cost of each affordable housing unit for a period of ten (10) years. Upon delivery of the recorded rent control agreement, the Certificate of Occupancy shall be issued.

(3) A developer seeking exemption from one or more development impact fees for construction of a fee simple ownership dwelling unit shall identify the alternate source of funds for the impact fees and, unless the alternate source is from Town resources, post a financial guarantee suitable to the Town prior to the issuance of a building permit. The amount of the financial guarantee shall reflect the amount of development impact fees due for all affordable housing units as if they were not affordable housing units. No Certificate of Occupancy may be issued for the affordable housing dwellings until the impact fees have been paid by the alternate source or from the proceeds of the financial guarantee.

(4) If the alternate source of funds for impact fees is from Town resources, prior to the issuance of a Certificate of Occupancy by the Town, the developer shall file with the Town a closing statement for the dwelling unit indicating an arm's length sales price no greater than that allowed for affordable housing at the time of final sale and a recorded covenant, approved by the Town, restricting the sales price of the dwelling, for a period of ten (10) years, to the original sales price, adjusted annually for inflation.

§ 154.09 Determination of fees.

(A) General Provisions.

(1) The Town Planning and Development Department shall determine and collect all development impact fees administered within Town limits.

(2) Upon the effective date of this Chapter, development impact fees shall be charged to new development or redevelopment in accordance with the procedures set forth in this Chapter. The fees to be collected will be determined prior to the issuance of a building permit or development permit. No building permit or development permit shall be issued for any development requiring the payment of development impact fees until the fees have been remitted to the Town Planning and Development Department, or in the case of affordable housing, the appropriate financial guarantees have been filed with the Town Chief Financial Officer. Payment of such fees shall not relieve the developer from obligations to comply with any other applicable Town ordinances, regulations or requirements prior to receiving a Certificate of Occupancy.

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(3) All monies paid by the fee payer pursuant to this Chapter shall be identified as development impact fees and promptly deposited in the appropriate development impact fee trust fund described under in Section 154.10 of this Chapter.

(4) For the purpose of calculating transportation development impact fees, the use of land types assumed in the General Development Impact Fee Schedule of this Chapter (i.e., Appendix A) shall be defined in accordance with the definitions contained in the Institute of Transportation Engineers' *Trip Generation Manual*, Tenth Edition, or such edition noted in Appendix A.

(5) Payment of development impact fees according to the General Development Impact Fee Schedule (i.e., Appendix A), or independent impact fee calculation study as provided for in this Chapter, shall constitute full and complete payment of the new development's proportionate share of public facilities costs.

(6) A developer may negotiate and contract with the Town to provide facilities or services in lieu of payment of development impact fees in accordance with Section 6-1-1050 of the Act and this Chapter.

(B) Recreation Impact Fee.

(1) Formula. Recreation impact fees collected within Town limits shall be in accordance with the following formula:

$$\text{Impact Fee} = (\text{NNDU}) \times (\text{COST})$$

Where:

NNDU = The number of net new dwelling units for which the building permit is being sought.

COST = The cost per dwelling unit for providing improvements to parks and recreation facilities as indicated in Appendix A and based on information presented in the *Development Impact Fee Study Report* for Mount Pleasant adopted by Town Council on April 3, 2017, effective July 1, 2017. The cost shall be eighty percent (80%) of the maximum allowable recreation impact fee as provided in Appendix A of this Chapter.

(2) Determining Recreation Impact Fees. The amount of recreation impact fees attributable to a specific development shall be determined through the following process:

(a) verify the type and number of new residential dwelling units for which the building permit is being sought;

(b) determine whether any of the proposed residential dwelling units qualify for a discount on recreation impact fees as "affordable housing" and, if so, the number and type of such units;

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(c) determine the applicable residential dwelling unit category set forth in Appendix A (as applicable) of this Chapter; and

(d) multiply the discounted development impact fee rate for the residential dwelling unit category by the number of net new units to be covered by the building permit.

(3) Independent Recreation Impact Fee calculation.

In the event that a fee payer or Town staff contend that the use of land for which the building permit is being sought is not within those uses of land identified in Appendix A, or if the fee payer contends that the Appendix A calculations are not accurate for its intended use, then the Town's Planning Director, or its designee, shall make a determination as to the most comparable use of land category to assume for calculating recreation impact fees. If the fee payer disagrees with the determination of the Town Planning Director or if the Town otherwise deems it appropriate, an independent impact fee calculation may be performed to quantify the fair share of system improvement costs attributable to the development. Preparation of an independent impact fee calculation will immediately halt the building permit application process until such time that the necessary calculation is deemed complete by the Town Planning Director. If an independent calculation is requested, it must accompany the building permit application and be prepared in accordance with the following provisions:

(a) Independent calculations for the determination of recreation impact fees must be performed by a certified professional engineer, architect, landscape architect, planner or other duly qualified and accredited professional approved by the Town Planning Director.

(b) The independent calculation shall be subject to review and approval by the Town Planning Director, or its designee.

(c) The Town Planning Director shall either approve or provide in writing the reasons for disapproval of the independent calculation study within thirty (30) days of its submittal for review.

(d) Prior to commencing the study, the developer's hired professional and the Town Planning Director, or its designee, shall agree upon the relevant factors and values that will be utilized in the independent calculation of impact fees.

(4) The maximum allowable recreation impact fee determined in the *Development Impact Fee Study Report for Mount Pleasant* shall be reduced by twenty percent (20%) for the purposes of completing an independent impact fee calculation, setting the fee at eighty percent (80%) of the maximum amount.

(C) Fire Protection Impact Fee.

(1) Formula. Fire protection impact fees collected within Town limits shall be in accordance with one of the following formulas:

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(a) Residential Development

$$\text{Impact Fee} = (\text{NNDU}) \times (\text{COST})$$

Where:

NNDU = The number of net new dwelling units for which the building permit is being sought.

COST = The cost per dwelling unit for providing fire protection services as indicated in Appendix A and based on information presented in the *Development Impact Fee Study Report for Mount Pleasant* adopted by Town Council on April 3, 2017, effective July 1, 2017. The cost shall be eighty percent (80%) of the maximum allowable fire protection impact fee as provided in Appendix A of this Chapter.

(b) Non-Residential Development

$$\text{Impact Fee} = (\text{NNSF}) \times (\text{COST})$$

Where:

NNSF = The amount of net new square footage generated by the proposed development for the specified use of land.

COST = The cost per square foot for providing fire protection services as indicated in Appendix A and based on information presented in the *Development Impact Fee Study Report for Mount Pleasant* adopted by Town Council on April 3, 2017, effective July 1, 2017. The cost shall be eighty percent (80%) of the maximum allowable fire protection impact fee as provided in Appendix A of this Chapter.

(2) Determining Fire Protection Impact Fees.

The amount of fire protection impact fees attributable to a specific development shall be determined through the following process:

(a) verify the type and number of new residential dwelling units or new non-residential square footage for which the building permit is being sought;

(b) for residential development, determine whether any of the proposed residential dwelling units qualify for a discount on fire protection impact fees as "affordable housing" and, if so, the number and type of such units;

(c) determine the applicable use of land category and impact fee per unit set forth in Appendix A (as applicable) of this Chapter; and

(d) multiply the discounted development impact fee rate for residential development by the number of net new dwelling units (as determined in the *Development Impact Fee Study Report for Mount Pleasant*); and

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(e) multiply the discounted development impact fee rate for non-residential development by the net new square footage.

(3) Independent Fire Protection Impact Fee calculation.

In the event that a fee payer or Town staff contend that the use of land for which the building permit is being sought is not within those uses of land identified in Appendix A, or if the fee payer contends that the Appendix A calculations are not accurate for its intended use, then the Town Planning Director, or its designee, shall make a determination as to the most comparable use of land category to assume for calculating fire protection impact fees. If the fee payer disagrees with the determination of the Town Planning Director or if the Town otherwise deems it appropriate, an independent impact fee calculation may be performed to quantify the fair share of system improvement costs attributable to the development. Preparation of an independent impact fee calculation will immediately halt the building permit application process until such time that the necessary calculation is deemed complete by the Town Planning Director. If an independent calculation is requested, it must accompany the building permit application and be prepared in accordance with the following provisions:

(a) Independent calculations for the determination of fire protection impact fees must be performed by a certified professional engineer, architect, landscape architect, planner or other duly qualified and accredited professional approved by the Town Planning Director.

(b) The independent calculation shall be subject to review and approval by the Town Planning Director or their designee.

(c) The Town Planning Director shall either approve or provide in writing the reasons for disapproval of the independent calculation study within thirty (30) days of its submittal for review.

(d) Prior to commencing the study, the developer's hired professional and the Town Planning Director, or its designee, shall agree upon the relevant factors and values that will be utilized in the independent calculation of impact fees.

(e) The maximum allowable fire protection impact fee determined in the *Development Impact Fee Study Report for Mount Pleasant* shall be reduced by twenty percent (20%) for the purposes of completing an independent impact fee calculation, setting the fee at eighty percent (80%) of the maximum amount.

(D) Municipal Facilities and Equipment Impact Fee.

(1) Formula. Municipal facilities and equipment impact fees collected within Town limits shall be in accordance with one of the following formulas:

(a) Residential Development

$$\text{Impact Fee} = (\text{NNDU}) \times (\text{COST})$$

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Where:

NNDU = The number of net new dwelling units for which the building permit is being sought.

COST = The cost per dwelling unit for providing municipal facilities and equipment as indicated in Appendix A and based on information presented in the *Development Impact Fee Study Report for Mount Pleasant* adopted by Town Council on April 3, 2017, effective July 1, 2017. The cost shall be eighty percent (80%) of the maximum allowable municipal facilities and equipment impact fee as provided in Appendix A of this Chapter.

(b) Non-Residential Development

Impact Fee = (NNSF) x (COST)

Where:

NNSF = The amount of net new square footage generated by the proposed development for the specified use of land.

COST = The cost per square foot for providing municipal facilities and equipment as indicated in Appendix A and based on information presented in the *Development Impact Fee Study Report for Mount Pleasant* adopted by Town Council on April 3, 2017, effective July 1, 2017. The cost shall be eighty percent (80%) of the maximum allowable municipal facilities and equipment impact fee as provided in Appendix A of this Chapter.

(2) Determining Municipal Facilities and Equipment Impact Fees.

The amount of municipal facilities and equipment impact fees attributable to a specific development shall be determined through the following process:

(a) verify the type and number of new residential dwelling units or the new non-residential square footage for which the building permit is being sought;

(b) for residential development, determine whether any of the proposed residential dwelling units qualify for a discount on municipal facilities and equipment impact fees as "affordable housing" and, if so, the number and type of such units;

(c) determine the applicable use of land category and impact fee per unit set forth in Appendix A (as applicable) of this Chapter; and

(d) multiply the discounted development impact fee rate for residential development from Appendix A by the number of net new dwelling units (as determined in the *Development Impact Fee Study Report for Mount Pleasant*); and

(e) multiply the discounted development impact fee rate for non-residential development from Appendix A by the net new square footage.

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(3) Independent Municipal Facilities and Equipment Impact Fee calculation.

In the event that a fee payer or Town staff contend that the use of land for which the building permit is being sought is not within those uses of land identified in Appendix A, or if the fee payer contends that the Appendix A calculations are not accurate for its intended use, then the Town Planning Director, or its designee, shall make a determination as to the most comparable use of land category to assume for calculating municipal facilities and equipment impact fees. If the fee payer disagrees with the determination of the Town Planning Director or if the Town otherwise deems it appropriate, an independent impact fee calculation may be performed to quantify the fair share of system improvement costs attributable to the development. Preparation of an independent impact fee calculation will immediately halt the building permit application process until such time that the necessary calculation is deemed complete by the Town Planning Director. If an independent calculation is requested, it must accompany the building permit application and be prepared in accordance with the following provisions:

(a) Independent calculations for the determination of municipal facilities and equipment impact fees must be performed by a certified professional engineer, architect, landscape architect, planner or other duly qualified and accredited professional approved by the Town Planning Director.

(b) The independent calculation shall be subject to review and approval by the Town Planning Director or their designee.

(c) The Town Planning Director shall either approve or provide in writing the reasons for disapproval of the independent calculation study within thirty (30) days of its submittal for review.

(d) Prior to commencing the study, the developer's hired professional and the Town Planning Director, or its designee, shall agree upon the relevant factors and values that will be utilized in the independent calculation of impact fees.

(e) The maximum allowable municipal facilities and equipment impact fee determined in the *Development Impact Fee Study Report for Mount Pleasant* shall be reduced by twenty percent (20%) for the purposes of completing an independent impact fee calculation, setting the fee at eighty percent (80%) of the maximum amount.

(E) Transportation Impact Fee.

(1) Formula. Transportation impact fees collected within Town limits shall be in accordance with one of the following formulas:

(a) Residential Development

$$\text{Impact Fee} = (\text{NNDU}) \times (\text{COST})$$

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Where:

NNDU = The number of net new dwelling units for which the building permit is being sought.

COST = The cost per dwelling unit for providing transportation improvements as indicated in Appendix A and based on information presented in the *Development Impact Fee Study Report* for Mount Pleasant adopted by Town Council on April 3, 2017, effective July 1, 2017. The cost shall be eighty percent (80%) of the maximum allowable transportation impact fee as summarized in Appendix A of this Chapter.

(b) Non-Residential Development

Impact Fee = (NNSF) x (COST) Where:

NNSF = The amount of net new square footage or other use of land measuring criteria generated by the proposed development for the specified use of land.

COST = The cost per square foot for providing transportation improvements as indicated in Appendix A and based on information presented in the *Development Impact Fee Study Report* for Mount Pleasant adopted by Town Council on April 3, 2017, effective July 1, 2017. The cost shall be eighty percent (80%) of the maximum allowable transportation impact fee as summarized in Appendix A of this Chapter.

(2) Determining Transportation Impact Fees.

The amount of transportation impact fees attributable to a specific development shall be determined through the following process:

(a) verify the type and number of new residential dwelling units or the type and intensity of new non-residential square footage or other use of land measuring criteria for which the building permit is being sought;

(b) for residential development, determine whether any of the proposed residential dwelling units qualify for a discount on transportation impact fees as "affordable housing" and, if so, the number and type of such units;

(c) determine the applicable use of land category and impact fee per unit set forth in Appendix A (as applicable) of this Chapter; and

(d) multiply the discounted impact fee rate for the specified use of land by the number of units or square footage for the same use of land within the development.

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(3) Independent Transportation Impact Fee calculation.

In the event that a fee payer or Town staff contend that the use of land for which the building permit is being sought is not within those uses of land identified in Appendix A, or if the fee payer contends that the Appendix A calculations are not accurate for its intended use, then the Town Planning Director, or its designee, shall make a determination as to the most comparable use of land category to assume for calculating transportation impact fees. If the fee payer disagrees with the determination of the Town Planning Director or if the Town otherwise deems it appropriate, an independent impact fee calculation may be performed to quantify the fair share of transportation system improvement costs attributable to the development. Preparation of an independent impact fee calculation will immediately halt the building permit application process until such time that the necessary calculation is deemed complete by the Town Planning Director. If an independent calculation is requested, it must accompany the building permit application and be prepared in accordance with the following provisions:

(a) Independent calculations for the determination of transportation impact fees must be performed by a duly qualified and licensed engineer in the State of South Carolina, based upon sound traffic engineering studies utilizing accepted engineering practices and planning principles.

(b) The independent calculation shall be subject to review and approval by the Town Planning Director in consultation with the Town Transportation Director. In the case of large projects involving multiple uses and complex calculations, the Town may seek additional assistance from qualified transportation consultants at the expense of the developer.

(c) The Town Planning Director, in consultation with the Town Transportation Director, shall either approve or provide in writing the reasons for disapproval of the independent calculation study within thirty (30) days of its submittal for review.

(d) Prior to commencing the study, the developer's hired professional and the Town Planning Director, working in consultation with the Town Transportation Director, shall agree upon the relevant factors and values that will be utilized in the independent calculation of impact fees.

(e) Process for the independent calculation study for determination of transportation impact fees:

1. Determine base trip generation for the proposed use(s) of land utilizing the Institute of Transportation Engineers' *Trip Generation Manual*, Tenth Edition (or subsequent editions).

2. Base trip generation may be reduced by rate of pass-by capture using methodology in the most current *Trip Generation Handbook* published by the Institute of Transportation Engineers.

3. Base trip generation may be reduced by rate of internal capture when two or more uses of land are proposed and at least one of those uses of land is residential in

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nature and at least one of the other uses of land is non-residential in nature using methodology recommended in the most current Trip Generation Handbook published by the Institute of Transportation Engineers, subject to approval for use by the Town Planning Director.

4. The maximum allowable transportation impact fee determined in the *Development Impact Fee Study Report* for Mount Pleasant shall be reduced by twenty percent (20%) for the purposes of completing an independent impact fee calculation, setting the fee at eighty percent (80%) of the maximum amount.

5. The independent impact fee calculation shall be based on one of the following formulas:

a. Residential Development

Impact Fee = (NNDU) x (TRIPS) x (COST) Where:

NNDU = The number of net new dwelling units generated by the proposed development for the specified use of land.

TRIPS = The number of new average daily trips generated by the proposed development taking into account the rate of pass-by capture or rate of internal capture approved by the Town Planning Director in consultation with the Town Transportation Director.

COST = The cost per trip for providing transportation improvements as indicated in Appendix A and based on information presented in the *Development Impact Fee Study Report* for Mount Pleasant adopted by Town Council on April 3, 2017, effective July 1, 2017. The cost shall be eighty percent (80%) of the maximum allowable transportation impact fee as summarized in Appendix A of this Chapter.

b. Non-Residential Development

Impact Fee = (NNSF) x (TRIPS) x (COST) Where:

NNSF = The amount of net new square footage generated by the proposed development for the specified use of land.

TRIPS = The number of new average daily trips generated by the proposed development taking into account the rate of pass-by capture or rate of internal capture approved by the Town Planning Director in consultation with the Town Transportation Director.

COST = The cost per trip for providing transportation improvements as indicated in Appendix A and based

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on information presented in the *Development Impact Fee Study Report* for Mount Pleasant adopted by Town Council on April 3, 2017, effective July 1, 2017. The cost shall be eighty percent (80%) of the maximum allowable transportation impact fee as summarized in Appendix A of this Chapter.

(F) Special Cases.

The Town Department of Planning and Development shall take the following special cases into account when calculating development impact fees for a building permit application:

(1) When an application for a building permit has been made that contains two or more uses of land in any combination, including two or more uses of land within a single building or structure, the total development impact fee assessment shall be the sum of the products, as calculated above, for each use of land unless an independent impact fee calculation is performed, and approved for use by the Town Planning Director, or its designee, consistent with Sections 154.09(B)(3), 154.09(C)(3), 154.09(D)(3) or 154.09(E)(3) (as applicable) of this Chapter.

(2) In the case of a change, redevelopment or modification of a use of land which requires a building permit, and which is not exempted from development impact fees under Section 154.07 of this Chapter, the impact fee calculation shall be based upon the net increase in new or proposed use of land as compared to the existing or previous use of land.

(3) In the case of a demolition or termination of an existing use or structure, development impact fees for future redevelopment shall be based upon the net increase in development impact fees for the new or proposed use of land as compared to the existing actual active previous use of land since its original occupancy. Credit for the prior use shall not be transferable to another location.

(4) In the case of relocating an existing use of land, development impact fees shall be assessed to the relocated use at its new location. Future redevelopment of the old location from which the use was removed will receive a credit against development impact fees assessed equal to the impact fees that would have been assessed against the relocated use. Credits shall not be transferable to the new location.

(5) Before a building permit application may become eligible for the provisions set forth in Section 154.09(F), subparagraphs (2) through (4) of this Chapter, a developer shall provide reasonably sufficient evidence that a previous use of land had been actively maintained on the site within sixty (60) months of the date of application for a building permit. Such evidence may include proof of utility records, records for the use sought to be shown, or other documentation.

(6) Any claim of existing or previous use must be made no later than the time for application of a building permit. Any claim made after such time shall be deemed invalid.

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§ 154.10 Impact Fee Trust Funds.

(A) Development impact fees collected pursuant to this Chapter shall be kept separate from other revenue of the Town. There shall be one trust fund established for each development impact fee category depicted in Appendix A of this Chapter: recreation, fire protection, municipal facilities and equipment, and transportation. All development impact fees collected shall be properly identified by property address noted on the approved building permit and by the appropriate trust account.

(B) Any funds on deposit not immediately necessary for expenditure shall be maintained in an interest-bearing account prior to expenditure on recommended projects. Interest earned on development impact fees in deposit must be considered revenue to the trust fund account for which income is earned and must be subject to all restrictions placed on the use of development impact fees pursuant to this Chapter.

§ 154.11 Limitation of expenditures of funds collected.

(A) Eligible System Improvement Costs.

Funds from development impact fee trust accounts shall be expended only for the public facilities and system improvements identified as eligible for impact fee funding in the Town of Mount Pleasant's most recent adopted Capital Improvements Plan, incorporated herein by reference. No funds shall be used for administrative or operating costs associated with imposing any of the development impact fees. Eligible components of a public facility may include, but are not limited to, the following:

- (1) design and construction plan preparation;
- (2) right-of-way acquisition;
- (3) construction of new facilities, structures, or amenities that provide additional capacity;
- (4) purchase of new equipment (>\$100,000 purchase price) that provide additional capacity;
- (5) construction of new through lanes and/or turn lanes;
- (6) construction of new bridges;
- (7) construction of new drainage facilities associated with capital improvements;
- (8) purchase and installation of traffic signalization;
- (9) construction of new curbs, medians, and shoulders;
- (10) relocating utilities to accommodate new road construction; and

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(11) principle payments, interest and other finance charges on bonds or other indebtedness issued by or on behalf of the Town for financing any or all public facilities.

(B) Rationale Nexus Test.

The Town's Chief Financial Officer, or its designee, shall make an annual report to the Town Council and publish this report for access by the general citizenry showing where development impact fees have been collected and what projects have been funded with these revenues. The Council shall consider this report and whether the fees are being spent for the benefit of new development within Town limits. If the Council determines that this is not the case, then it shall adjust the Town of Mount Pleasant Capital Improvements Plan and other projected capital expenditures to correct the condition.

(C) Expenditure of Funds.

Development impact fee funds shall be expended in the order in which they were collected. The disbursal of such funds shall require approval of the Town Council, upon recommendation of the Town Administrator or its designee.

(D) Reimbursement.

Impact fee funds not obligated for expenditure within three (3) years of the date that they are scheduled to be expended in the Town of Mount Pleasant Capital Improvements Plan shall be returned, with actual interest earned, to the record owner of the property for which the fees were collected, on a first-in, first-out basis.

§ 154.12 Credits/reimbursements

(A) General Provisions.

(1) A developer shall be entitled to a credit against development impact fees assessed pursuant to this Chapter, applying a twenty percent (20%) discount rate to the maximum allowable impact fees presented in this Chapter for the various impact fee categories, for Town-approved monetary or in-kind contributions toward some or all of the public facilities included in the Town of Mount Pleasant Capital Improvements Plan that are eligible for impact fee funding.

(2) Development impact fees shall not be imposed on a fee payer or developer who has entered into a Credit Agreement with the Town for certain contribution, payment, construction or dedication of land up to the cash value of the specific improvements identified within the agreement. Any difference between total development impact fees due, by impact fee category, for the development and the cash value of the executed Credit Agreement remain eligible for collection pursuant to the rules and requirements of this Chapter.

(3) Any request for development impact fee credit or reimbursement shall be submitted to the Town Planning Director at the time of application consistent with other provision in this Chapter. Town Council agreements may in be submitted in advance of the application.

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(B) Application for Credit Agreement.

(1) The determination of the amount of any credit shall be undertaken through submission of an Application for Credit Agreement, which shall be submitted through the Town Planning and Development Department for review by the Town Planning Director, or its designee.

(2) The Application for Credit Agreement shall include the following information:

(a) The following documentation must be provided if the proposed application involves a credit for any cash contribution:

1. a certified copy of the development approval in which the contribution was agreed; and
2. proof of payment (if already made); or
3. proposed method of payment (if not already made).

(b) The following documentation must be provided if the proposed application involves credit for dedication of land:

1. a drawing and legal description of the land;
2. the appraised fair market value of the land at the date a building permit application is sought for the use of land, prepared by a professional Real Estate Appraiser who is a member of the member Appraisal Institute (MAL) or who is a member of Senior Residential Appraisers (SRA); and
3. a certified copy of the development permit in which the land was agreed to be dedicated (if applicable).

(c) The following documentation must be provided if the proposed application involves credit for construction:

1. The proposed construction documents of the specific construction project prepared and certified by a duly qualified and licensed engineer in the State of South Carolina;
2. The projected costs for the suggested improvements, which shall be based on local information for similar improvements, along with the construction schedule for the completion of said improvements. Such estimated cost shall include construction or reconstruction of the project; the cost of labor and materials; the cost of all lands, property, rights, easements and franchises acquired; financing charges or interest prior to and during construction and for one (1) year after completion of construction; costs of plans and specifications; surveys of estimates of costs and revenues; costs of professional services; and all

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of the expenses necessary or incidental to determining the feasibility or practicability of such construction or reconstruction.

(3) Within fourteen (14) days of receipt of the proposed Application for Credit Agreement, the Town Planning Director, or its designee, shall determine if the application is complete. If it is determined that the proposed agreement is not complete, the Town Planning Director shall send written notification to the applicant outlining the deficiencies. The Town Planning Director shall take no further action on the proposed Application for Credit Agreement until all such deficiencies have been corrected or otherwise settled.

(4) Once the Town Planning Director determines the proposed Application for Credit Agreement is complete, it shall be reviewed within thirty (30) days by a committee of designated staff composed of the Town Administrator, Town Chief Financial Officer, Town Planning Director, and the Department Head for the impact fee category under consideration (either the Recreation Director for the recreation impact fee, the Fire Chief for the fire protection impact fee, the Director of Public Services for the municipal facilities and equipment impact fee, or the Transportation Director for the transportation impact fee). Together, this group will be known as the Development Impact Fee Credit Review Committee.

(5) If the Application for Credit Agreement is approved by the Development Impact Fee Credit Review Committee, a Credit Agreement shall be prepared and signed by the applicant and the Town Administrator. It shall specifically outline the contribution, payment, construction or land dedication; the time by which it shall be complete, dedicated or paid, and any extensions thereof; and the dollar credit the applicant shall receive for the contribution, payment or construction against development impact fees. Any Credit Agreement shall be limited to the impact fee dollars owed for the project as defined in Section 154.12, Subparagraph (A) of this Chapter, by the developer, for the impact fee category under consideration, unless Town Council decides to entertain a Credit Agreement in excess of fees owed that may be transferred to another project of the same developer in the same service area (see Section 154.03, Subparagraph (G) of this Chapter for definition of service area). The agreement may also include provisions for rescinding the credit and issuing stop work orders if the dedication and/or work and/or construction are not timely accomplished.

(6) A fee payer affected by the decision of the Credit Review Committee regarding credits may appeal such decision pursuant to Section 154.14, Subparagraph (A) of this Chapter.

§ 154.13 Penalties.

Town Council shall have the following remedies, which may be exercised individually or collectively, for collecting development impact fees. The failure to pursue any remedy at any time shall not be deemed as a waiver of Town rights to pursue any remedy at such other time as may be deemed appropriate.

(A) Interest and Penalties. The Town may, at its discretion, add to the amount of calculated development impact fees due prior to award of a Certificate of Occupancy, reasonable interest and penalties for non-payment or late payment of required funds. Penalties for unpaid

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development impact fees shall be administered consistent with Chapter 10 (General Provisions), Section 10.99 in the Town of Mount Pleasant Code of Ordinances, which declares the violation a penalty subject to a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days. Each day of violation shall be deemed a separate offense.

(B) Withholding Certificate of Occupancy. The Town may withhold a Certificate of Occupancy until full and complete payment has been made by the developer of development impact fees due for the development.

(C) Lien. The Town may impose a lien on the developer's property for failure of the developer to pay required development impact fees in full.

(D) Other. The Town may pursue the collection of the development impact fees, including interest, by way of civil process in the Court of Common Pleas for Charleston County.

§ 154.14 Appeal process.

A developer shall have the following rights for appeal of development impact fees imposed by the Town on their development pursuant only to this Chapter:

(A) Administrative appeal.

(1) A developer may file an administrative appeal with the Town Administrator regarding the payment of development impact fees, independent calculation of impact fees, or credits or reimbursements by filing a written Notice of Appeal. Said Notice shall be filed within thirty (30) days of the decision sought to be appealed. The filing of an appeal will immediately halt the building permit application process, unless the developer posts a bond or submits an irrevocable letter of credit for the full amount of the development impact fees as calculated by the Town to be due. All Notices of Appeal shall include a full explanation of the reasons for the appeal, specifying the grounds therefore, and containing any documentation that the developer desires to be considered. The appeal shall contain the name and address of the developer filing the appeal and shall state their capacity to act as a representative or agent if they are not the owner of the property to which impact fees or credits pertain.

(2) Within thirty (30) days following receipt of the written Notice of Appeal, the Town Administrator will review the Appellant's written report, supporting documentation and departmental staff reports. The thirty (30) day review period may be extended if additional information is needed from the Appellant in order to render a decision. Upon completion of the administrative review, the Town Administrator will provide a written response to the Appellant constituting a final administrative determination.

(3) Any person desiring to appeal the final administrative determination of the Town Administrator regarding payment of development impact fees or credits shall file a written Notice of Appeal to the Town Council. Said Notice of Appeal to Town Council shall be filed with the Clerk of Town Council within fifteen (15) days following receipt of the final administrative determination. Receipt shall be construed to have occurred when the final

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administrative decision is deposited in the United States mail postage prepaid to the person whose name and address is identified in the original Notice of Appeal.

(4) The Town Clerk of Council will schedule all impact fee appeals for the first Town Council meeting following ten (10) days from receipt of the Written Notice of Appeal to the Town Council. Postponements of the Town Council appeal date may be granted by the Town Administrator if they are requested in writing at least ten (10) days in advance of the scheduled Town Council meeting date.

(5) When an Appeal is scheduled for oral presentation before the Town Council, the Appellant and Town staff shall each be given ten (10) minutes at the oral argument to present the Appeal and to discuss the submitted written record.

(B) Payment under protest.

A fee payer may pay development impact fees under protest. Payment under protest does not preclude the developer from filing an administrative appeal nor is the fee payer estopped from receiving a refund of an amount considered to have been collected illegally. A fee payer, at its option, may also post a bond or submit an irrevocable letter of credit for the amount of development impact fees due instead of making a cash payment under protest, pending the outcome of an appeal.

(C) Mediation.

Town Council shall provide for mediation by a qualified independent party, upon voluntary agreement by both the developer and the Town, to address a disagreement related to development impact fees calculated by the Town. Neither a request for, nor participation in, mediation shall preclude a fee payer from pursuing other developer rights or remedies otherwise available by law.

§ 154.15 Refunds.

(A) General provisions.

Funds not obligated for expenditure within three (3) years of the date that they are scheduled to be expended in the Town of Mount Pleasant Capital Improvements Plan shall be refunded to the record owner of property for which the impact fees were paid, with actual interest earned, on a first-in, first-out basis. For the purpose of determining whether fees have been spent or encumbered, the first money placed in a trust fund account shall be deemed to be the first money taken out of that account when withdrawals have been made.

(B) Refund process.

(1) The owner of property eligible for a refund of one or more development impact fee payments shall submit to the Town Chief Financial Officer a notarized sworn statement that the person is the current owner of the property for which a refund is due, a certified copy of the latest recorded deed, and a copy of the most recent ad valorem tax bill for the property.

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(2) When a right to a refund exists, the Town shall send a refund to the current owner of record within ninety (90) days after it is determined by Town Council that a refund is due.

(3) All refunds shall include the pro rata portion of the interest earned while on deposit in the specific development impact fee trust account.

(4) A record owner of property for which one or more development impact fee refunds are due has standing to sue for such refund pursuant to Section 6-1-1020(D) of the Act if there has not been a good-faith effort towards a timely payment of a refund pursuant to Subparagraph (B) of this Section.

§ 154.16 Review.

(A) Town Council shall be responsible for preparing and publishing an annual report describing the amount of development impact fees collected, appropriated and spent during the preceding fiscal year.

(B) The Planning Commission shall be responsible for a holistic review and update of the *Development Impact Fee Study Report for Mount Pleasant, Town of Mount Pleasant Transportation Impact Fee Program Update Report, Town of Mount Pleasant Capital Improvements Plan*, Housing Affordability Analysis in Support of a Development Impact Fee Study in Mount Pleasant, and the *Development Impact Fee Ordinance* for the Town of Mount Pleasant in the same manner and on the same review cycle as the Town of Mount Pleasant Comprehensive Plan.

§ 154.17 Termination of Development Impact Fee.

Development impact fees for the Town of Mount Pleasant shall be terminated within fifteen (15) years after the effective date of this Chapter, or when sufficient fees have been collected to fund all of the projects eligible for development impact fee funding that are identified in the Town of Mount Pleasant Capital Improvements Plan, whichever shall first occur, unless:

(A) Town Council adopts a revised Development Impact Fee Study Report for Mount Pleasant or amends the Town of Mount Pleasant Capital Improvements Plan for a subsequent amount of time; or

(B) Town Council adopts an updated *Development Impact Fee Ordinance for the Town of Mount Pleasant* pursuant to the substantive and procedural requirements set forth in the South Carolina Development Impact Fee Act, as amended.

§ 154.18 Liberal construction.

The provisions of this Chapter shall be liberally construed to effectively carry out its purpose in the interest of further promoting and protecting public health, safety, welfare and convenience.

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§ 154.19 Severability.

(A) If any section, subsection, sentence, clause, phrase or portion of this Chapter is, for any reason, held invalid or unconstitutional by any court, such section, subsection, sentence, clause, phrase or portion of this Chapter shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Chapter nor impair or nullify the remainder of these provisions which shall continue in full force and effect.

(B) If the application of any provision of this Chapter to any new development is declared to be invalid by a decision of any court, the intent of Town Council is that such decision shall be limited only to the specific new development expressly involved in the controversy, action, or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair or nullify this Chapter as a whole or the application of any provision of this Chapter to any other new development.

§ 154.20 Effective date.

This Chapter is effective July 1, 2017.

Appendix A: General Development Impact Fee Schedule